

**COUNTY OF GRANT  
STATE OF NEW MEXICO**

**RESOLUTION NO. R-21-14**

**A RESOLUTION  
URGING THE NEW MEXICO LEGISLATURE TO AMEND HOUSE BILL 4 OF THE  
FIRST SESSION OF THE 55<sup>TH</sup> LEGISLATURE TO ADDRESS THE MYRIAD OF  
CONCERNSTHAT HAVE BEEN EXPRESSED BY LOCAL GOVERNMENTS ACROSS  
THE STATE.**

**WHEREAS**, House Bill 4 of the First Session of the 55<sup>th</sup> Legislature should incorporate the approach of the New Mexico TORT Claims Act, which strikes a balance between compensating plaintiffs and the need for government to provide essential services for all and to address the root causes of civil rights claims against law enforcement by dedicating adequate resources for behavioral health prevention and treatment as well as improving the operations of the New Mexico Law Enforcement Academy.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners (“Board”) of the County of Grant that:

1. The HJC Substitute:
  - a. does not address the root cause of many claims against local governments – namely, (1) the lack of adequate State resources to prevent and treat substance abuse and mental health disorders in our community and (2) an underfunded New Mexico Law Enforcement Academy;
  - b. will further harden the public liability insurance market, requiring local governments to self-insure more risk and creating the real possibility that property taxes will need to be imposed to meet uninsured judgments;
2. To address the deficiencies noted above, the Board urges the Legislature to amend the HJC Substitute to replicate the thoughtful Legislative balance struck in the NMTCA by:
  - a. including caps on compensatory damages and other procedural safeguards, such as requiring notice of claims and a shorter statute of limitations, comparable to those in the NMTCA; and
  - b. not allow the award of litigation expenses and attorney fees to prevailing plaintiffs, since such awards will increase the costs of all claims and will likely encourage more claims to be filed, including those with minimal damages.
3. Regardless of the fate of the HJC Substitute, the Commission urges the Legislature to dedicate adequate resources to:

- a. behavioral health prevention and treatment in our communities, so as to provide much-needed services while addressing the root cause of many law enforcement related claims against local governments; and
- b. fund the operations of the New Mexico Law Enforcement Academy so that it may better train law enforcement officers, ensure law enforcement is held accountable and ensure that timely removing the certification of so-called “bad cops” to more effectively and quickly meet the goal of improving law enforcement by avoiding the recycling of such bad actors among law enforcement departments.

***[Signature Page Follows]***

PASSED, APPROVED, AND ADOPTED THIS 11<sup>th</sup> DAY OF February, 2021.

**BOARD OF GRANT COUNTY COMMISSIONERS**

Chris Ponce, Chairman

Harry Browne, Vice Chair

Gerald W. Billings, Jr., Member

Alicia Edwards, Member

Javier Salas, Member

ATTEST:

Marisa Castrillo,  
Marisa Castrillo, County Clerk

