



VALENCIA COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 2022- *108*

**DECLARING A DISASTER IN THE COUNTY OF VALENCIA FOR THE  
WEATHER EVENTS AND MONSOONAL RAINS THAT HAVE CAUSED SEVERE FLOODING**

**WHEREAS**, the Board of County Commissioners met in a regular meeting on Wednesday, October 5<sup>th</sup> 2022 at 17:00 PM in the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031; and,

**WHEREAS**, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

**WHEREAS**, NMSA 1978, Section 4-37-1 (1975) provides that, “[a]ll counties are granted the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties. Included in this grant of powers to the counties are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants; and,

**WHEREAS**, from the weather events that have occurred starting June 1<sup>st</sup>, 2022 through October 15<sup>th</sup>, 2022, Thunderstorms have swept through Valencia County and caused substantial flooding events in and throughout the County and its municipalities; and,

**WHEREAS**, flooding has occurred within Valencia County and its municipalities and has caused substantial damage to county roads and culverts, has washed out private roads in various areas of the County and has destroyed private property including agricultural lands; and

**WHEREAS**, the Open Meetings Act, NMSA 1978, Section 10-15-1 (F) (2013) provides in pertinent part that “[e]xcept in the case of an emergency or in the case of a public body that ordinarily meets more frequently than once per week, at least seventy-two hours (72) hours prior to the meeting, the agenda shall be available to the public and posted on the public body’s web site, if one is maintained. [ ] Except for emergency matters, a public body shall take action only on items appearing on the agenda. For purposes of this Subsection, an “emergency” refers to

unforeseen circumstances that, if not addressed immediately by the public body, will likely result in injury or damage to persons or property or substantial financial loss to the public body;" and,

**WHEREAS**, the unforeseen damage has resulted in undue human suffering and hardship and threatens the safety, health welfare, and well-being of citizens and the economic function of the County of Valencia and if not addressed immediately by the County Commission, will likely result in injury or damage to persons or property or substantial financial loss to Valencia County; and,

**WHEREAS**, pursuant to the authority granted pursuant to the All Hazard Emergency Management Act, NSMA 1978, Section 12-10-1 *et seq.*, and particularly NMSA 1978, Section 12-10-5 (2007), the Board authorizes the use of all available resources of the County to assist in the County's response to this situation.

**WHEREAS**, all locally available public and private resources and forces available to mitigate and alleviate the damage are deemed insufficient to cope with the resulting situation, initiate repairs and meet restoration requirements.

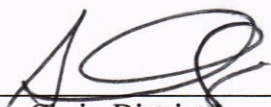
**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners of Valencia County by virtue of the County's general power and the authority provided by the New Mexico Civil Emergency Preparedness Act (NMSA 1978, §§ 12-10-01 to 12-10-11) does hereby declare the flooding event in the afore-described areas the County of Valencia to be an emergency/disaster for the purposes of exercising necessary emergency powers and expenditure of available resources, and requesting aid, assistance, and relief programs, and funds from the State of New Mexico and the Government of the United States.

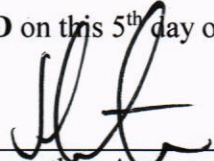
**NOW THEREFORE BE IT FURTHER RESOLVED** that the flooding in the County of Valencia is hereby declared to be a continuing disaster in consideration of the extent of damage and the unceasing severity of the monsoon season.

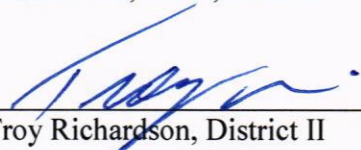
**NOW THEREFORE BE IT FURTHER RESOLVED** that the Board of County Commissioners requests that the Governor direct that the Department of Finance and Administration make available emergency financial resources to the Department of Homeland Security and Emergency Management in Accordance with Sections 12-11-23 to 26, and NMSA 1978, Sections 12-10-14 to 15 to be expended for the resources and services necessary to avoid or minimize economic or physical harm resulting from the disaster in Valencia County.

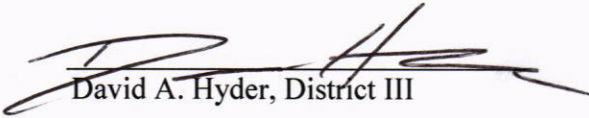
**NOW THEREFORE BE IT FURTHER RESOLVED** that the Board of County Commissioners requests that the Governor direct the Adjutant General to order into service any elements of the New Mexico National Guard and New Mexico State Defense Force as are or may be needed to provide military support to the civil authorities of Valencia County as needed for this emergency pursuant to and in accordance with NMSA 1978, Sections 20-1-1 to 8, NMSA 1978, Section 20-2-1 to 8, NMSA 1978, Section 20-4-1 to 14 and NMSA 1978, Section 20-5-1 to 16 during the pendency of the emergency.

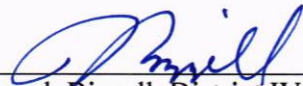
APPROVED, ADOPTED, AND PASSED on this 5<sup>th</sup> day of October 2022.

  
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Gerard Saiz, Chair, District I

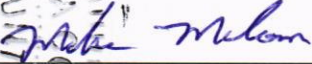
  
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Jhonathan Aragon, Vice-Chair, District V

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

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

  
\_\_\_\_\_  
Joseph Bizzell, District IV



Attest:  
  
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Mike Milam, County Clerk