



CIBOLA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION № 2021-25
TRANSFERRING A DUMP TRUCK TO THE BLUEWATER WATER AND SANITATION
DISTRICT AND BLUEWATER CEMETERY

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,

WHEREAS, pursuant to NMSA 1978, Section 73-2-1 *et seq.* the Bluewater Water and Sanitation District (Bluewater) is a governmental subdivision of the State of New Mexico, located within the County of Cibola, created to promote the health, safety, prosperity, security and general welfare of the inhabitants of said districts.; and,

WHEREAS, pursuant to NMSA 1978, Section 73-2-16 (F) (1985) Bluewater has the power to “[]acquire, dispose of and encumber real and personal property, water rights, water and sewer works and plants and any interest in them, including leases and easements; 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, Bluewater has requested a donation of a dump truck from the Count stating that “[w]e are seeking this equipment because we are both not in a financial position to purchase any equipment at this time.” and,

WHEREAS, the County has a _ 1996 GMC Topkick Dump Truck, 299,999 miles, Vin # 1GDT7H4J2TJ510421, that is in need of repair and that it no longer needs and would like to assist the Bluewater 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 Bluewater Water and Sanitation District.

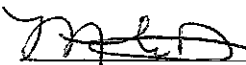
BE IT FURTHER RESOLVED that the County Manager is hereby empowered to act on the Board's behalf to take any action necessary effectuate the transfer.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA

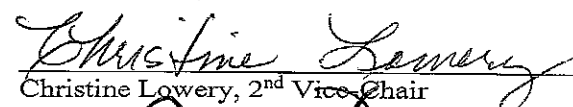
APPROVED, ADOPTED, AND PASSED on this 25th day of March 2021.

ABSENT

Daniel Torrez, Chair



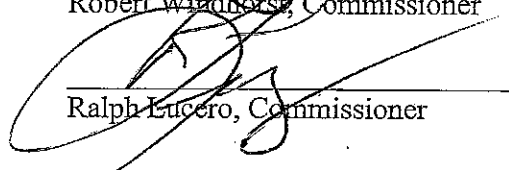
Martha Garcia, 1st Vice-Commissioner



Christine Lowery, 2nd Vice Chair

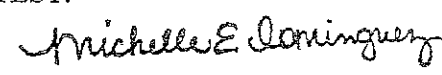


Robert Windhorst, Commissioner



Ralph Lucero, Commissioner

ATTEST:



Michelle E. Dominguez
Cibola County Clerk



Paul Spencer - President
Bluewater Water and Sanitation
PO Box 68
Bluewater NM 87005

3-22-21

Kate Fletcher
Cibola County Manager
700 E. Roosevelt, Suite 50
Grants, NM 87020
505-287-9431

Dear Cibola County Manager and Commissioners,

Bluewater Water and Sanitation along with Bluewater Cemetery respectfully requests that if you have any equipment to spare, we are in need of a dump truck with accessories should you have any that you could transfer to BWSD and Bluewater Cemetery . We are seeking this equipment because we are both not in a financial position to purchase any equipment at this time.

Sincerely,

Paul Spencer

Paul Spencer
Water Board President
Bluewater Cemetery Board Member
505-287-0156

