

SANTA FE COUNTY RESOLUTION NO. 2009-118

A RESOLUTION

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

WHEREAS, within Santa Fe County, there are various nonprofits that provide important services to the public; and

WHEREAS, Santa Fe County recognizes the benefit of collaborating with nonprofit organizations, when appropriate; and

WHEREAS, the Santa Fe 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 function as the fiscal agent by disbursing and monitoring 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 of the New Mexico Constitution 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 a transaction is feasible given the need; and

WHEREAS, it is the desire of the Board that 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 Santa Fe shall only act as a fiscal agent for legislative appropriations to firms, organizations, corporations, or associations when those entities have received prior approval from the County to request a Legislative appropriation.
2. Procedures for approval shall be developed by staff.
3. Organizations must seek prior approval from the county each year that a legislative appropriation is requested.

PASSED, APPROVED, and ADOPTED this 14 day of July, 2009.

[Signature]
 MICHAEL D. ANAYA, CHAIR

ATTEST:

[Signature]
 VALERIE ESPINOZA, SANTA FE COUNTY CLERK



APPROVED AS TO FORM:

[Signature] 7-13-09
 STEPHEN C. ROSS, SANTA FE COUNTY ATTORNEY



COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 15TH Day Of July, 2009 at 01:11:40 PM And Was Duly Recorded as Instrument # 1570488 Of The Records Of Santa Fe County

Deputy *[Signature]* Witness My Hand And Seal Of Office Valerie Espinoza County Clerk, Santa Fe, NM