



THE BOARD OF COUNTY COMMISSIONERS
OF TORRANCE COUNTY

Resolution 2009-31

REQUIRING THAT ORGANIZATIONS RECEIVE PRIOR APPROVAL FROM THE BOARD OF COUNTY COMMISSIONERS BEFORE THE COUNTY WILL ACT AS THE DISBURSING AND MONITORING AGENT FOR LEGISLATIVE APPROPRIATIONS.

WHEREAS, Torrance 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 serve 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 prohibits donations to corporations 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 appropriations 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 BY THE BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

1. The County of Torrance shall only act as a fiscal agent, disbursement and monitoring agent for legislative appropriations to organizations when that organization has received prior approval from the County to request a Legislative appropriation.

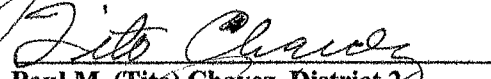
2. The requirements for prior approval shall be established by the Board of County Commissioners by resolution but shall, at a minimum, include completion of an application, tentative completion of the appropriate agreement or agreements needed to complete the transaction, identification of a possible sponsor, and, if appropriate, inclusion of the proposed project in the County's Infrastructure Capital Improvement Plan.
3. Prior approval shall be granted no later than four (4) weeks prior to the legislative session.

PASSED, APPROVED, and ADOPTED this 22nd day of July, 2009.

TORRANCE COUNTY COMMISSION



Jim Frost, District 1



Paul M. (Tito) Chavez, District 2



Venessa Chavez-Guerrero, District 3



Dennis Wallin, County Attorney

