



*Valencia County*  
*Office of the County Manager*  
*444 Luna Avenue ♦ P.O. Box 1119*  
*Los Lunas, New Mexico 87031*  
*Office: 505.866.2014 ♦ Fax: 505.866.3355*

**VALENCIA COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**RESOLUTION 2018-19**

**A RESOLUTION CENSURING COUNTY COMMISSIONER DAVID HYDER**

**WHEREAS**, the Board of County Commissioners met in a regularly scheduled meeting at 5:00 p.m. on March 8, 2018, in the Valencia County Commission Chambers, 444 Luna Avenue, Los Lunas, New Mexico; and,

**WHEREAS**, on February 18, 2005, the Board of County Commissioners adopted Policy 401-01-1, which sets forth a Code of Conduct; and,

**WHEREAS**, the Code of Conduct requires that Employees shall maintain their conduct at the highest personal and professional standards to promote public confidence and trust in the County and in a manner that merits the respect and cooperation of employees; and,

**WHEREAS**, the Code of Conduct also requires that employees shall not use insulting offensive or abusive actions toward other employees, or any comments that might embarrass or offend others; and,

**WHEREAS**, the Code of Conduct mandates that employees shall not be subject to an intimidating or offensive working environment; and,

**WHEREAS**, on May 5, 2006, the Board of County Commissioners adopted Resolution No. 2006-17, which sets forth the Valencia County Personnel Policies and Procedures; and,

**WHEREAS**, the Valencia County Personnel Policy contains a prohibition in 6.10 prohibiting Harassment, and provides that the County will not tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another employee's work performance or that creates an intimidating, offensive or hostile environment; and,

**WHEREAS**, the Valencia County Personnel Policy also contains a prohibition in 6.11 prohibiting Sexual Harassment, and provides that the County will not tolerate verbal or physical conduct of a sexual nature by any employee that harasses, disrupts or interferes with another employee's work performance or that creates an intimidating, offensive or hostile environment; and,

**WHEREAS**, the Board of County Commissioners recognizes that although the aforementioned policies are not applicable to elected officials, the Board of County Commissioners holds itself to the same ethical standards to that which it holds its employees and expects that elected officials do not abuse the power entrusted to them.

*Jhonathan Aragon, Chair, District V ♦ David A. Hyder, Vice-Chair, District III♦*  
*Helen Y. Cole, District I ♦ David Carlberg, District II ♦ Charles D. Eaton, District IV*  
*Daniel P. Monette, County Manager*

**WHEREAS**, Valencia County received complaints from County employees of actions of Commissioner David Hyder that could be violative of County policies.

**WHEREAS**, Valencia County conducted a prompt remedial investigation. We commend the employees for bringing matters of concern to the appropriate County officials, and we thank them for participating in this investigation.

**WHEREAS**, the Board of County Commissioners contends that County Commissioner David Hyder created an offensive and intimidating environment for Valencia County employees. Three County Employees alleged that they were touched in a manner that they found offensive. Although Commissioner Hyder acknowledged touching the employees, he stated that he did not intend for his touching to be offensive or intimidating or in a sexual nature. In addition, Commissioner Hyder agrees to refrain from touching any employee in an offensive or intimidating manner in the future.

**WHEREAS**, in his interactions with County employees, the Board of County Commissioners contends that County Commissioner David Hyder conducted himself in a rude, inappropriate, or offensive manner, that may have created an intimidating, hostile, and offensive working environment for County employees.

**NOW THEREFORE, BE IT RESOLVED**, by the Valencia County Board of County Commissioners, that the Commission finds that Commissioner Hyder has abused his power as a County Commissioner.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, by the Valencia County Board of County Commissioners, that it hereby finds that County Commissioner David Hyder has conducted himself in a manner that is rude, inappropriate and offensive, to County employees.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, by the Valencia County Board of County Commissioners, that the Commission **RECOMMENDS** Commissioner Hyder agree to voluntarily and immediately **RESIGN** his position as County Commissioner.

**NOW THEREFORE, BE IT FURTHER RESOLVED**, by the Valencia County Board of County Commissioners, if Commissioner Hyder **DOES NOT AGREE** with the **RECOMMENDATION** of his fellow Commissioners, then, Commissioner Hyder is directed to attend training in Sexual Harassment and Workplace Harassment within the next thirty (30) days.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Valencia County Board of County Commissioners that in the event Commissioner Hyder **DOES NOT AGREE** with the **RECOMMENDATION** of his fellow Commissioners that he **RESIGN**, then, any time while he is County Commissioner, should County Commissioner David Hyder seek to enter any County Building where County employees are present, he is to 1) alert the County Manager and 2) be escorted by the County Manager at all times Commissioner Hyder is in any building in which County employees are present.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Valencia County Board of County Commissioners County Commissioner David Hyder, is hereby censured.

*Jhonathan Aragon, Chair, District V ◊ David A. Hyder Vice-Chair, District III◊  
Helen Y. Cole, District I ◊ David Carlberg, District II ◊ Charles D. Eaton, District IV  
Daniel P. Monette, County Manager*

APPROVED, ADOPTED, AND PASSED on this 8th day of March, 2018.

BOARD OF COUNTY COMMISSIONERS



Jhonathan Aragon, Chair

David Hyder, Vice-Chair



David Carlberg, Commissioner




Helen Cole, Commissioner



Charles Eaton, Commissioner

Attest:

  
Peggy Carbajal, Valencia County Clerk

*Jhonathan Aragon, Chair, District V • David A. Hyder Vice-Chair, District III•  
Helen Y. Cole, District I • David Carlberg, District II • Charles D. Eaton, District IV  
Daniel P. Monette, County Manager*