



**VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION NO. 2016-28**

**ADOPTING THE VALENCIA COUNTY VOLUNTEER FIREFIGHTER NOMINAL FEE PROGRAM  
POLICY**

**WHEREAS**, the Board of County Commissioners met in a regularly scheduled meeting on Wednesday, April 6, 2016 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 2005-05 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 December 10, 2002, approved and adopted expenditure of the Third One-Eight of the County GRT to the Fire and Rescue Personnel Stipend; and,

**WHEREAS**, the Board of County Commissioners on December 10, 2002, approved and adopted the Valencia County Firefighter’s Stipend Program policy dated November 21, 2002, (Exhibit I, Book 46, pgs. 812-845); and,

**WHEREAS**, the Board of County Commissioners approved and adopted Resolution #2015-42 Directing the Revision of the Valencia County Volunteer Firefighter Stipend Program and Establishing a Volunteer Firefighter Stipend Program Planning Committee; and,

**WHEREAS**, the Board of County Commissioners on December 16, 2015, directed staff to meet with representatives of the municipalities in order to reach an agreement satisfactory to the County and the municipalities; and ,

**WHEREAS**, Valencia County staff met with representatives of the municipalities on January 25, 2016 and again on March 14, 2016; and,

**WHEREAS**, the Valencia County Volunteer Fire Departments conducted a trial of the Nominal Fee Program from February 8 to March 8, 2016; revisions were made based on the recommendations received following this trial period; 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 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**, the 15% of the Third One-Eight of the County GRT shall be used to provide a nominal fee for volunteer firefighters or other uses that contribute to fulfilling the mission of the Volunteer Fire Service within the County of Valencia including municipalities; and,

**WHEREAS**, the Policy will define the minimum requirements and eligible credit to receive a quarterly stipend; and,

**WHEREAS**, this is not compensation or an hourly rate of pay, but rather an amount paid to the firefighters and EMS responders for participation in departmental/County Events, trainings, and response to fire and EMS alarms to help recoup their expenses, *see* 29 C.F.R. § 553.106(a); and,

**WHEREAS**, the Board of County Commissioners understands municipalities may require different records from their volunteers than the County does from the Valencia County District volunteers, and should be allowed to administer a nominal fee program consistent with the rules of the respective municipality; and,

**WHEREAS**, involvement by all departments and transparency in the handling of the GRT is important for trust and cooperation between volunteers and the County.

**NOW THEREFORE BE IT RESOLVED THAT**, the Board of County Commissioners hereby adopts the following Valencia County Volunteer Firefighter Nominal Fee Program Policy, to be dispersed quarterly; and

**BE IT FURTHER RESOLVED THAT**, in order to allow the municipalities of Bosque Farms, Peralta, and Rio Communities to administer a Nominal Fee Program consistent with municipality policies and procedures, each municipality may opt-out of the County Nominal Fee Program and will instead receive 10% of the total quarterly amount of fund revenues. All remaining fund revenues will be utilized for the Valencia County Volunteer Fire Districts and municipalities who opt-in to the County Nominal Fee Program; and,

**BE IT FURTHER RESOLVED THAT**, municipalities may opt-out or opt-in to the County Nominal Fee Program only at the start of a new quarterly cycle; municipalities must provide the County with a letter from the Municipal Fire Chief and the municipality's governing body or administrative representative no later than thirty days prior to start of a quarterly cycle; and,

**BE IT FURTHER RESOLVED THAT**, the dispersal of distribution to the Valencia County Nominal Fee Program will remain in two portions: 80% distributed to Volunteers through the Nominal Fee Program and 20% will remain in the account as discretionary monies to be utilized to contribute to fulfilling the mission of the Volunteer Fire Service in Valencia County; the municipalities of Bosque Farms, Peralta, and Rio Communities will each receive 10% of the 20% discretionary fund revenues each quarter; and,

**BE IT FURTHER RESOLVED THAT**, the discretionary money not distributed to the municipalities will be dispensed at the agreement of a majority of Valencia County Volunteer District Chiefs and approved by the Valencia County Fire Chief; and,

**BE IT FURTHER RESOLVED THAT**, there is hereby established a Valencia County Volunteer Firefighter Nominal Fee Program Advisory Committee (see Attachment "A") for the purpose of overseeing the fund to ensure the monies are being accounted for and distributed equitably to the Municipal and County Fire Districts including approval of quarterly Nominal Fee Program documents; and,

**BE IT FURTHER RESOLVED THAT**, the Advisory Committee shall consist of two (2) County Volunteer Chiefs (elected by all County Volunteer Fire Chiefs), one (1) Municipal Volunteer Chief (elected by all Municipal Volunteer Fire Chiefs), and one (1) member of the Valencia County Emergency Services career staff (appointed by Valencia County Fire Chief); and,

**BE IT FURTHER RESOLVED THAT**, the Advisory Committee will forward their approval of the quarterly Nominal Fee Program distributions to the Valencia County Fire Chief and Municipalities who will then execute the dispersal of the funds through the County Finance Department and Treasurer's Office; and,

**BE IT FURTHER RESOLVED THAT**, in order to receive funding, it is requested that each municipality who opted-out of the Valencia County Nominal Fee Program supply the County with a copy of the municipality's nominal fee policy and copies of quarterly nominal fee expenses for financial reporting requirements; and,

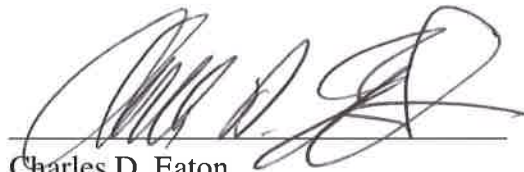
**BE IT FURTHER RESOLVED THAT,** the Valencia County Volunteer Firefighter Nominal Fee Program Policy can be amended or payments suspended by order of the Board of County Commissioners due to unforeseen events or need for revisions based on recommendation from the Advisory Committee, Valencia County Manager and Valencia County Fire Chief; and,

**BE IT FURTHER RESOLVED THAT,** the Valencia County Volunteer Firefighter Nominal Fee Program Policy may be reviewed by the Fire Chiefs during a regularly scheduled business meeting and revisions may be proposed to the Board of County Commissioners.

**NOW THEREFORE BE IT RESOLVED THAT,** the Valencia County firefighter's Stipend Program dated November 21, 2002 is hereby replaced by the Valencia County Volunteer Firefighter Nominal Fee Program Policy dated March 21, 2016 is effective *nunc pro tunc* April 1, 2016.

**APPROVED, ADOPTED, AND PASSED** on this 6<sup>th</sup> day of April, 2016.

**BOARD OF COUNTY COMMISSIONERS**



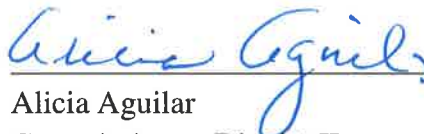
Charles D. Eaton  
Chair, District IV



Jhonathan Aragon  
Vice-Chair, District V



Helen Y. Cole  
Commissioner, District I




Alicia Aguilar  
Commissioner, District II



David A. Hyder  
Commissioner, District III

Attest:



Peggy Carabajal, County Clerk

