



VALENCIA COUNTY

RESOLUTION 2022-54

**AMENDING THE HIRING INCENTIVE PROGRAM FOR VALENCIA COUNTY DEPUTY AND
DETENTION RECRUITMENT**

WHEREAS, the Board of County Commissioners of Valencia County, met upon notice of a duly published Business meeting June 1, 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, according to the Albuquerque Journal November 2021 the New Mexico vacancy rate for corrections officers is at 31% and the Valencia County Detention Center has experienced this shortage; 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, on March 16, 2022 this Board adopted Resolution 2022-28 Creating Hiring Incentive for Valencia County Deputy and Detention Recruitment, and the Board, upon the recommendation of the Manager, Sheriff & Warden have determined it is in the best interested of the County to amend the program with the adoption of this resolution.

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 \$4,000 for new hires that have a New Mexico current and active law enforcement certification. New hires that have a current and active law enforcement certification from another state will be eligible at the discretion of the Sheriff. New hires that do not have a current law enforcement certification are eligible to receive \$2,000.
- B. The incentive pay will be paid made in two equal payments.
 1. The first payment will be made upon completion of 6 months of employment with the Sheriff's Office.
 2. For new hires that have a New Mexico current and active law enforcement certification the second payment will be made upon completion of the probationary period.
 3. For new hires that do not have a New Mexico current and active law enforcement certification must complete the probationary period and obtain their New Mexico law enforcement certification.
 4. Individuals separated from the Sheriff's Office within 9 months prior to or after the