



**CITY OF ANTHONY, NEW MEXICO  
RESOLUTION 2021-005**

**A RESOLUTION REGARDING POTENTIAL CIVIL RIGHTS REFORM**

**WHEREAS**, the 2020 Special Legislative Session’s House Bill 5, passed and signed into law by Governor Michelle Lujan Grisham, created the New Mexico Civil Rights Commission (“Commission”); and

**WHEREAS**, the Commission’s statutory charge was to make recommendations regarding a potential civil rights cause of action to be enforced against, among other entities, local governments; and

**WHEREAS**, the Commission in fact made a recommendation that the legislature create a New Mexico Civil Rights Act (“Act”) with compensatory damage awards, attorney fees, no claim cap, and without qualified immunity as an available defense, to be enforced against, among other entities, local governments; and

**WHEREAS**, the Governing Body of the City of Anthony (“City”) recognizes that an Act such as the one described above is likely to have a substantial fiscal impact that will be borne directly by the taxpayer; and

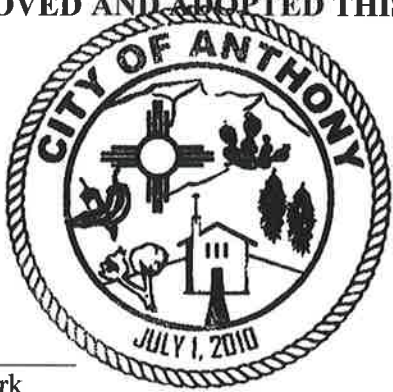
**WHEREAS**, the City recognizes that more litigation will have a neutral effect on bad behavior; and

**WHEREAS**, the City recognizes that, even without yet having an Act-specific historical data profile, new statutory compensatory damage awards, attorney fee provisions, and cap-increase or capless claims are certain to increase its costs to insure; and

**WHEREAS**, the City recognizes that a more comprehensive approach to managing risk associated with its government-citizen contact would be to partner with the State on efforts such as best practices and training, and other joint activities more likely to shift behavior;

**NOW, THEREFORE, BE IT RESOLVED** that the City opposes the Commission’s recommendation for the Act as drawn above.

**PASSED, APPROVED AND ADOPTED THIS 03<sup>rd</sup> DAY OF FEBRUARY, 2021.**



*Diana M. Trujillo*  
Diana M. Trujillo, Mayor

**ATTEST:**

*Esther Motongo*

Esther Motongo- City Clerk

**ROLL CALL VOTE:**

Mayor Pro Tem, Fernie Herrera

YES  NO

*Fernie Herrera*

Trustee Gloria Gameros

YES  NO

ABSENT

Trustee Elva Flores

YES  NO

*Elva Flores*

Trustee Javier Silva

YES  NO