

RESOLUTION 2020-38

RECOGNIZING THE OBJECTIONS OF THE VILLAGE OF ANGEL FIRE POLICE CHIEF, VILLAGE OF ANGEL FIRE VILLAGE MANAGER AND THE VILLAGE OF ANGEL FIRE GOVERNING BODY, TO CERTAIN PROPOSALS BEFORE THE NEW MEXICO CIVIL RIGHTS COMMISSION

WHEREAS, the New Mexico Civil Rights Commission was established by the New Mexico Legislature in response to certain high-profile civil rights violations in other states; and

WHEREAS, among the proposals presented to the New Mexico Civil Rights Commission is the establishment of a new state law cause of action which would be filed in state court and would not be subject to removal to federal court; and

WHEREAS, among the proposals presented are the elimination of the defense of qualified immunity to governmental employees and entities against whom claims are made; and

WHEREAS, based upon the research presented by New Mexico Counties and others, only a small percentage of civil rights claims are actually dismissed as a result of the application of the defense of qualified immunity; and

WHEREAS, local governmental entities primarily provide law enforcement and detention services to its local citizens and are already responsible for claims of civil rights violations made against those entities; and

WHEREAS, at least one neighboring state has also proposed to establish a \$25,000 personal liability on any officer or employee found liable for violation of civil rights; and

WHEREAS, this imposition of personal, non-indemnified liability will have a chilling effect on the abilities of New Mexico law enforcement and detention facilities to hire law enforcement officers and detention officers; and

WHEREAS, insurers working with the Village of Angel Fire, have indicated that such a change would likely result in a premium increase which, until the terms of the legislation are finalized, cannot be quantified; and


WHEREAS, these increases could cripple smaller entities in their ability to provide services to their residents and might result in tax increases on everyone; and

WHEREAS, the jurisprudence developed by the federal courts for violation of federal civil rights is well established while the proposals could result in a total reset of state civil rights jurisprudence.

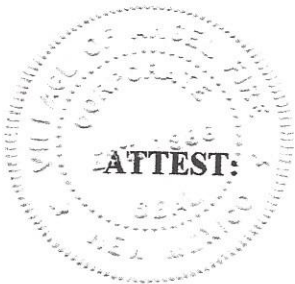
NOW, THEREFORE, BE IT RESOLVED by the Village of Angel Fire Governing Body supports the Police Chief, the Police Officers of the Village of Angel Fire and all Village of Angel Fire employees, that:


1. Angel Fire Village Governing Body oppose any effort to expand state court jurisdiction for civil rights violations. Such expansion serves no purpose other than to create the potential for inconsistent results thereby making it more difficult for law enforcement officers to know if actions are permissible or impermissible and will result in increased costs.
2. Angel Fire Village Governing Body opposes the suggestion that the defense of qualified immunity should not apply to any civil rights action brought in state court.
3. Angel Fire Village Governing Body opposes any effort to impose additional personal liability on individual government officials or employees; as such, conduct would likely have a chilling effect on all governmental entities to recruit, hire, and maintain critical public safety and other employees.

PASSED and APPROVED on this 22nd day of December , 2020.



Jo Nixon , Mayor





Terry Cordova , Village Clerk