



VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2024- 18

REQUIRING THAT PRIVATE ORGANIZATIONS RECEIVE PRIOR APPROVAL FROM THE BOARD OF
COUNTY COMMISSIONERS BEFORE THE COUNTY WILL ACT AS THE FISCAL AGENT FOR
LEGISLATIVE APPROPRIATIONS

WHEREAS, the Board of County Commissioners met upon notice of meeting duly published on February 21, 2024 at 5:00 p.m. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, Valencia County frequently receives appropriations from the New Mexico Legislature that are intended to support the needs of local organizations, and the County is expected to survive as the fiscal agent for such appropriations, disburse and monitor expenditures from the appropriations under a grant agreement; and,

WHEREAS, as a result of Article IX, Section 10 of the New Mexico Constitution, which with limited exception prohibits donations to private persons, corporations, non-profit organizations or other non-governmental organizations, structuring transactions so as to avoid constitutional issues with these organizations can often be difficult; and,

WHEREAS, it is conceivable that some appropriations would not be sought at all if the difficulty of complying with Article IX Section 10 were known before the appropriation was sought; and,

WHEREAS, a simple change in the appropriation procedure might bring together the County and organizations seeking funds from the Legislature in advance of a session to determine whether an appropriate transaction is feasible given the need; and,

WHEREAS, it is the desire of the Board that such an application procedure be developed and that funds appropriated to organizations who fail to follow the procedure are not accepted by the County.

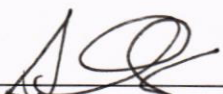
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Valencia County shall only act as a fiscal agent for legislative appropriations to organizations when that organization has received prior approval from the County to request a Legislative appropriation.

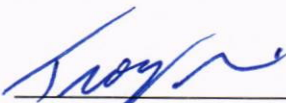
2. The requirements for prior approval shall be established by the Board of County Commissioners and at a minimum shall include completion of an application promulgated by the Manager, tentative completion of the appropriate agreement or agreements needed to complete the transaction, identification of a possible sponsor, and, if appropriate, inclusion of the proposed project in the County's Infrastructure Capital Improvement Plan.
3. If the project is not exempt from the Anti-donation Clause the organization will be required to provide fair market value services requested by the County in exchange for capital outlay funds or the County will retain ownership of any assets purchased.
4. The Organization shall complete a statement acknowledging that any projected funded by appropriations granted to the County of Valencia, even if sought by the organization, will be owned and administered by the County of Valencia pursuant to its procurement policy and other applicable County rules and regulation.
5. Prior Approval shall be granted no later than four (4) weeks prior to the legislative session.

APPROVED, ADOPTED, AND PASSED on this 21st day of February 2024.

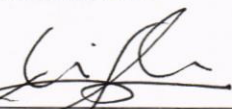
BOARD OF COUNTY COMMISSIONERS




Gerard Saiz
Chairman District I



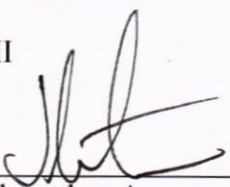
Troy Richardson
Commissioner, District II



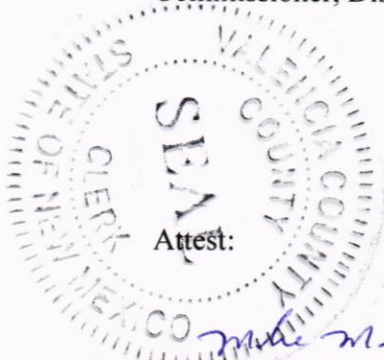
Morris Sparkman
Commissioner, District III

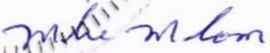


Joseph Bizzell
Commissioner, District IV



Jhonathan Aragon
Vice-Chairman, District V



Attest:


Mike Milam, County Clerk