

RESOLUTION

WHEREAS, Torrance County Commission has been advised that the U.S. Supreme Court's recent decision in Garcia v. San Antonio Metropolitan Transit Authority mandates the application of the Fair Labor Standards Act (FLSA) to local governmental entities in all aspects regardless of function or service provided. The application of this decision directing compliance with the requirements of the FLSA will have disastrous effects on the budgets of local governments in light of the many cutbacks experienced by local political subdivisions at both the State and Federal levels. In many instances, local governments are the only provider of the services which will now fall under the guidelines of the FLSA and yet their services are not comparable to any services wholly provided in the private section (i.e. law enforcement, fire protection, emergency medical services, public works services such as highway and drainage projects and sanitary landfill maintenance, etc.). And further, inasmuch as local governments have provided these services on an as needed basis, which in many cases exists on a twenty-four hours-a-day emergency time-frame contradicting the original purposes of the FLSA which was to act as a fair labor measure covering private enterprises engaged in competitive manufacturing or production of goods for sale to the public. Requiring local governments to comply with this Act will serve as a deterrent to the efficient and economical operations of the the local public sector which is made up by the people and operates solely to serve the people, and

WHEREAS, the application of this Act specifically in Torrance County will be at a cost in excess of approx. Fifteen thousand (\$15,000) dollars and funding will be accomplished through revenues based mainly on taxes

collected from the citizens of Torrance County with no additional services provided as a result of this increased cost and quite possibly a curtailment of services which could be provided.

NOW, THEREFORE, BE IT RESOLVED that Torrance County Commission strongly urges that our New Mexico Congressional Delegates work to enact legislation which would reverse the Garcia decision and make the FLSA inapplicable to local governmental entities which provide these needed services on behalf of, and for the public at large. If this relief is not provided, it is very likely that all county and municipal governments shall be forced to reduce needed services, and

BE IT FURTHER RESOLVED that, if this request cannot be acted upon favorably, such legislation may be enacted to exempt from FLSA coverage those employees who perform necessary and required services which occur on a non-routine basis which are unique to local governmental entities such as police protection, emergency medical and rescue services, water and sewer services, public works, and fire protection, and

BE IT FURTHER RESOLVED that each member of the New Mexico Congressional Delegation be presented with a copy of this resolution and urged to work to correct this manifest injustice placed on the taxpayers who fund local government services statewide and nationally.

ADOPTED this 25th day of September, 1985.

(SEAL)

Shirley Chilton
TORRANCE COUNTY
COMMISSION CHAIRMAN

ATTEST:

Debra Sutherland
Clerk of County Commission

MEMBERS OF COUNTY COMMISSION

Ronnie Harral

Gary Watts

Voting yes

Voting yes