



VALENCIA COUNTY

RESOLUTION 2023-81

CREATING A SHERIFF'S OFFICE DEPUTY HIRING INCENTIVE FOR NEW MEXICO CERTIFIED LAW ENFORCEMENT

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting November 15, 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, 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, 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 [];"

WHEREAS, in FY23 Valencia County Sheriff's Office received state appropriation of \$525,000 over three year, of which \$150,000 for FY 24 (22-ZG-1016-29-2) from HB68,

WHEREAS, USA Today (10/23, Jansen) reports police departments "are grappling with 'an historic crisis in recruiting and retaining' officers,

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,

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

I. SHERIFF'S OFFICE CONDITIONS OF HIRING INCENTIVE PAY

- A. The hiring incentive pay program will provide \$10,000 per employee for no more than 2 new hires that have a New Mexico current and active law enforcement certification.
- B. The hiring incentive will be paid to those 2 individuals that are hired between the date approved by the Valencia County Board of County Commissioners and Feb 28, 2024.
- C. The incentive pay will be paid within 60 days of hire date.
- D. The hired employee receiving the incentive pay will be required to sign a Promissory Note to be employed by the Valencia County Sheriff's Office for a minimum period of 2 years from their hire date.

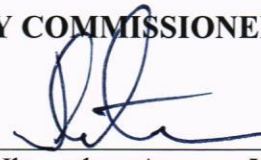
NOW THEREFORE BE IT FURTHER RESOLVED, by the Board of County Commissioners that this program will end on February 28, 2024 or upon the hiring of 2 New Mexico certified peace officers.

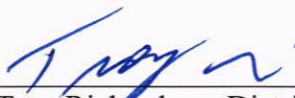
NOW THEREFORE BE IT FURTHER RESOLVED, by the Board of County Commissioners that this program will be paid for by available state appropriations 22-ZG-1016-29-2. In the event that funding are not available this program shall terminate with no further incentives.

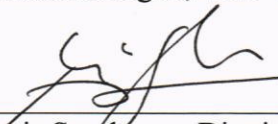
PASSED, APPROVED AND RESOLVED THIS 15th DAY OF NOVEMBER 2023

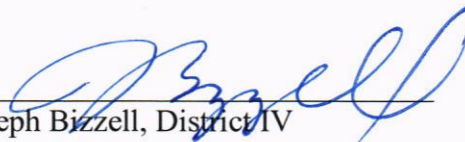
BOARD OF COUNTY COMMISSIONERS

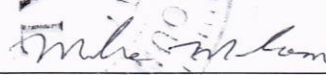

Gerard Saiz, Chair, District I


Jhonathan Aragon, Vice-Chair, District V


Troy Richardson, District II


Morris Sparkman, District III


Joseph Bizzell, District IV

Attest:

Mike Milam, County Clerk

SHERIFF


Jeff Noah, County Undersheriff

11-15-23
Date