

STATE of NEW MEXICO
COUNTY of GRANT
RESOLUTION# R-25-51

A RESOLUTION AMENDING THE APPROVED AND ADOPTED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2024, AND FOR COUNTY PURPOSES IN THE COUNTY OF GRANT, SILVER CITY, NEW MEXICO, TRANSFERRING AND APPROPRIATING FUNDS THEREOF,

WHEREAS, the Board adopted a budget for the County of Grant for the fiscal period beginning the first day of July 2024; and

WHEREAS, unanticipated obligations and revenues have now been revealed, requiring and justifying the budgetary increases, decreases, and transfers as outlined in attachment Exhibit A; and

WHEREAS, it has been determined that resources are available and sufficient to provide for the requirement as set forth above in the designated funds, respectively; and

WHEREAS, the Manager of the County of Grant has submitted the same to the Board of County Commissioners, and the Board has received said recommended adjustments and found them to be acceptable and in conformance with the needs of the County of Grant's budget for the fiscal year beginning July 1, 2024.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of the County of Grant, Silver City, New Mexico;

Section I: The Budget approved by the Board is hereby amended for the fiscal period July 1, 2024, to June 30, 2025, pursuant to the County Manager's aforesaid recommendation.

Section II: The Local Government Division of the State Department of Finance and Administration is hereby requested to authorize and approve the budgetary increases, decreases, and transfers enabled by the Resolution.

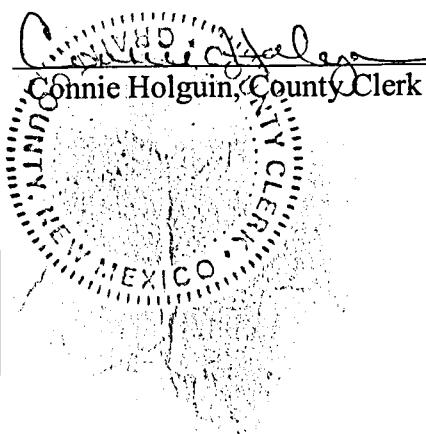
Section III: The Board of County Commissioners, considering the need, safety, and welfare of the County of Grant, has determined and approved the adoption of this Resolution.

Section IV: This Resolution shall be in full force and effect from and after its passage as provided by law.

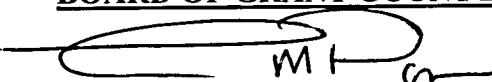
PASSED, ADOPTED, AND APPROVED at Grant County, Silver City, New Mexico, this 24th day of July 2025.

ATTEST:

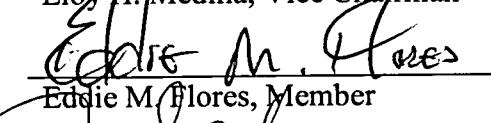
Connie Holguin, County Clerk

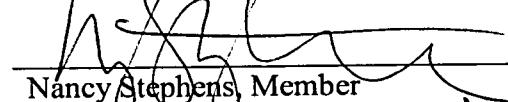


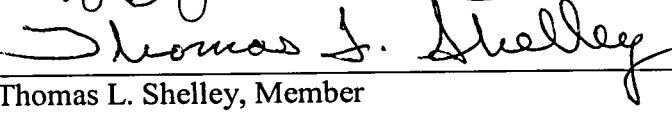
BOARD OF GRANT COUNTY COMMISSIONERS


Chris M. Ponce, Chairman


Eloy H. Medina, Vice Chairman


Eddie M. Flores, Member


Nancy Stephens, Member


Thomas L. Shelley, Member



New Mexico

Department of Public Safety

MICHELLE LUJAN GRISHAM
GOVERNOR

JASON R. BOWIE
CABINET SECRETARY

W. TROY WEISLER
CHIEF / DEPUTY SECRETARY

SYLVIA M. SERNA
DEPUTY SECRETARY

March 28, 2025

Grant County
1400 Highway 180 E
Silver City, NM 88061

Attn: Raul Villanueva

Re: Law Enforcement Retention Fund – Notice of Intent to Disburse

Dear Valued Law Enforcement Partner:

DPS is in receipt of the Grant County request for a disbursement of funds from the Law Enforcement Retention Fund [“LERF”] for the purpose of providing law enforcement retention differential disbursements to the Grant County Sheriff’s Office officers listed on Exhibit A and paying the employer tax liability (consisting of payroll taxes outlined in the Federal Insurance Contribution Act for Social Security and Medicare but not any employer contribution for retirement or other benefit plans) related to each law enforcement retention differential disbursement to be paid.

DPS has reviewed the information the Grant County Sheriff’s Office submitted to the DPS as required by NMSA 1978 Section 9-19-14 and the then extant permanent rule NMAC 10.2.4.9 in order to be an agency eligible to receive monies from the LERF. The information submitted appears to substantially comply with that required to be submitted by the statute and the rule.

Based on the information provided by the Grant County for each officer for whom a request was made, DPS has asked the Secretary of the Department of Finance and Administration [“DFA”] to issue a warrant to the Grant County in the amount of \$12,314.41. Of the \$12,314.41, \$12,138.40 is attributable to the projected retention differential disbursement [“PRDD”] and \$ 176.01 if applicable, is attributable to the employer tax liability for Federal Insurance Contribution Act [“FICA”] and/or Medicare.

Since the balance in the LERF is sufficient to pay all PRDDs requested by all eligible law enforcement agencies as well as the employer tax liability for FICA and/or Medicare, attributable to each PRDD requested, no pro rata deduction was applied to the amounts requested.

1. **Acknowledgement:** If you believe the amount that DPS (Department of Public Safety) is advising DFA (Department of Finance and Administration) will be disbursed to your agency for the purpose of paying retention differentials and employer tax liabilities is correct, you should:
 - o Sign the acknowledgement form.
 - o Return the signed form to the provided email address DPS.LERF@dps.nm.gov within 15 calendar days from the date of the notice.
2. **Objections:** If you believe the disbursement amount is incorrect, your agency has 15 calendar days from the date of receiving the notice to submit any objections. You would need to send these objections to the same email: DPS.LERF@dps.nm.gov

DPS will review your objections and respond as soon as possible.

Please be advised that disbursement of LERF funds to Grant County, obligates the Grant County to the following:

- 1) Any monies disbursed to for the purpose of paying PRDDs and related tax liability may not be paid to an eligible officer until the date the officer attains eligibility²;
- 2) Once an officer attains eligibility, the PRDD should be paid to the officer no later than thirty (30) days following the date the officer attains eligibility. If an officer has attained eligibility, but departs from the agency prior to the disbursement of LERF funds to your agency, the officer shall remain eligible for payment;
- 3) Tax liability for FICA and Medicare related to the PRDD must be paid in accordance with applicable law;
- 4) Monies disbursed for the purpose of providing PRDDs to those officers who are projected to, but who have not yet attained eligibility therefore, should be placed in an interest-bearing account;
- 5) Monthly reporting to DPS on or before the tenth (10th) day of the month following the disbursement of funds to an eligible officer or the non-disbursement of funds to an officer projected to be but ultimately found to be ineligible for a disbursement. The monthly reporting will include the name of the officer, the amount paid or not paid and, if not paid, the reason therefore;
- 6) Monies disbursed from the LERF which are not paid out as PRDD or taxes by your agency, shall be reported to DPS as not having been paid out, no later than July 21, 2025. DPS will provide a reporting template for your use. All funds shall be returned to DPS for redeposit into the LERF no later than August 21, 2025.

If you are a state agency and have not been contacted by DPS with respect to the detailed SHARE accounting information needed to disburse funds to your agency via operating transfer, please contact Christina Tyson, State Projects Staff Manager, at christina.tyson@dps.nm.gov or 505-629-8865. Disbursement will not occur until DPS has been provided with the detailed account information and financial point-of-contact required.

² The officer attains eligibility to receive the PRDD the day following the date on which the officer completes one year more than four, nine, fourteen, nineteen or twenty-plus years of eligible employment.

If you are not a state agency, a manual warrant will be issued for the monies to be disbursed to you from the LERF. If you have not already done so, please contact Christina Tyson, State Projects Staff Manager, at christina.tyson@dps.nm.gov or 505-629-8865 to advise her of:

- 1) The legal name of the entity entitled to receive the LERF funds, e.g., the City of _____, etc.; and
- 2) The name or job title and preferably, both, and the address of the individual to whose attention the warrant should be addressed for delivery by certified mail, return receipt requested.

Should you have any questions regarding this Notice of Intent to Disburse, please do not hesitate to contact Christina Tyson, State Projects Staff Manager at DPS.LERF@dps.nm.gov.

Very truly yours,



Jason R. Bowie
Cabinet Secretary

Cc: Anthony Bencomo
Charlene Webb

ACKNOWLEDGEMENT

I hereby swear or affirm under penalty of perjury that I, _____ on behalf of the Grant County have received this Notice of Intent to Disburse to the Grant County from the LERF the sum of \$12,314.41. I understand that of \$12,314.41, disbursed, \$12,138.40 is attributable to the PRDD and \$ 176.01 is attributable to the employer tax liability for Federal Insurance Contribution Act ["FICA"] and/or Medicare. I further acknowledge the obligations placed on the Grant County as set forth in the Notice of Intent to Disburse with respect to the receipt, handling, further disbursement and return of the monies disbursed from the LERF.

Date: _____

Printed name and job title of
individual legally authorized to bind the
agency

Signature of individual legally authorized
to bind the agency

Agency	Officer ID	Name	Year	Compensation	5% PRDD	Social Sec	Medicare	Total	LERF	Agency Hire Date	Payout Date	Note
Grant County Sheriff's Office	404	Jacob D Martinez	14.00	\$ 65,166.00	\$ 3,258.30	\$ -	\$ 47.25	\$ 3,305.55	11/23/2009	11/23/2024		
Grant County Sheriff's Office	490	John A Hiebert	4.63	\$ 58,400.00	\$ 2,920.00	\$ -	\$ 42.34	\$ 2,962.34	8/24/2020	8/24/2024		
Grant County Sheriff's Office	400	John B Reyes	9.00	\$ 68,424.00	\$ 3,421.20	\$ -	\$ 49.61	\$ 3,470.81	7/28/2014	7/28/2024		
Grant County Sheriff's Office	487	Shelby C Mead	4.00	\$ 50,778.00	\$ 2,538.90	\$ -	\$ 36.81	\$ 2,575.71	10/14/2019	10/14/2024		
Totals			4.00	\$ 242,768.00	\$ 12,138.40	\$ -	\$ 176.01	\$ 12,314.41				

STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND
FINANCIAL CONTROL DIVISION
REQUEST FOR POLICY EXEMPTION

Check the appropriate policy request:

New Exemption Existing Exemption Exemption Number FY25-018

State the DFA/FCD policy, procedure, or memorandum from which you are requesting an exemption:

Manual of Model Accounting Practices
 FIN 4.5 Exemptions from Compliance with Encumbering Policies
 FIN 5.2 (D) (6) Disbursement Requirements

Law Enforcement Retention Fund (LERF) authorizations:
 Laws of 2022, Chapter 56 for House Bill 68, and amended in
 Laws of 2024, Chapter 47 for House Bill 193

State the exemption requested and provide a complete justification:

Law Enforcement Retention Fund (LERF) Invoices and Disbursements

The New Mexico Department of Public Safety (NMDPS) requests an exemption from requiring a Purchase Order to disburse LERF payments and based on invoices generated by the NMDPS LERF portal. The portal was developed and is maintained by an external contractor and LERF activity is administered by the NMDPS specifically the Special Projects Unit. The portal collects and maintains data submitted by statewide law enforcement agencies for the purpose of providing differential disbursements to eligible law enforcement officers employed by that law enforcement agency.

An invoice will be created based on data validated from the portal which includes SHARE Supplier information, funding string, to include SHARE Account Code, brief description and funding authorization, dollar amount, and request for ACH or warrant.

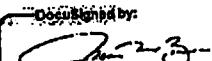
Payments may/will be expensed in the following account codes:

547400 - Grants to Local Governments
 547410 - Grants to Public Schools and Universities
 547415 - Grants to Local Government Non Oper
 547420 - Grants to Higher Ed (CAFR)
 547430 - Grants to Native American Indians
 547440 - Grants to Other Entities
 547450 - Grants to Other State Agencies

The NMDPS has internal controls in place to monitor this program activity.

Fund Code 68480 Business Unit 79000 Department 1010000000

Date Exemption Requested for: FY25 (Jul 1, 2024 to Jun 30, 2025)

Signed by Requesting Authority:  Date: 7/10/2024
 (Cabinet Secretary/Agency Director)

For FCD Use Only

Approved by:  Date: 7/20/24
 (Financial Control Division Director)

Expiration Date: 6.30.25