TORRANCE COUNTY 1 2 **BOARD OF COUNTY COMMISSONERS** RESOLUTION NO. R 2022-5/ 3 4 A RESOLUTION FORMALLY CENSURING THE TORRANCE COUNTY CLERK 5 YVONNE OTERO FOR WORKPLACE MISCONDUCT, MISTREATMENT OF 6 7 SUBORDINATES, AND FOR NEGLECT OR MALFEASANCE REGARDING CERTIFICATION OF VOTING MACHINES 8 9 10 The Board of County Commissioners convened a Special Meeting October 3, 2022 following a complaint by an employee in the County Clerk's office and independent investigation into 11 workplace misconduct related to the Complaint, and the following facts were found to be true, 12 and: 13 14 Whereas, the Torrance County Clerk is an elected official, elected by the residents of 15 Torrance County; and, 16 17 Whereas, that office assumes with it a solemn trust toward both the public and to employees of that office; and 18 Whereas, the independent investigation found that the Torrance County Clerk sparked a 19 taser near the ear of a subordinate who had fallen asleep at work due to a known medical 20 condition, in order to wake up the subordinate; and, 21 22 Whereas, the Torrance County Clerk also asked the same subordinate to obtain for the Clerk prescription narcotics from the subordinate's family member for whom the narcotics were 23 prescribed; and 24 Whereas, the Torrance County Clerk admitted to the investigator to having used cocaine 25 for the past six years; and, 26 Whereas, the Torrance County Clerk admitted to engaging in inappropriate sexual jokes 27 and conduct; and, 28 Whereas, the Torrance County Clerk required employees to turn over their computer 29 passwords and allowed a family member to access a Torrance County computer for personal use: 30 and 31 Whereas, on September 29, 2022, when the Torrance County Clerk was under state 32 statute obligated to observe the certification of voting machines, and immediately afterward to 33 sign and seal the certification forms; and 34 Whereas, though absent from the certification process the Torrance County Clerk 35 nevertheless filled out, signed and dated the certification forms prior to the technicians certifying 36 the machines and without having witnessed the results of their work; and. 37

1 2 3		k refused to let the deputy clerk sign and seal the was physically present and legally authorized to do
4 5	Whereas, these actions by the Torrance County Clerk could have inflicted serious damage on the 2022 General Election process; and,	
6 7 8	Whereas, these actions have called i fulfill the duties of her office.	nto question the Clerk's ability or willingness to
9 10 11 12	CENSURED for creating an unsafe, unplease	e Torrance County Clerk Yvonne Otero is formally sant, and unprofessional workplace environment; and glecting her duties as Clerk in the statutorily required the 2022 General Election.
13	DONE THIS 12 <sup>TH</sup> DAY OF OCTO	OBER, 2022.
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15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30	APPROVED AS TO FORM ONLY:    120	Ryan Schwebach, Chair, District 2  LeRoy M. Candelaria, Vice Chair, District 3  Kevin McCall, Member, District 1