



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION Nº 2018-34**

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

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, Valencia County staff met with representatives of the municipalities on April 12, 2018, April 26, 2018 and on May 1, 2018; 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, 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, 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 its 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 Distribution Policy; 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 will receive 15% of the total amount of fund revenues. All remaining fund revenues will be utilized for the Valencia County Volunteer Fire Districts; and,

BE IT FURTHER RESOLVED THAT, the County Fire Department will present a Resolution to the Board of County Commissioners for approval of a nominal fee program policy no later than sixty days after the adoption of this Resolution; and,

BE IT FURTHER RESOLVED THAT, municipalities must provide the County with a copy of the municipality's nominal fee policy no later than sixty days prior to start of a quarterly cycle and yearly 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 Valencia County Manager and Valencia County Fire Chief; and,

NOW THEREFORE BE IT RESOLVED THAT, the Valencia County Firefighter's Stipend Program dated April 6, 2018, Resolution 2016--28, is hereby replaced by this resolution, is effective July 1, 2018.

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

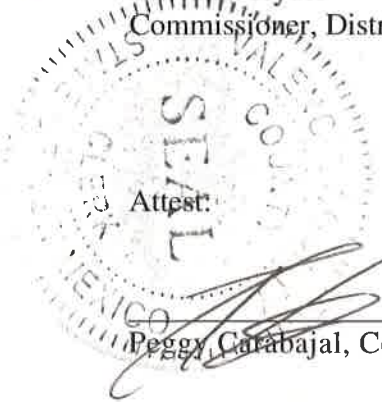
Helen Y. Cole
Commissioner, District I



David Carlberg
Commissioner, District II



David A. Hyder
Commissioner, District III



Peggy Carabajal, County Clerk