

*Be it remembered that at the Regular Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 12<sup>th</sup> day of November 2020, the following proceedings were had and entered of record.*

**RESOLUTION 20-57**

**EXPRESSING CONCERN REGARDING CERTAIN PROPOSALS BEFORE THE NEW MEXICO CIVIL RIGHTS COMMISSION**

**WHEREAS**, The New Mexico Civil Rights Commission was created by the New Mexico Legislature during the 2020 Special Session in response to actual and perceived civil rights violations by law enforcement officers in other jurisdictions;

**WHEREAS**, the Board of County Commissioners of Luna County has grave concerns regarding several of the proposals being considered by the New Mexico Civil Rights Commission;

**WHEREAS**, the first proposal of concern is the expansion of existing causes of action or establishment of a new state law cause of action for Constitutional violations by law enforcement officers and allowing for uncapped damage awards, attorneys fees and costs;

**WHEREAS**, the second proposal of concern is the elimination or restriction of the use of the doctrine of qualified immunity by counties;

**WHEREAS**, the third proposal of concern is another amendment to the New Mexico Tort Claims Act expanding the waiver of sovereign immunity protection currently afforded to counties and all their employees, not just law enforcement officers and allowing for personal, non-indemnified liability of employees;

**NOW THEREFORE BE IT RESOLVED**, the Board of County Commissioners of Luna County, that:

1. Luna County does not believe that a new state law cause of action is necessary because New Mexico has already waived immunity for the deprivation of rights secured by federal and state constitutions and laws. Further, the New Mexico Legislature expanded the scope of the waiver twice in 2020.
2. Luna County believes that qualified immunity is such a narrow defense that can only be raised by individual defendants, not entities, under a limited set of circumstances in federal court cases that it does not need to be further limited or eliminated in its entirety.
3. Luna County believes that damage awards, especially attorney's fees, are already excessive, and imposing personal, non-indemnified liability will deter quality individuals from pursuing careers in law enforcement and detention and will either result in exorbitant premiums or the unavailability of certain coverage at any cost and will ultimately financially cripple governmental entities like Luna County.

4. Luna County believes none of the proposals discussed herein will result in accountability of individuals or result in meaningful change or reform. Better results can be achieved by spending taxpayer money to improve training of law enforcement officers and enhancing the authority of the New Mexico Law Enforcement Academy, Sheriff's and managers to investigate and impose discipline, when appropriate.

**DONE THIS 12<sup>th</sup> DAY OF NOVEMBER, 2020**

**LUNA COUNTY BOARD OF COMMISSIONERS**

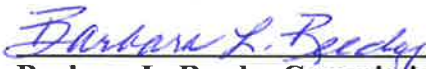
**ATTEST:**



**John S. Sweetser, Chairperson  
Commissioner, District 3**



**Andrea Rodriguez, County Clerk**



**Barbara L. Reedy, Commissioner  
District 1**



**Linda M. Smrkovsky, Commissioner  
District 2**

