

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

RESOLUTION NO. 2019 102, A RESOLUTION RESCINDING AND  
REPLACING RESOLUTION NO. 2009-118, AND ADOPTING A  
PROCEDURE FOR PRIVATE OR NON-GOVERNMENTAL  
ORGANIZATIONS TO REQUEST THE COUNTY TO ACT AS FISCAL  
AGENT FOR LEGISLATIVE APPROPRIATIONS

**WHEREAS**, on July 14, 2009, the Board of County Commissioners (“Board”) adopted Resolution No. 2009-118, that directed staff to develop a procedure for non-governmental organizations to coordinate with Santa Fe County (“County”) before the organization requests legislative appropriations for which the County would serve as fiscal agent; and

**WHEREAS**, the Board has not formally adopted procedures for such coordination; and

**WHEREAS**, the County recognizes the extraordinary benefits of coordinating with private or non-governmental organizations that provide services and activities that benefit the public and residents of the County; and

**WHEREAS**, the County regularly receives legislative appropriations that appropriate funds to support or benefit private or non-governmental organizations that provide services to the public, and the County is expected to serve as the fiscal agent to oversee and be responsible for the disbursement and monitoring of public funds; and

**WHEREAS**, the County is cognizant of the constitutional limitation on its authority to act as a fiscal agent for these legislative appropriations, as provided in Article IX, Section 10 of the New Mexico Constitution. Private or non-governmental organizations may hesitate to request appropriations from the New Mexico Legislature if the organization was aware of the County’s constitutional limitations; and

**WHEREAS**, the Board desires to adopt a procedure to coordinate activities of the County and private or non-governmental organizations to ensure that the County can serve as fiscal agent consistent with the state constitution and applicable law when a legislative appropriation is received; and

**WHEREAS**, the Board desires to clarify its intent to refuse to accept legislative appropriations intended for the use and benefit of private or non-governmental organizations if the organization does not comply with the Board’s procedure for advance coordination.

**NOW, THEREFORE, BE IT RESOLVED** by the Board as follows:

1. Resolution No. 2009-118 is rescinded and replaced by this Resolution.

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2. The Board adopts the procedure described in Exhibit A.
3. Santa Fe County will act as a fiscal agent only for legislative appropriations for private or non-governmental organizations that comply with this procedure.

PASSED, APPROVED, AND ADOPTED THIS 13<sup>th</sup> DAY OF August, 2019.

**BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: Anna T. Hamilton  
Anna T. Hamilton, Chair



**ATTESTATION:**

Geraldine Salazar Date: 8-20-2019  
Geraldine Salazar  
Santa Fe County Clerk

Approved as to form:

R. Bruce Frederick Date: 7-29-19  
R. Bruce Frederick  
Santa Fe County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 6

I Hereby Certify That This Instrument Was Filed for  
Record On The 21ST Day Of August, 2019 at 10:06:23 AM  
And Was Duly Recorded as Instrument # 1894536  
Of The Records Of Santa Fe County



Deputy Estrella Martinez Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM

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Exhibit A

**Procedure for Advance Coordination between Santa Fe County and Private or Non-governmental Organizations Regarding Legislative Appropriations**

When Santa Fe County receives appropriations of public funding from the New Mexico State Legislature which are intended to benefit or support the needs and activities of private or non-governmental organizations, the appropriation typically states that Santa Fe County will serve as the fiscal agent for the appropriation. Through a grant agreement between the County and the State of New Mexico, the County as fiscal agent is responsible for the disbursement, administration and oversight of the expenditure of public funds.

The Board of County Commissioners of Santa Fe County adopted Resolution No. 2019-102 to establish a procedure for advance coordination between the County and private or non-governmental organizations that plan to seek an appropriation from the state legislature for specific needs or activities of the organization. Private or non-governmental organizations include without limitation non-profits 501(c)(3), mutual domestic water or sanitation organizations, acequias associations, for-profit businesses or corporations, community organizations, home owner associations and other private or non-governmental entities.

Pursuant to the directive in Resolution No. 2019 102, the following is the procedure that will be used to ensure that Santa Fe County may effectively serve as fiscal agent for legislative appropriations that are intended to benefit or fund the activities or services of private or non-governmental organizations.

1. Any private or non-governmental organization that plans to request an appropriation of public funds from the New Mexico State Legislature and for which Santa Fe County may be identified as the fiscal agent for such funding, must submit a completed application (see attached) to the County at least 6 weeks prior to the commencement of the legislative session.
2. The County will review the application and coordinate with the organization to determine if there are any legal issues or other obstacles that would prohibit or prevent the County from serving as fiscal agent if an appropriation is received by the organization from the state legislature. If there are no legal issues or other obstacles that prohibit or prevent the County from serving as fiscal agent, the organization's application will be approved.
3. Organizations must obtain advance approval from the County each year that the organization plans to request an appropriation from the state legislature. The County will serve as fiscal agent to administer a legislative appropriation if the organization has submitted an application and obtained advance approval from the County to serve as fiscal agent.
4. Capital outlay funding. If an organization plans to request an appropriation for capital outlay funding from the state legislature, the organization's plans for the capital outlay project must be included in the County's Infrastructure and Capital Improvements Plan (ICIP) in order to initiate the approval process between the County and the

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Exhibit A

organization. Requests for inclusion of a capital outlay request or project in the ICIP must be submitted to the County by August 1.

5. Some of the requirements for prior approval of a request for an appropriation of public funds are the submission of a completed application, identification of a possible sponsor for the request, if appropriate, and inclusion of the organization's proposed capital outlay project in the ICIP.

6. Santa Fe County will not serve as fiscal agent to administer an appropriation that benefits or funds the services or activities of a private or non-governmental organization if the organization did not follow this procedure.

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**Application for approval to request legislative appropriation of public funds;  
fiscal agent Santa Fe County, a local public body**

Private or non-governmental organizations shall complete a written application of not more than 10 pages containing the following information.

1. Name and legal status of the organization.
2. Organization's point of contact(s). Name(s), address, phone, fax and e-mail.
3. Name and purpose of the project, activity or services to be funded with the legislative appropriation.
4. Total funds to be requested from the state legislature.
5. The organization's proposed budget for the project or services including any planned phases.
6. Total of other funds (governmental and non-governmental) previously received for the project or services including the funding sources. List each source and total received separately. Describe any limitations or direct restrictions for each source (i.e. construction only, planning only, operations only, etc.)
7. Description of how the project or services will directly benefit residents of Santa Fe County.
8. The number of Santa Fe County residents that will benefit from the project or services who reside within greater Santa Fe County. Of that number, how many reside in the City of Espanola, City of Santa Fe, and the Town of Edgewood.
9. Name(s) of anticipated legislative sponsor(s) including the sponsor's House or Senate District. If more than one sponsor is anticipated, the amount of funding request per legislator.
10. An acknowledgment by the organization that it understands the Anti-donation Clause of the New Mexico state constitution, Art. IX, Sec. 10, and how the Anti-donation Clause may affect the County's ability to serve as fiscal agent for administration of a legislative appropriation of public funds.
11. Anticipated role of Santa Fe County in administering the appropriated funds and any anticipated long-term collaboration in the project or services:
12. Anticipated role of all parties for the operation and maintenance costs for the project, planned facility, or services.

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13. Statement of understanding that Santa Fe County may require payment of long-term maintenance fees and monthly rental fees if appropriate.

**For more information or to discuss specific aspects of this procedure or application, contact Jacob Stock with the Santa Fe County Planning Division at (505) 995-2737 or at [jstock@santafecountynm.gov](mailto:jstock@santafecountynm.gov).**

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