

**CITY OF SOCORRO
RESOLUTION NO. 21-08-16b**

**DISTRIBUTING CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
TO PAY FOR VACCINE INCENTIVE PROGRAM AND PREMIUM PAY
FOR ESSENTIAL WORKERS**

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, the 10th Amendment to the Constitution for the United States is clear when stating, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people[]"; and,

WHEREAS, the states and their political subdivisions, the municipalities, have derived specific and reserved powers from the 10th Amendment of the Constitution for the United States, referred to as police powers of the State; and,

WHEREAS, under the 10th Amendment and subsequent state authorization, the municipalities have the duty to pass laws and regulations to protect the safety, health, welfare and morals for the benefit of their communities; and,

WHEREAS, the Socorro City Council has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents, and the City reserves the right to take whatever actions necessary to do so; and,

WHEREAS, The American Rescue Plan has made available \$350 billion for eligible state, local, territorial and tribal governments to respond to the COVID-19 emergency and bring back jobs; and

WHEREAS, the Coronavirus State and Local Fiscal Recovery Funds (“Fiscal Recovery Funds”) provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; and

WHEREAS, the Socorro City Council affirms that all persons employed by the City of Socorro (“City employees”), due to the small size of labor force, regularly engage in a wide variety of job duties, cross training and back-up other City employees, so the end result is all City employees are deemed essential workers; and

WHEREAS, the Socorro City Council desires to utilize the Fiscal Recovery Funds to distribute premium pay to all City employees to pay these essential workers for the elevated

health risks they face and continue to face during the public health emergency; and

WHEREAS, all City employees work in person, engaging in daily interactions with the public involving public utilities, maintenance or repair of public works, police and fire protection, and therefore each are deemed critical to protect the health and well-being of residents of the City of Socorro; and

WHEREAS, the Socorro City Council recognizes that the distribution of premium pay may result in some City employees receiving an increase in total pay above 150% of the state average annual wage of \$45,220, however the Socorro City Council affirms that each of the affected positions contains job duties which typically require working abnormal hours, varied and skilled job requirements and prolonged exposure to public interaction and therefore there exists justification for the distribution of premium pay to these individuals as well; and

WHEREAS, the Fiscal Recovery Funds are permitted to be spent on providing incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, so long as the costs are reasonably proportional to the expected public benefit.

NOW THEREFORE, be it resolved by the Governing Body of the City of Socorro that:

1. **Finding of Essential Worker** - That all full-time City employees are defined as essential workers for the purpose of distributing Fiscal Recovery Funds as set forth below.
2. **Award of Premium Pay** – Subject to availability of Fiscal Recovery Funds, each full-time City employee shall receive as premium pay a total of One Hundred and Sixty (160) hours of premium pay at the rate of Thirteen Dollars (\$13.00) per hour, payable over four (4) pay periods, with two (2) pay periods to occur in the calendar year 2021 and the remaining two (2) pay periods to occur in the calendar year 2022, with the city administration to determine when the premium payments shall occur. No premium payments distributed pursuant to this resolution shall be for services already provided by a City employee nor shall anything contained herein be construed as giving retroactive effect to the distribution of Fiscal Recovery Funds, as it is the express intent of this resolution to issue premium pay for services to be provided to the City in the future. There shall be no deduction of employment benefits from any award of premium pay, specifically including the New Mexico Public Employees Retirement.
3. **Incentive for COVID-19 Vaccination** – Upon showing proof of full

vaccination against the COVID-19 virus by October 1, 2021, any City employee shall be entitled to an award of Five Hundred Twenty Dollars (40 hours x \$13.00=\$520.00), paid out in the first payroll installment in October, 2021, from available Fiscal Recovery funds, and to be paid per the procedures to be set forth by City administration. This incentive will not be available post the October 1, 2021 deadline for proof of vaccination.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2021.



Ravi Bhasker, Mayor

Attested:



Leopoldo "Polo" Pineda, City Clerk