

**GRANT COUNTY FIRE AND EMERGENCY SERVICES ADMINISTRATIVE  
ORDINANCE NUMBER O-24-01**

**AN ORDINANCE PROVIDING FOR THE ADMINISTRATION OF THE COUNTY  
FIRE DEPARTMENTS**

**WHEREAS**, NMSA 1978, Section 3-18-1 provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1, have the power to "protect generally the property of its municipality and its inhabitants" and to "preserve peace and order"; and,

**WHEREAS**, Grant County wishes to provide for the administration of the Grant County Fire Departments to assign responsibilities for coordinated fire prevention, fire suppression, and other emergency services including but not limited to, mutual aid, automatic aid and cooperation with fire departments or other emergency services of government, to establish a policy for implementation of fire department and emergency services plans and programs, and to promulgate of rules, regulations, medical protocols and standard operating procedures for the operation of the departments including rules and regulations for volunteer personnel.

**NOW THEREFORE, BE IT ORDAINED** that the Board of County Commissioners adopts the following Rules and Regulations establishing consistent, basic policies and practices concerning relations between the County and its volunteer firefighters:

**ARTICLE 1: SHORT TITLE**

This ordinance may be cited by number **O-24-01** or as the Grant County Fire and Emergency Services Administrative Ordinance.

**ARTICLE 2: REPEALER**

Any other ordinance, in conflict with this ordinance is hereby repealed to the extent of such conflict.

**ARTICLE 3: PURPOSE**

The purpose of this ordinance is to provide for the administration of Grant County Fire Departments, assigning responsibilities for coordinated fire prevention, fire suppression, and other emergency services including but not limited to, mutual aid and cooperation with fire departments or other emergency services of government, establishing policy for implementation of fire department and emergency services plans and programs, promulgation of rules, regulations, medical protocols, operational activities, training, suppression and standard operating procedures for the operation of the departments.

The organization, administration and operation of the Grant County Fire Departments is herein established and governed by the Grant County Board of County Commissioners.

## **ARTICLE 4: DEFINITIONS**

- A. Grant County Fire Chief. The County Fire Chief is a full-time salaried position with Grant County Government. Under the general direction of County Manager manages eight (8) volunteer fire departments including department budgets and functional tasks. The County Fire Chief manages the day-to-day operational activities of the fire department's county-owned fire stations, apparatus, equipment and supervision of the volunteer personnel, in accordance with adopted rules, regulations and standard operating guidelines or procedures. This will be accomplished in a collaborative partnership with the fire department chiefs.
- B. Fire Departments. Grant County has eight (8) volunteer fire departments: Cliff/Gila, Fort Bayard, Lower Mimbres, Piños Altos, Sapillo Creek, Tyrone, Upper Mimbres, and Whiskey Creek.
- C. Fire Department Chief. Each individual volunteer fire department shall have a Department Chief who shall be a volunteer duly elected by the membership of the fire department and who shall function as such at the pleasure of the Board of County Commissioners and the County Manager.
- D. Fire Department Line Officers. In addition to the Fire Department Chief, each individual Fire Department, at a minimum, shall be comprised of the following line officers: an Assistant Fire Chief and a Fire Captain. Fire Departments with multiple stations are allowed to have a Fire Captain for each station. Though not a requirement, Departments with multiple stations can have a Fire Battalion Chief (s) and a First Lieutenant and a Second Lieutenant for each station in their department. All line officers shall be an active member of their respective department and in good standing. Span of control should be considered when deciding the appropriate number of line officers for each individual department.
- E. Administrative Officers. Each individual Fire Department can have a Secretary and a Treasurer if needed. These positions are strictly administrative and do not have any authority at an emergency incident. Additional administrative officers can be used if needed. Administrative officers shall be an active member or a member of the support staff of their respective department and in good standing.
- F. Grant County Chiefs Association. An association composed inclusive of all the fire departments' volunteer fire chiefs from the unincorporated regions of Grant County. Other Fire Department Volunteer fire chiefs within the county are welcome to be a part of the Grant County Chiefs Association
- G. County Fire Marshal. Nothing herein shall prohibit the Board of County Commissioners from establishing the position of a County Fire Marshal by resolution, and assigning the County Fire Marshal such responsibilities and obligations deemed warranted by the Board of County Commissioners.

## **ARTICLE 5: AGREEMENTS WITH OTHER GOVERNMENTAL ENTITIES**

Joint resolutions, memoranda of understanding, joint powers agreements, automatic aid agreements and mutual aid agreements between Grant County and other units of government pertaining to fire prevention, fire suppression, emergency medical services and other emergency services as well as dispatching of the same, now in force or being adopted subsequent to passage of this ordinance, are hereby expressly authorized when drawn or made in conformity to the intent and meaning of this ordinance and if required, approval by the Grant County Board of Commissioners.

All contracts or agreements entered into by individual volunteer fire departments with private agencies and emergency service agencies (fire or EMS) from outside the unincorporated regions of Grant County must be approved by the Grant County Board of County Commissioners.

## **ARTICLE 6: POLICY**

- A. The quality of life of the citizens and visitors of Grant County is enhanced by the effective administration of fire prevention, fire suppression, emergency medical services and other emergency services activities administered by Grant County.
- B. The Grant County Fire Departments are organized through the efforts of fire department volunteers to deliver quality emergency services to the citizens of Grant County.
- C. Providing these services is consistent with the constitutionally prescribed functions of government to provide for the health, safety and welfare of the general public.
- D. The Grant County Fire Departments are administered by the combined efforts of the County Fire Chief and the Department Chiefs, who are responsible for monitoring, overseeing, directing and coordinating all activities of their respective Department. The fire department boundaries presently existing are hereby ratified by the Board of County Commissioners subject to change only by proclamation. Other fire departments may be added as deemed necessary without amendment of this ordinance.
- E. Grant County recognizes that some private, non-profit, corporations perform useful functions in support of the Fire Departments. Private corporations have no authority to manage the operations of the Departments, or any part thereof. The services provided by the Grant County Fire Departments are exclusively governmental activities.

## **ARTICLE 7: COOPERATION WITH PRIVATE, NON-PROFIT, AUXILIARY ORGANIZATIONS**

In consideration of the services provided by the private, non-profit, auxiliary organizations in support of the Fire Departments, the Department Chiefs, after obtaining the approval of the County Manager, are authorized to enter into agreements with such organizations to allow the use of fire stations by such organizations for meetings, fund raising and social events, subject to the requirements of County policy dealing with the use of public buildings or facilities, so long as such meetings and events are for the sole benefit of the individual Fire Department. Any such fundraising activities shall clearly state that the funds raised are to be used for the benefit of the department; maintained in a separate line item with the department budget.

## **ARTICLE 8: RESPONSIBILITIES AND AUTHORITIES OF THE COUNTY FIRE CHIEF AND FIRE DEPARTMENT CHIEF**

- A. Each individual volunteer fire department shall have a Department Chief as defined in Article 4. The Department Chief shall work in concert with the County Fire Chief to ensure all designated responsibilities and authorities are satisfied.
- B. The Department Chief is responsible for managing and supervising the day-to-day operational activities of their respective fire department to include county owned stations, apparatus, equipment and assigned volunteer personnel
- C. The Department Chief shall be responsible for the expenditure and accounting of any funds allocated to the fire department. This includes following all established County and New Mexico State procurement policies and procedures. This also includes all policies and procedures associated with any private, state or federal grant applications and awards.
- D. The County Fire Chief, in partnership with the Department Chiefs, shall be responsible for the maintenance and protection of those licenses and authorities held by the County, as required by State and Federal regulators, for the delivery of emergency services and shall set forth the rules, regulations and reporting standards as required to maintain and protect those licenses and authorities.
- E. The Department Chief, in partnership with the County Fire Chief, shall be responsible for staffing, recruitment, training, budgeting and all other administrative matters for the respective department and for the development and improvement of the department to meet local, state and federal standards. This includes ensuring all prospective new department members receive standard background checks, New Mexico DMV checks and drug & alcohol screening before being accepted into the department.

F. The Department Chief, in partnership with the County Fire Chief, is authorized to commit fire department personnel, equipment and resources, wholly or in part, to emergency fire protection and service delivery, including established automatic aid and mutual aid agreements, for the relief of danger to life or property from accident, explosion or natural disaster.

G. The County Fire Chief, in partnership with the Department Chiefs, is authorized to enter into agreements, contracts and working arrangements with other units of government as defined in Article 5.

H. The County Fire Chief, in partnership with the Department Chiefs, is authorized to arrange communications systems and networks necessary to adequately alert, dispatch and/or communicate with facilities, equipment and personnel within County for the purpose of responding to fires, accidents, medical emergencies, explosions and natural disasters.

## **ARTICLE 9: ELECTION OF DEPARTMENT CHIEF AND OTHER OFFICERS**

Election of Department Officers will be held every two years. The election process begins with nominations for officers at the November business meeting in the election year. The Department Chief shall establish a nomination/election committee to hold and verify the count of said ballots. Each active member in good standing may select no more than two member's names for each office from a complete roster of active members in good standing on a secret written nomination ballot. Absentee nominations shall be accepted. Junior members, probationary members and general members of the department are prohibited from participating in the election process as defined in Article 10.

Two weeks after the November business meeting the nomination/election committee shall meet to count the nominations. No further nominations will be accepted after this meeting concludes. The two members receiving the most nominations for a given office shall be contacted by the nomination/election committee to determine if the member is willing to serve in that office if elected. If the member is willing to serve, then their name shall be placed on the election ballot. If no written nominations for an office are accepted, then open nominations shall be accepted from the floor at the December business meeting in the election year.

The nomination election committee shall contact all members regarding the date of the meeting to elect officers. The officers of the respective volunteer fire departments shall be elected by majority vote on a secret written ballot at the meeting in the month of December of the election year. Absentee ballots shall be allowed. All absentee ballots must be given to a member of the nomination/election committee. Absentee ballots shall not be accepted or counted by the nomination/election committee once the vote counting process starts. To ensure integrity of the election process, election ballots shall be

counted in the presence of the County Fire Chief at the December meeting. Any reported improprieties or discrepancies in the election process shall be investigated by the County Fire Chief. Each elected officer shall assume the duties of his/her respective office for the ensuing two years. During the election year departments need to coordinate their meetings with County Fire Chief to ensure they are in attendance. The County Fire Chief shall present the results of the elections to the County Manager for approval. If a vacancy occurs in the approved slate of officers, the Department Chief can appoint a member to fulfill the vacant position, on an interim basis, until the next election process is conducted.

## **ARTICLE 10: RESPONSIBILITIES AND AUTHORITIES OF OTHER FIRE DEPARTMENT PERSONNEL**

Probationary members. Probationary members of the department will serve a 6-12 month probationary period. The length of the probationary period is based on each individual department's SOGs. Probationary members are not considered active members and are prohibited from participating in the election process.

Support staff and retired members. Support staff and retired members of the department are limited in their participation in department activities. They have no authority at incident scenes and activities are limited to delivery of food and supplies and station activities are limited to general housekeeping duties. General and retired members are not considered active members and are prohibited from participating in the election process.

Junior members. Junior members are bound by the guidelines established in the County SOGs. Junior members are not considered active members and are prohibited from participating in the election process.

## **ARTICLE 11: PROCEDURE FOR ADOPTION OF FIRE DEPARTMENT STANDARD OPERATING GUIDELINES (SOGs)**

Each volunteer fire department shall maintain current versions of applicable departmental SOGs. This is in addition to established County wide SOGs. Any proposed rules and regulations, as well as modifications to any existing SOGs, shall be forwarded to the County Fire Chief and County Manager for review. The County Manager will review the modifications and report any relevant findings to the Board of County Commissioners. The Board of County Commissioners shall, through resolution, approve or disapprove all County and Department SOGs.

## **ARTICLE 12: DISCIPLINE AND REMOVAL OF MEMBERS**

### **A. Detrimental and Improper Conduct**

Each member shall be held accountable and responsible for their individual actions. No officer or member of any Department shall be exempt from these requirements. In cases where County property, department personnel, or citizens and/or their property are at risk because of the members actions, the Department Chief, County Fire Chief or the County Manager shall have the authority to place the member on immediate suspension until a hearing is held and a decision is rendered pursuant to this Ordinance.

While not intended to list all behavior and conduct that is considered unacceptable, the following are examples of misconduct that shall be considered conduct detrimental to the welfare and operation of the Department and shall be cause for disciplinary action up to and including immediate suspension and/or dismissal.

- Insubordination (Failure to follow a direct order of a superior officer); Failure to perform his/her duty; Dereliction of duty;
- Failure to follow any County policy or Standard Operating Guidelines and/or any lawful, reasonable directive given by his/her Chief/Officer;
- Performing any membership function while under the influence of alcohol, controlled substances and/or mind-altering substances or violate any part of the Grant County Drug-Free Workplace Policy. All Grant County Volunteer Fire Department members are considered to be in a “safety sensitive” position.
- Negligence in the performance of duty including negligence in the operation of County vehicles or equipment;
- Negligence or failure to adhere to established safety rules or regulations; willful unsafe conduct or action to himself, other members or the public in performance of their duties.
- Misuse or mismanagement of Department funds; falsification of records
- Conduct unbecoming an officer or member of the Department; Sexual or other unlawful or unwelcome misconduct/harassment;
- Failure to Supervise; and
- Any action, conduct or behavior that brings disrepute to the Department.

### **B. Disciplinary Process**

The Department subscribes to the concept of progressive discipline and it should be practiced as a corrective measure whenever possible. However, there are instances when a disciplinary action, including immediate dismissal, is appropriate without first having imposed a less severe form of discipline.

#### **Oral Warning/Reprimand:**

An oral warning or reprimand is used to correct minor infractions of performance, conduct or behavior. Members should be notified that further instances may require additional progressive discipline.

#### **Written Reprimand:**

A member shall receive a written reprimand when an infraction is of a greater degree of seriousness than that for which an oral reprimand may be used, or if a previous oral warning/reprimand was not effective as a corrective action.

Step 1: The Department Chief shall initiate an investigation to gather information regarding the infraction and shall appoint a department officer to assist in the investigation. The department officer shall obtain written statements from the offending member and any witnesses as part of the investigation process.

Step 2: The officer and Department Chief should meet with the member to review the information and allow the member an opportunity to respond verbally or in writing.

Step 3: If the allegations are substantiated, the officer and Department Chief shall review the information with the County Fire Chief to determine the appropriate disciplinary action to be taken.

Step 4: The officer and Department Chief shall meet with the member to issue the written reprimand. The member should be asked to sign the document to acknowledge receipt. The member's signature does not necessarily indicate concurrence with the content. If the member refuses to sign the document, the Department Chief and officer will date and sign the document to verify reprimand was issued, in person, to the member. A copy of the reprimand should be placed in the member's file.

#### **Examples of Infractions Requiring Corrective Action**

While not intended to list all behavior and conduct that is considered unacceptable, the following are examples of misconduct that warrants the initiation of a formal disciplinary process.

- Failure of a member to attend required meetings, trainings or to respond to emergency responses as required, per Department guidelines, to maintain the member's status in the Department;
- Failure to follow the requirements of a previous disciplinary action; willful misuse or abuse of Department equipment or apparatus;
- Misuse of abuse of Department insignia, identification, or privilege;
- Interference with the duties of a law enforcement officer; as specified by State Fire Marshal Regulations;
- Misrepresentation of authority and/or any act that implies an inappropriate level of authority and/or intimidates a member of the public;
- Misuse or abuse of communication equipment and/or violating Department's communication standards;
- Failure to report damage to any station, Department vehicle or equipment caused by the member or another member of the Department;
- Willful falsification of Department or District records or reports;

- Theft of, unapproved appropriation of, or modification to, Department equipment, vehicles, stations, records or supplies;
- Failure to follow and/or comply with state and county procurement codes, rules and regulations;
- Misrepresentation of qualifications, level of training or licensure or experience; Harassment (physical, mental or sexual) of another member of the Department;
- Negligent damage to property and/or person(s) misuse or abuse of Department equipment or apparatus;
- Failure to report duty injuries, accidents or vehicle collisions;
- Unauthorized use or abuse of County property (e.g. cell phones, vehicles, equipment); Fighting while on-duty or on County property;
- Failure to report loss of driver's license;
- Operation of a County vehicle or a private vehicle while on fire department business without a valid driver's license;
- Acceptance of a bribe or kick-back;
- Use of official position or authority for personal profit or advantage; Theft or destruction of County property;
- Being convicted of a felony or misdemeanor which would affect the operational efficiency or moral of the department; and
- Lying or misrepresentation to a superior officer.

C. **Return of Property.** A member must return all County property within 10 days of their separation or resignation. If a member is released from volunteer service for cause, they are not eligible to return to any County Fire Department for 5 years.

#### D. Formal Grievance and Appeal Process

This formal grievance and appeal process is applicable for disciplinary actions that include suspension, demotion or dismissal from the Department. Members, who have completed the probationary period, have the right to the grievance and appeal process.

##### 1. Request for Hearing

The member shall file a formal written request for hearing with the Chief of the Department within three (3) working days of receipt of the disciplinary action.

##### 2. Schedule Hearing

Within seven (7) working days of receipt of the written request, the County Manager or designee, shall schedule a hearing date, time and location to hear the aggrieved.

##### 3. Hearing

The County Manager, or designated hearing officer, shall hear the aggrieved and the evidence and information provided by the Department Chief. If a hearing officer has heard the aggrieved, a written recommendation shall be forwarded to the County Manager within 24 hours.

#### 4. Decision

The County Manager shall then have three (3) days to consider the information and render a written decision to the aggrieved and the Department Chief. The decision of the County Manager is final and cannot be appealed, except as provided by NMSA 1978 Section 39-3-1.1 (1999).

#### E. Removal of Department Fire Chief

Department Fire Chiefs may be removed from office by either a majority vote of the Board of County Commissioners held pursuant to the requirements of NMSA 1978 Section 10-15-1 et. seq, or by the County Manager, serving as representative of Board of County Commissioners. Department membership can request removal of the Department Fire Chief through the formal grievance process.

#### F. Criminal Charges or Convictions

In general, the private life of a member of the Department is considered personal and outside the jurisdiction and authority of the County. However, when a member's action or behavior may have a detrimental effect on the Department, another member of the Department, or the County, or when an applicant has applied for membership, such action and/or behavior shall be considered when reviewing an application for membership, or the corrective or disciplinary action or termination of that member.

Any criminal conviction occurring prior to application for membership must be disclosed by the applicant at the time of application. The information will be considered confidential by the Department and will not be shared unless it is considered to be public information by state statute, by the State Attorney General, by the County Attorney or by court of law. It should be noted that any individual who has been convicted of a crime and has subsequently served his/her sentence has the right to be considered for membership by the Department. However, the Department reserves the right to use past criminal conduct, behavior and/or conviction as a reason to deny an application for membership to the extent permitted by law. Any convictions involving moral turpitude will result in denial of application.

### **ARTICLE 13: FIRE INVESTIGATIONS AND EVIDENCE**

Preservation of a fire scene or any other incident scene is crucial if there is evidence or suspicion criminal activity is involved. If criminal activity is suspected, all responding Fire Department personnel need to ensure the scene is preserved as much as possible, the scene is protected from contamination and the Incident Commander shall limit entry to the scene to those personnel deemed absolutely necessary to ensure the chain of evidence is not compromised. Scene preservation is also crucial if an origin and cause investigation is requested by the Incident Commander. All department members are responsible for scene preservation regardless rank, prior training or education.

## **ARTICLE 14: APPARATUS AND EQUIPMENT**

Personal use of any department apparatus or equipment is strictly prohibited. Apparatus and equipment shall remain in their assigned station unless being used for emergency purposes, training or legitimate public service events. A violation of this Article will be deemed as unauthorized use or abuse of County/Department equipment or apparatus and will be cause for disciplinary action. The Department Chief is responsible for station assignment of department apparatus based on need and other relevant factors. Department command vehicles are not bound by the requirements of Article 14.

## **ARTICLE 15: SEVERABILITY**

If any article, sub-article, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of County Commissioners of the Grant County hereby declares that it would have passed this ordinance and each article, sub-article, sentence, clause, word, or phrase thereof, irrespective of the fact that any one or more Articles, sub-Articles, sentences, words or phrases be held unconstitutional or otherwise invalid.

## **ARTICLE 16: EFFECTIVE DATE**

This Ordinance shall take effect and be in force thirty days after it is recorded by the County Clerk in the book kept by the county for that purpose.

**PASSED, APPROVED, AND ADOPTED**, by the Board of Commissioners of Grant County, New Mexico, this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

**Board of Grant County Commissioners:**

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**Chris Ponce, Chair**

[SEAL]

**ATTEST:**

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**Eloy Medina, Vice-Chair**

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**Marisa Castrillo,  
Grant County Clerk**

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**Gerald W. Billings Jr., District 4**

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**Harry Browne, District 5**

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**Alicia Edwards, District 3**

