



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2023-08**

**DELEGATION OF AUTHORITY TO COUNTY A MANAGER AND RECOGNITION
THAT THE COUNTY MANAGER IS THE LAWFUL CUSTODIAN OF COUNTY
BUILDINGS, FACILITIES AND PROPERTY FOR 2023**

WHEREAS, the Valencia County Commission met upon notice of a Special Business Meeting duly published on January 4, 2023 at 5:00 P.M. in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

WHEREAS, the Board of County Commissioners of the County of Valencia exercises the powers of the County as a body politic and corporate pursuant to NMSA 1978, Section 4-38-1 (1884); and,

WHEREAS, the Board of County Commissioners is statutorily charged with examining and settling all accounts of receipts and expenses of the county and all accounts chargeable against the county pursuant to NMSA 1978, Section 4-38-16 (1876); and,

WHEREAS, the Board of County Commissioners is the body that is statutorily charged with making such orders concerning the property belonging to the county as it deems expedient pursuant to NMSA 1978, Section 4-38-13 (1876); and,

WHEREAS, NMSA 1978 Section 4-38-19 (B) (1973) provides that the Board may, "employ and set the salary of a county manager to conduct the business of the county, to serve as personnel officer, fiscal director, budget officer, property custodian and to act generally as the administrative assistant to the board, aiding and assisting it in the exercise of its duties and responsibilities;" and,

WHEREAS, NMSA 1978, Section 13-1-125 (2019) exempts certain small purchases from the bidding requirements the Procurement Code so long as those purchase are made in compliance with regulations set forth by Valencia County; and,

WHEREAS, the Board of County Commissioners promulgated regulations which delineate the manner in which procurement of items of tangible personal property, services and construction are procured by the County.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Valencia:


1. The County Manager is expressly authorized to procure and execute contracts for *budgeted* items of tangible personal property, services and construction on behalf of Valencia County in the amount of Twenty Thousand Dollars (\$20,000) or less.
2. The Board of County Commissioners retains authority to enter into contracts for *budgeted* items of tangible personal property, services and construction on behalf of Valencia County in excess of Twenty Thousand Dollars (\$20,000).
3. The Board of County Commissioners retains the authority to enter into contracts, for *unbudgeted* items of tangible personal property, services and construction.
4. All procurements shall be made pursuant to the County's Purchasing Regulations and the New Mexico Procurement Code NMSA 1978 Sections 13-1-28 *et. seq.*, and the County's Certified Purchasing Officer must sign off on all contracts to confirm conformance with the Procurement Code.
5. The authority to enter into legal settlement agreements and/or pay insurance deductibles for amounts of Twenty-Five Thousand Dollars (\$25,000) or less is delegated to the County Manager. Any settlement agreement entered into pursuant to this resolution shall be presented to the Board at its next regular meeting after the date of execution by the County Manager.
6. The County Manager is granted the authority to effectuate pay increases, for non-bargaining unit employees, pursuant to the County's current salary study.
7. The Board of County Commissioners retains the authority to enter into legal settlement agreements in excess of the County Manager's Authority.
8. The County Manager may prepare and submit applications for grants, though the determination whether to execute a grant agreement rests solely within the discretion of the Board of County Commissioners.
9. The Board of County Commissioners retains the authority to enter into Memoranda of Understanding, Memoranda of Agreement and Joint Powers Agreements.
10. All Contracts, Memoranda of Understanding, Memoranda of Agreement and Joint Powers Agreements must be submitted to legal counsel for review.

BE IT FURTHER RESOLVED, that the County Manager is recognized as and declared to be a lawful custodian of Valencia County buildings, facilities and property pursuant to NMSA 1978, Section 30-20-13 (1981).

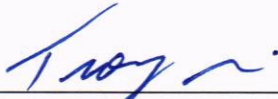
BE IT FURTHER RESOLVED, that this Resolution repeals and replaces Resolution 2021-10 and will remain in effect until it is repealed or replaced.

APPROVED, ADOPTED, AND PASSED on this 4th day of January 2023.

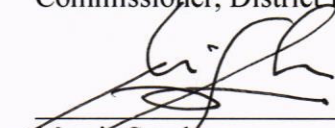
BOARD OF COUNTY COMMISSIONERS



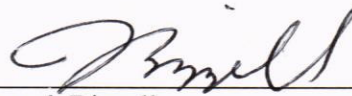
Gerard Saiz
Commissioner, District I




Troy Richardson
Commissioner, District II



Morris Sparkman
Commissioner, District III




Joseph Bizzell
Commissioner, District IV



Jhonathan Aragon
Commissioner, District V

Attest:



Mike Milam, County Clerk

