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**TORRANCE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. R 20192020 - 07**

**TORRANCE COUNTY PROPERTY DISPOSITION POLICY**

**WHEREAS**, in the course of providing services to the people of Torrance County, it is necessary to dispose both real and tangible personal property; and

**WHEREAS**, many factors including wear, obsolescence, safety, changing conditions, economics and more, contribute to the need to dispose of public property owned by Torrance County; and

**WHEREAS**, NMSA 1978 § 13-6-1 et. seq., enumerates specific requirements for the disposal of tangible personal property that entail notification of the Department of Finance Administration and Office of the State Auditor; and

**WHEREAS**, real property valued in excess of twenty-five thousand (\$25,000) dollars requires approval by the State Board of Finance prior to final disposition; and

**WHEREAS**, the Board of County Commissioners desires to create an effective process for the efficient disposal of real and tangible personal property in compliance with New Mexico State Statute.

**NOW, THEREFORE BE IT RESOLVED** this Property Disposition Policy is hereby adopted, repealing and replacing any previous policy controlling the disposal of Torrance County property.

**Property Disposition Committee**

The Board of County Commissioners hereby forms the Property Disposition Committee (hereinafter "Committee") composed of the County Manager, Operations Manager, and Finance Director. The Committee shall be empowered to recommend to the Board of County

1 Commissioners (“Commission”) the transfer, sale, donation, destruction, or other disposition of  
2 all real or tangible personal property owned by Torrance County.

### 3 **Section I**

#### 4 **Property Disposition Process**

5 Torrance County Department Heads and Elected Officials shall provide a list of property  
6 for review by the Committee that specifically identifies the property, justification for disposal,  
7 estimated current value, and proposed method of final disposition. Each member of the  
8 Committee shall review the proposed disposition and upon approval of a majority of the  
9 Committee members, present the proposed disposition (either as originally proposed by a  
10 Department Head or Elected Official or as amended by the Committee) in the form of a written  
11 resolution to the Commission for approval, as required by NMSA 1978, Section 13-6-1(A), and  
12 inclusion in the minutes of a properly noticed meeting of the Board of County Commissioners.

### 13 **Section II**

#### 14 **Tangible Personal Property with a Current Resale Value of \$5,000 or Less**

15 In cases where the current value of the tangible personal property is five thousand dollars  
16 (\$5,000) or less, the County Manager or designee (hereinafter “Manager”) shall send to the  
17 Office of the State Auditor (“OSA”) a notification that includes a cover letter and a signed copy  
18 of the Commission’s signed Disposition Resolution. Not less than thirty (30) days subsequent to  
19 this notification to the OSA, the tangible personal property shall be disposed of in the manner  
20 indicated by the Disposition Resolution per NMSA 1978, Section 13-6-1(D through L) and  
21 removed from the County’s capital asset list if applicable after the disposition.

1 **Section III**

2 **Tangible Personal Property Valued over \$5,000 or Real Property Valued over \$5,000 but**  
3 **not more than \$25,000**

4 If the tangible personal property's current value is in excess of five thousand dollars  
5 (\$5,000) or real property's current value is over five thousand dollars (\$5,000) but not more than  
6 twenty-five thousand dollars (\$25,000), the Committee and Manager, except as otherwise  
7 provided by NMSA 1978, Section 13-6-2(B), shall follow the same process as defined in  
8 Sections I and II, with the following additions:

9 **A.** Following Commission approval, the Manager shall submit a request to the  
10 Department of Finance Administration Local Government Division (hereinafter  
11 "LGD") for approval of property disposition as required by NMSA 1978, Section 13-  
12 6-2(D). Included with the request shall be a cover letter and a signed copy of the  
13 Commission's Disposition Resolution.

14 **B.** In cases where the County wishes to dispose of real property, the Manager shall also  
15 include an appraisal and a copy of the quitclaim deed.

16 Upon receipt of approval from LGD, the Manager shall transmit LGD's approval along  
17 with all of the materials the County provided to LGD to the Office of the State Auditor if  
18 the disposition involves tangible personal property. If LGD exercises its authority under  
19 NMSA 1978 § 13-6-2(F), the real or tangible personal property shall be offered for sale  
20 or donation to a state agency, local public body, school district, or state educational  
21 institution. Otherwise, the property shall be disposed of in the manner prescribed by the  
22 Commission's Disposition Resolution and removed from the County's capital asset list  
23 after the disposition.

1 **Section IV**

2 **Real Property with a Value greater than \$25,000**

3 Proposed sale, trade or lease of real property with a lease period of more than five  
4 years or with a value in excess of twenty-five thousand dollars (\$25,000) shall follow the  
5 applicable requirements of Sections I, II and III and shall also require the prior approval  
6 of the New Mexico Board of Finance per NMSA 1978, Section 13-6-2.1.

7 **DONE THIS 12<sup>th</sup> DAY OF FEBRUARY, 2020.**

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9  
10 **APPROVED AS TO FORM ONLY:**

**BOARD OF COUNTY COMMISSIONERS**

11 *[Signature]* 2/12/20  
12 County Attorney Date

*[Signature]*  
13 Ryan Schwebaeh, Chair

*[Signature]*  
14 Javier Sanchez, Vice Chair

*[Signature]*  
15 Kevin McCall, Member

16  
17 **ATTEST:**

18 *[Signature]*  
19 Linda Jaramillo, County Clerk

20  
21  
22 Date: 2-12-2020

