

SOCORRO COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION № 2009-72  
DONATION OF THE SOCORRO COUNTY YOUTH CENTER TO THE CITY OF  
SOCORRO

**WHEREAS**, the Board of County Commissioners met in a regularly scheduled meeting on Tuesday, October 27, 2009 at 6:00 p.m. in the Socorro County Annex Building 198 Neel Ave., Socorro, New Mexico 87801; 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**, the County of Socorro is the owner of a certain parcel of real property located at 1002 Ake Street in the City of Socorro, New Mexico, upon which the County constructed a community center for the benefit of the youth of Socorro County with funds appropriated by the New Mexico Legislature (hereinafter "Youth Center"); and,

**WHEREAS**, NMSA 1978, Section 4-38-13 (1953) provides that board of county commissioners shall have power at any session to make such orders concerning the property belonging to the county as they may deem expedient; and,

**WHEREAS**, Article IX, Section 14 of the New Mexico Constitution, more commonly known as the Anti-Donation Clause, generally prohibits the disposition of county property for less than market value however New Mexico Courts have consistently held that intergovernmental transfers are outside of the constitutional prohibition. *See Eg. State ex rel. Mechem v. Hannah*, 63 N.M. 110, 314 P.2d 714 (1957); and,

**WHEREAS**, NMSA 1978, Section 4-47-2 (1961) provides that the "[b]oards of county commissioners within the state of New Mexico are hereby authorized to sell, transfer and convey to any city, town or village located within such county, or to any agency or department or commission of the state of New Mexico, operating facilities within such county, such public buildings and lands on which such buildings are located, or such other lands, lots and additions belonging to the said county, whenever the same are no longer deemed necessary for county purposes, without appraisal, at private sale, for such sum as the said county commissioners may in their judgment determine"; and,

**WHEREAS**, The Board of County Commissioners has determined that the real property is not essential for the efficient operation of the County and that the youth of Socorro County would be best served if the subject real property is owned and administered by the City of Socorro as the City currently operates as well established youth program and is in need of a facility for its programs(s); and,

**WHEREAS**, NMSA 1978 Section 4-38-19 (B) (1973) provides that, "[a] board of county commissioners 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,

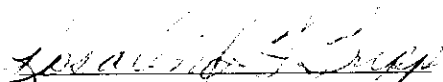
property custodian and to act generally as the administrative assistant to the board, aiding and assisting it in the exercise of its duties and responsibilities;" and,

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

1. That the Board desires to transfer the ownership of the Youth Center located at 1002 Ake Street, Socorro NM to the City of Socorro to be used by the City for the benefit of the youth of the County of Socorro.
2. That the Board grants to the County Manger the authority to take all necessary action to effectuate the transfer of the County's right, title and interest in the Youth Center to the City of Socorro.
3. That the Board directs the County Manager to transfer the County's right, title and interest in the Youth Center to the City of Socorro conditioned upon the covenant that the Youth Center be used for the benefit of the youth of Socorro County and that the 4-H program administered by Socorro County shall always be granted use of the real property upon its reasonable and timely request.


**APPROVED, ADOPTED, AND PASSED** on this 27<sup>th</sup> day of October, 2009.

BOARD OF COUNTY COMMISSIONERS

  
ROSALIND F. TRIPP, CHAIR

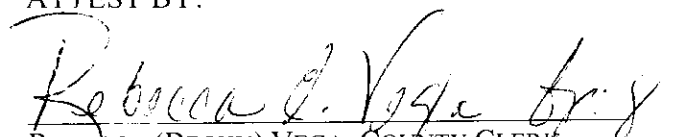
  
DANIEL P. MONETTE, VICE-CHAIR

  
PHILLIP ANAYA

  
RUMALDO J. GRIEGO

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JUAN JOSE GUTIERREZ

ATTEST BY:

  
REBECCA (BECKY) VEGA, COUNTY CLERK