



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2018-35**

**A RESOLUTION ADOPTING THE VALENCIA COUNTY VOLUNTEER FIREFIGHTER
NOMINAL FEE PROGRAM**

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on Wednesday, May 16, 2018 at 5:00 p.m. in the Valencia County Administration Building 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and

WHEREAS, pursuant to NMSA 1978 Section 4-38-18 (1878) vests a county’s management in its Board of County Commissioners; and,

WHEREAS, NMSA 1978, Sections 4-37-1 *et seq.* provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Board of County Commissioners enacted Resolution 2016-03 to provide for the administration of the Valencia County Fire Department, including individual fire districts, through the Office of County Fire Chief; and,

WHEREAS, the Board of County Commissioners adopted Ordinance 2001-02: Third One-Eight of the County Gross Receipts Tax (under local option), with specific direction of 15% of monies received dedicated to the Valencia County Volunteer Fire and Rescue Departments; and,

WHEREAS, the Board of County Commissioners on April 6, 2016, approved and adopted the Valencia County Volunteer Firefighter Nominal Fee Program Policy; and,

WHEREAS, the majority of the County's firefighters are volunteers that staff the districts; and,

WHEREAS, the Board of County Commissioners greatly appreciates the dedication and service that the volunteers provide and recognize their service as indispensable; and,

WHEREAS, the Board of County Commissioners desires to establish this amended nominal fee or stipend policy for Valencia County Volunteer members to improve training, qualifications and participation as well as ensure a positive effect on recruitment and retention in order to promote a professional and trained response to the citizens of Valencia County; and,

WHEREAS, funds have been allocated from the 15% of the Third One-Eight of the County GRT to support the program; and,

NOW THEREFORE BE IT RESOLVED THAT, the Board of County Commissioners hereby adopts the following Valencia County Volunteer Firefighter Nominal Fee Program for the Valencia County Fire Department; and,

BE IT FURTHER RESOLVED THAT, An active member of the fire department who meets and is maintaining the requirements of an operational or administrative volunteer under the direction of the *Volunteer Management Policy* is eligible for the Nominal Fee; and,

BE IT FURTHER RESOLVED THAT, The base rate for the Nominal Fee Program shall be \$5.00/call, training, or meeting. Members who are licensed as an EMS Provider within the State of New Mexico or have IFSAC Firefighter 1 shall be \$7.50/call, training, meeting. Members who are both licensed EMS providers and have IFSAC Firefighter 1 shall be \$10.00/call, training, and meeting; and,

BE IT FURTHER RESOLVED THAT, Active members are eligible for lump sum payments upon completion and licensure/certification of the following courses:

First Responder	(\$50.00)
EMT-Basic	(\$150.00)
EMT-Intermediate	(\$150.00)
BLS CPR and First Aid	(\$10.00)
IFSAC Hazmat Operations	(\$50.00)
IFSAC Firefighter I	(\$150.00)
IFSAC Firefighter II	(\$150.00)
Wildland S-130, S-190, L-180	(\$40.00)
IFSAC Vehicle Extrication	(\$50.00)
Other courses as pre-approved by the Fire Chief (up to \$150.00); and,	

BE IT FURTHER RESOLVED THAT, Eligible activities will include district business meetings, formal training*, response to emergency calls, and station duty with specifically assigned duties.

- DOT or OSHA Physical – (\$10.00)
- Physical Abilities Testing – (\$10.00)
- Certified Emergency Vehicle Operations Course – (\$20.00)
- In District Drivers' Training (to include all the fire district's apparatus) – 2 hours per apparatus (\$10.00)
- Class E license – (\$10.00)
- BLS CPR Certification recertification – (\$10.00)
- BLS CPR and First Aid – (\$10.00)
- FEMA NIMS online courses – 100, 200, 700 – 6-8 hours (\$10.00)

BE IT FURTHER RESOLVED THAT, Payment is contingent upon sufficient availability of funds in the Nominal Fee GRT Account. In order to ensure the volunteer incentive program follows the guidelines established by the Department of Labor and the Fair Labor Standards Act (FLSA), an annual ceiling amount for reimbursement has been established. Utilizing guidance provided by the Department of Labor in a published opinion letter, the fee paid to volunteer personnel must be considered one which is “nominal”, which is defined as one which does not exceed 20 percent of what the agency would otherwise pay to hire a full-time individual for the same services. Utilizing this formula and the current pay rates for the department’s career firefighters, the annual ceiling level for reimbursement to volunteers shall be set at \$5,900.00 per year.

NOW THEREFORE BE IT RESOLVED THAT, The terms of this Resolution, and the payments described herein, do not create an employment relationship between any volunteer firefighter and the Board of County Commissioners or the County, and therefore any volunteer entitled to payments shall be considered a volunteer, not an employee of the County and by accepting payments described herein, each volunteer firefighter acknowledges this legal relationship. Volunteers accepting payments pursuant to this Resolution shall not accrue leave, participate in county employee retirement plans, insurance plans or any employee benefit designed for County employees *see* 29 C.F.R. § 553.106(a).

NOW THEREFORE BE IT RESOLVED THAT, the previous policy dated April 6, 2016, is hereby repealed and replaced with this resolution.

APPROVED, ADOPTED, AND PASSED on this 16th day of May, 2018.

BOARD OF COUNTY COMMISSIONERS



Jhonathan Aragon
Chair, District V



Charles D. Eaton
Vice-Chair, District IV

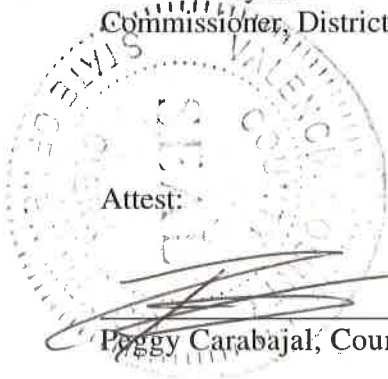
Helen Y. Cole
Commissioner, District I



David Carlberg
Commissioner, District II



David A. Hyder
Commissioner, District III



Attest:

Peggy Carabajal, County Clerk