



**VALENCIA COUNTY  
RESOLUTION 2020-065**

**RESOLUTION OPPOSING INDEBTEDNESS OF VALENCIA COUNTY SOIL AND WATER  
CONSERVATION DISTRICT**

**WHEREAS**, the Board of County Commissioners met at a duly noticed and advertised meeting on December 2, 2020 at 5:00 PM in the Valencia County Administration Building located at 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

**WHEREAS**, NMSA 1978, Sections 4-37-1 *et seq.* provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations place on counties, to discharge those powers necessary and proper to provide for the safety, convenience of the county and its inhabitants; and,

**WHEREAS**, the Valencia County Board of County Commissioners is the duly authorized governing body of Valencia County, a New Mexico political subdivision; and

**WHEREAS**, in 2013, in a stand-alone election, the Valencia County Soil and Water Conservation District (“VSWCD”) passed a district-wide mill levy of .25 per \$1000 of assessed real property with a 2023 sunset provision, with a total of only 420 votes cast, with 284 in favor and 136 against the district-wide mill levy; and,

**WHEREAS**, in 2019, the VSWCD held another mill levy referendum, proposing to increase the mill levy to \$1.00 per \$1,000 of district assessed property value, which assessment would not sunset; and,

**WHEREAS**, the 2019 referendum was summarily rejected by the Valencia County voters by a vote of 4,085 against the mill levy to a mere 2,058 in favor of the mill levy; and,

**WHEREAS**, NMSA 1978 § 73-20-46.1(2019) provides that “[a] levy approved by the voters of a district and authorized by the commission pursuant to Section 73-20-46 NMSA 1978 prior to July 1, 2018 shall continue to be assessed pursuant to the laws in effect at the time the levy was initially approved”; and,

**WHEREAS**, pursuant to NMSA 1978 § 73-20-46.1 (2019), the public reasonably anticipates that the mill levy passed in 2013 would sunset according to its own terms, or in 2023; and,

**WHEREAS**, NMSA 1978 § 73-20-46 (H) (2018) provides that “[a]ny levy authorized by the Soil and Water Conservation District Act, and any loan or other indebtedness authorized by that act that will require a levy, shall be based exclusively on or levied exclusively on the real property in the district, except that real property within incorporated cities and towns may be excluded.”; and

**WHEREAS**, prior to 2018, Section 73-20-26 provided that “[i]f the district is indebted to the United States or the state or any of their respective agencies or instrumentalities, including the New Mexico finance authority, at the time of the expiration of the original authorization, the supervisors may renew the assessment by resolution for a period not to exceed the maturity date of the indebtedness, and no referendum for that renewal is necessary[]”; and

**WHEREAS**, Section 73-20-26 was amended by 2018 New Mexico Laws Chapter 79 (H.B. 98) to remove that provision from Section 73-20-46 that permitted the supervisors of the Soil and Water Conservation Districts to renew assessments by resolution without referendum; and,

**WHEREAS**, the Soil and Water Conservation District Supervisor Handbook (Rev’d October 2016), which has not been revised since the 2018 amendment, provides that “[i]f a district is in debt to the state or federal government, they may continue the mill levy beyond the 10 year limit without a new referendum”; and,

**WHEREAS**, despite the imminent sunset of the 2013 VSWCD mill levy, and despite the public’s rejection of the 2019 VSWCD mill levy, the VSWCD adopted Resolution No. 5-2020 on November 15, 2019, authorizing VSWCD staff to secure a loan through the NMFA’s Public Project Revolving Fund Program for the balance of funds required to construct the 2<sup>nd</sup> building at the Whitfield Conservation Education and Visitor Center starting in fiscal year 2020; and,

**WHEREAS**, as of the date of this resolution, the VSWCD is not in debt to the State or Federal Government, and the VSWCD mill levy is scheduled to sunset in 2023.

**NOW THEREFORE BE IT RESOLVED** that the Board of County Commissioners of Valencia County calls upon the New Mexico Finance Authority to reject any VSWCD loan request that may serve to extend the current VSWCD mill levy beyond its 2023 sunset date.

**NOW THEREFORE BE IT FURTHER RESOLVED** that County Administration is directed to deliver a copy of this resolution to the members of the NMFA Public Lending Committee, which is comprised of Chairman A.J. Forte, Steve Kopelman, Debbie Romero, James Kenney and David Martinez.

**PASSED, AND APPROVED AND ADOPTED THIS 2nd DAY OF DECEMBER 2020.**

**BOARD OF COUNTY COMMISSIONERS**



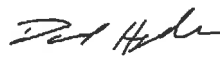
\_\_\_\_\_  
Jhonathan Aragon, Chair, District V



\_\_\_\_\_  
Gerard Saiz, Vice-Chair, District I



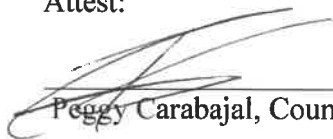
\_\_\_\_\_  
Troy Richardson, District II



\_\_\_\_\_  
David A. Hyder, District III

\_\_\_\_\_  
Charles D. Eaton, District IV

Attest:



\_\_\_\_\_  
Peggy Carabajal, County Clerk