

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-303

AN ORDINANCE AMENDING ARTICLE II, SECTION 31(1) OF CHAPTER 14 OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES TO INCLUDE PROPERTY TRANSFERS PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT AND THE METROPOLITAN REDEVELOPMENT CODE

WHEREAS, Los Alamos County (“County”) is an Incorporated County pursuant to Article 10, Section 5 of the New Mexico Constitution, which vests the County with the all rights, powers and limitations of a municipality granted by Article 9, Section 12 of the Constitution and all powers granted to municipalities by statute; and

WHEREAS, as an Incorporated County, the County is a municipality as defined in NMSA 1978, Section 3-1-2(G) and, therefore, exempt from Article 6 of Chapter 13 of NMSA (1978)(Sale of Public Property); and

WHEREAS, pursuant to Section 103 of the County Charter, Article X, Section 6 of the Constitution of the State of New Mexico, and the Municipal Charter Act, the County enjoys maximum self-government and the greatest exercise of home-rule powers, and may exercise all legislative powers and perform all functions not expressly denied by general law or by other provisions of the County Charter; and

WHEREAS, pursuant to the above-referenced powers, the County enacted Article II of Chapter 14 of the Los Alamos County Code of Ordinances to govern the transfer of County-owned real property; and

WHEREAS, this Code Ordinance amends certain sections of Article II of Chapter 14 to grant express authority to transfer County-owned real property pursuant to the Local Economic Development Act (NMSA 1978, § 5-10-1, et seq.), and the Metropolitan Redevelopment Code (NMSA 1978, § 3-60A-1, et seq.); and to remove the referenced authority conferred upon municipalities by the Urban Development Law, NMSA 1978, § 3-46-1, et seq., and the Community Development Law, NMSA 1978, § 3-60-1, et seq., as both were repealed in their entirety in 2007.

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS:

Section 1. Article II, Section 31(1) of Chapter 14, is hereby amended as follows:

Sec. 14-31. - Generally.

The council may sell, lease, exchange or otherwise transfer county-owned real property and interests in real property, including the improvements contained thereon, when such transfer is made in accordance with the requirements of this article, except that such transfers may be made without following the requirements of sections 14-32 through 14-35, when the:

- (1) Real property or interest in real property ~~Property~~ is being transferred under authority of the Municipal Housing Law, NMSA 1978, § 3-45-1, et seq., ~~Urban Development Law, NMSA 1978, § 3-46-1, et seq., Community Development Law, NMSA 1978, § 3-60-1, et seq., or the Affordable Housing Act, NMSA 1978, § 6-27-1, et seq., and Article VII of this Chapter;~~
- (2) Real property or interests in real property ~~Property~~ is being transferred to any other federal, state or local governmental agency or instrumentality after the council determines by resolution that the transfer is in the best interest of the public;
- (3) Real property or interest in real property ~~Property~~ is being donated for the care and maintenance of the sick and indigent;
- (4) The real property or interest in real property ~~Property interest~~ being transferred is either an easement or a license;
- (5) Real property or interest in real property ~~Property~~ is being leased to an entity engaged in providing health care services, including nursing home services; ~~or~~
- (6) Real property or interest in real property ~~Property interest~~ is being transferred expressly pursuant to the authority granted by NMSA 1978, § 3-54-1, subject to the referendum requirements therein contained;
- (7) Real property or interest in real property is being transferred expressly pursuant to the authority granted by the Local Economic Development Act, NMSA 1978, § 5-10-1, et seq.;
or
- (8) Real property or interest in real property is being transferred expressly pursuant to the authority granted by the Metropolitan Redevelopment Code, NMSA 1978, § 3-60A-1, et seq.

Section 2. Article II, Section 39 of Chapter 14, is hereby amended as follows:

Sec. 14-39. – Proceeds from sale or exchange of property.

Except for funds received from a sale or lease under the land donation or land discount program as provided in article VII of this chapter, all funds received from the sale or exchange of any county-owned property by the council shall be deposited in ~~a separate account within the capital improvements~~ projects fund and expended for purposes as formally designated by council action. ~~solely for the purpose of acquiring real property or capital improvements needed by the county.~~

Section 3. Effective Date. This Code Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 4. Severability. Should any section, paragraph, clause or provision of this Code Ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 5. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 25th day of February, 2020.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

Sara C. Scott
Council Chair

ATTEST: (Seal)

Naomi D. Maestas
Los Alamos County Clerk