

Resolution No. 02-11-21/109-42

**Resolution to Support S.B. 321
to Provide Funding for Courthouses**

Whereas, New Mexico State law obliges counties to provide “adequate quarters” to the District Courts and District Attorneys, both state agencies; and

Whereas, the State of New Mexico does not provide funding for counties to carry out this obligation, making it an unfunded mandate; and

Whereas, the Twelfth Judicial District Court on October 18th, 2018, filed a lawsuit in the Twelfth Judicial District Court captioned *State ex rel. Twelfth Judicial District Court v. Board of County Commissioners of Otero County*, Case No. D-1215-CV-2018-01005, claiming the Otero County Courthouse does not comply with the statutory requirement to provide “adequate quarters” to the District Court; and

Whereas, the Attorney General of New Mexico is representing the District Court in this lawsuit; and

Whereas, this lawsuit seeks unspecified remedies and; and

Whereas, a representative of the Attorney General in October 2020 would not tell the Board what actions would be necessary to bring the Otero County into compliance with the statutory requirement of providing “adequate quarters” to the District Court;

Whereas, ninety percent of the land in Otero County cannot be taxed as it is owned by various Federal agencies, the State Land Office, and the Mescalero Apache Tribe;

Whereas, the Federal government does not make payments in lieu of taxes on most of its land in Otero County because most of its acreage is occupied by the Department of the Army;

Whereas, Otero County requests financial assistance from the State of New Mexico for work on the Otero County Courthouse;

Whereas, S.B. 321 currently pending in the First Session of the 55th New Mexico Legislature would provide funding for county courthouses;

Now, therefore, be it resolved by the Board of County Commissioners of Otero County, New Mexico, that:

1. The Board encourages the New Mexico Legislature to pass S.B. 321 and the Governor of New Mexico to sign the bill.
2. The Board encourages the New Mexico Legislature to repeal the unfunded mandate to provide office space for District Courts and District Attorneys or else provide counties with a continuing revenue stream to fund this mandate.

Adopted February 11th, 2021.

THE BOARD OF COUNTY COMMISSIONERS OF
OTERO COUNTY, NEW MEXICO

Gerald Matherly, Chairman

Coy Griffin, Vice-chairman

Vickie Marquardt, Commissioner

Attest: _____
Robyn Holmes, County Clerk