



**SIERRA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION No. 110-140**

BENEFITS AND SALARIES OF APPOINTED OFFICIALS

WHEREAS, the Board of County Commissioners of Sierra County, met upon notice of a duly published meeting on January 17, 2023, at 10:00 A.M. in the Sierra County Administration Building, 1712 North Date Street, Truth or Consequences, NM 87901; and,

WHEREAS, NMSA 1978, Section 10-1-13 (C) (2012) provides in pertinent part that “[e]ach county officer shall appoint an Undersheriff, as allowed by law, who shall take the oath of office required of the appointing county officer and shall receive salary as provided by law;” and,

WHEREAS, NMSA 1978, Section 4-41-5 (1975) provides that “[t]he sheriffs in all the counties of this state shall have power to appoint deputies, who shall remain in office at the pleasure of such sheriffs; except that in counties which have established a merit system by ordinance, the provisions of the ordinance shall control the demotion and discharge of deputies and other employees of the sheriff’s office, except for one under-sheriff and an executive secretary, both of whom shall hold exempt positions;” and,

WHEREAS, the Undersheriff is appointed by the Sheriff and is not subject to the terms of the County’s Personnel Policy Ordinance; and,

WHEREAS, in order to provide clear guidance to County Administrative Personnel & Payroll Staff the Board of County Commissioners has determined that it is necessary, to clarify and restate the conditions of employment and the salary & benefits afforded to Undersheriff.

NOW, THEREFORE, BE IT RESOLVED, by the Sierra County Board of Commissioners that:

1. The Undersheriff may be appointed at the sole discretion of the respective elected official and are terminable at will.
2. The Sheriff is an FLSA Exempt position, does not accumulate sick or annual leave and is required to work at time, place and manner directed by the Sheriff.
3. Appointed Officials must participate in PERA, unless specifically excluded by the Public Employee Retirement Association per law, and are subject the all federal and state wage withholding requirements.
4. The salary rate of the Undersheriff shall be at 95% of the Sheriff’s salary.

APPROVED, ADOPTED, AND PASSED on this 6th day of January, 2023.

BOARD OF COUNTY COMMISSIONERS

Travis Day

Travis Day, Commissioner

James E. Paxton

James Paxton, Commissioner

Hank Hopkins

Hank Hopkins, Commissioner

Attest:

Shelly K. Tujillo

Shelly K. Tujillo
Sierra County Clerk

