

JOINT RESOLUTION 2015-32

BY AND BETWEEN THE COUNTY OF VALENCIA AND THE CITY OF RIO COMMUNITIES FOR THE TRANSFER OF COUNTY FIRE & EMS SERVICES AND TANGIBLE PERSONAL PROPERTY OF THE RIO GRANDE ESTATES FIRE DISTRICT TO THE CITY OF RIO COMMUNITIES

THIS RESOLUTION is made and entered into, effective July 1, 2015, by and between the County of Valencia and the City of Rio Communities for the purposes and consideration hereinafter set forth pursuant to the provision of the Fire Protection Fund Law, Section 59A-53-1 *et seq.*

WHEREAS, NMSA 1978 § 13-6-2 (A) (2007), authorizes the County to sell or otherwise dispose of real property belonging to the County "provid[ed] a written determination has been made."

WHEREAS, NMSA, 1978, Section 59A-53-5 (2012) provides that "[t]he county commissioners of any county may establish one or more fire districts;" and,

WHEREAS, New Mexico Attorney General Opinion 80-35 states that "[a]n independent fire district cannot own property in its own right. The ownership and control of all funds an property credited to independent fire districts vests in the County;" and

WHEREAS, the City of Rio Communities incorporation, with the boundaries of Valencia County, was officially recognized by the Board of County Commissioners of Valencia County on January 18, 2013 after an election wherein the residents of the area approved incorporation pursuant to NMSA 1978, Section 3-2-1 *et seq*; and,

WHEREAS, on February 4, 2014 the board of County Commissioners approved Resolution 2014-12 authorizing the transfer of the Valencia County Rio Grande Estates Fire District, including any real and tangible personal property, to the City of Rio Communities; and,

WHEREAS, on April 23, 2014 the County and Rio Communities executed an agreement for the County's continued operation of the Rio Grande Estates Fire District until such time as the fire department is transferred to the City; and,

WHEREAS, NMSA 1978, Section 13-6-2 (B) (2) provides in part that, "[a] local public body ... may sell or otherwise dispose of real or tangible personal property ... by negotiated sale or donation to other state agencies, local public bodies, school districts or state educational institution," and,

WHEREAS, the County and City anticipate that, effective July 1, 2015, the real property of the fire district will be transferred to the City; and,

WHEREAS, on March 4, 2015 the Board of County Commissioners approved Resolution 2015-20 and the accompanying plat showing the geographic limits and boundaries of the Rio Grande Estates Fire District and directed that it be filed with the State Fire Marshal; and,

WHEREAS, the Valencia County Rio Grande Estates Fire District almost completely encompasses the municipal boundaries of the City of Rio Communities; and,

WHEREAS, the City of Rio Communities will apply for fire protection funds for the Rio Grande Estates Fire District for FY 2015-16.

NOW THEREFORE, the mutual agreements of the parties hereinafter set forth, the County of Valencia and the City of Rio Communities agree as follows:

1. All fire apparatus and equipment owned by the County of Valencia and assigned to the Rio Grande Estates Fire District, as show on Exhibit "A" attached hereto and incorporated by reference, will become the property of the City of Rio Communities.
2. All fire and EMS services, of the Rio Grande Estates Fire Districted, provided by the County of Valencia are transferred to the City of Rio Communities.
3. Any and all necessary documents to reflect the ownership change and transfer of services authority shall be executed by the Mayor and/or County Manager as required.
4. No Compensation shall be paid by either party to the other party for services rendered. Proper funding will be obtained through the State's Fire Protection Fund.
5. The final transfer of the fire and EMS services and tangible personal property shall be effective the later of July 1, 2015 or upon the transfer of the Rio Grande Estates Fire Station to the City of Rio Communities.

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS

Approved, Adopted and Passed this 15th, day of April 2015.

Charles D. Eaton
Chair, District IV

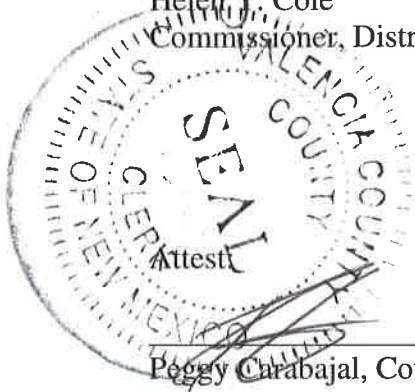
Jhonathan Aragon
Vice-Chair, District V

Helen Y. Cole
Commissioner, District I

Alicia Aguilar
Commissioner, District II

David A. Hyder
Commissioner, District III

Peggy Charabajal, County Clerk



CITY OF RIO COMMUNITIES

Mark Gwinn, Mayor

Date

4-15-15