North Central Regional Transit District (NCRTD)

Resolution No. 2019-11

A RESOLUTION AUTHORIZING ACTIONS BY THE DISTRICT AND ITS AGENTS IN THE EVENT OF AN EMERGENCY

WHEREAS, the North Central Regional Transit District ("NCRTD") is the Regional Transit District serving the City of Española, City of Santa Fe and Rio Arriba, Santa Fe, Los Alamos, Taos counties and the Towns of Chama, Edgewood and Taos, and the Pueblos of Nambé, Ohkay Owingeh, Santa Clara, Pojoaque, Tesuque, and de San Ildefonso, known together as the District; and

WHEREAS, the NCRTD was authorized by legislative enactment of the Regional Transit District Act NMSA 1978, Section 73-25-1 et. seq., and is a sub-division of the State of New Mexico; and

WHEREAS, the District is governed by a Board that includes a Chair, Vice Chair, and Secretary/Treasurer, and

WHEREAS, the District has authorized the Executive Director to sign checks up to $20,000.00 without a second signatory and to make expenditures of up to $100,000.00 without seeking Board approval, and

WHEREAS, the District wishes to provide for authority to respond to emergency situations including but not limited to; reallocation of District resources, execution of agreements, expenditure of funds, procurement of goods and services, and delegation of authority during emergency situations.

NOW THEREFORE BE IT RESOLVED by the NCRTD Board that:

EMERGENCY POLICY

It is the Policy of the NCRTD that District resources may be devoted or reallocated to address emergency situations at the Discretion of the Board and the Executive Director consistent with this policy and the laws of the State of New Mexico. Nothing herein shall be deemed to permit the donation of District property or resources in violation of the Constitution and laws of the State of New Mexico including but not limited to the State Constitution's "Anti-donation" provisions.
EMERGENCIES DEFINED

An "Emergency" for purposes of this policy shall mean a declared emergency by the executive branch of state, federal or local government or as declared by the Board of Directors of the NCRTD.

An "Emergency Meeting" for purposes of this policy shall mean a meeting of the NCRTD Board convened for unforeseen circumstances that, if not addressed immediately by the Board, will likely result in injury or damage to persons or property or substantial financial loss to the District.

"Exigent Circumstances" for purposes of this policy shall mean a written or oral determination of the Executive Director delivered to the Board Chair that there is an event that will likely result in injury or damage to persons or property or substantial financial loss to the District and that the immediate reallocation of District resources may remedy the injury, damage or loss.

REALLOCATION OF DISTRICT RESOURCES

In the event of an Emergency the Board Chair shall make best efforts to convene an Emergency Meeting to authorize action by the District and its agents. In the event that there is insufficient time to convene an Emergency Meeting, or it is not possible to obtain a quorum for such a meeting the Board Chair shall give written direction to the Executive Director that the District staff and its agents and contractors are authorized to take such actions as the Executive Director deems prudent to avoid injury or damage to persons or property or substantial financial loss to the District.

In the event of Exigent Circumstances, the Executive Director shall be authorized to expend district funds and reallocate District resources up to $100,000.00 to avoid injury or damage to persons or property or substantial financial loss to the District. However, if the Exigent Circumstances require the suspension of District operations and services for a protracted period of time the Executive Director shall make best efforts to contact the Chair and have the Chair convene an Emergency Meeting as soon as reasonably possible.

In the event of a declared Emergency the Executive Director is authorized to reallocate the District's resources to protect the health, safety and welfare of persons and property in and around the geographical area of the District. Reallocations that reduce or delay the delivery of existing transit services at the existing service levels shall only be permitted to the extent required to mitigate Emergency situations during a declared Emergency.

EXECUTION OF AGREEMENTS

The Executive Director is authorized to enter into any agreements during an Emergency or Exigent Circumstances that s/he deems prudent to ameliorate the impacts of the Emergency and may subsequently seek ratification of said agreements by the Board.
EXPENDITURE OF FUNDS

For checks in an amount exceeding twenty thousand dollars ($20,000.00), the signatures of two of the following authorized signers shall generally be required:

Chairman
Secretary/Treasurer
Executive Director
Finance Director

However, in the event that two signatories are not available during an Emergency or Exigent Circumstances the signature of any one of the above listed persons shall be authorized but shall require the subsequent ratification of the Board.

If an expenditure made during an Emergency or Exigent Circumstances would normally require a budget adjustment request, the requirement for prior board approval shall be suspended during the Emergency or Exigent Circumstances. District staff shall present any such budget adjustment request at the next Board meeting or as soon after the Emergency or Exigent Circumstances as reasonably possible.

PROCUREMENT OF GOODS AND SERVICES

Emergency procurements shall be authorized pursuant to the District's Procurement Policy during any Emergency. The Chief Procurement Officer shall be consulted on any emergency procurement to the extent feasible during any Emergency.

DELEGATION OF AUTHORITY

The Board Chair is authorized to delegate authority to any employee of the District to serve in the capacity of Executive Director for purpose of this policy during an Emergency. The Executive Director is authorized to delegate his or her authority to any officer, employee, agent or contractor of the District by verbal or written actions during and Emergency to the maximum extent permitted by law.

Daniel Barrone, Chair

Approved as to form:

Peter Dwyer, Counsel