

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

RESOLUTION NO. 2023 - 062

**A RESOLUTION AUTHORIZING THE DISPOSITION OF
FIXED ASSETS WORTH LESS THAN \$5,000 IN ACCORDANCE WITH
STATE STATUTE**

WHEREAS, Santa Fe County ("County") desires to medically retire K-9 Nikko ("Nikko") from active duty from the County Corrections Department ("Corrections Department"); and

WHEREAS, the Board of County Commissioners ("Board") determines that Nikko has served his tenure with distinction, and should be retired from public service; and

WHEREAS, the Corrections Department completed a internal review of Nikko's history at the Corrections Department and determined that Nikko is not a threat to public safety and may be released from public ownership; and

WHEREAS, the Secretary of the New Mexico Department of Public Safety ("Secretary") likewise has found that Nikko does not present a threat to public safety, as provided in NMSA 1978, Section 13-6-1(L); and

WHEREAS, the Board determines that Nikko satisfies the requirement of NMSA 1978, Section 13-6-1(A), specifically, that Nikko is tangible personal property that is "worn out, unusable or obsolete" for continued use by the County, and therefore may be deleted from the County's inventory; and

WHEREAS, the Board determines that K-9 Nikko's intrinsic value is incalculable, but when reduced to purely monetary terms, his current resale value is estimated to be less than five thousand dollars (\$5,000), as provided in NMSA 1978, Section 13-6-1(A).

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

1. The Board approves K-9 Nikko's retirement from public service.
2. The Board directs that, pursuant to NMSA 1978, Section 13-6-1, Nikko shall be transferred free of charge to the ownership and care of Jose De la Cruz, K-9 Nikko's former trainer and handler.

PASSED, APPROVED, AND ADOPTED THIS 27th DAY OF JUNE, 2023.

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

By: Anna Hansen
Anna Hansen, Chair



ATTESTATION:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk

Date: 06/29/2023

Approved as to form:

Jeff Young
Jeff Young
Santa Fe County Attorney

APPROVED:

Yvonne S. Herrera
Yvonne S. Herrera
Santa Fe County Finance Director

COUNTY OF SANTA FE) BCC RESOLUTIONS
STATE OF NEW MEXICO) ss PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of July, 2023 at 08:34:37 AM
And Was Duly Recorded as Instrument # 2014965
Of The Records Of Santa Fe County

Deputy Dusty Romero Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM





New Mexico
Department of Public Safety

MICHELLE LUJAN GRISHAM
GOVERNOR

JASON R. BOWIE
CABINET SECRETARY

TIM Q. JOHNSON
CHIEF / DEPUTY SECRETARY

BENJAMIN A. BAKER
DEPUTY SECRETARY

June 5, 2023

Derek Williams, Warden
Santa Fe County Correctional Facility
P.O. Box 276
Santa Fe, New Mexico 87504-0276

Re: Retirement of PSD "Nikko"

Dear Mr. Williams:

New Mexico State statute [NMSA 13-6-1 (L)] states: "If the secretary of public safety finds that the K-9 dog presents no threat to public safety, the K-9 dog shall be released from the public ownership as provided in this subsection. The K-9 dog shall first be offered to its trainer or handler free of charge. If the trainer or handler does not want to accept ownership of the K-9 dog, then the K-9 dog shall be offered to an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 free of charge. If both of the above fails, the K-9 dog shall only be sold to a qualified individual found capable of providing a good home to the animal."

In accordance with this statute, Santa Fe County has certified that the K-9 dog "Nikko" ("Nikko") presents no threat to public safety. Consequently, Nikko is hereby released from public ownership as provided by law. Vito has been offered to his trainer, Jose De la Cruz, free of charge. Mr. De La Cruz has agreed to accept ownership of Nikko, along with taking on the responsibility of all costs associated with the care and maintenance of Nikko's health and well-being.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason R. Bowie".

Jason R. Bowie
DPS Cabinet Secretary

JB/mtb

WAIVER AND RELEASE OF LIABILITY
Santa Fe County Correctional Facility
K9 unit - Nikko

WAIVER OF LIABILITY AND INDEMNIFICATION/HOLD HARMLESS AGREEMENT

1. I hereby release, waive, discharge, and covenant not to sue the County of Santa Fe or Santa Fe County Correctional Facility, and/or the Department of Public Safety, their officers, agents, or employees (hereinafter referred to as Releasees) from any and all liability, claims, demands, actions, and causes of action whatsoever arising out of or related to any loss, damage, or injury, including death, that may be sustained by me, or to any property belonging to me, or otherwise an and regardless of whether such liability arises in tort, contract, strict liability, or otherwise, to the fullest extent allowed by law.

2. I am fully aware of the risks and hazards connected with the ownership of a former Police Service Dog (PSD) and I am aware that such risks and hazards include injury and even death, and I hereby elect to voluntarily accept ownership of the former PSD, knowing that the activities may be hazardous to my property and me. I understand that the County of Santa Fe and the Santa Fe County Correctional Facility do not require me to take ownership of the former PSD. I voluntarily assume full responsibility for any risks of loss, property damage, or personal injury, including death, which may be sustained by me or any other person, or any loss or damage to property owned by me or any other person, as a result of taking ownership of the former PSD. WHETHER CAUSED BY THE NEGLIGENCE OF RELEASEES or otherwise, to the fullest extent of the law.

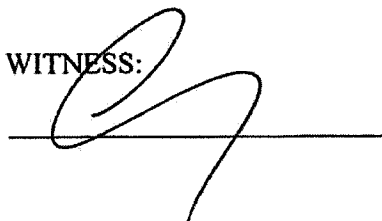
3. I further hereby AGREE TO INDEMNIFY AND HOLD HARMLESS the RELEASEES from any loss, liability, damage, or costs, including court costs and attorney fees that Releasees may incur due to my participation in and ownership of the former PSD. WHETHER CAUSED BY THE NEGLIGENCE OF RELEASEES or otherwise, to the fullest extent of the law.

4. It is my express intent that this Waiver of Liability and Indemnification/Hold Harmless Agreement shall bind the members of my family and spouse, if I am alive, and my heirs and assigns and personal representative, if I am deceased, and shall be deemed as a RELEASE, WAIVER, DISCHARGE, AND COVENANT TO INDEMNIFY AND HOLD HARMLESS AND NOT TO SUE the above-named RELEASEES. I hereby further agree that this Waiver of Liability and Indemnification/ Hold Harmless Agreement shall be construed in accordance with the laws of the State of New Mexico and that any mediation, suit, or other proceedings must be filed or entered into only in New Mexico and the federal or state courts of New Mexico. Any portion of this document deemed unlawful or unenforceable is severable and shall be stricken without any effect on the enforceability of the remaining provisions.

IN SIGNING THIS AGREEMENT, I ACKNOWLEDGE AND REPRESENT that I have read the foregoing Waiver of Liability and Indemnification/Hold Harmless Agreement, understand it and sign it voluntarily as my own free act and deed; no oral representations, statements, or inducements, apart from the foregoing written agreement, have been made; I am at least 18 years of age and fully competent; and I execute this Agreement for full, adequate and complete consideration fully intending to be bound by same.

IN WITNESS WHEREOF, I have signed this Waiver of Liability and Indemnification/Hold Harmless Agreement under seal on this 5th day of June, 2023.

WITNESS:



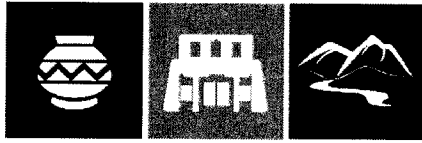
PARTICIPANT:



Justin S. Greene
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Camilla Bustamante
Commissioner, District 3



SANTA FE COUNTY

Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

May 15, 2023

Jason R. Bowie
Cabinet Secretary
New Mexico Department of Public Safety
Post Office Box 1628
Santa Fe, NM 87504-1628

Via email: jason.bowie@state.nm.us

Re: Retirement of Santa Fe County K-9 Nikko

Dear Secretary Bowie,

The Santa Fe County (“County”) Corrections Department (“Corrections Department”) is respectfully requesting the New Mexico Department of Public Safety make a determination as to whether Corrections Department Service Dog, K-9 Nikko, (“K-9 Nikko”) is a threat to public safety pursuant to NMSA 1978, Section 13-6-1(L). K-9 Nikko has served with the Corrections Department since 2019, and has been a great asset to the County. However, the Corrections Department has determined that it is appropriate to retire K-9 Nikko at this time due to a medical procedure that prevents his recertification with a new handler. The County would like to transfer ownership of K-9 Nikko to K-9 Nikko’s former handler and trainer, Jose De la Cruz pursuant to NMSA 1978, Section 13-6-1(L). Mr. De la Cruz has agreed to accept ownership of K-9 Nikko and all liability and responsibility for all costs associated with K-9 Nikko’s care and maintenance.

K-9 Nikko has been deployed at the County’s Adult Detention Facility for the detection of narcotics and contraband. The Corrections Department has not observed any behavior that would suggest K-9 Nikko is a threat to public safety under NMSA 1978, Section 13-6-1(L). In addition, the Corrections Department has completed a thorough internal review of K-9 Nikko’s history at the Corrections Department and determined that K-9 Nikko is not a threat to public safety. While the internal review identified one instance in which Nikko bit defensively during post-operative care for the medical procedure mentioned above, likely in response to physical pain or injury because of a recent surgery or in protecting itself, such a bite is an exception under NMSA 1978, Section 77-1A-3(C)(1). The Corrections Department has not identified any other instances that would indicate that Nikko is a dangerous or potentially dangerous dog under Section 77-1A-3 or otherwise over the past approximately four years in which Nikko has served the Department.