

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2014 - 143

**A RESOLUTION ESTABLISHING SIGNATURE AUTHORITY OF THE COUNTY
MANAGER WITH RESPECT TO CERTAIN AGREEMENTS AND APPLICATIONS
AND RATIFYING CERTAIN INTERGOVERNMENTAL AGREEMENTS
PREVIOUSLY SIGNED BY THE COUNTY MANAGER BASED UPON APPARENT
AUTHORITY**

WHEREAS, Santa Fe County (County) enters into numerous agreements each year, including grant agreements, that often do not involve significant policy questions, are often part of the routine day-to-day business of the County, and are often time-sensitive; and

WHEREAS, it is therefore appropriate and in furtherance of the efficient operation of County government to delegate to the County Manager the authority to execute agreements within limits prescribed by the Board of County Commissioners (BCC); and

WHEREAS, the BCC has previously delegated general signature authority to the County Manager in various resolutions, including the County's Purchasing Regulations and Policy Manual (Purchasing Regulations); and

WHEREAS, the Purchasing Regulations do not apply to grant agreements and real property transactions, making them a poor fit for delegated signature authority with respect to such agreements; and

WHEREAS, this structural issue has caused confusion with respect to the County Manager's signature authority, as described in the following recitals; and

WHEREAS, in Resolution No. 2006-114, the BCC delegated to the County Manager "the authority and responsibility to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a contract accepting a grant, and a cooperative agreement with another agency, up to the sum of one hundred thousand dollars (\$100,000)" as well as the authority to sign contract amendments extending the term of the contract; and

WHEREAS, in Resolution No. 2009-91, as amended by Resolution No. 2009-102, the Board amended Resolution No. 2006-114 to increase the County Manager's signature authority over such agreements to "the sum of Two Hundred and Fifty Thousand dollars (\$250,000) or less"; and

WHEREAS, on April 10, 2012, the BCC adopted Resolution No. 2012-57 "to clarify matters concerning County's procurement practices"; and

WHEREAS, notwithstanding its focus on procurement practices, Resolution No. 2012-57 rescinded Resolution Nos. 2006-114 and 2009-102 in their entirety, including the provision that addressed the County Manager's authority to approve a contract creating revenue for the County, a Memorandum of Agreement, a Memorandum of Understanding, a grant application, a

contract accepting a grant, and a cooperative agreement with another agency, for the sum of two hundred and fifty thousand dollars (\$250,000) or less; and

WHEREAS, by the adoption of Resolution No. 2012-57, the BCC did not intend to rescind the County Manager's authority with respect to contracts creating revenue for the County, Memoranda of Agreement, Memoranda of Understanding, grant applications, contracts accepting grants, and cooperative agreements, for the sum of two hundred and fifty thousand dollars (\$250,000) or less, and the County Manager has, with the BCC's knowledge, continued to sign such agreements since the adoption of Resolution No. 2012-57; and

WHEREAS, the BCC desires to remedy any ambiguity caused by Resolution No. 2012-57 with respect to such agreements by expressly reestablishing the County Manager's signature authority with respect to such agreements and to ratify all such agreements that the County Manager has signed since the adoption of Resolution No. 2012-57; and

WHEREAS, it is desirable to memorialize the County Manager's general signature authority in a single resolution and to increase the County Manager's general signature authority with respect to certain real property transactions.

NOW, THEREFORE, BE IT RESOLVED by the BCC:

1. **Definitions.** As used in this Resolution, the following terms and symbols have the following meanings:

- a. "BCC" means the Board of County Commissioners.
- b. "Contract" means a contract for the purchase of tangible personal property or services, including professional services, regardless of whether the contract is exempt from the Procurement Code and regardless of the title of the contract.
- c. "County" means Santa Fe County.
- d. "Grant" means all non-exchange transactions pursuant to which a governmental agency or person grants or donates money, services, and personal property to the County for general or limited purposes.
- e. "Grant agreement" means the agreement pursuant to which a grant is made to the County, regardless of whether the agreement is titled as a grant agreement, a memorandum of agreement, a memorandum of understanding, a cooperative agreement, or some other title.
- f. "Purchasing Regulations" means the County's Purchasing Regulations and Policy Manual, as adopted by Resolution No. 2006-60 and amended by Resolution Nos. 2009-91, 2009-102 and 2012-57.
- g. "Services" and "Professional Services" have the meanings ascribed to them in the State Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199 NMSA 1978, as such may be amended from time to time.
- h. "Signature Authority" means the authority to sign a document on behalf of the County and bind the County to the terms thereof.
- i. In the charts in Section 3:

1) a "Y" means that the agreement is within the signature authority of the official or body; a "N" means that it is not;

2) \leq means less than or equal to; and

3) $>$ means greater than.

2. Signature Authority: General Rules.

a. The County Manager is not required to make a decision with respect to a document within the County Manager's signature authority. Rather, the County Manager may bring any document within the County Manager's signature authority to the BCC for consideration, approval, or disapproval.

b. When the County Manager is unavailable, the County Manager may sub-delegate the County Manager's signature authority to another County employee during the period of unavailability; provided such sub-delegation must be in writing.

c. The BCC may grant the County Manager additional signature authority with respect to any transaction through ordinance, resolution, or other appropriate BCC action.

d. All dollar figures used in Section 3 of this Resolution are exclusive of applicable gross receipts and governmental gross receipts tax.

e. The County Manager may approve amendments to agreements originally signed by the County Manager, provided the agreement, as amended, remains within the County Manager's signature authority.

f. Terms include all possible extensions or renewal terms. For example, for purposes of determining signature authority, the term of a lease with a one-year initial term and an option to extend for an additional six-month term would be 1.5 years.

g. Contract sums, grant revenue to the County, and consideration to be paid under real estate contracts are determined based upon the entire term of the agreement rather than by fiscal year, calendar year, or any other period.

3. Signature Authority: Specific Types of Transactions.

a. Contracts.

	<u>Original Contract</u>		<u>Amendments to Contracts Approved by the County Manager</u>		<u>Amendments to Contracts Approved by the BCC</u>	
	<u>Contract Sum</u>		<u>Amended Contract Sum</u>		<u>Increase to Contract Sum Approved by BCC Due to Amendments</u>	
Official or Body	\leq \$250,000	$>$ \$250,000	\leq \$250,000	$>$ \$250,000	\leq 10% and \leq \$500,000	$>$ 10% or $>$ \$500,000
County Manager	Y	N	Y	N	Y	N
BCC	Y	Y	Y	Y	Y	Y

b. Grant Agreements.

	<u>Original Grant Agreement</u>		<u>Amendments to Grant Agreements Approved by the County Manager</u>		<u>Amendments to Grant Agreements Approved by the BCC</u>	
	<u>Grant Revenue to County</u>		<u>Amended Grant Revenue to County</u>		<u>Increase to Grant Revenue to County Approved by BCC Due to Amendments</u>	
Official or Body	≤ \$250,000	> \$250,000	≤ \$250,000	> \$250,000	≤ 10% and ≤ \$500,000	> 10% or > \$500,000
County Manager	Y	N	Y	N	Y	N
BCC	Y	Y	Y	Y	Y	Y

The County Manager is also authorized to approve and sign on behalf of the County all grant applications, except for grant applications that would commit the County to accept a grant the amount of which is beyond the signature authority of the County Manager.

c. Agreements Related to County Owned Real Property. As used herein, "Agreements Related to County Owned Real Property" means leases, licenses, temporary easements, and other agreements of limited duration allowing a party the right to use or occupy real property.

	<u>Original Agreements Related to County Owned Real Property</u>		<u>Amendments to Agreements Related to County Owned Real Property Approved by the County Manager</u>		<u>Amendments to Agreements Related to County Owned Real Property Approved by the BCC</u>
	<u>Term and Payments to County</u>		<u>Amended Term and Payments to County</u>		
Official or Body	≤ 1 year and ≤ \$250,000	> 1 year or > \$250,000	≤ 1 year and ≤ \$250,000	> 1 year or > \$250,000	
County Manager	Y	N	Y	N	N
BCC	Y	Y	Y	Y	Y

d. Agreements Related to Real Property Owned by a Third Party. As used herein, "Agreements Related to Real Property Owned by a Third Party" means leases, licenses, temporary easements, and other agreements of limited duration allowing the County the right to use or occupy real property.

BCC CLEAR RECORDS 12/18/2014

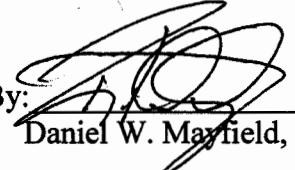
	Original Agreements Related to Real Property Owned by a <u>Third Party</u>		Amendments to Agreements Related to Real Property Owned by a Third Party Approved by the <u>County Manager</u>		Amendments to Agreements Related to Real Property Owned by a Third Party <u>Approved by the BCC</u>
	Term and Consideration Payable by County		Amended Term and Consideration Payable by County		
Official or Body	≤ 4 years and ≤ \$250,000	> 4 years or > \$250,000	≤ 4 years and ≤ \$250,000	> 4 years or > \$250,000	
County Manager	Y	N	Y	N	N
BCC	Y	Y	Y	Y	Y

4. **Previous Agreements Ratified.** The Board hereby ratifies all contracts creating revenue for the County, Memoranda of Agreement, Memoranda of Understanding, grant applications, contracts accepting grants, and cooperative agreements with other governmental entities, for the sum of two hundred and fifty thousand dollars (\$250,000) or less, that were signed by the County Manager from April 10, 2012, through the date this Resolution is adopted.

5. **Previous Resolutions and Policies Rescinded.** Any resolution or policy of the County that is inconsistent with the general, non-transaction specific signature authority established herein is hereby rescinded, including, but not limited to, Section 74(B) and Section 74(C) of the Purchasing Regulations.

PASSED, APPROVED, AND ADOPTED this 9th day of December, 2014.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

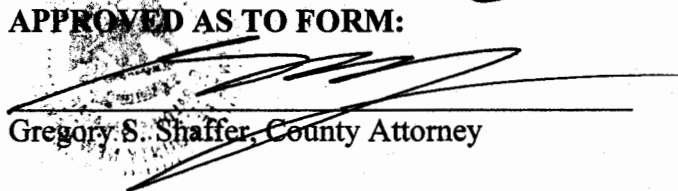
By: 
 Daniel W. Mayfield, Chair

ATTESTED:

 Geraldine Salazar, County Clerk

12-9-2014



APPROVED AS TO FORM:

 Gregory S. Shaffer, County Attorney

2014 DEC 9 10:23 AM

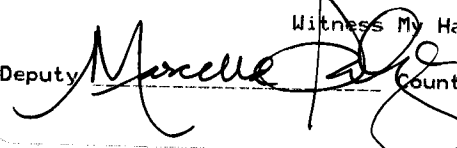
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of December, 2014 at 12:07:05 PM
And Was Duly Recorded as Instrument # 1752638
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy



Geraldine Salazar
County Clerk, Santa Fe, NM

