



## RESOLUTION No. 2023-02

### **AUTHORIZING LEGISLATIVE APPROPRIATION FUNDING FOR HIRING OF NEW DEPUTY MARSHALS, PROVIDING FOR RECRUITMENT & RETENTION STIPENDS AND REFERRAL FEES**

**WHEREAS**, the Board of Trustees for the Village of Magdalena met upon notice of a duly published regular business meeting January 9, 2023, at 5:00 P.M. at Village Hall, 108 N. Main Street, Magdalena, New Mexico 87825, 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**, Michael Zamora is the duly appointed Marshal of the Village of Magdalena 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 3-12-3 (A)(8) provides that municipal governing bodies prescribe the compensation and fees to be paid municipal officers and employees; and,

**WHEREAS**, NMSA 1978, Section 3-13-4 provides that any municipality may establish by ordinance a merit system for the hiring, promotion, discharge and general regulation of municipal employees; and,

**WHEREAS**, the Board has adopted a merit system ordinance, the Village of Magdalena 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 Magdalena Marshal's Office has experienced this shortage; 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 that may be distributed to:

- A. a person who is not certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with a law enforcement agency; provided that the recipient successfully obtains such certification;
- B. a person who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with a law enforcement agency; provided that the recipient remains employed with that agency for three months; and
- C. a person who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act currently employed by a law enforcement agency; provided that the law enforcement officer remains employed with that law enforcement officer's current agency for one additional year;" and,

**WHEREAS**, the Village of Magdalena received Appropriation #22-ZG1016-42 in the amount of \$281,250.00 of which \$112,500 must be spent by June 30, 2023; and,

**WHEREAS**, Magdalena is a wonderful place to live, work and raise a family, and in recognition of that the Marshal and Board of Trustees 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**, this resolution is adopted to establish a program for the use of the HB 68 Funding.

**NOW THEREFORE**, be it resolved by the Board of Trustees that the following is the Village of Magdalena's Law Enforcement Recruitment & Retaining Program subject to compliance with Department of Finance Regulations:

## **I. RETENTION BONUS**

\$10,000 per officer or \$30,000 may be used for retention bonuses.

## **II. NEW HIRE**

- A. \$2,000 for a person who is not certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with the Marshal's Office provided that the recipient successfully obtains such certification and remains employed with the Marshal's Office for one year.
- B. \$4,000 for a person who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act upon employment with the Marshal's Office provided that the recipient remains employed with the Marshal's Office for one year.
- C. Moving expenses up to \$3,500 for new hire.
- D. Salary of new hire.
- E. Each employee hired and that received a hiring bonus pursuant to House Bill 68 is required to return the funds in the event he or she does not complete one year of employment with the Marshal's Office.

## **III. REFERRAL STIPEND**

Each law enforcement officer who refers an individual to the Marshal's Office who is hired will receive up to \$2,000 for a referral bonus.

## **IV. PAY RAISE**

Up to \$5.00 an hour to existing wages which totals approximately \$14,400 over six months.

## **V. RECRUITMENT**

Remaining approximately \$60,000 may be used to market vacant positions, attendance at hiring fairs, and other personnel expenses including housing and moving expenses as may be allowed by Department of Finance and Administration regulations.

**VI. RETENTION STIPEND.**

Any funds not expended pursuant to the above sections by May 30, 2023, shall be authorized for retention stipends as follows.

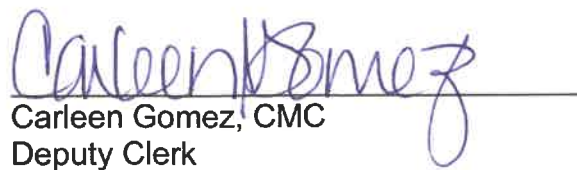
- A. An amount, to be determined by the Marshal and this Board, will be authorized for each deputy who is certified as a law enforcement officer pursuant to the Law Enforcement Training Act currently employed by the Marshal's Office, provided that the deputy remains employed with that the Marshal's Office for one additional year.
- B. Each employee hired and receiving a hiring bonus pursuant to House Bill 68 is required to return the funds in the event he or she does not complete one year of employment with the Marshal's Office.

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Board of County Commissioners that sections I, II, III, V and VI of this program will end on June 30<sup>th</sup>, 2023.

**PASSED, APPROVED AND RESOLVED THIS 9<sup>th</sup> DAY OF JANUARY 2023.**

  
Richard Rumpf  
Mayor

Attested:

  
Carleen Gomez, CMC  
Deputy Clerk

