

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY, NEW MEXICO

RESOLUTION NO. 2009 - 10

A RESOLUTION AMENDING RESOLUTION NO. 2007-158,
THE VOLUNTEER RECRUITMENT
AND RETENTION INCENTIVE PROGRAM

WHEREAS, the Board of County Commissioners enacted its Resolution No. 2007-158 (a Resolution Adopting a Volunteer Recruitment and Retention Incentive Program) on September 25, 2007;

WHEREAS, that resolution created a program whereby a volunteer firefighter or volunteer emergency medical technician may receive nominal reimbursement arising from volunteer services rendered to the County;

WHEREAS, Wage and Hour Opinion Letter FLSA-2005-51 (November 10, 2005) of the Wage and Hour Division of the United States Department of Labor (interpreting provisions of the Fair Labor Standards Act, 29 U.S.C. Section 201 *et seq.*) permits payments of a nominal fee to persons volunteering services for a public agency *so long as* the fee does not exceed twenty percent of what the public agency would otherwise pay to hire a person for the same services;

WHEREAS, twenty percent of the salary of a fire fighter/intermediate under the County's pay structure is \$ 7,344, and this represents the limit of payments that may be made to volunteer firefighters and volunteer emergency medical technicians without making those persons employees for purposes of the Fair Labor Standards Act; and

WHEREAS, the Santa Fe County Fire Department desires to increase the amount of the reimbursement permitted in Resolution No. 2007-158 as set forth below so that volunteer firefighters and volunteer emergency medical technicians will be better

reimbursed for costs arising from their volunteer activities, so long as the aggregate payments to the volunteers do not exceed the sum of \$7,344, annually.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, AS FOLLOWS:

1. Paragraph 1 of Resolution No. 2007-158 is amended to provide as follows:

"Each Volunteer Firefighter and Volunteer Emergency Medical Technician participating in the Program shall now be paid the sum of \$10.00 for an emergency response."

2. Paragraph 2 of Resolution No. 2007-158 is amended to provide as follows:

"Each Volunteer Firefighter and Volunteer Emergency Medical Technician participating in the Program shall now be paid the sum of \$ 4.00 for training approved by the Fire Chief."

3. Two new paragraphs, paragraphs 16 and 17, are hereby included in Resolution No. 2007-158, as follows:

"16. Notwithstanding paragraphs 1 and 2 herein, a volunteer firefighter or a volunteer emergency medical technician shall not receive payments pursuant to this Resolution if the volunteer firefighter or volunteer emergency medical technician has received the sum of \$ 7,344 in the current fiscal year from Santa Fe County arising from any of the following: (i) volunteer incentive payments; (ii) payments arising from work as an employee of the Santa Fe County Fire Department in any employment classification (classified, exempt, part-time, at-will, temporary, casual, contractual, term or probationary) made before the date of this resolution; or (iii) payments arising from a contract with the Santa Fe County Fire Department or a fire district of Santa Fe County. Once a volunteer firefighter or a volunteer emergency medical technician has received the sum of \$ 7,344 in the current fiscal year as described, no volunteer incentive payments shall be authorized for the remainder of that fiscal year."

"17. In order to receive a payment as provided herein, a Volunteer Firefighter or a Volunteer Emergency Medical Technician must not be an employee of the Santa Fe County Fire Department in any employment classification (classified, exempt, part-time, at-will, temporary, casual, contractual, term or probationary)."

5. All other paragraphs of Resolution No. 2007-158 shall remain unchanged.

PASSED, APPROVED, and ADOPTED this 27h day of January, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY, NEW MEXICO

By: *Mike Anaya*
Mike Anaya, Chair

ATTEST:

Valerie Espinoza
Valerie Espinoza, County Clerk



Approved as to form:

Stephen C. Ross
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 28TH Day Of January, 2009 at 11:35:54 AM
And Was Duly Recorded as Instrument # 1550406
Of The Records Of Santa Fe County

Deputy *Marcella*)
Witness My Hand And Seal Of Office Valerie Espinoza
County Clerk, Santa Fe, NM