

**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. 2025 - 054**

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**A RESOLUTION ESTABLISHING THE INDEPENDENT SALARY COMMISSION**

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**WHEREAS**, pursuant to NMSA 1978, Section 4-44-12.3(A) (2018), the “majority of a board of county commissioners may provide for salary increases for elected county officials”; and

**WHEREAS**, Santa Fe County (County) is a Class A County under NMSA 1978, Section 4-44-1(A) (2018); and

**WHEREAS**, in the November 5, 2024, general election, New Mexico voters approved Constitutional Amendment 4, which amended Article 10, Section 1 of the Constitution of the State of New Mexico to transfer the authority to set salaries for county elected officials from the State Legislature to boards of county commissioners; and

**WHEREAS**, Article 10, Section 1 now provides:

“The legislature shall classify the counties of the state. No county officer shall receive any fees or emoluments other than an annual salary, as established by the board of county commissioners. All fees collected by a county official shall be paid into the treasury of the county.”

**WHEREAS**, NMSA 1978, Section 4-44-12.3(B) provides that “a salary increase shall not take effect until the first day of the term of an elected county official who takes office after the date that salary increase is approved”; and

**WHEREAS**, the Constitution of the State of New Mexico likewise prohibits midterm salary increases and decreases (N.M. Const., art. IV, Section 27; *State ex rel. Haragan v. Harris*, 1998-NMSC-043, 126 N.M. 310; *State ex rel. Gilbert v. Board of Commissioners of Sierra County*, 1924-NMSC-001, 29 N.M. 209); and

**WHEREAS**, the Board of County Commissioners (“Board”) recognizes that individuals who seek elected office do so primarily out of a desire to serve the public interest and their community, while acknowledging that the salary provided for elected positions necessarily influences a person’s decision to pursue public service, affects the caliber of individuals who pursue these roles, and impacts their ability to effectively serve throughout their term of office; and

**WHEREAS**, the Board further recognizes that elected officials serve as the executive officers of their respective departments, with significant managerial responsibilities, policy-making authority, and accountability to the public, while county commissioners serve in a distinct capacity as part of a collective governing body rather than as individual department executives; and

**WHEREAS**, the Board believes that compensation decisions for elected officials and county commissioners are best made through an independent, transparent, and objective process that considers relevant market data, comparable elected positions in similarly situated counties, and the specific duties and responsibilities of each office.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. The Board hereby establishes the Independent Salary Commission (“Commission”). The Commission is an advisory body whose purpose is to evaluate and make recommendations regarding elected officials’ and county commissioners’ salaries.
2. For purposes of this Resolution:
  - a. “Commission” means the independent salary commission.
  - b. “County” means Santa Fe County.
  - c. “County commissioner” means a member of the Santa Fe County Board of County Commissioners.
  - d. “Elected official” means treasurer, assessor, sheriff, county clerk, probate judge, and any other elected official whose salary is determined by the board of county commissioners pursuant to NMSA 1978, Section 4-44-12.3, except for a county commissioner.
  - e. “Salary” means the annual compensation received by an elected official or county commissioner.
3. The Commission shall be comprised of seven (7) members, all of whom must reside within County of Santa Fe. Five members of the Commission shall be appointed by the Board of County Commissioners from the following categories:
  - a. One (1) shall be a representative of a community organization or a former elected official or county commissioner.
  - b. One (1) shall be a current or retired attorney or judge.
  - c. One (1) shall be a representative of the human resources industry or an employment consultant.
  - d. One (1) shall have outside high-level executive management experience.
  - e. One (1) member shall be appointed at-large.

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or more of the categories above. No member of the Commission may be a county commissioner's or elected official's spouse, parent, child or sibling, by consanguinity or affinity. A majority of the Commission's membership constitutes a quorum.

4. Members of the Commission shall appoint a chairperson at the first meeting of the Commission. The chairperson shall then appoint a vice-chairperson at the first regular meeting.
5. Members of the Commission shall serve four-year terms. A member shall serve for no more than two (2) terms. After two (2) consecutive unexcused absences, a Commission member shall be automatically removed from the Commission, and a new member shall be appointed consistent with the provisions of paragraph 3.
6. If a vacancy occurs on the Commission, the remaining members may fill it for the remainder of the unexpired term by majority vote. If the Commission is unable to fill the vacancy, or at the end of the vacant term, the position shall be filled pursuant to paragraph 3.
7. The Commission shall have the power to evaluate and recommend salaries for County Commissioners and all other elected officials.
8. In evaluating salaries, the Commission shall consider relevant factors, including compensation earned by comparable officials in counties or municipalities with similar population, budget, tax base, and cost of living.
9. After evaluation, the Commission shall recommend the salary for each position accompanied by a written statement of reasons supporting its recommendation, which shall be recorded by the county clerk.
10. The Commission shall consider that the county assessor's salary may include additional cumulative incremental compensation pursuant to NMSA 1978, Section 4-39-4 (2023).
11. The Commission shall evaluate and recommend salaries in every odd-numbered year.
12. After conducting at least two public meetings, the Commission shall issue final recommended salaries for elected officials' and county commissioners' positions. The final recommended salaries shall be issued on or before December 1 of an odd-numbered year.
13. On or before December 31 of each odd-numbered year, the Board shall meet and consider the final recommended salaries. The Board may adopt, modify, or reject the recommended salaries.
14. The County Manager shall appoint County staff to support the work of the Commission.
15. If any provision of this Resolution is found to be unconstitutional or preempted by state law, the remaining provisions shall remain in full force and effect.

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16. If the provisions of this Resolution conferring authority on the Commission to recommend the salary of elected officials and county commissioners is found to be unconstitutional or otherwise invalid, the Board of County Commissioners shall determine salaries in accordance with applicable law.

17. The Commission may be dissolved at any time by resolution of the Board.

**PASSED, APPROVED, AND ADOPTED ON THIS 13<sup>th</sup> DAY OF MAY, 2025.**

**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

By: *Camilla Bustamante*  
Camilla Bustamante, Chair

**ATTEST:**

*Katharine E. Clark*  
Katharine E. Clark  
Santa Fe County Clerk

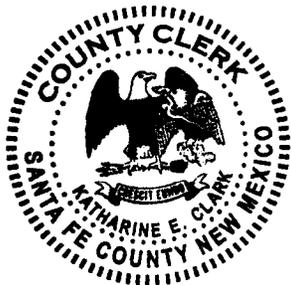
Date: 05/14/25

**Approved as to form:**

*Walker Boyd*  
Walker Boyd  
Santa Fe County Attorney



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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
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Hereby Certify That This Instrument Was Filed for  
Record On The 20TH Day Of May, 2025 at 07:48:38 AM  
and Was Duly Recorded as Instrument # 2059200  
in The Records Of Santa Fe County

deputy *[Signature]* Witness My Hand And Seal Of Office  
Katharine E. Clark  
County Clerk, Santa Fe, NM