

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2022-058

A RESOLUTION

CREATING AN EMPLOYEE BENEFITS COMMITTEE; AUTHORIZING THE COUNTY MANAGER TO AUTHORIZE DE MINIMIS FRINGE BENEFITS PAID FOR, IN PART, WITH FUNDS RAISED BY THE COMMITTEE; REQUIRING THE COUNTY MANAGER TO APPROVE OF EXPENDITURE OF FUNDS RAISED BY THE COMMITTEE; ESTABLISHING THAT FUNDS RAISED BY THE COMMITTEE ARE COUNTY FUNDS SUBJECT TO COUNTY PURCHASING AND OTHER POLICIES; AND REPEALING RESOLUTION NOS. 2004-66, 1992-61, 1990-86, AND 1984-11.

WHEREAS, Santa Fe County (County) Resolution No. 1984-11 created an Employee Benefits Committee (EBC), appointed one volunteer from each department to serve on that committee, and confirmed that funds collected and controlled by the Committee would be used on County employee services, functions and equipment; and

WHEREAS, Resolution No. 1990-86, A Special Committee to Contract, Collect, and Control the Funds Received From the Operation of Food and Beverage Vending Machines, further refined the EBC by authorizing the County Manager and the head of each department to serve on the EBC for the purpose of receiving and controlling net proceeds received from the County vending machines, and expending the proceeds; and

WHEREAS, Resolution No. 1992-61, A Resolution Authorizing and Directing the County's Employee Benefit Committee to Pay Certain Funds to the County's General Fund, and to Hold Its Meetings During Non-working Hours, directed the EBC to reimburse the County General Fund for all electricity used by the vending machines in all County buildings; and

WHEREAS, Resolution No. 2004-06, A Resolution Imposing Additional Safeguards on the Operation of the Santa Fe County Employee Benefits Committee; Amending Resolutions No. 1984-11, 1990-86, and 1992-61, adopted additional safeguards to oversee EBC funds and authorized the EBC to pay a set amount annually in exchange for being able to rent the portal and parking areas of the County's Administrative Building during Indian Market; and

WHEREAS, Resolution Nos. 1992-61 and 2004-06 were premised on the fact that the EBC was separate from the County, such that revenue raised through vending machines and the rental of County facilities was not County revenue and the EBC had to reimburse the County for electricity used by the vending machines and pay for the use of County facilities; and

WHEREAS, the County legally may, and does, provide fringe benefits to its employees; and

WHEREAS, the primary events that the EBC have historically provided – an annual picnic and winter holiday party – constitute de minimis fringes under the Internal Revenue Code; and

WHEREAS, such events improve the morale of the workforce and promote teambuilding among employees; and

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WHEREAS, the Fair Labor Standards Act allows an employee to volunteer for a public employer under certain circumstances; and

WHEREAS, recognizing revenue raised by the EBC as County revenue will increase both the transparency and accountability of the funds raised by the EBC; and

WHEREAS, the Board of County Commissioners (Board or BCC) of the County desires to repeal prior resolutions concerning the EBC and reconstitute the EBC expressly as a committee of County employee volunteers, the purpose of which is to raise County revenue to fund de minimis fringe benefits for County employees, such as an annual picnic and winter holiday party.

NOW, THEREFORE THE BCC HEREBY RESOLVES AND PROCLAIMS:

1. The Employee Benefits Committee (EBC) is hereby established.
2. The purpose of the EBC is to allow County employee volunteers to raise funds for de minimis fringe benefits for County employees, such as an annual employee picnic and an annual winter holiday party.
3. The EBC shall consist of up to twenty volunteers, whose participation as volunteers shall be approved by the County Manager. Volunteers must be current employees of Santa Fe County and may not volunteer if the work they do for the EBC is the same work for which they are employed by the County. Volunteers shall serve for a period of one year; provided, however, that employees may ask to volunteer for an unlimited number of consecutive one year periods. Volunteers may be removed from the EBC by the County Manager for cause. Officers shall be selected by the committee at the start of each fiscal year, including:
 - a. A chairperson who presides over meetings and has primary responsibility for the Committee;
 - b. A vice chairperson who acts in the capacity of the chairperson in their absence;
 - c. A secretary who keeps a summary of meetings and gives notice of meetings;
4. The County Manager is delegated authority to authorize the EBC to utilize County facilities, such as the parking lot and portal at 102 Grant Avenue, and the parking areas at 100 Catron, for purposes of raising funds through the rental of parking and vending space during markets, festivals, and other events occurring in downtown Santa Fe.
5. The County Manager is also delegated authority to authorize the EBC to place vending machines in various County facilities. The County Manager shall identify locations for vending machines and approve the contents of those machines.
6. All funds raised by the EBC shall be deposited into the County general fund and reflected in a cost center used solely to account for revenue raised by the EBC and expenditures made for de minimis fringe benefits.
7. The County Manager is authorized to accept the donation of funds raised by the prior incarceration of the EBC, which shall be recorded in the cost center described in the previous paragraph.

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8. In accordance with the County's Fringe Benefits Policy and Procedures, adopted by Resolution No. 2019-36, the County Manager must approve of any fringe benefit provided with funds raised by the EBC and of any expenditure related to such fringe benefit. In addition, the Fringe Benefit Coordinator must determine that any such fringe benefit is not taxable.
9. The EBC shall comply with County policies and procedures concerning the receipting and deposit of money.
10. For the avoidance of doubt, all expenditures of funds raised by the EBC shall comply with the County's purchasing regulations, policies and practices.
11. Members of the EBC shall not undertake their volunteer work for the EBC during time compensated by the County (except when on approved leave or holidays).
12. A quorum, meaning at least one half of current members of the committee, must be present to undertake any EBC business. The EBC shall make such other rules concerning its operations as it may determine to be appropriate.
13. On the effective date of this Resolution, Resolution Nos. 2004-66, 1992-61, 1990-86, and 1984-11 are repealed.
14. This resolution shall be effective on Saturday, July 30, 2022.

PASSED, APPROVED, AND ADOPTED ON THIS 26th DAY OF JULY, 2022.

**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Anna T. Hamilton
Anna T. Hamilton, Chair

ATTESTATION:

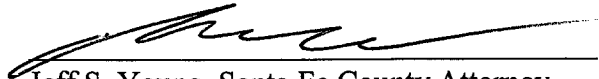
Katharine E. Clark
Katharine E. Clark, Santa Fe County Clerk

Date: 07/27/22



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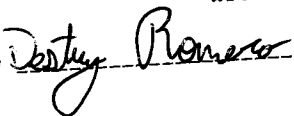
Approved as to form:


Jeff S. Young, Santa Fe County Attorney

Date: 7-22-22

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 27TH Day Of July, 2022 at 10:47:56 AM
And Was Duly Recorded as Instrument # 1993830
Of The Records Of Santa Fe County

BCC RESOLUTIONS
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Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy  County Clerk, Santa Fe, NM



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