



CIBOLA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION No 2021-24
TRANSFERRING A DUMP TRUCK TO THE VILLAGE OF MILAN

WHEREAS, the Board of County Commissioners met in a regularly scheduled meeting on Thursday, March 25, 2021, at 5:00 p.m. in the Cibola County Administration Building 700 Roosevelt, Grants, New Mexico 87020; and,

WHEREAS, the County of Cibola is a New Mexico County established by NMSA 1978 Section 4-3A-1 (1981) and the Village of Milan is a New Mexico Municipality, established by, NMSA 1978 Sections 3-2-1 *et. seq.*, located within the boundaries of the County; and

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order.” and;

WHEREAS, NMSA 1978, Section 4-38-18 (1876) provides that the Board of County Commissioners has the power to represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

WHEREAS, the Village of Milan has requested a donation of a dump truck from the County stating that “[w]e are seeking this transfer because we are not in a financial position to purchase any at this time. The current state of our dump truck is a safety liability, and we need to replace it as soon as we can;” and,

WHEREAS, the County has a 1996 GMC Topkick Dump Truck, 237,720 miles, Vin # 1GDT7H4J0TJ510031, in need of repair, that it no longer needs and would like to assist the Village in order to protect its joint inhabitants; and,

WHEREAS, NMSA 1978, Section 13-6-2 (2007) states in pertinent part that “[] [p]roviding a written determination has been made [] a local public body [] may sell or otherwise dispose of real or tangible personal property belonging to the [] local public body [] by [] by negotiated sale or donation to other state agencies, local public bodies, school districts or state educational institutions; [] sale or disposition of real or tangible personal property having a current resale value of more than five thousand dollars (\$5,000) may be made by a [] local public body [] if the sale or disposition has been approved by [] the local government division of the department of finance and administration for local public bodies []”; and,



WHEREAS, the dump truck is valued at \$ 500.00 and therefore no DFA approval is required; and,

WHEREAS, Article 10 Section 14 of the New Mexico Constitution, referred to as the anti donation clause, which provides that state or municipality shall not make any donation to association or public corporation is inapplicable to donations by state or one of its governmental agencies to another such agency, See, City of Gallup v. New Mexico State Park and Recreation Commission, 86 N.M. 745, 527 P.2d 786 (1974); and,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Cibola that it hereby approves the donation and transfer of the dump truck to the Village of Milan.

BE IT FURTHER RESOLVED that the County Manager is hereby empowered to act on the Board's behalf to take any action necessary effectuate the transfer.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA

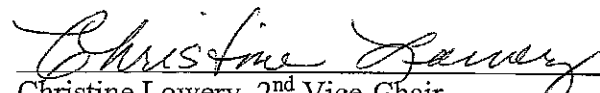
APPROVED, ADOPTED, AND PASSED on this 25th day of March 2021.

ABSENT

Daniel Torrez, Chair



Martha Garcia, 1st Vice-Commissioner



Christine Lowery, 2nd Vice-Chair




Robert Windhors, Commissioner



Ralph Lucero, Commissioner

ATTEST:



Michelle E. Dominguez
Cibola County Clerk



FELIX O. GONZALES
MAYOR



VIVIAN L. BRUMBELOW
MAYOR PRO TEM

SARAH E. AUSTIN
VILLAGE MANAGER

TRUSTEES
VIVIAN L. BRUMBELOW
ELLEN I. BACA
CHRISTOPHER J. ARCHULETA
ROSEANNE LOPEZ

VILLAGE OF MILAN
P.O. Box 2727 • 623 URANIUM AVENUE
MILAN, NEW MEXICO 87021

March 19, 2021

Dear Cibola County Manager and Commissioners,

The Village of Milan respectfully writes this letter to request that if you have any equipment to spare, we are in need of dump truck(s) with accessories, should you have any that you can transfer to the Village. We are seeking this transfer because we are not in a financial position to purchase any at this time. The current state of our dump truck is a safety liability, and we need to replace it as soon as we can.

Respectfully,

Sarah E. Austin
Village Manager
505-285-1385

