

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY  
RESOLUTION NO. 2016-106**

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**A RESOLUTION ENDORSING THE NEW MEXICO  
ASSOCIATION OF COUNTIES' RESOLUTION TO SUPPORT  
CERTAIN AMENDMENTS TO THE NEW MEXICO  
WHISTLEBLOWER PROTECTION ACT DURING THE 2017  
LEGISLATIVE SESSION**

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**WHEREAS**, the New Mexico Whistleblower Protection Act ("Act"), NMSA 1978, Sections 10-16C-1 through 10-16C-6, was enacted by the New Mexico Legislature in 2010; and

**WHEREAS**, the Act was intended to prohibit public employers from retaliating against public employees who take action, object to, or refuse to participate in a matter the employee believes, in good faith, to be an unlawful or improper act; and

**WHEREAS**, the New Mexico Association of Counties (NMAC") has resolved in Managers Affiliate Resolution No. 1 ("NMAC Resolution") to support legislation during the 2017 Legislative Session that would amend the Act to: (a) better define "good faith" by requiring some minimal threshold of evidence for an employee to file a claim under the Act; (b) narrow the definition of "retaliatory action" as the current definition encompasses any "adverse employment action against a public employee"; (c) limit "unlawful or improper act(s)" to violations of state or federal law; and (d) narrow the universe of individuals to whom a complaint may be communicated as a precondition to filing a claim under the Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the County supports legislation that would amend the Act in accordance with the NMAC Resolution.

**PASSED, APPROVED, AND ADOPTED ON THIS 27<sup>th</sup> DAY OF SEPTEMBER, 2016  
THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY**

**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: Miguel M. Chavez  
Miguel M. Chavez, Chair

Date: 9/27/16

