

**SIERRA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 110-127**

SETTING THE SALARIES OF SHERIFF'S EXECUTIVE ASSISTANT  
PER THE CONSTITUTION & LAWS OF THE STATE OF NEW MEXICO

**WHEREAS**, the Board of County Commissioners of Sierra County, met in a regular meeting on December 13, 2022, at 10:00 A.M. in the Sierra County Administration Office, 855 Van Patten, Truth or Consequences, NM 87901; and,

**WHEREAS**, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

**WHEREAS**, Article IV, Section 27 of the New Mexico Constitution provides that “[n]o law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor shall the compensation of any officer be increased or diminished during his term of office, except as otherwise provided in this constitution;” and,

**WHEREAS**, Article XX, Section 3 of the New Mexico Constitution provides that “[t]he term of office of every state, county or district officer, except those elected at the first election held under this constitution, and those elected to fill vacancies, shall commence on the first day of January next after his election;” and,

**WHEREAS**, Sierra County is recognized by the New Mexico Department of Finance Administration as a “*Class B over*” County per NMSA 1978, Section 4-44-5 (2018) for salary purposes, see DFA Memo Dated April 30, 2018; and,

**WHEREAS**, NMSA 1978, Section 4-44-4.1 (2018) sets the maximum annual salaries of elected officials, for a Class B counties over three hundred million valuation, at the following maximum rates: county commissioners, \$30,196; treasurer, \$75,733; county assessor \$75,733; county sheriff \$78,952; county clerk \$75,733; and probate judge \$26,482; and,

**WHEREAS**, the Board of County Commissioners may set salaries, uniformly, up to or any amount less than the maximum rate set by NMSA 1978, Section 4-44-4.1 (2018); and,

**WHEREAS**, NMSA 1978, Section 4-44-12.3 (A) (2013) states “[t]he intent of the legislature when increasing the maximum salaries of elected county officials is to provide for equitable salary increases;” and,

**WHEREAS**, while the Board has established by Resolution 110-081 the salaries of the elected and appointed officials, it has yet to establish the salary of the Sheriff's executive secretary, which position is established as an exempt position pursuant to NMSA 1978, Section 4-41-5 (1975); and

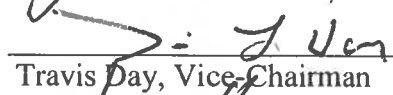
**WHEREAS**, the Board of County Commissioners here elects to establish the salary of the Sheriff's executive secretary.

**NOW THEREFORE, BE IT RESOLVED**, by the Board of County Commissioners that the appointed Sheriff's executive secretary shall be set at 60% of the Sheriff's salary.

**APPROVED, ADOPTED, AND PASSED** on this 13<sup>th</sup> day of December, 2022.

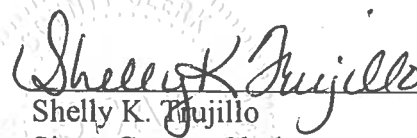
**BOARD OF COUNTY COMMISSIONERS**

  
James Paxon, Chairman

  
Travis Day, Vice-Chairman

  
Hank Hopkins, Commissioner

Attest:

  
Shelly K. Tujillo  
Sierra County Clerk