

**AMENDMENT NO. 2 TO
MEMORANDUM OF UNDERSTANDING
BETWEEN THE NEW MEXICO ADMINISTRATIVE OFFICE OF THE COURTS
AND SANTA FE COUNTY**

THIS AMENDMENT (hereinafter "Agreement") is entered on this 1st day of June, 2017, by and between Santa Fe County (hereinafter referred to as "County"), a New Mexico political subdivision, and the New Mexico Administrative Office of the Courts (AOC) on behalf of the Santa Fe County Magistrate Court (the Court) (hereinafter referred to as the "AOC").

RECITALS

WHEREAS, the County submitted an application for Local DWI Distribution (LDWI) Funds for DWI prevention and enforcement activities to benefit Santa Fe County; and

WHEREAS, the County's DWI Program dedicated \$60,000.00 of the LDWI Distribution funds to fund random alcohol and drug testing of individuals who are convicted of DWI in the Santa Fe Magistrate Court during fiscal year 2017. The random testing is to be performed by the AOC; and

WHEREAS, on July 19, 2016 the County and the AOC entered into Agreement No. 2017-0007-DWI/MM, which provided funding to the DWI prevention and enforcement activities to benefit Santa Fe County; and

WHEREAS, in April 2017, the County was informed that funding from the State of New Mexico was decreased therefore by Amendment No. 1 the compensation available to AOC was reduced by \$30,000; and

WHEREAS, the County has been informed that \$45,000 in funding for DWI prevention enforcement activities has become available from the State of New Mexico Department of Finance Administration for FY 18.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. Article 1.a.2.a (Duties of the Parties) is deleted in its entirety and replaced to read:
 - a. Transfer and make available to the AOC \$45,000.00 for expenditure in FY 2018 to conduct random alcohol and drug testing of individuals convicted of DWI in the Santa Fe Magistrate Court during fiscal year 2018.
2. Article 2 (Compensation) is amended by inserting a new subparagraph "b" to read:
 - b. By Amendment No. 2, the amount payable to the AOC is increased by \$45,000.00. The total amount payable to the AOC for the term of this Agreement shall not exceed \$75,000.00, exclusive of NM gross receipts tax for FY 2018.

3. Article 3 (Term) is deleted in its entirety and replaced to read:

This Agreement shall be effective when signed by the AOC and the County and shall terminate June 30, 2019, unless earlier terminated pursuant to paragraph 4 below. For purposes of reimbursement, the AOC will be reimbursed for expenses and costs of alcohol and drug testing during fiscal years 2017 (July 1, 2016 to June 30, 2017) and fiscal year 2018 (July 1, 2018 to June 30, 2019). The Agreement may be extended for an additional two years increments but shall not exceed four years in total.

4. All provisions of the Amendment not specifically amended or modified by Amendment Nos. 1 and this Amendment No. 2, shall remain in full force and effect.

IN WITNESS WHEREOF the parties have executed this Amendment as of the last date of signature by the parties.

SANTA FE COUNTY:


Katherine Miller, County Manager

10-1-2017
Date

APPROVED AS TO FORM:


Gregory S. Shaffer, County Attorney

5-15-17
Date

FINANCE DEPARTMENT:


Don D. Moya, Finance Director

5-15-17
Date

ADMINISTRATIVE OFFICE OF THE COURTS:


Signature
Director
Name & Title

5/30/2017
Date

END
5-30-17