



VALENCIA COUNTY

RESOLUTION 2022-122

AUTHORIZING LEGISLATIVE APPROPRIATION FUNDING FOR HIRING OF NEW DEPUTIES, PROVIDING FOR RECRUITMENT & RETENTION STIPENDS AND REFERRAL FEES

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting December 21, 2022, 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 have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

WHEREAS, NMSA 1978, Section 3-17-1 *et seq.* (1990) provides that municipalities may adopt laws not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity and improving the morals, order, comfort and convenience of the municipality and its inhabitants; and,

WHEREAS, Denise Vigil is the duly elected Sheriff of Valencia County with the authority to appoint and direct deputies pursuant to NMSA 1978, Section 4-41-5 (1975) to perform the duties of said office; and,

WHEREAS, NMSA 1978 Section 4-38-19 (A) (1973) provides in part that, “[a] board of county commissioners may set the salaries of such employees and deputies as it feels necessary to discharge the functions of the county. . .;” and,

WHEREAS, NMSA 1978, Section 4-41-6 (1975) provides that “[e]ach county is authorized and empowered to establish by ordinance a merit system for the hiring, promotion, discharge and general regulation of the deputies and the employees of the county sheriff’s office. The ordinance may, in the discretion of the board of county commissioners, provide for the classification of deputies and other employees and their probationary periods, service ratings, pay scales and ranges, the number of hours of work per week and the methods of employment, promotion, demotion and discharge of such deputies and employees within the limits provided by law;” and,

WHEREAS, the Board has adopted a merit system ordinance, the Valencia County Personnel Policy; and,

WHEREAS, Article IV, Section 27; [n]o law shall be enacted giving any extra compensation to any public officer, servant, agent or contractor after services are rendered or contract made; nor

shall the compensation of any officer be increased or diminished during his term of office, except otherwise provided in this constitution; and,

WHEREAS, the NM Attorney General's Opinion dated June 4, 2004 explains that while retroactive "bonuses" are unconstitutional, the constitution does not preclude a public employer from considering its employees' past performance and years of service when deciding how to compensate them, as long as the employees are paid in return for future services; and,

WHEREAS, according to a 2020 survey by the National Police Foundation, 86% of departments reported a staffing shortage and the Valencia County Sheriff's Office has experienced this shortage; and,

WHEREAS, the 52nd Legislature during the 2022 Regular Session passed HB 68, signed into law by the Governor, establishes the "law enforcement training and recruiting fund" and states that "the department of finance and administration shall establish a program to distribute funds for local law enforcement agencies to provide recruitment and retention stipends to law enforcement officers;" and,

WHEREAS, HB 68 provides that "[t]he program shall also establish appropriate guidelines on the use of those funds, including recruitment and retention stipends that may be distributed to:

A. a person who is not certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with a law enforcement agency; provided that the recipient successfully obtains such certification;

B. a person who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with a law enforcement agency; provided that the recipient remains employed with that agency for three months; and

C. a person who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act currently employed by a law enforcement agency; provided that the law enforcement officer remains employed with that law enforcement officer's current agency for one additional year;" and,

WHEREAS, the Valencia County Sheriff's Office received appropriation number 22-ZG1016-29 from DFA pursuant to HB 68 in the amount of \$525,000.00 with a reversion date of June 23, 2022;" and,

WHEREAS, Valencia County is a wonderful place to live, work and raise a family, and in recognition of that the Sheriff and Commission believe a hiring providing a hiring incentive pay program will attract new employees to be members of the community and serve the public; and

WHEREAS, this resolution is adopted to establish a program for the use of the HB 68 Funding.

NOW THEREFORE, be it resolved by the Board of County Commissioners that the following Valencia County Law Enforcement Recruitment & Retaining Program: