

**TORRANCE COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. R 2022- 61**

**A RESOLUTION DEEMING THE TORRANCE COUNTY CLERK YVONNE OTERO
TO HAVE ABANDONED HER POSITION BY ABSENTING HERSELF FROM WORK
FOR MORE THAN 30 SUCCESSIVE DAYS**

The Board of County Commissioners convened an Executive Session during its December 15, 2022 Regular Meeting to review facts concerning the Torrance County Clerk Yvonne Otero's continued absence from work since September of 2022, and the following facts were found to be true:

Whereas, the Torrance County Clerk is an elected official, elected by the residents of Torrance County; and,

Whereas, that office assumes with it a solemn trust toward both the public and to employees of that office; and,

Whereas, Torrance County Clerk Yvonne Otero was previously censured October 12, 2022, for workplace misconduct and for neglecting her official duties as clerk; and,

Whereas, even before that Censure, Yvonne Otero has absented herself from work, with July of 2022 being the last date her card key was used to open the main doors of her office; and,

Whereas, a review of her computer activity at home reveals that the last time her work laptop computer was connected to the Torrance County network was February 28, 2022 and the last time it registered as being turned on was September 17, 2022; and,

Whereas, a review of her desktop computer at work reveals one login November 23, 2022, though by a subordinate employee; and,

Whereas, a review of her work cell phone reveals minimal activity since September of 2022; and,

Whereas, upon information and belief Yvonne Otero has engaged in other private employment; and,

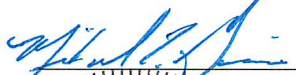
Whereas, the last date Yvonne Otero was seen at the Torrance County Clerk's office was September 28, 2022; and,

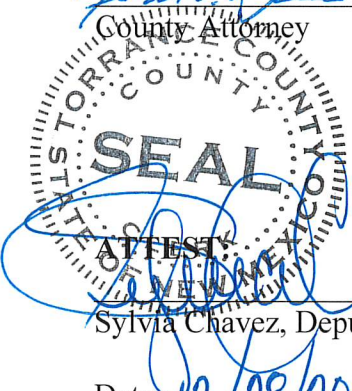
Whereas, NMSA 1978, § 10-6-3 provides that an "an incumbent of any public office" who "shall fail for a period of thirty successive days or more to devote his time to the usual and normal extent during ordinary working hours to the performance of the duties of such public office and employment, shall be deemed to have resigned from and to have permanently abandoned his public office and employment."


IT IS HEREBY RESOLVED THAT: The Torrance County Clerk Yvonne Otero is hereby deemed to have resigned from and to have permanently abandoned her public office and employment as the Torrance County Clerk effective October 31, 2022.

DONE THIS 28 DAY OF December, 2022.

APPROVED AS TO FORM ONLY:
COMMISSIONERS



 28 Dec 2022
County Attorney Date



ATTEST:

Sylvia Chavez, Deputy County Clerk

Date: 12/28/2022

BOARD OF COUNTY


Ryan Schwebach, Chair, District 2
vacant
LeRoy M. Candelaria, Vice Chair, District 3

Kevin McCall, Member, District 1