

County unable to accept repair funds from state

Written by By Cody Begaye Sun Correspondent
Thursday, 28 November 2019 10:01



Issue in the agreement contract

The McKinley County Board of Commissioners discussed two resolutions relating to the office building for the Gallup Inter-Tribal Indian Ceremonial at 206 W. Coal Ave. W. Coal Ave. during their Nov. 19 meeting.

The two resolutions included budgeted revenue and expenses of \$50,000 for repairs to the building, received from the State of New Mexico, as well as \$50,000 for a capital outlay project for the building.

However, County Attorney Doug Decker said accepting the grant as it is written would be troublesome for the county.

A paragraph in the grant agreement stuck out to Decker because it indicates the county could be responsible for the building's upkeep and reimbursing potential revenue, even though the building does not belong to the county.

That paragraph states the grantee, in this case McKinley County, shall not for a period of 10 years from the date of the agreement, convert any property built, renovated, acquired from state funds for uses other than those specified in the project description without the grant department and Board of Finance's express, advance written approval, which may also include reimbursing

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the state for the cost of the project.

“Accepting the grant would be well and good if the county was the owner of the building, which it is not,” said Decker. “We only are assigned this building for certain uses, and would be unable to fulfill that [one paragraph’s terms.]”

McKinley County was assigned the building in January 2010. Then the county entered into a sublease of the building with the Ceremonial. The owner of the building, the State of New Mexico, is responsible for repairs to the building.

McKinley County Chairman Bill Lee asked if there was a way for the county to accept the grant while clarifying ownership of the building.

“What we would like to do is send this [agreement] back to the state and say we need to change this particular paragraph so we are not making this promise for a building that is not ours,” Decker said.

“If we accept this grant as written, we’re essentially saying it’s our building,” Decker continued. “As long as it’s assigned to us, we use it for the Ceremonial, but it remains in the ownership of the state.”

Issues with building ownership would soon turn into issues with costs.

“If we sign the agreement the way it is, and we’re responsible for the building, it’s going to cost a lot more in the next few years. Then we’re really in trouble for the maintenance,” County Manager Anthony Dimas Jr. said.

The language in the agreement led Commissioner Billy Moore to make the motion to table the two items, have the grant agreement sent back to the state and be revised.

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The deadline to accept the grant is June 30, 2020. Lee asked if there would be a way to expedite the grant agreement process and have a revised agreement ready to discuss and approve at the next regular meeting.

Dimas said the county would be able to take the agreement to the legislature immediately. But then it's up to the state whether they will revise it or send it back as is. If the county does not accept the agreement by deadline, the funds in question would revert back to the state.

"I don't want to lose the money," Lee said.

The motion to table the item was passed with a 3-0 vote. The next Board of Commissioners meeting is slated for Dec. 3.

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