

**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF  
RESOLUTION NO. 15-27, GIVING NOTICE OF INTENT TO CONSIDER  
AN ORDINANCE, REPEALING THE 1984 COUNTY OF GRANT EMPLOYEE  
RELATIONS ORDINANCE, NO. 84-09-04, OF THE BOARD OF COUNTY  
COMMISSIONERS OF GRANT COUNTY, NEW MEXICO,  
AUGUST 27, 2015**

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF GRANT            )

The Board of County Commissioners (the "Board") of Grant County (the "County"), in the State of New Mexico, met in a regular meeting in full conformity with law and the ordinances and rules of the County, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board, at 9:00 a.m., on Thursday, August 27th, 2015, at which time there were present and answering the roll call the following members:

Commissioners:	Brett Kasten Gabriel Ramos Ron Hall
----------------	---

Absent:	None
---------	------

Thereupon the following proceedings, among others, were had and taken, to wit:

There was officially filed with the County Clerk, the Chairman and each Commissioner, a copy of a resolution in final form, which is as follows:

**RESOLUTION NO. 15-27**

**NOTICE OF INTENT TO CONSIDER ADOPTION OF AN ORDINANCE**

**WHEREAS**, in 1984, Grant County adopted a County of Grant Employee Relations Ordinance, No. 84-09-04 (“1984 Ordinance”); and

**WHEREAS**, the 1984 Ordinance established the policies that governed employee-management relations between the county, its employees, and labor organizations representing or seeking to represent such employees; and

**WHEREAS**, since the 1984 Ordinance was adopted by the county, the Legislature adopted the 2003 Public Employee Bargaining Act (“PEBA”), 1978 NMSA § 10-7E-1, et seq.; and

**WHEREAS**, the purpose of PEBA “is to guarantee public employees the right to organize and bargain collectively with their employers, to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions.” 1978 NMSA § 10-7E-2; and

**WHEREAS**, under PEBA, “[a] public employer other than the state that prior to October 1, 1991 adopted by ordinance . . . a system of provisions and procedures permitting employees to form, join or assist a labor organization for the purpose of bargaining collectively through exclusive representatives *may* continue to operate under those provisions and procedures.” 1978 NMSA § 10-7E-26.A (emphasis added); and

**WHEREAS**, the county has not followed the 1984 Ordinance in many years and PEBA sufficiently covers labor matters; and

**WHEREAS**, the Grant County Board of Commissioners finds that the 1984 Ordinance is no longer necessary, and it is in the best interest of Grant County and its citizens to repeal the 1984 Ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY, NEW MEXICO:**

1. An ordinance (the “Ordinance”), entitled **AN ORDINANCE REPEALING THE 1984 COUNTY OF GRANT EMPLOYEE RELATIONS ORDINANCE, NO. 84-09-04**, to be introduced before the Commission shall be filed with the County Clerk, and shall be considered by the Commission at a regular meeting of the Commission on Thursday, October 8th, 2015, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

2. The following notice shall be published one time in the Silver City Daily Press, a newspaper of general circulation in the County, as soon as is practicable following the adoption of this resolution:

(Form of Notice)

**NOTICE OF CONSIDERATION OF ORDINANCE NO. [       ]**  
**GRANT COUNTY, NEW MEXICO**

NOTICE IS GIVEN that the Board of County Commissioners (the "Board"), constituting the governing body of Grant County, New Mexico (the "County"), will consider the adoption of an ordinance (the "Ordinance") entitled: **AN ORDINANCE REPEALING THE 1984 COUNTY OF GRANT EMPLOYEE RELATIONS ORDINANCE, NO. 84-09-04**. The purpose of this ordinance is to repeal the 1984 County of Grant Employee Relations Ordinance because it has not been followed for many years and has become unnecessary in light of the Public Employee Bargaining Act ("PEBA"), 1978 NMSA § 10-7E-1, et seq.

The Ordinance will be considered at a regular meeting of the Commission on Thursday, October 8th, 2015, at 9:00 a.m., or as soon thereafter as the matter may be heard, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board.

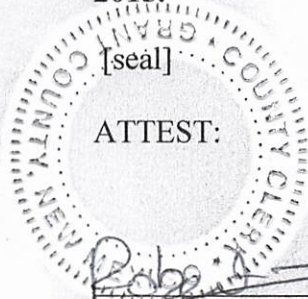
A copy of the Ordinance in draft form is on file and available for inspection during normal business hours at the office of the County Clerk at the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico.

DATED: August 27th, 2015.

/s/ Brett Kasten  
Chairman, Board of County  
Commissioners  
Grant County, New Mexico

(End of Form of Notice)

PASSED, ADOPTED, SIGNED AND APPROVED THIS 27<sup>th</sup> DAY OF AUGUST 2015.



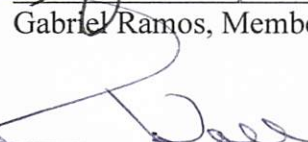
ATTEST:

Robert Zamarripa, Clerk

BOARD OF COUNTY COMMISSIONERS  
GRANT COUNTY, NEW MEXICO

  
Brett Kasten, Chairman

  
Gabriel Ramos, Member

  
Ron Hall, Member

Commissioner Hall then moved that the resolution as filed with the County Clerk be passed and adopted. Commissioner Ramos seconded the motion.

The question being upon the passage and adoption of said resolution, the motion was voted upon with the following result:

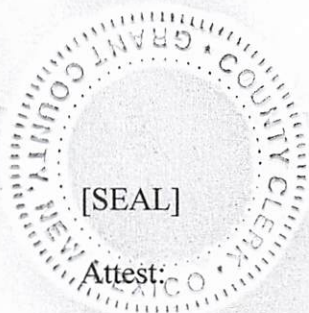
Those Voting Yea: Ramos, Hall, Kasten

Those Voting Nay: 0

Those Absent: 0

The Chairman thereupon declared that at least a majority of all the members of that Commission having voted in favor thereof, the motion was carried and the resolution duly passed and adopted.

After consideration of matters not relating to this Resolution, the meeting on motion duly made, seconded and unanimously carried, was adjourned.



Robert Zamarripa  
Robert Zamarripa, County Clerk

Brett Kasten  
Brett Kasten, Chairman  
Board of Grant County Commissioners

Commissioner [redacted] moved that the resolution as filed with the County Clerk be passed and adopted. [redacted] seconded the motion.

The question being upon the passage and adoption of said resolution, the motion was voted upon with the following result:

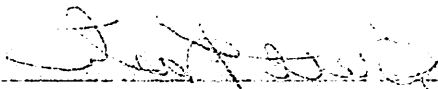
Those Voting Yes: [redacted]

Those Voting No: [redacted]

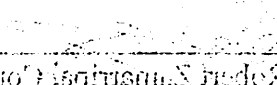
Those Absent: [redacted]

The Chairman thereupon declared that a majority of all the members of the Commission having voted in favor thereof, the motion was carried and the resolution duly passed and adopted.

After consideration of minutes for reading to the Commission, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

  
Robert E. Smith  
Chairman  
Board of Green County Commissioners



  
Robert E. Smith, County Clerk

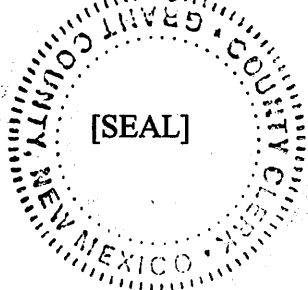
STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF GRANT                )

I, Robert Zamarripa, County Clerk of Grant County, New Mexico (the "County"), do hereby certify:

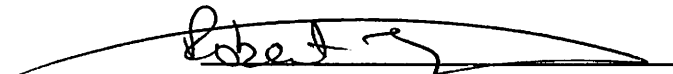
1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the "Board") of the County, taken at a duly called, open meeting of the Commission held in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, being the regular meeting place of the Commission on Thursday, August 27th, 2015, at 9:00 a.m., insofar as the same relate to consideration of the adoption of a Resolution of Intent to adopt an ordinance entitled, AN ORDINANCE REPEALING THE 1984 COUNTY OF GRANT EMPLOYEE RELATIONS ORDINANCE, NO. 84-09-04, a copy of which is set forth in the official records of the proceedings of the County kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Notice of such meeting was given in compliance with the permitted methods of giving notice of meetings of the Commission as required by the open meetings standards then in effect, i.e., the Commission's Open Meetings Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Grant County, New Mexico, this 27th day of August 2015.



Attest:

  
Robert Zamarripa, County Clerk



STATE OF NEW MEXICO

COUNTY OF GRANT

I, Robert Sammartino, County Clerk of Grant County, New Mexico (the "County"), do hereby certify:

1. The foregoing pages are a true, correct and complete copy of the record of the proceedings of the Board of County Commissioners (the "Board") of the County taken at a duly called open meeting of the Commission held in the Conference Room of the Grant County Administration Building, 1000 Highway 100 East Silver City, New Mexico, being the regular meeting place of the Commission, on Thursday, August 27th, 2014, at 9:00 a.m., insofar as the same relate to consideration of the adoption of a Resolution of Intent to adopt an ordinance entitled AN ORDINANCE REPEALING THE 1984 COUNTY OF GRANT EMPLOYEE RETIREMENT ORDNANCE, NO. 84-09-04, a copy of which is set forth in the official records of the proceedings of the County kept in my office. None of the action taken has been rescinded, repealed, or modified.

2. Notice of such meeting was given to compliance with the permitted methods of giving notice of meetings of the Commission as required by the open meetings standards then in effect for the Commission's Open Meetings Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Grant County, New Mexico, this 27th day of August 2014.

Attest:

Robert Sammartino, County Clerk



**RECORD OF PROCEEDINGS RELATING TO THE ADOPTION OF  
ORDINANCE NO. \_\_\_\_\_, REPEALING THE 1984 COUNTY OF GRANT  
EMPLOYEE RELATIONS ORDINANCE, NO. 84-09-04, OF THE BOARD OF  
COUNTY COMMISSIONERS OF GRANT COUNTY, NEW MEXICO  
OCTOBER 8, 2015**

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF GRANT                )

The Board of County Commissioners (the "Board") of Grant County (the "County"), in the State of New Mexico, met in open regular session in full conformity with law and the ordinances and rules of the County, in the Conference Room of the Grant County Administration Building, 1400 Highway 180 East, Silver City, New Mexico, in the County, being the regular meeting place of the Board, at 9:00 a.m., on Thursday, October 8, 2015, at which time there were present and answering the roll call the following members:

Commissioners:	Brett Kasten
	Gabriel Ramos
	Ron Hall

Absent:	None
---------	------

Thereupon the following proceedings, among others, were had and taken, to wit:

There was officially filed with the County Clerk, the Chairman and each Commissioner, a copy of an ordinance in final form, which is as follows:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING THE 1984 COUNTY OF GRANT EMPLOYEE  
RELATIONS ORDINANCE, NO. 84-09-04**

**WHEREAS**, in 1984, Grant County adopted a County of Grant Employee Relations Ordinance, No. 84-09-04 ("1984 Ordinance"); and

**WHEREAS**, the 1984 Ordinance established the policies that governed employee-management relations between the county, its employees, and labor organizations representing or seeking to represent such employees; and

**WHEREAS**, since the 1984 Ordinance was adopted by the county, the Legislature adopted the 2003 Public Employee Bargaining Act ("PEBA"), 1978 NMSA § 10-7E-1, et seq.; and

**WHEREAS**, the purpose of PEBA "is to guarantee public employees the right to organize and bargain collectively with their employers, to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions." 1978 NMSA § 10-7E-2; and

**WHEREAS**, under PEBA, "[a] public employer other than the state that prior to October 1, 1991 adopted by ordinance . . . a system of provisions and procedures permitting employees to form, join or assist a labor organization for the purpose of bargaining collectively through exclusive representatives *may* continue to operate under those provisions and procedures." 1978 NMSA § 10-7E-26.A (emphasis added); and

**WHEREAS**, the county has not followed the 1984 Ordinance in many years and PEBA sufficiently covers labor matters; and

**WHEREAS**, the Grant County Board of Commissioners finds that the 1984 Ordinance is no longer necessary, and it is in the best interest of Grant County and its citizens to repeal the 1984 Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF GRANT COUNTY, NEW MEXICO THAT:** the 1984 County of Grant Employee Relations Ordinance, No. 84-09-04, has not been followed in several years and has become unnecessary; accordingly, the 1984 Ordinance is hereby repealed, effective immediately.

**PASSED, APPROVED, AND ADOPTED, this 10<sup>th</sup> day of September 2015.**

**BOARD OF COUNTY COMMISSIONERS  
GRANT COUNTY, NEW MEXICO**

[seal]

\_\_\_\_\_  
Brett Kasten, Chairman

Attest:

\_\_\_\_\_  
Gabriel Ramos, Member

\_\_\_\_\_  
Robert Zamarripa, Grant County Clerk

\_\_\_\_\_  
Ron Hall, Member

Commissioner \_\_\_\_\_ then moved that the ordinance as filed with the County Clerk at this meeting be passed and adopted. Commissioner \_\_\_\_\_ seconded the motion.

The question being upon the passage and adoption of the ordinance, the motion was voted upon with the following result:

Those Voting Yea:

Those Voting Nay:

Those Absent:

The Chairman thereupon declared that at least a majority of all the members of the Board having voted in favor thereof, the motion was carried and the ordinance duly passed and adopted.

After consideration of matters not relating to adoption of the Ordinance, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

\_\_\_\_\_  
Brett Kasten, Chairman

[SEAL]

Attest:

\_\_\_\_\_  
Robert Zamarripa, County Clerk

STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF GRANT )

I, Robert Zamarripa, County Clerk of Grant County, New Mexico (the “County”),  
certify:

1. The foregoing pages numbered 1 through 4, constitute a full and correct copy of the record of the proceedings taken by the Board of County Commissioners of the County (the "Board") at a regular meeting thereof held on October 8th, 2015, so far as said minutes relate to the adoption of an ordinance, a copy of which is therein set forth (the "Ordinance"). The Ordinance has been duly authenticated by the signatures of the Board and myself as County Clerk, sealed with the corporate seal of said County, and recorded in my office on October 8th, 2015.

2. Notice of such meeting of October 8<sup>th</sup>, 2015, was given by publishing a notice of the Board's intent to consider the Ordinance by publication in the *Silver City Daily Press*. An affidavit of publication with respect to such notice is attached as Exhibit A. In addition, notice of the meeting was given in compliance with the permitted methods of giving notice of meetings of the Board as required by the open meetings standards then in effect, *i.e.*, the County's Open Meetings Resolution.

3. The Chairman and members of the Board were present at said meeting, and the members of the Board voted on the passage of the Ordinance as set forth in such record of proceedings.

5. No other business concerning the Ordinance was taken at said meeting.

[SEAL]

**Robert Zamarripa**  
County Clerk

**EXHIBIT A**

**(Attach Affidavit of Publication of Notice of  
October 8<sup>th</sup>, 2015 Meeting as published  
in the *Silver City Daily Press*)**