



VALENCIA COUNTY

RESOLUTION 2023-74

CREATING A RETENTION PLAN FOR CERTIFIED LAW ENFORCEMENT DEPUTIES

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting September 20, 2023, 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, 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,

NOW THEREFORE, be it resolved by the Board of County Commissioners that the following hiring program is hereby implemented:

IT IS THEREFORE RESOLVED THAT:

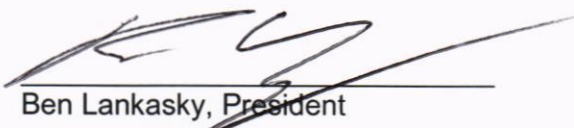
This resolution when passed by the County of Valencia ("County") provides that:

- A. This retention plan starts October 1, 2023 and ends December 2026.
- B. New Mexico certified Sheriff's Office employees are to be paid a retention payroll addition based having been employed and worked for the full previous quarter and having the minimum listed time in service as an employee of the County of Valencia Sheriff's Office.
- C. For the purposes of this resolution "worked" is defined as actual time worked and any earned leave (which includes sick, annual, paid administrative leave, and military)
- D. Sheriff's Office employees who worked the previous quarter will be paid at the end of the first full pay period following the end of each quarter.
- E. Sheriff's Office employees who did not work the quarter for whatever reason will not be eligible for the retention payroll addition. Sheriff's Office employees who only work a part of the quarter will be entitled to a prorated portion of the retention bonus.
- F. Sheriff's Office employees having a break in service will be calculated from the last hire date, not a cumulative of all their time in service.
- G. Time in service will be calculated on the first day of each quarter.
- H. Retention payroll additions will not be considered part of an employee's base salary. The additions will be subject to tax withholding but will not be calculated for PERA.
- I. Sheriff's Office employees will be paid based on the quarters and years of service in the below chart.

	More than 2 yrs and less than 5 yrs	More than 5 yrs and less than 10 yrs	More than 10 yrs
Jan 1 to Mar 31	\$1,000.00	\$2,500.00	\$5,000.00
Apr 1 to June 30	\$1,000.00	\$2,500.00	\$5,000.00
July 1 to Sept 30	\$1,000.00	\$2,500.00	\$5,000.00
Oct 1 to Dec 31	\$1,000.00	\$2,500.00	\$5,000.00

UNION:


VALENCIA COUNTY DEPUTY SHERIFF'S ASSOCIATION


Ben Lankasky, President

9-20-23
Date

BOARD OF COUNTY COMMISSIONERS

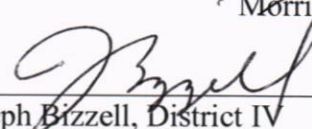
APPROVED, ADOPTED, AND PASSED on this 20th day of September 2023.


Gerard Saiz, Chair, District I



Jhonathan Aragon, Vice-Chair, District V


Troy Richardson, District II


Morris Sparkman, District III


Joseph Bizzell, District IV

Attest:


Mike Milam, County Clerk


Denise Vigil, County Sheriff

SHERIFF

9-20-23
Date