



RESOLUTION 2020-12

Transferring Account Funds from the Roosevelt County Sheriff's Reserve Account into the General Fund

WHEREAS, the Roosevelt County Sheriff is empowered under §4-41-10-NMSA, and is otherwise authorized at any time to appoint respectable and orderly persons as Special Deputies to serve any particular order, writ or process or when in the opinion of any Sheriff the appointment of special deputies is necessary and required for the purpose of preserving the peace and it shall not be necessary to give or file any notice of such appointment; and,

WHEREAS, prior Roosevelt County Sheriff have created and named these Special Deputies the Roosevelt County Sheriff's Reserve to identify that group of Special Deputies who have been appointed pursuant to the powers given to the Sheriff under §4-41-10-NMSA; and,

WHEREAS, the New Mexico Attorney General has previously entered his opinion #58-02, which held that a County Sheriff's Reserve body may not be a non-profit organization or other entity operating apart from the County, and that all such Reserve Members would be covered by the County's Workman's Compensation and other insurance during their service thereby further establishing such organization is legally identifiable with the County and that the funds received by this group are in fact County and public funds.

WHEREAS, the Roosevelt County Sheriff's Reserve was disbanded by the acting Sheriff in 2017, due to concerns over liability and other issues; and

WHEREAS, the County Treasurer, has discovered that the Roosevelt County Sheriff's Reserve established a separate bank account into which it was placing funds received by such special deputies while providing services for the Roosevelt County Sheriff Office, which are identified as County funds as the County Tax ID number was originally ascribed to these funds in the account held at the James Polk Stone Community Bank; and

WHEREAS, the Treasure has determined that such funds are public funds which should be placed into the general fund account for the public benefit and which should be specifically "ear-marked" to the Roosevelt County Sheriff's Department for use in its operation; and

NOW THEREFORE, BE IT RESOLVED, by the Board of Roosevelt County Commissioners that:

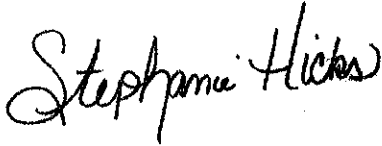
1. The account funds held at the JP Stone Community Bank in Roosevelt County Sheriff's Reserve account number 0039748 in the amount of \$13,077.05 shall be moved into the Roosevelt County General Fund Account, which is held at JP Stone Community Bank, by issuance of a physical check or cashier's check. Following the transfer, account number 0039748 Roosevelt County Sheriff's Reserve should be closed immediately.
2. The County Treasurer should identify all such funds previously held in the Roosevelt Sheriff's Reserve account into the County's General Fund to be "ear-marked" for use in the Roosevelt County Sheriff's Office Operations.



PASSED, APPROVED, and ADOPTED this 7th day of April, 2020.

**BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO**

ATTEST:



Stephanie Hicks, Roosevelt County Clerk

Telephonically approved

Matthew Hunton, Chairman – District II
Voted: Yes No Abstained

Telephonically approved

Tina Dixon, Vice Chair – District IV
Voted: Yes No Abstained

Telephonically approved

Dennis Lopez – District I
Voted: Yes No Abstained

Telephonically approved

Lewis (Shane) Lee – District III
Voted: Yes No Abstained

Telephonically approved

Paul Grider– District V
Voted: Yes No Abstained

