

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

**RESOLUTION NO. 2013-\_\_\_\_\_**

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**AMENDMENT TO RESOLUTION 2012-149, A RESOLUTION ESTABLISHING  
THE SANTA FE COUNTY CORRECTIONS ADVISORY COMMITTEE**

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**WHEREAS**, on October 30, 2013, the Board of Santa Fe County Commissioners (the BCC) adopted Resolution 2012-149, A Resolution Establishing the Santa Fe County Corrections Advisory Committee;

**WHEREAS**, Paragraph 7 of Resolution 2012-149 set forth the cross section of the community from which the BCC would select members of the Corrections Advisory Committee; and

**WHEREAS**, the BCC now desires to modify the required cross section of the community from which committee members will be selected and increase the size of the committee.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that Resolution 2012-149 is amended as follows:

1. Paragraph 2 is repealed and replaced with the following:

“The Committee shall be comprised of 10 voting members appointed by the Board of Santa Fe County Commissioners.”

2. Paragraph 3 is repealed and replaced with the following:

“Five members of the Committee shall be appointed by the BCC for an initial term of two years and five shall be appointed for an initial term of three years. Thereafter members shall serve terms of two years. Members may be reappointed by the Board of County Commissioners to additional terms. There shall be no limitation on the number of consecutive terms that a member may serve. Members may be removed by the BCC with or without cause. In the event of a vacancy, the BCC shall appoint a member to serve out the remainder of the departing member’s term.”

3. Paragraph 7 is repealed and replaced with the following:

“Members of the Committee shall be appointed from the following cross sections of the community:

- Mental Health Community (1)
- Medical/Substance Abuse Treatment Community (1)
- League of Women Voters (1)
- Public Defender's Office (1)
- Legal Community (1)
- Immigrant Advocacy Community (1)
- Homeless Shelter Advocacy Community (1)
- An employee of the Sheriff's Department who is an active participant in the group referred to as the brown bag group, currently meeting informally to ensure open communications between the judiciary and the staff of the Facilities (1)
- An employee of the City of Santa Fe Police Department who is an active participant in the group referred to as the brown bag group, currently meeting informally to ensure open communications between the judiciary and the staff of the Facilities (1)
- An at-large member from any commission district (1)"

1. All other provisions of the Resolution not herein amended remain in full force and effect.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Kathy Holian, Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, Santa Fe County Attorney



## Memorandum

**To:** Santa Fe Board of County Commissioners

**From:** Donna Morris, Senior Accountant

**Thru:** David Sperling, Fire Chief *DMS*  
Pablo Sedillo, Public Safety Director *P. Sedillo*  
Katherine Miller, County Manager *KM*

**Date:** March 26, 2013

**Subject:** A resolution requesting a budget increase to the Fire Impact Fees Fund (216) to budget impact fees received for the La Puebla Fire District to be used for the purchase of a fire engine (\$5,567). (Public Safety/Fire)

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### ISSUE:

The Fire Department is requesting BCC approval to budget Impact Fees for the La Puebla Fire District in the amount of \$5,567 to be utilized for the purchase of a fire engine. (Public Safety/Fire)

### BACKGROUND:

The Santa Fe County Fire Department, La Puebla Fire District, was awarded a NM Fire Protection grant in the amount of \$90,000 to be utilized for the purchase of a new fire engine. The La Cienega Fire District will also be utilizing cash from the La Puebla Fire District's annual Fire Protection Fund disbursements, impact fees of which \$78,000 was previously budgeted and revenue received from NM State Forestry for the Wildland RMP (Resource Mobilization Plan) responses. The total cost of the fire engine is \$438,765.

### FISCAL IMPACT:

Initial Expense: \$438,765.

Initial Revenue: \$90,000 NM Fire Protection Grant Award + \$83,567 Impact Fees +  
\$259,619 Annual Fire Protection Fund (209) Disbursement/Cash + \$5,579 NM State  
Forestry Revenue.

# SANTA FE COUNTY

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## RESOLUTION 2013 - \_\_\_\_\_

### A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on March 26, 2013, did request the following budget adjustment:

Department / Division: Fire Department/Administration Fund Name: La Puebla Impact Fee Fund (216)

Budget Adjustment Type: Budget Increase Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
216	0835	341	16-02	Revenue/Impact Fees	508	
216	0835	385	06-00	Budgeted Cash/Impact Fees	5,059	
TOTAL (if SUBTOTAL, check here)					5,567	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXX	CATEGORY/LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
216	0835	422	80-09	Capital Purchases/Vehicles	5,567	
TOTAL (if SUBTOTAL, check here X )					5,567	

Requesting Department Approval: [Signature] Title: Chief Date: 2-27-13

Finance Department Approval: [Signature] Date: 3/13/13 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: [Signature] Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

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### ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.

Requesting BCC approval for a budget increase to the La Puebla Impact Fee Fund (216) to budget FY-2013 impact fee revenue of \$508 and prior years budgeted cash in the amount of \$5,059 for a total of \$5,567 to be utilized for the purchase of a fire engine apparatus for the La Puebla Fire District. The use of impact fees will benefit the La Puebla Fire District and the communities in the Northern Region/Santa Fe County.

#### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

#### b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
80-09	Vehicle	5,567

- 2) Is the budget action for RECURRING expense \_\_\_\_\_ or for NON-RECURRING (one-time only) expense X

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

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ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Donna Morris Dept/Div: Fire Department/Administration Phone No.: 992-3082

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
  - a) If this is a state special appropriation, YES \_\_\_\_\_ NO X  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES \_\_\_\_\_ NO X  
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
  - c) Is this request a result of Commission action? YES \_\_\_\_\_ NO X  
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
  - d) Please identify other funding sources used to match this request.

Fire Fund Disbursement/Cash, NM Fire Protection Grant Award and NM State Forestry Revenue.

**SANTA FE COUNTY**

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**RESOLUTION 2013 - \_\_\_\_\_**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 26th Day of March, 2013.

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Kathy Holian, Madam Chair

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**Robert A. Garcia**  
Sheriff  
986-2455  
ragarcia@santafecounty.org



**Ron E. Madrid**  
Undersheriff  
986-2455  
rmadrid@santafecounty.org

35 Camino Justicia – Santa Fe, New Mexico 87508

## MEMORANDUM

**To:** Board of County Commissioners

**Fr:** Undersheriff Ron Madrid

**Date:** February 14, 2013 *RW*

**Re:** A Resolution Requesting A Budget Increase To The Law Enforcement Operations Fund (246) To Budget A Donation Received From Law Enforcement Publications (\$8,000)

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### Issue:

The Santa Fe County Sheriff's Office received \$8,000.00 from Law Enforcement Publication for our 2013 & 2014 Sheriff's calendars.

### Action Requested:

The Sheriff's Office would like to use this money for funding several community and educational Crime/Drug programs by the Santa Fe County Sheriff's Office. Monies would be used to fund neighborhood watch programs, school drug/crime education and other programs that will benefit the community.

### FISCAL IMPACT

#### **Short Term**

Initial Revenue: \$8,000.00  
Fiscal Year(s): 2013  
Dept./Division/Office: Sheriff's Office  
Line Item Description: Educational Supplies  
Match Requirement: No

If this is a resolution, contract or grant is for a capital project please complete the following section

Will this project be phased: No  
Operating Cost in Current Fiscal Year: \$8,000.00  
Source of operating cost funding: Law Enforcement Publications



# SANTA FE COUNTY

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## RESOLUTION 2013 -

### A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on March 26, 2013, did request the following budget adjustment:

Department / Division: Sheriff's Office Fund Name: LEOF

Budget Adjustment Type: Budget Increase Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1201	360	0100	Miscellaneous Revenue: Contributions and Donations	\$8,000.00	
TOTAL (if SUBTOTAL, check here )					\$8,000.00	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1201	424	6009	Educational Supplies	\$8,000.00	
TOTAL (if SUBTOTAL, check here )					\$8,000.00	

Requesting Department Approval: [Signature] Title: Sheriff Date: 2.12.13

Finance Department Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: [Signature] Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Robert A. Garcia Dept/Div: Sheriff's Office Phone No.: (505) 986-2455

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.  
\$8,000.00 was received from Law Enforcement Publications for our 2013 & 2014 Sheriff's calendars. This money can be used for funding several community and educational Crime/Drug programs by the Santa Fe County Sheriff's Office. Monies would be used to fund neighborhood watch programs, school drug/crime education and other programs that will benefit the community.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

- 2) Is the budget action for RECURRING expense X or for NON-RECURRING (one-time only) expense \_\_\_\_\_

# SANTA FE COUNTY

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## RESOLUTION 2013 - \_\_\_\_\_

*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

### DEPARTMENT CONTACT:

Name: Robert A. Garcia Dept/Div: Sheriff's Office Phone No.: (505) 986-2455

**DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):**

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
  - a) If this is a state special appropriation, YES NO NO X  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES NO NO X  
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
  - c) Is this request is a result of Commission action? YES NO NO X  
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
  - d) Please identify other funding sources used to match this request.  
Check was deposited into the Sheriff's revenue account #246-1201-360.01-00. Law Enforcement Publications (L.E.P.) produced 2013 & 2014 calendars and donated \$8,000 to the Santa Fe County Sheriff's Office. L.E.P. will profited from donations from this calendar but will donate and up-front guarantee of \$8,000 to the Sheriff's Office.

**SANTA FE COUNTY**

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**RESOLUTION 2013 - \_\_\_\_\_**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 26th Day of March, 2013.

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Kathy Holian, Chairperson

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

Robert A. Garcia  
Sheriff  
986-2455  
ragarcia@santafecounty.org



Ron E. Madrid  
Undersheriff  
986-2455  
rmadrid@santafecounty.org

35 Camino Justicia – Santa Fe, New Mexico 87508

## MEMORANDUM

**To:** Board of County Commissioners

**Fr:** Undersheriff Ron Madrid

**Date:** March 7, 2013 *RM*

**Re:** Resolution 2013 – A resolution requesting a budget increase to the Law Enforcement Operations Fund (246) to budget (1) grant awarded through the New Mexico Department of Transportation for Highway Safety Projects / \$5,037.00

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### Issue:

The Santa Fe County Sheriff's Office has been awarded funding for a state program that will assist in overtime needed to reduce traffic related injuries, and deaths.

### Background:

Click It or Ticket (CIOT) PA# 13-OP-CIOT-091 in the amount of \$5,037 has been awarded to the Sheriff's Office, which will assist with personnel services/overtime needed to enforce seatbelt and child restraint laws and participate in child restraint training and clinics.

### Action Requested:

The Santa Fe County Sheriff's Office requests approval to budget funding from the grant listed above in the amount of \$5,037 awarded by the NMDOT – Traffic Safety Division (TSD), in which funding from this program is focused on law enforcement activities that are committed to preventing injuries and saving lives on New Mexico public roadways.

### FISCAL IMPACT

#### **Short Term**

Initial Revenue:	\$5,037.00
Initial Expense:	\$5,037.00
Fiscal Year(s):	FY 2013
Dept./Division/Office:	Sheriff's Office
Line Item Description:	Overtime Reimbursements
Match Requirement:	No

# SANTA FE COUNTY

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## RESOLUTION 2013 -

### A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on \_\_\_\_\_, did request the following budget adjustment:

Department / Division: Sheriff's Office Fund Name: Law Enforcement Operation Fund (LEOF)

Budget Adjustment Type: Increase Budget Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

#### BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
246	1223	371	09.01	Click It or Ticket (CIOT)	\$5,037.00	
TOTAL (if SUBTOTAL, check here )					\$5,037.00	

#### BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
246 246	1201 1201	424 424	10.25 20.02	Salary & Wages / Overtime Employee Benefits / FICA Medicare	\$4,965.01 \$71.99	
TOTAL (if SUBTOTAL, check here )					\$5,037.00	

Requesting Department Approval: [Signature] Title: Sheriff Date: 3/1/13

Finance Department Approval: [Signature] Date: 3/1/13 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: [Signature] Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

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ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Robert A. Garcia/Sheriff Dept/Div: Sheriff's Office/LEOF Phone No.: (505) 986-2455

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.  
Request for a budget increase for overtime/personal services awarded to the Sheriff's Office through New Mexico Department of Transportation on PA# 13-OP-CIOT-091. Funding from this program will assist the Santa Fe County Sheriff's Office with the overtime needed to conduct law enforcement activities aimed at reducing traffic-related injuries and fatalities by conducting visible patrols in high crash locations, identified through use of local data. Used to enforce seatbelt and child restraint laws and participate in child restraint training and clinics.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclash, Overtime)	Position Type (permanent, term)	Position Title
10.25	Salary and Wages / Overtime	Permanent	Patrol/Deputy

### b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

- 2) Is the budget action for RECURRING expense \_\_\_\_\_ or for NON-RECURRING (one-time only) expense X

# SANTA FE COUNTY

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## RESOLUTION 2013 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Robert A. Garcia/Sheriff Dept/Div: Sheriff's Office Phone No.: (505) 986-2455

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
  - a) If this is a state special appropriation, YES NO ☒ X  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES ☒ X NO ☐  
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.

Title:	Click It or Ticket (CIOT)
Project #(s):	13-OP-CIOT-091 (CIOT)
Award Amt:	\$5,037.00
Award Period(s):	May 20, 2013 - June 2, 2013
  - c) Is this request is a result of Commission action? YES NO ☐ X  
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
  - d) Please identify other funding sources used to match this request. N/A



**SANTA FE COUNTY**

**RESOLUTION 2013 - \_\_\_\_\_**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This \_\_\_\_\_ Day of \_\_\_\_\_, 2013.

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Kathy Holian, Chairperson

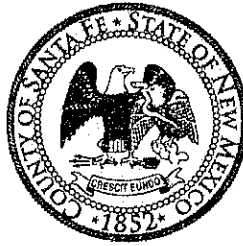
**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**Date:** March 26, 2013

**To:** Board of County Commissioners

**From:** Teresa Martinez, Finance Director

**Via:** Katherine Miller

**Re:** Resolution 2013—A Resolution Requesting A Budget Increase To The Economic Development Fund (224) To Budget A Grant Awarded By The New Mexico Economic Development Department Through The Certified Communities Initiative (CCI) / \$2,500.

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Background:

Santa Fe County was recognized as a Certified Community by The State of New Mexico Economic Development Department ("NMEDD") in 2005. In 2012 the Board adopted Resolution 2012-90, a Resolution for Santa Fe County to continue to participate in the New Mexico Certified Communities Initiative Program.

Issues

NMEDD and Santa Fe County entered into Grant agreement No. **13-419-CCI-13012** wherein Santa Fe County was awarded \$2,500. In accordance with the scope of work, the grant was awarded to support local economic development activities as part of the Certified Communities Initiatives ("CCI") Program. The county has received grant funding for this program each year since certification. This request will budget the grant in the Economic Development Fund (224) to perform the following activities:

**Marketing of Economic Development Initiatives:**

1. Design and production of marketing material, including collateral information for promoting economic development initiatives. (\$1,500.00)
2. Advertising of marketing and outreach material and related supplies. (\$1,000.00)

Recommendation:

The Finance Division recommends approval of this resolution to increase the Economic Development Fund (224) budget for the grant received from the NMEDD CCI Grant. The Grant expires on June 30, 2013.

# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2013 - \_\_\_\_\_

### A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on March 26, 2013, did request the following budget adjustment:

Department / Division: CMO/Finance for Growth Management Fund Name: Economic Development Fund

Budget Adjustment Type: Increase Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

#### BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
224	0532	371	2200	Economic Development - CCI Grant	\$2,500	
TOTAL (if SUBTOTAL, check here )					\$2,500	

#### BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
224	0532	436	5090	Econ. Dev. - CCI - Other Professional Services	\$1,500	
224	0532	436	7037	Econ. Dev. - Printing/Publishing/Ads	\$1,000	
TOTAL (if SUBTOTAL, check here )					\$2,500	

Requesting Department Approval: Carole Jaramillo Title: Budget Administrator Date: 3/26/13

Finance Department Approval: Wynne C. Waring Date: 3/27/13 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: Patricia Miller Date: 5-18-13 Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

### BUDGET ADJUSTMENT CONTINUATION SHEET

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ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: \_\_\_\_\_ Carole Jaramillo \_\_\_\_\_ Dept/Div: \_\_\_\_\_ CMO/Finance \_\_\_\_\_ Phone No.: 986-6321 \_\_\_\_\_

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.  
This Resolution will budget for a grant received from the New Mexico Economic Development Department through the Certified Community Initiatives program.  
The grant expires on June 30, 2013.

#### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

#### b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
224-0532-436-5090	Design and production of marketing materials to promote economic development initiatives	\$1,500

- 2) Is the budget action for RECURRING expense \_\_\_\_\_ or for NON-RECURRING (one-time only) expense ☒ X \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

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*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

DEPARTMENT CONTACT:

Name: Carole Jaramillo Dept/Div: CMO/Finance Phone No.: 986-6321

**DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):**

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
  - a) If this is a state special appropriation, YES \_\_\_\_\_ NO \_\_\_\_\_  
If YES, cite statute and attach a copy.

Economic Development Fund – CCI Grant

- b) Does this include state or federal funds? YES x NO \_\_\_\_\_  
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.

NMEDD Certified Community Initiatives Grant, Agreement No. 13-419-CCI-13012
- c) Is this request is a result of Commission action? YES \_\_\_\_\_ NO X  
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
- d) Please identify other funding sources used to match this request.

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

Page 4 of 4

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This 26th Day of March, 2013.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Kathy Holian, Chairperson

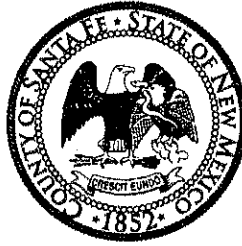
**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

**Daniel "Danny" Mayfield**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**Pablo Sedillo, III**  
Public Safety Director

**To:** Santa Fe County Board of County Commissioners  
**From:** Pablo Sedillo, III  
Public Safety Department Director  
**Date:** 3/26/13  
**Re:** SFC Corrections Department – Corrections Advisory Committee

In conjunction with the amendment to Resolution 2012-0149 was heard today for the Corrections Advisory Committee. The following are the recommendations and their terms as set forth in the Amended Resolution:

**Mental Health Community**

- Maria Jose Rodriguez-Cadiz (3 years)

**Medical/Substance Abuse Treatment Community**

- Dr. Steven Spencer (2 years)

**League of Women Voters**

- Judith Williams (3 years)

**Public Defender's Office**

- Joan Morales (2 years)

**Legal Community**

- Frank Susman (2 years)

**Immigrant Advocacy Community**

- Maria Cristina Lopez (2 years)

**Homeless Shelter Advocacy Community**

- Mary Ellen Gonzales (3 years)

**Employee of the City of Santa Fe Police Department who is an active participant in the group referred to as the Brown Bag Group**

- Aric Wheeler (3 years)

**Employee of the Santa Fe County Sheriff's Department who is an active participant in the group referred to as the Brown Bag Group**

- Adan Mendoza (3 years)

**An at-large member from any commission district**

- Michelle George (2 years)

These appointments are all subject to successful disposition of required background checks and conflict of interest determinations.

Additional applicants were as follows: Kathy Albrecht Turner, Mary Justice and Kathy Armijo-Etre. If you have any questions, I can be contacted at 992-3092. Thank you.

Robert A. Garcia  
Sheriff  
986-2455

[ragarcia@santafecountynm.gov](mailto:ragarcia@santafecountynm.gov)

SANTA FE COUNTY SHERIFF'S OFFICE



Ron E. Madrid  
Undersheriff  
986-2455

[rmadrid@santafecountynm.gov](mailto:rmadrid@santafecountynm.gov)

35 Camino Justicia – Santa Fe, New Mexico 87508

Captain Adan Mendoza  
#35 Camino Justicia  
Santa Fe, NM, 87508  
505-986-2478  
[amendoza@santafecountynm.gov](mailto:amendoza@santafecountynm.gov)

March 7, 2013

Attention: Tila Rendon-Varela  
Santa Fe County Public Safety Department  
PO Box 276  
Santa Fe, NM 87504

Re: Corrections Advisory Committee

Ms. Tila Rendon-Varela:

As a law enforcement officer but most importantly a resident of Santa Fe County, I would like to express my interest in being a member of the Santa Fe County Corrections Advisory Committee. I am concerned and interested in the various issues involving the impact of corrections on the community. I believe that my knowledge and experience could assist with these issues. I am also interested in learning more about the corrections system and look forward to sharing opinions and solutions that are important to corrections and our community.

Respectfully,

A handwritten signature in cursive script, appearing to read "Adan Mendoza".



# S. ADAN MENDOZA

## OBJECTIVE

Participate and be an active member of the Corrections Advisory Committee. Make recommendations and provide solutions to issues as they relate to the impact of corrections on the community.

## TARGET JOB

Acting member of the Santa Fe County Corrections Advisory Committee

## PROFESSIONAL QUALIFICATIONS

- Participate in committee and group discussions for a model for repetitive users of the emergency room
- Participate and attend meetings and discussions for the Santa Fe County/Christus St. Vincent's behavior health team
- BA in Criminology, University of New Mexico, 1995
- Graduate of the New Mexico Law Enforcement Academy – April of 1999
- Graduated Basic Class #149 Valedictorian
- Over fourteen years of public safety experience with more than ten years in a supervisory role.
- Ten years service on the Sheriff's Office S.W.A.T. Team
- First Line Supervisor Santa Fe County Sheriff's Office Investigations Division
- Special Deputation Appointment United States Marshals Service

## EXPERIENCE

- January 2012 to Present      County of Santa Fe      Santa Fe, NM  
*Captain*      *Santa Fe County Sheriff's Office*
- Responsible for the supervision of the following divisions:
    - Investigations Division including the Warrants Division and Computer Forensics
    - Community Support Services
    - Animal Control Division
  - *Additional duties:*
    - Ensure all policies and procedures, rules and regulations, special orders, standing orders, general orders and legal requirements of the department are carried out.
    - Establish directives. Maintain and update work schedule. Supervision of all ranking personnel with in the division and coordinate division activities. Assign and coordinate out of state prisoner transports.
    - Attend staff meetings. Brief supervisors on a weekly basis. Train, test, supervise and evaluate supervisory staff
    - Gather and maintain statistical data on division operations. Make recommendations regarding personnel actions. Ensure division paperwork and tasks are complete and accurate. Interview new job applicants.
    - Prepare and issue media releases on all major case investigations and ensure all information is correct and accurate.
    - Intake of citizen complaints. Maintains database for complaints. Screen and assign complaints as required. Review complaints and ensure a proper investigation into the complaint is completed. Refer all qualifying complaints to the New Mexico Attorney Generals office.

July 2010 to January 2012      County of Santa Fe      Santa Fe, NM  
*Investigations Lieutenant      Santa Fe County Sheriff's Office*

- Responsible for the day-to-day operations and supervision of the following divisions:
- Property and White Collar Crimes
- Violent Crimes
- Evidence Department
- Warrant Division
- Computer Forensic Department

■ *Additional duties:*

- Santa Fe County SWAT Team Supervisor
- Serve on the US Marshals Service SWIFT Fugitive Task Force
- Oversee Operation Descanso and SWIFT Fugitive Task Force grants and billing
- 

April 2008 to July 2010      County of Santa Fe      Santa Fe, NM  
*Investigations Sergeant      Santa Fe County Sheriff's Office*

- Responsible for the day-to-day operations and supervision of the following divisions:
- Property and White Collar Crimes
- Violent Crimes
- Evidence Department
- Warrant Division
- Computer Forensic Department

■ *Additional duties:*

- Santa Fe County SWAT Team Supervisor
- Serve on the US Marshals Service SWIFT Fugitive Task Force
- Oversee the Taser Program and Instruction

■ *State of New Mexico Certified Police Instructor for the following:*

- General Police Issues
- Taser
- Ensuring Child Safety Upon Parental Arrest
- Specialty Impact Munitions
- Distraction Devices
- OC Instructor
- Investigation of Sudden in Custody Deaths

July 2006 to April 2008      County of Santa Fe      Santa Fe, NM  
*Patrol Sergeant    Santa Fe County Sheriff's Office*

- As Sergeant, responsibilities included supervision of one Corporal, assignment of all patrol areas and supervision of calls received by deputies during the normal course and scope of my shift. I reviewed and approved reports and assignments of follow-up investigations up through and including case disposition and handling of citizen complaints. I also conducted performance evaluations for deputies under my general supervision.
- Transferred to Investigations Division in April 2008 and several of those duties are the same that are listed on page one.

March 2005 to July 2008      County of Santa Fe      Santa Fe, NM  
*Investigations Corporal    Santa Fe County Sheriff's Office*

- In the capacity as Investigations Corporal, I was responsible for the property crimes Detectives and assignment of all property crimes reported within Santa Fe County.
- I administered follow-up investigations and case assignments of all property crimes within Santa Fe County.
- Promoted to Sergeant and transferred to Patrol Duty July 2006

October 2004 to March 2008      County of Santa Fe      Santa Fe, NM  
*Patrol Corporal    Santa Fe County Sheriff's Office*

- As a Patrol Corporal, I handled calls for service as needed; I was also responsible for the assignment of all patrol areas and supervision of calls received by deputies during the normal course and scope of my shift. I reviewed and approved reports and assignments of follow-up investigations up through and including case disposition and handling of citizen complaints. I also conducted performance evaluations for deputies under my general supervision.
- Transferred to the Santa Fe County Investigations Division March 2005

August 2001 to October 2004      County of Santa Fe      Santa Fe, NM  
*Detective    Santa Fe County Sheriff's Office*

- As a Detective Assigned to the Property Crimes Division I was responsible and assigned to follow up and investigate property crimes to include burglary, larceny, and fraud.
- Assigned On-Call Duties to include responding to major crimes and cases after hours. These calls included both property and violent crimes that occurred after normal duty hours. Received advanced training in both property crimes and violent crime investigation.

	June 2000 to August 2001	County of Santa Fe	Santa Fe, NM
	<i>Deputy II Santa Fe County Sheriff's Office</i>		
	<ul style="list-style-type: none"> <li>Same duties as Deputy I</li> </ul>		
	May 1999 to June 2000	County of Santa Fe	Santa Fe, NM
	<i>Deputy I Santa Fe County Sheriff's Office</i>		
	<ul style="list-style-type: none"> <li>Patrols County areas and roads for the purposes of: providing immediate response to calls, enforcing traffic safety and reducing or preventing crime; conducts roving and targeted patrols on homes and businesses to prevent and reduce entry crimes, trespass, vandalism and damage to property; conducts neighborhood watch training to the general public</li> <li>Carries out field interviews, interrogations and arrests as necessary based upon reasonable suspicion and probable cause; conducts criminal surveillance; performs preliminary and when assigned, follow-up investigations of crimes committed within the patrol area; supervises reserve deputies and functions as a field training officer when assigned; attends training to maintain required law enforcement certification; Assists investigators at major crime scenes; aids citizens in need of medical, emergency or motorist assistance; provides traffic control and accident investigation as needed or required; participates in sobriety check points; responds to emergency situations when ordered to do so; assists in the serving of arrest warrants; Locates witnesses and suspects; phones victims to notify case status; transports prisoners as required and provides court security when necessary</li> <li>Develops and maintains positive interaction with the public at large; participates and may conduct educational programs for school children, the general public, and other officers; assigns training for deputies and maintains training files to ensure that deputy training is certified and meets state and federal guidelines; Conducts field investigations based on established police procedures; provides back-up to fellow deputies when needed; operates equipment and conducts self in a safe and professional manner; receives and serves civil paperwork; conducts extraditions as assigned; makes complete and timely reports based on official activity and cases during tour of duty; testifies in court on actions before the judicial system; enforces federal and state laws and County ordinances</li> <li>Books suspects into jail; processes and submits criminal complaints, required paperwork and related materials in an accurate and timely manner; maintains monthly report on the number of incidents, arrests, and drugs sold or confiscated; maintains files on confidential informants; carries out other routine and special duties; works with juvenile probation officers; and educates juveniles on laws to prevent criminal record.</li> </ul>		

## ADVANCED TRAINING

<i>Course</i>	<i>Instruction</i>	<i>Date Completed</i>	<i>Accredited Hours</i>
Emergency Medical Technician- Basic	UNM School Of Medicine	12-Dec-97	-
Hazardous Material Awareness Training	UNM School of Medicine	12-Dec-97	-
Domestic Violence	N.M.D.P.S.	20-May-99	8
Basic Radar Operator	SFSO	17-Sep-99	8
Stalking and Domestic Violence Conference		29-Oct-99	-
Instructor Development	N.M.D.P.S.	1-Sep-00	40
Advanced Highway Drug Interdiction	Desert Snow/N.M.D.P.S	7-Dec-00	32
Officer Survival	N.M.D.P.S	31-May-01	24
Death and Homicide	PATC	7-Dec-01	40
Decisional Shooting	N.M.D.P.S.	13-Dec-01	1.5
Lead-Simm Counter Terrorism Simulation	N.M.D.P.S	13-Dec-01	3.5
First Aid/CPR Instructor	American Red Cross	27-Jan-02	-
Clandestine Laboratory Investigation I	St. Petersburg College	29-Apr-02	8
Investigative Analysis of Homicide	Texas DPS	17-May-02	40
Martial Blade Craft Level I	Spyderco	19-Jul-02	8
Martial Blade Craft Level II	Spyderco	20-Jul-02	8
Criminal Investigations Basic	PACT	30-Jul-02	16
Statement Analysis	FBI	9-Sep-02	16
Reid Method Interview and Interrogation	Wicklander and Zulawski	25-Oct-02	21
Strangulation involving Violence w/women	NM District Attorney's	21-Jan-03	7.5
Rave/Club Drugs Awareness	BJA/Bureau of Justice	27-Jan-03	6
Examining Sexually Violent Offenders	Roy Hazelwood	30-Mar-03	8
Bloodstain Pattern	PACT	30-May-03	24
Courtroom Testimony Techniques	Ron Smith and Assoc	10-Jun-03	16
Taser M-26 User Certification	Taser Inter.	2-Sep-03	8
Child Sexual Exploitation Investigations	OJJDP	10-Oct-03	36
Weapons Of Mass Destruction Exercise	National Homeland Security	4-May-04	24
Taser Instructor Course	Taser International	28-Jun-04	-
Defensive Driving	National Safety Council	4-Aug-04	6
Defensive Driving/Pursuit Policy	SFSO	5-Aug-04	8
Sexual Assault Nurse Examiners Conference	NM Coalition SANE	27-Aug-04	16
Basic SWAT	Broken Arrow OK/CLEET	3-Sep-04	40
Homeland Security Conference	NM Tech University	19-Nov-04	-
Prevention and response to Suicide Bombing	NM Tech University	17-Nov-04	3
Incident response to Terrorist Bombing	NM Tech University	18-Nov-04	4
8 <sup>th</sup> Annual Homeland Security Conference	National Homeland Security	19-Nov-02	-
Practical Guide for Documenting Discipline	Santa Fe County/GenQuest	8-Dec-04	8
First Line Supervisor	Law Enforcement Tech	24-Feb-05	8
CPR	SFSO	10-Jan-05	4
State and Local Anti-Terror Training	BJA	15-Sep-05	8
Dignitary Protection	Countermeasures Tac Ins.	10-Nov-05	40
IS-00700 NIMS	FEMA	15-Nov-05	.3
Use of Force and Baton Application	SFSO	18-Nov-05	4
Taser Instructor Certification	Taser International	1-Dec-05	8
Instructor of In Custody Death	IPICD	2-Dec-05	8
MP5 training /qualifications	Sgt Ken Johnson Instructor	3-Mar-06	8
Proff. Development for Mid Management	Santa Fe County	15-Aug-06	3
Organizational Skills and Motivation	Santa Fe County	22-Aug-06	3
Legal Liability Management for SWAT Operations	PATC	16-Oct-06	16

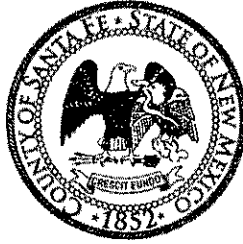
EDUCATION	
	<p>June 1990      Capital High School      Santa Fe, NM  <i>High School Diploma</i></p> <p>June 1995      University Of New Mexico      Albuquerque, NM  <i>BA in Criminology</i></p> <p>April 1999      New Mexico Law Enforcement Academy      Santa Fe, NM  <i>Law Enforcement Certification</i></p>
REFERENCES	
	Available upon request

<i>Course</i>	<i>Instruction</i>	<i>Date Completed</i>	<i>Accredited Hours</i>
Basic Media Relations/FIO Workshop	NMBA/NM Trans.	30-Jan-07	8
Advanced Spokesperson	NMBA/NM Trans.	31-Jan-07	8
Domestic Violence	SFSO	23-Apr-07	8
Standardized Field Sobriety Refresher	SFSO	19-Feb-07	8
SWAT Supervision and Command	NTOA	17-Aug-07	40
Stress Management and reduction training	Santa Fe Rape Crisis Center	24-Aug-07	-
Hate Crimes	SFSO	18-Dec-07	2
AR-15 / MP5	SFSO	25-Jan-08	8
Safe Pursuit Procedures	SFSO	28-Mar-08	4
Taser Instructor Certification	Taser International	12-Aug-08	8
Enhanced Threat and Risk Assessment	TEEX	29-Aug-08	16
Harassment Training	Santa Fe County	7-Nov-08	2
Human Trafficking Training	NM Attorney General	12-Nov-08	40
Law Enforcement Officers Flying Armed	SFSO	27-Feb-09	2
Hate Crimes	SFSO	27-Jan-09	2
Performance Evaluation Training	Santa Fe County	23-Mar-09	-
Instructor Refresher Update	Law Enforcement Tech	24-Mar-09	8
OC Projectors	Def Tech	04-May-09	8
Impact Weapons	Def Tech	04-May-09	8
Distraction Devices	Def Tech	04-May-09	8
Chemical Munitions	Def Tech	04-May-09	8
Ground fighting For Law Enforcement	GFBC	19-Feb-10	40
Documenting Discipline	Santa Fe County	12-Oct-10	-
Managing the Property and Evidence room	PACT	1-Jun-11	16
Reasonable Suspicion/Non DOT	Santa Fe County	4-Nov-11	1.5
Internal Affairs	PACT	18-Jan-12	20
Ethics	Santa Fe County	19-Oct-12	1.5
FMLA	Santa Fe County	21-Sep-12	1

**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**Date:** March 13, 2013

**To:** Santa Fe Board of County Commissioners

**From:** <sup>SRB</sup> Steven Brugger, Affordable Housing Administrator

**via:** Robert Griego, Planning Manager  
Penny Ellis-Green, Growth Management Director

**Re:** Proposed Amendments to Down Payment Assistance Program Ordinance 2011-6 and Resolution 2010-190

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## **Background**

The Ordinances that enable down payment assistance to be provided are No. 2009-14, as amended by No. 2010-3 and No. 2011-6, the last of which is attached. The specific Section which applies to down payment assistance is Section 6 of the Ordinances. The New Mexico Mortgage Finance Authority (MFA) had previously approved Ordinance No. 2011-6.

The Resolutions that guide how the down payment assistance program is administered in compliance with the ordinances are Resolution No. 2010-40, as amended by Resolution No. 2010-115, and Resolution No. 2010-190, the last of which is attached. The Sections which apply to the down payment assistance program are Articles III, IV and V of the Regulations, which have not been approved by MFA.

Prior to submitting the regulations to MFA for review and approval, staff recommends that some changes be made in order to increase program effectiveness and targeting, stimulate usage of the program and promote new affordable housing construction. The changes that are proposed to Ordinance No. 2011-6 and Resolution No. 2010-190 are summarized herein.

If the BCC is amenable to the recommended changes, staff will work with Legal to create specific ordinance and resolution and regulation language to be incorporated into an amended (or new) Ordinance and Resolution (Regulations). The amended (or new) Ordinance and Resolution would first be submitted to MFA for approval, and then to the BCC for final approval.

## **Summary of Proposed Ordinance and Regulations Changes**

Subject to MFA review and potential additional changes, two ordinance changes are proposed for the down payment assistance program contained within Ordinance 2011-6 and sixteen changes are proposed for Regulations attached to Resolution 2010-190. They are described below.



### Ordinance Change #1

Staff has historically interpreted Sections 6A and 6E of Ordinance 2011-6 to mean that a commitment for down payment assistance cannot be given until the applicant provides a purchase contract and appraisal, along with the rest of the required application material. Although this rule provides certainty as to how the mortgage payment fits into the household budget which is submitted and reviewed, this requirement does limit utilization of the program. In most cases, failure to grant down payment assistance results in the termination of the purchase agreement. It would be better for the applicant to know up-front prior to entering into a purchase contract whether there is a down payment assistance commitment as well as knowing that a lender had provided a mortgage loan pre-approval and letter of commitment up to a specific loan amount, with stated rate and terms.

To address this problem, staff proposes that Sections 6A and 6E of Ordinance 2011-6 be changed so that an applicant has the option to submit an application for down payment assistance and receive a commitment for funding prior to their selecting a home. In such a scenario, the application for down payment assistance, all required proof of income information, credit report, financial statements, mortgage loan application, summary of mortgage loan commitment, household monthly budget, homebuyer education certification and other required information would be submitted, except for a purchase agreement and an appraisal.

Any commitment for down payment assistance approved prior to the applicant selecting a home would be conditioned upon the following: 1) Submittal of purchase contract and appraisal for Administrator review at least 30 days prior to Closing; 2) Actual purchase price and appraisal at or below County-specified maximum home purchase price limits and maximum loan-to-value limits; 3) Location of home in the County, outside of the limits of incorporated areas and compliance of home with all County and State code requirements; 4) Administrator review of updated applicant income and assets information if 90 days have expired from the date of the commitment letter, in order to determine continuing eligibility for the program; 5) Receipt of updated mortgage loan commitment with the same amount, rate and terms as offered in the original mortgage loan pre-approval and letter of commitment.

Once the applicant receives a mortgage loan preapproval and letter of commitment and a commitment for down payment assistance, the applicant would have a budget for home purchase and could then go shopping for a home within the designated budget. The down payment assistance commitment would be good for 180 days subject to a required additional review of applicant's income and asset information 90 days after the date of initial commitment, as well as the updated loan commitment from the first mortgage lender.

### Ordinance Change #2

In Ordinance 2011-6, Section 6C(2)(d), it is stated that "To be eligible to receive a Housing Assistance Grant as specified in paragraph A of this Section, a Qualifying Grantee must: ...be approved by the Administrator and, when applicable, the Board of County Commissioners."

Staff proposes that this Section be changed to reflect that the Qualifying Grantee must be approved by a Loan Review Committee, upon recommendation of the Administrator. The Regulations would state that

the Loan Review Committee shall have no fewer than 3 individuals, no greater than 5, and shall be designated by the County Manager.

#### Regulations Change #1

In Resolution No. 2010-190, Section 3.1.1(b), it is stated that down payment assistance “may be allowed up to \$20,000” for Income Range 1 (<65% of Area Median Income); “may be allowed up to \$15,000” for Income Range 2 (66% to 80% of Area Median Income); and “may be allowed up to \$10,000” for Income Range 3 (81% to 100% of Area Median Income).

Staff proposes that up to \$5,000 in down payment assistance be made available to Entry Market Buyers in Income Range 4 (101% to 120% of Area Median Income). In addition, staff proposes that for each of the income ranges, the maximum assistance that can be provided is the lesser of the amount listed or 20% of the purchase price, less the amount of gifts and other sources of down payment, including buyer’s own funds.

#### Regulations Change #2

In Section 3.1, staff proposes to add a new subsection requiring all applicants to complete homebuyer training from a certified homebuyer counseling organization prior to making application for assistance.

#### Regulations Change #3

In Section 3.1, staff proposes to add a new subsection which states that the applicant must make a minimum contribution at closing of 10% of any down payment assistance contributed by the County.

#### Regulations Change #4

In Section 3.1, staff proposes to add a new subsection which states that the maximum purchase price of a home eligible for down payment assistance is the lesser of the maximum target home price for a four bedroom unit in Income Range 4, under the regulations of the County inclusionary zoning program set forth in Resolution 2010-189, as may be amended in the future; and any maximum purchase price limit stated as a condition in a letter of commitment for down payment assistance provided by the County.

#### Regulations Change #5

In Section 3.1, staff proposes to add a new subsection which states that the CLTV (combined loan to value) of all loans on the Property, including any deferred payment loans from the County, is less than 100% of the Property appraised value, using the lender’s appraisal.

#### Regulations Change #6

In Section 3.2.1, it states that “The annual gross income of an applicant for down payment assistance may not exceed 100% of the area median income”. Staff proposes that this be changed to “...may not exceed 120% of the area median income”. This allows moderate income buyers defined in the inclusionary zoning ordinance and regulations as “Entry Market Buyers” to be eligible for assistance.

#### Regulations Change #7

In Section 3.2, staff proposes to add a new subsection which states that eligible properties must be in compliance with all County and State codes, must be located in the County outside of incorporated areas and may include single family detached and attached homes, including townhomes and condominiums, and may include modular homes and manufactured homes on permanent foundations on a legal lot owned by the applicant.

#### Regulations Change #8

In Section 3.2.3., staff proposes to add a sentence that states that an applicant cannot own real estate, other than the legal lot upon which the home is to be built/placed, at the time of application. Staff also proposes to reduce the asset limit from \$50,000 to \$25,000, after closing. This change in limit would also be inserted in Section 3.3.2. "Asset Limitations".

#### Regulations Change #9

In Section 3.4.2 "Eligible Financing", staff proposes to revise the language to state: "A Qualifying Grantee must finance the purchase of the home with a prime mortgage loan, as defined by the Affordable Housing Administrator".

#### Regulations Change #10

In Section 3.5.3 "Application", staff proposes to revise Section 3.5.3 to include the following as additional required submittals: Uniform Residential Loan Application, Loan Summary of First Mortgage Loan Commitment, Family Budget, Homebuyer Education Certification, Purchase Agreement and Appraisal (may be supplied after conditional commitment is made).

#### Regulations Change #11

Staff proposes to insert a new subsection in Section 3.5 which states that approval of an application for down payment assistance shall be made by a Loan Review Committee, upon recommendation of the Administrator. The Loan Review Committee shall have no fewer than three individuals, no greater than five, and shall be designated by the County Manager.

#### Regulations Change #12

Staff proposes to insert a new subsection in Section 3.5 which states: "If an application is submitted without a purchase contract or appraisal, any approval and letter of commitment would be conditional, as the Loan Review Committee, upon recommendation of the Administrator, would provide conditions of approval which set limits on the applicant's maximum purchase price and minimum appraised value; requires the Property to be compliant with all County and State codes and located in the County but outside of incorporated areas, and which would require the applicant to submit a purchase contract and appraisal from a certified residential appraiser that proves that the conditions are met."

#### Regulations Change #13

Staff proposes to replace the existing Section 3.5.6 with the following language: "The letter of commitment would be valid for a period of six months after issuance, provided that if closing has not

occurred within ninety days after the date of down payment assistance commitment, the Administrator would be provided with an updated loan commitment from the first mortgage lender with the same terms as the initial mortgage loan preapproval and commitment and would be provided with updated income and asset information which would be used to verify that the applicant continues to be eligible for the program. This information would be reviewed by the Administrator within five business days. If the applicant continues to meet program eligibility requirements, the letter of commitment would remain in effect. If an eligibility requirement was violated, then the letter of commitment would be rescinded”.

#### Regulations Change #14

Staff proposes to add a sentence to the existing Section 5.3 Recordation of Affordability Mortgage or Lien, which states: “The affordability mortgage and lien for down payment assistance shall only be subordinated to the lender’s first mortgage loan, unless a separate subordination request is approved by the Loan Review Committee”.

#### Regulations Change #15

Staff proposes to add language to Section 4.1 which states that the affordability mortgage or lien shall contain all provisions necessary to fully comply with the Ordinance and with the provisions of the New Mexico Affordable Housing Act and MFA Rules and Regulations.

#### Regulations Change #16

Staff proposes to delete Section 5.2.4. relating to an appraisal, as this would now be covered in an earlier section.

### **Fiscal Impact**

There will be no initial or long term expense or revenue attached to this item, even when it comes forward as an amended ordinance and resolution. The recommendations herein are for changes in process, rather than financial in nature.

### **Staff Recommendation**

Direct staff to create either an amendment to Ordinance 2011-6 and amendment to Resolution 2010-190 which reflect these recommended changes, or in the alternative, create a new Ordinance and Resolution which applies only to the down payment assistance program. This Ordinance and Resolution would then be submitted to the BCC for final consideration, after receiving approval from the MFA.

### **Attachments**

Exhibit 1: Ordinance No. 2011-6

Exhibit 2: Resolution No. 2010-190

THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY

ORDINANCE NO. 2011- 6

AN ORDINANCE AMENDING SECTION TWO, SECTION THREE, SECTION FOUR, SECTION FIVE, SECTION SIX, SECTION SEVEN, SECTION EIGHT, SECTION NINE, SECTION ELEVEN, SECTION TWELVE AND SECTION THIRTEEN OF ORDINANCE 2009-14 [AS AMENDED BY 2010-3] TO DEFINE THE SCOPE AND PURPOSE OF THE ORDINANCE; TO EXPAND AND ALIGN DEFINITIONS, ELIGIBILITY, PROTECTION OF COUNTY FUNDS AND LONG-TERM AFFORDABILITY WITH THE AFFORDABLE HOUSING ACT AND MORTGAGE FINANCE AUTHORITY RULES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY that:

**Section One.** Ordinance 2009-14 is hereby amended to delete the current Section Two (Statutory Authority) and substitute the following:

**“Section Two. Statutory Authority.** This Ordinance is enacted under the authority of Subsection E and F of Section 14 of Article IX of the New Mexico Constitution, the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978 *et seq.*, the New Mexico Mortgage Finance Authority Affordable Housing Act Rules and is consistent with Goals, Policies and Quantifiable Objectives included in the Santa Fe County Affordable Housing Plan and the Santa Fe County Sustainable Growth Management Plan (SGMP) to compliment and assist other social, environmental and land use strategies in providing affordable housing for the low to moderate income workforce within Santa Fe County.”

**Section Two.** Ordinance 2009-14 is hereby amended to delete the current Section Three (Scope.) and substitute the following:

**“Section Three. Scope and Purpose.**

A. This Ordinance shall apply within the unincorporated areas of central and northern Santa Fe County shown on Attachment A to Ordinance No. 2006-02, [as amended] except that this Ordinance may, upon approval of the Board of County Commissioners, apply to affordable housing projects engaged in by Santa Fe County anywhere within the County.

B. The purpose of this Ordinance is to:

(1) Enable Santa Fe County to provide or pay for all or a portion of the costs of acquisition, development, construction, financing and operating associated with affordable housing initiatives;

(2) Allow for the donation of land for construction of affordable housing, building conversion or renovation into affordable housing or pay for the costs of infrastructure necessary to support affordable housing projects;

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(3) Establish procedures to ensure that Housing Assistance Grants are limited to projects that will provide affordable housing to low and moderate income households in areas of need as established by the County;

(4) Establish procedures to ensure that Housing Assistance Grantees are qualifying grantees who meet the requirements of the Act, the rules promulgated pursuant to the Act and this Ordinance both at the time of the award and throughout the term of any grant or loan awarded under this Ordinance;

(5) Establish an application and evaluation process to authorize the County to select Qualifying Grantees;

(6) Require long-term affordability of the County's affordable housing program so that a project cannot be sold shortly after completion and taken out of the affordable housing market to ensure a quick profit for the qualifying grantee;

(7) Require that the Qualifying Grantee enter into a contract with the County consistent with the Act, which contract shall include remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee;

(8) Require that a Housing Assistance Grant for a project impose contractual obligation on the Qualifying Grantee that the Affordable Housing Units in any project be occupied by persons of low or moderate income;

(9) Provide for adequate security against loss of public funds or property in the event that the Qualifying Grantee abandons or otherwise fails to complete the project;

(10) Require review and approval of a Housing Assistance Grant project budget by the County before any expenditure of grant funds or transfer of granted property; and

(11) Provide definitions of "low income" and "moderate income" and setting out requirements for verification of income levels.

**Section Three.** Ordinance 2009-14 is hereby amended to delete the current Section Four (Definitions.) and substitute the following:

**"Section Four. Definitions.**

A. "Administrator" means the Affordable Housing Administrator.

B. "Affordable Housing" and "Affordable Housing Unit" means residential housing primarily for Persons and Households of Low or Moderate Income.

C. "Affordable Housing Agreement" means the agreement required by Sections 4(D), 4(F) and 6(B)(2) of Ordinance No. 2006-02, as amended, and the Regulations promulgated pursuant thereto.

D. "Affordable Housing Fund" means the fund established in Ordinance 2006-02, as amended, whose sole purpose is to support Affordable Housing within Santa Fe County.

E. "Affordability Period" means the duration of the Affordability Period, which shall comply with the long-term affordability restriction requirements of the New Mexico Mortgage Finance Authority Affordable Housing Act Rules.

F. "Applicant" means an individual who applies for assistance to pay for all or a portion of the costs of acquisition, development, construction, financing and operating associated with affordable housing initiatives or requests the donation of land for construction of affordable housing, building conversion or renovation into affordable housing or requests assistance for the costs of infrastructure necessary to support affordable housing projects.

G. "Area Median Income" (AMI) means the median income for the Santa Fe Metropolitan Statistical Area as adjusted for various household sizes and published and revised periodically by the U.S. Department of Housing and Urban Development (HUD).

H. "Assistance" is a Housing Assistance Grant issued under authority of this Ordinance.

I. "Building" means a structure capable of being renovated or converted into affordable housing or a structure that is to be demolished and is located on land donated for use in connection with an affordable housing project.

J. "Eligible Buyer" shall mean the purchaser of an Eligible Housing Unit whose annual adjusted gross income is no more than eighty percent (80%) of the Area Median Income, adjusted for household size.

K. "Eligible Housing Unit" shall have the meaning assigned in Ordinance No. 2006-02, as amended.

L. "Entry Market Buyer" shall have the meaning assigned in Ordinance No. 2006-02, as amended, adjusted for household size.

M. "Housing Assistance Grant" means the donation, provision or payment by the County pursuant to this Ordinance and Section 6-27-1 NMSA 1978 et seq. of: (i) land for the construction on the land of affordable housing; (ii) the costs of converting or renovating an existing building into affordable housing; (iii) the costs of financing of infrastructure necessary to support affordable housing projects; or (iv) the costs of acquisition, development, construction, financing, operating or owning affordable housing.

N. "Infrastructure" means Infrastructure Improvement and Infrastructure Purpose.

O. "Infrastructure Improvement" includes, but is not limited to:

- (1) sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge;
- (2) drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use and discharge;
- (3) water systems for domestic purposes, including production, collection, storage, treatment, transport, delivery, connection and dispersal;
- (4) areas for motor vehicle use for road access, ingress, egress and parking;

- (5) trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for road access, ingress, egress and parking;
- (6) parks, recreational facilities and open space areas for the use of residents for entertainment, assembly and recreation;
- (7) landscaping, including earthworks, structures, plants, trees and related water delivery systems;
- (8) electrical transmission and distribution facilities;
- (9) natural gas distribution facilities;
- (10) lighting systems;
- (11) cable or other telecommunications lines and related equipment;
- (12) traffic control systems and devices, including signals, controls, markings and signs;
- (13) inspection, construction management and related costs in connection with the furnishing of the items listed in this subsection; and
- (14) heating, air conditioning and weatherization facilities, systems or services, and energy efficiency improvements that are affixed to real property.

P. "Infrastructure Purpose" means:

- (1) planning, design, engineering, construction, acquisition or installation of infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of the infrastructure;
- (2) acquiring, converting, renovating or improving existing facilities for infrastructure, including facilities owned, leased or installed by the owner;
- (3) acquiring interests in real property or water rights for infrastructure, including interests of the owner; and
- (4) incurring expenses incident to and reasonably necessary to carry out the purposes specified in this subsection.

Q. "Low Income Person or Household" means a person or household whose income does not exceed 80% of the Area Median Income, adjusted for household size.

R. "MFA" and "MFA Rules" means the New Mexico Mortgage Finance Authority and the Mortgage Finance Authority Affordable Housing Act Rules adopted by the New Mexico Mortgage Finance Authority's Board of Directors.

S. "Moderate Income Person or Household" means a person or household whose income does not exceed 120% of the Area Median Income, adjusted for household size.

T. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture or any legal or commercial entity.

U. "Qualifying Grantee" means:

- (1) a person of low or moderate income who is qualified to receive assistance pursuant to the Act, MFA Rules, this Ordinance and is approved by the Administrator to receive assistance; or
- (2) a governmental housing agency, regional housing authority, tribal housing agency, corporation, limited liability company, partnership, joint venture, syndicate, association or a non-profit organization that:



- (a) is organized under State or local laws and can provide proof of such organization;
- (b) if a non-profit organization the primary mission must be to provide housing or housing-related services to Persons of Low or Moderate Income, must have received a 501(c)(3) designation prior to applying and has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;
- (c) if a non-individual applicant the organization must have a functioning accounting system that is operating in accordance with generally accepted accounting principles or has designated an entity that will maintain such accounting system, have among its purposes significant activities related to providing housing or services to Persons or Households of Low or Moderate Income; and evidence or certification that the applicant has no significant outstanding or unresolved monitoring findings from the County, the MFA, or its most recent independent financial audit, or if it has any such findings, it has a certified letter from the County, the MFA, or auditor stating that the findings are in the process of being resolved; and
- (d) is approved by the Administrator.

V. "The Act" means the New Mexico Affordable Housing Act, Section 6-27-1 NMSA 1978, *et seq.*

W. "Third Party Assistance" means funding provided by the State of New Mexico, the United States (or an instrumentality of the United States), or a federal home loan bank, so long as the assistance is approved by the Affordable Housing Administrator.

X. "Regulations" means the regulations adopted and amended by the Board of County Commissioners of Santa Fe County to carry out the provisions of the Affordable Housing Assistance Ordinance.

Y. "Relation by blood or marriage within the third degree" includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild, and great-grandparent."

**Section Four.** Ordinance 2009-14 is hereby amended to delete the current Section Five (Grants of Property, an Existing Building, or Infrastructure.) and substitute the following:

**"Section Five. Grants of Property, an Existing Building, or Infrastructure.**

A. A person that provides Affordable Housing as required by Santa Fe County Ordinance No. 2006-02 may apply to the Administrator to receive a Housing Assistance Grant consisting of a donation of land for the construction on the land of affordable housing, for the costs of converting or renovating an existing building into affordable housing, or the costs or infrastructure necessary to support affordable housing projects.

B. To be eligible to receive a Housing Assistance Grant as specified in paragraph A of this Section, the Qualifying Grantee, as defined under Section Four Definitions, must meet all the requirements established by the County pursuant to the

Affordable Housing Act, Section 6-27-1 NMSA 1978, et seq., the MFA Rules and this Ordinance .

C. Applicant Eligibility and Qualifying Grantee Requirements.

(1) To be eligible to receive a Housing Assistance Grant as specified in paragraph A of this Section, a Qualifying Grantee who is not an individual must:

(a) have a functioning accounting system that is operating in accordance with generally accepted accounting principles or has designated an entity that will maintain such accounting system consistent with generally accepted accounting principles;

(b) have among its purposes significant activities related to providing housing or services to low- or moderate-income persons or households; and

(c) if it has significant outstanding or unresolved monitoring findings from either the MFA or its most recent independent financial audit, have a certified letter from the MFA or auditor stating that the findings are in the process of being resolved;

(2) If the Qualifying Grantee is a corporation, the corporation must be in good standing with the Public Regulation Commission, Corporations Bureau or, if a foreign corporation, the corporation must be registered with the Public Regulation Commission, Corporations Bureau, to do business in the State of New Mexico; and

(3) if a not-for profit corporation:

(a) the primary mission must be to provide housing or housing-related services to Persons of Low or Moderate Income;

(b) must have received a 501(c)(3) designation from the Internal Revenue Service prior to applying; and

(c) no part of net earnings inure to the benefit of any member, founder, contributor, or individual;

D. Affordable Housing Funds and Housing Assistance Grants pursuant to this Section shall be limited to the amount set forth in Sec. 5(F) of this Ordinance, or the fair market value of property or infrastructure as established by an appraisal, whichever is less.

E. Affordable Housing Funds and Housing Assistance Grants pursuant to this Section for the costs of infrastructure necessary to support affordable housing projects shall be tendered only after completion of the infrastructure that is the subject of the Affordable Housing Fund or Housing Assistance Grant, and only after construction of Affordable Housing Units served by the infrastructure commences.

F. The maximum Affordable Housing Funds and Housing Assistance Grants authorized under this Section shall be limited to Ten Thousand Dollars (\$10,000.00) for each Affordable Housing Unit provided.

G. Affordable Housing Funds and Housing Assistance Grants authorized pursuant to this Section shall be in addition to any incentive set forth in Ordinance No. 2006-02.

H. Affordable Housing Funds and Housing Assistance Grants awarded pursuant to this Section shall be in accordance with the Act, MFA Rules and this Ordinance as follows:

(1) The Qualifying Grantee shall enter into one or more contracts with the County, which contract(s) shall include remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee;

(2) The Qualifying Grantee shall execute documents, which will provide adequate security against the loss of public funds or property in the event the qualifying grantee abandons or fails to complete the affordable housing project, and which shall further provide, as may be permitted by law, for the recovery of any attorney fees and costs which the County may incur in enforcing the provisions of the Act, MFA Rules, this Ordinance and/or any agreement entered into by the County and the Qualifying Grantee, and which documents may include, but are not limited to, the following: note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreements and/or any other agreement which the County shall require in order to allow for any funds which the Qualifying Grantee may receive under the Affordable Housing Funds or Housing Assistance Grant to be adequately secured and to allow the County to ensure that such funds shall be utilized by the Qualifying Grantee in accordance with the Act, MFA Rules and this Ordinance as follows;

(3) The Qualifying Grantee shall be required to abide by a reasonable performance schedule and performance criteria that the County, in its discretion, may establish;

(4) Qualifying grantees shall agree that they shall maintain any land or buildings received as a housing assistance grant as either single-family or multi-family affordable housing in accordance with the Act, the MFA Rules and this Ordinance or as a facility which provides housing related services to persons of low or moderate income in accordance with the Act, the MFA Rules and this Ordinance (as applicable) for the duration of the affordability period, as defined in Section Nine, paragraph F; and

(5) In calculating the affordability period for Housing Assistance Funds or Housing Assistance Grants of either land or buildings, the fair market value of the land or buildings or the costs of infrastructure at the time of the donation by the County shall apply.

I. The note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreement and/or any other agreements shall be in the form prescribed by the county attorney, shall require the agreement to be governed by the laws of the State of New Mexico, that the exclusive forum for any litigation arising out of or related to the agreement shall be in the First Judicial District Court of New Mexico, located in Santa Fe County, New Mexico and shall be duly executed and recorded in the office of the Santa Fe County Clerk prior to the commencement of any work contemplated under this Ordinance.

J. Qualifying Grantee shall submit to, and the County shall cause to be made, such examinations of the books and records of each Qualifying Grantee as the County deems necessary or appropriate to determine the Qualifying Grantee's compliance with the terms of the Act, the MFA Rules, this Ordinance and any contracts between the Qualifying Grantee and the County. The County may require each Qualifying Grantee to pay the costs of any such examination."

**Section Five.** Ordinance 2010-3 amending Ordinance 2009-14 is hereby repealed.

**Section Six.** Ordinance 2009-14 is hereby amended to delete the current Section Six (Grants of All or a Portion of the Costs of Acquisition, Development, Construction, Financing, Operation or Owning Affordable Housing.) and substitute the following:

**"Section Six. Grants of All or a Portion of the Costs of Acquisition, Development, Construction, Financing, Operation or Owning Affordable Housing.**

A. Each Qualifying Grantee who purchases an Affordable Housing Unit may receive a Housing Assistance Grant of down payment assistance to help pay the costs of acquisition, development, construction, financing, operating or owning affordable housing. Down payment assistance shall be available only upon the closing of permanent financing of the Affordable Housing Unit, and shall not be available upon the closing of temporary or construction financing.

B. Each Housing Assistance Grant issued pursuant to paragraph A of this Section shall be made at the closing of a purchase of an Affordable Housing Unit shall not exceed the sum of Twenty Thousand Dollars (\$20,000) and shall be in compliance with the Affordable Housing Act, the MFA Rules and this Ordinance.

C. Applicant Eligibility and Qualifying Grantee Requirements.

(1) Only one Housing Assistance Grant issued pursuant to this Section may be issued to a Qualifying Grantee.

(2) To be eligible to receive a Housing Assistance Grant as specified in paragraph A of this Section, a Qualifying Grantee must:

- (a) submit a complete application to the administrator;
- (b) qualify as a Low or Moderate Income Person or Household;
- (c) meet the requirements specified in the Affordable Housing Regulations; and
- (d) be approved by the Administrator and, when applicable, the Board of County Commissioners.

D. In accordance with the Act, MFA Rules and this Ordinance:

(1) Each Housing Assistance Grant issued pursuant to paragraph A of this Section shall be secured by a note, mortgage, loan agreement, land use restriction agreement, restrictive covenant agreement and/or any other agreement(s) which the County may require in the amount of the Housing Assistance Grant for the duration of the Affordability Period.

(2) The agreement(s) which the County may require shall:

- (a) require the Qualifying Grantee to occupy the Affordable Housing Unit as a primary residence for the duration of the Affordability period;
- (b) provide adequate security against the loss of public funds or property in the event the Qualifying Grantee fails occupy the Affordable Housing Unit as a primary residence;
- (c) provide for the recovery of any attorney fees and costs which the County may incur in enforcing the provisions of the Act, the MFA Rules, this Ordinance and/or any agreement entered into by the County and the Qualifying Grantee, as may be permitted by law;
- (d) require the agreement to be governed by the laws of the State of New Mexico, that the exclusive forum for any litigation arising out of or related to the agreement shall be in the First Judicial District Court of New Mexico, located in Santa Fe

County, New Mexico and shall be duly executed and recorded in the office of the Santa Fe County Clerk as a condition precedent to receiving the Housing Assistance Grant; and

(e) any other provision that the County determines is necessary to ensure that such funds shall be utilized by the Qualifying Grantee in accordance with the Act, the MFA Rules and this Ordinance.

(3) During the Affordability Period the Qualifying Grantee may only sell or transfer the Affordable Housing Unit to an Eligible Buyer or an Entry Market Buyer.

E. Persons desiring to receive a Housing Assistance Grant pursuant to paragraph A of this Section may pre-qualify for such assistance by filing an application with the Administrator. If the applicant appears to qualify for a grant at the time of application, the Administrator may certify the person as a potential Qualifying Grantee. A copy of such certificate may be provided to the MFA, upon its request. The certification shall be valid for one year except that after six months a person shall be required to update the application. Upon making an application pursuant to this Ordinance, the potential Qualifying Grantee shall certify, in writing, that there have been no material changes in any of the information or documentation provided or representations made. The Administrator, in his or her discretion, may request that additional information be provided notwithstanding the previous certification as a potential Qualifying Grantee. Certification as a potential Qualified Grantee does not guarantee that the potential Qualifying Grantee shall be approved by the County as a Qualifying Grantee or that any application submitted by the potential Qualifying Grantee is complete or otherwise in compliance with the Affordable Housing Act, MFA Rules, this Ordinance and Regulations pursuant to the Ordinance or that the potential Qualifying Grantee shall be awarded any Affordable Housing Funds or a Housing Assistance Grant."

**Section Seven.** Ordinance 2009-14 is hereby amended to delete the current Section Seven (Application Process.) and substitute the following:

**"Section Seven. Application Process.**

A. Housing Assistance Grants for Property, Existing Buildings, or Infrastructure.

(1) To obtain a Housing Assistance Grant pursuant to Sec. 5 of this Ordinance, the applicant must submit an application and a detailed budget that describes the uses of proposed grant, including the items required to be submitted pursuant to this subsection. The application shall be made on a form provided by the Administrator. The County in its discretion may issue one or more RFP's to solicit applications from applicants or shall otherwise identify a qualifying grantee for the use of Affordable Housing Funds or Housing Assistance Grants to be awarded, loaned, donated or otherwise provided under the Act, the MFA Rules and this Ordinance. An RFP shall require, but not be limited to, the information required in subsection (2) below.

(2) The application shall include all information required by the Regulations established pursuant to Sec. 8, herein, including, but not limited to, the following information:

(a) A narrative that describes the nature, scope and the need, as identified in the Santa Fe County Affordable Housing Plan, of the Affordable Housing Project envisioned by the applicant, and that describes the type and amount of assistance requested;

- (b) An executive summary and project narrative including, but not limited to, the following:
- (i) the financial and management stability of the applicant;
  - (ii) the demonstrated commitment of the applicant to the community;
  - (iii) the cost-benefit analysis of the project proposed by the applicant;
  - (iv) the benefits to the community of a proposed project;
  - (v) the type or amount of assistance to be provided;
  - (vi) the scope of the affordable housing project;
  - (vii) the substantive or matching contribution by the applicant to the proposed project; and
  - (viii) a performance schedule with performance criteria.
- (c) Relevant information concerning the applicant (organization structure, status, goals and objectives of the organization, accounting system, and other requirements set forth in Section 5 of this Ordinance, together with supporting documentation);
- (d) A detailed budget for the proposed project that includes sources and uses of funds;
- (e) A recent financial statement and audit, as applicable;
- (f) A list, as applicable, of current board members, principals, key executive staff and an organizational chart;
- (g) A copy of the Affordable Housing Agreement and Donation Agreement, as appropriate;
- (h) A statement of the experience of the applicant developing, financing or managing Affordable Housing projects;
- (i) A verification signed by the applicant that the information provided, under penalty for perjury, is true and correct to the best of the applicant's knowledge and belief;
- (j) All information required by this Ordinance and the Affordable Housing Regulations;
- (k) Other information required by the Administrator which shall clearly evidence the need for the subsidy, that the value of the housing assistance grant reduces the housing costs to persons of low or moderate income, and that there is or will be a direct benefit from the project proposed by the Applicant to the community and/or purported beneficiaries of the project, consistent with the provisions of the Act.
- (3) If the application is made in the context of a request for proposals issued by the County, then the applicant shall be submitted and processed according to the instructions set forth in the request for proposals. Otherwise, the Administrator shall review a pending application and make a finding whether the application conforms to this Ordinance and Ordinance No. 2006-02, and whether the application is complete and approvable.
- (4) If the Administrator makes a finding that the application is complete and approvable, the Administrator shall prepare a staff analysis of the application and shall make a recommendation concerning the application to the Board of County Commissioners.
- (5) *The application shall be presented to the Board of County Commissioners for final action. The Board may approve the application, approve the application with conditions or modifications, or may deny the application, in its absolute discretion.*

(6) In making its decision, the Board of County Commissioners shall consider whether the application conforms to the Act, Ordinance No. 2006-02, this Ordinance, the Affordable Housing Regulations, and any applicable directive of the Administrator, whether the proposed project will provide Affordable Housing to Low- or Moderate-Income Persons or Households, whether the applicant is likely to be able to complete the project described in the application, and whether the proposed grant will assist in the creation of Affordable Housing and will benefit the community and the purported beneficiaries.

(7) The Administrator shall provide a copy of the decision and relevant documents to the applicant and to the MFA.

(8) Following approval of the application, the applicant shall execute a Donation Agreement concerning the proposed project, or, alternatively, enter into an amendment containing the same material to an existing Affordable Housing Agreement. The agreement shall require the applicant to obtain adequate security against loss of public funds or property in the project is not completed, shall provide a construction schedule, shall provide for auditing and inspection of books and records pertaining to the project, and will only authorize payment on a reimbursement basis.

B. Grants of All or a Portion of the Costs of Acquisition, Development, Construction, Financing, Operating or Owning Affordable Housing.

(1) To obtain a Housing Assistance Grant pursuant to Sec. 6 of this Ordinance, the applicant must submit an application and supporting material which shall clearly evidence the need for the subsidy, that the value of the housing assistance grant reduces the housing costs to person(s) of low or moderate income, and that there is or will be a direct benefit to the community and/or purported beneficiaries, consistent with the provisions of the Act. The application shall be made on a form approved by the Administrator. Supporting material required by this Ordinance, the Affordable Housing Regulations, and the Administrator, shall be attached.

(2) Each applicant for a Housing Assistance Grant shall agree, in a written agreement, to maintain the property in good repair and to keep current any mortgages or notes on the property for so long as the applicant owns the property or the duration of the Affordability Period, whichever is shorter.

(3) If the Administrator makes a finding that the application is complete and the proposed grantee is a Qualifying Grantee and complies with the requirements established by the Affordable Housing Act, Section 6-27-1 NMSA 1978 et seq., the MFA Rules and this Ordinance the Administrator may approve the grant.

(4) The Administrator shall provide a copy of the decision and relevant documents to the applicant and to the MFA.

(5) Following approval of the application, the applicant shall execute liens, mortgages or other documents required by this Ordinance and Ordinance No. 2006-02, as a condition precedent to receiving the Housing Assistance Grant."

**Section Eight.** Ordinance 2009-14 is hereby amended to delete the current Section Eight (Rules and Regulations.) and substitute the following:

**"Section Eight. Affordable Housing Regulations.**

A. The Administrator shall recommend and present to the Board of County Commissioners proposed amendments to the Affordable Housing Regulations to implement the provisions of this Ordinance.

B. The regulations shall include the following:

- (1) procedures to ensure that Qualifying Grantees meet the requirements of the Affordable Housing Act, the MFA Rules, and this Ordinance at the time of the award and complies with all agreements required by the County throughout the Affordability Period;
- (2) an application and award timetable for Housing Assistance Grants to permit the selection of the potential Qualifying Grantees prior to January of the year in which the grants would be made;
- (3) procedures to review and process the application, including an independent evaluation of the :
  - (a) financial and management stability of the applicant;
  - (b) demonstrated commitment of the applicant to the community;
  - (c) cost-benefit analysis of the project proposed by the applicant;
  - (d) benefits to the community of a proposed project;
  - (e) type or amount of assistance to be provided;
  - (f) scope of the affordable housing project;
  - (g) substantive or matching contribution by the applicant to the proposed project;
  - (h) a performance schedule for the Qualifying Grantee with performance criteria; and
  - (i) the requirements for verification of an applicant's or other intended beneficiaries income level;
- (4) an acknowledgment that a Housing Assistance Grant imposes a contractual obligation on the Qualifying Grantee that the Affordable Housing provided pursuant to the Affordable Housing Act and Ordinance No. 2006-02 is to be occupied by low- or moderate-income households;
- (5) provisions for adequate security against the loss of public funds or property in the event that a Qualifying Grantee abandons or otherwise fails to complete a project;
- (6) a requirement for review and approval of a Housing Assistance Grant project budget before any expenditure of grant funds or transfer of granted property;
- (7) a requirement that, unless the period is extended for good cause shown or the Administrator has authority to approve an application pursuant to Section 7(B), the County shall place the application on an agenda of the Board within forty-five (45) days of the date of receipt of an application that the County deems to be complete and, if not placed upon an agenda of the Board within forty-five (45) days, the application shall be deemed approved;
- (8) a requirement that a condition of Housing Assistance Grant approval be proof of compliance with all applicable state and local laws, rules and ordinances;
- (9) provisions setting out requirements for verification of income levels of applicants; and
- (10) a requirement that the Donation Agreement or Affordable Housing Agreement or other agreement with a Qualifying Grantee is consistent with the Affordable Housing Act, the MFA Rules, this Ordinance and includes remedies and default provisions in the event of the unsatisfactory performance by the Qualifying Grantee."

**Section Nine.** Ordinance 2009-14 is hereby amended to delete the current Section Nine (Limitation.) and substitute the following:



**"Section Nine. Limitation, Administration and Long-Term Affordability.**

A. Affordable Housing Grants pursuant to this Ordinance shall be subject to the availability of funds budgeted by the Board of County Commissioners for the purpose of providing grants pursuant to this Ordinance.

B. The Administrator shall administer the Affordable Housing Assistance Ordinance.

C. Pursuant to Section 6-27-7 NMSA 1978 and the MFA Rules Section 4, this Ordinance and any amendments of this Ordinance, along with other required documentation, shall be submitted to the MFA for review no less than forty-five days prior to enactment to ensure compliance with the Act, the MFA Rules and the Santa Fe County Affordable Housing Plan 2009 and the Santa Fe County Sustainable Growth Management Plan (SGMP). Within fifteen days after enactment of this Ordinance, a certified true copy shall be submitted to the MFA.

D. Qualifying Grantees shall provide the County with any certifications or other proof that it may require in order for the County to confirm that the Qualifying Grantee's proposed project is in compliance with all applicable federal, state and local laws, rules and ordinances.

E. The development, construction, occupancy and operation of an Affordable Housing program or an Affordable Housing project financed or assisted under the Act, the MFA Rule and this Ordinance shall be undertaken in a manner consistent with principles of nondiscrimination and equal opportunity, and the County shall require compliance by all Qualifying Grantees with all applicable federal and state laws and regulations relating to nondiscrimination and equal opportunity.

F. Pursuant to the MFA Rules, the long-term Affordability Period for Housing Assistance Grants awarded under this Ordinance shall be as follows:

- (1) \$1 to \$14,999 shall be for five (5) years;
- (2) \$15,000 to \$39,999 shall be for ten (10) years;
- (3) \$40,000 to \$100,000 shall be for fifteen (15) years; and
- (4) \$100,001 or greater shall be for twenty (20) years.

G. The County may hold any award of Affordable Housing Funds or any Housing Assistance Grant made by the County in suspense pending the award of the issuance by the County of any RFP, or pending the award of the Affordable Housing Funds or of the Housing Assistance Grant by the County to the Qualifying Grantee without the issuance of an RFP by the County."

**Section Ten.** Ordinance 2009-14 is hereby amended to delete the current Section Eleven (Budget.) and substitute the following:

**"Section Eleven. Budget.**

A. Any and all Housing Assistance Grants made pursuant to this Ordinance shall become final only following approval by the Board of County Commissioners of a

budget that includes the proposed grant funds. From time to time and at least annually, the Administrator shall submit a budget to the Board of County Commissioners for consideration and approval.

B. Matching of Affordable Housing Grants may be made from local, private or federal funds either through direct participation with a federal agency pursuant to federal law or through indirect participation through programs of the MFA.”

**Section Eleven.** Ordinance 2009-14 is hereby amended to delete the current Section Twelve (Review of the New Mexico Mortgage Finance Authority.) and substitute the following:

**“Section Twelve. Affordable Housing Requirements.**

A. All Affordable Housing funds and Housing Assistance Grants awarded under this Ordinance are to be used by the Qualifying Grantee for the benefit of persons of low or moderate income subject to the provisions of the Act, the MFA Rules and this Ordinance.

B. Single-Family Property: Qualifying grantees shall agree that they shall maintain any single-family property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefited from Affordable Housing Funds or a Housing Assistance Grant, including, but not limited to, any loans which have been repaid with Affordable Housing Funds and which loans previously were secured by such properties, as affordable housing for so long as any or all of the Affordable Housing Funds or Housing Assistance Grant which have been awarded, loaned, or otherwise conveyed to the Qualifying Grantee are unpaid and outstanding or the duration of the Affordability Period, whichever is longer.

C. Multi-Family Property:

(1) Single Apartment within a Multi-Family Property: Qualifying Grantee shall agree that, if any single apartment is to be rehabilitated, weatherized, converted, leased, repaired, constructed, or otherwise are to benefit from Affordable Housing Funds or a Housing Assistance Grant, those apartments shall be leased to persons of Low or Moderate Income at the time of any such award. Qualifying Grantees, who are the landlords and/or owners of such properties, shall further agree to contribute at least sixty percent (60%) of the cost of the rehabilitation, weatherization, conversion, lease, repair, and/or construction. Qualifying Grantees also shall agree that the persons of Low or Moderate Income, who are tenants of those apartments, shall be allowed to remain tenants for so long as there are no uncured defaults by those tenants under their respective leases and provided that there is no just cause for the landlord to terminate any lease agreement with those tenants for so long as any or all of the Affordable Housing Funds or Housing Assistance Grant which have been awarded, loaned, or otherwise conveyed to the qualifying grantee are unpaid and outstanding or the duration of the Affordability Period, whichever is longer.

(2) Multiple Apartments: Qualifying Grantees shall agree that, if multiple apartments or an entire multi-family property are to be acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or otherwise are to benefit from Affordable Housing Funds or a Housing Assistance Grant, including, but not limited to, any loans which have been repaid with Affordable Housing Funds or Housing Assistance Grant and which loans previously were secured by such properties, they shall maintain

not less than sixty percent (60%) of the housing units as Affordable Housing for so long as any or all of the Affordable Housing Funds or Housing Assistance Grant which have been awarded, loaned, or otherwise conveyed to the qualifying grantee are unpaid and outstanding or the duration of the Affordability Period, whichever is longer.

(3) Nonresidential Property: Qualifying Grantees shall agree that they shall maintain any nonresidential property which has been acquired, rehabilitated, weatherized, converted, leased, repaired, constructed, or which property has otherwise benefited from Affordable Housing Funds or a Housing Assistance Grant, including, but not limited to, any loans which have been repaid with Affordable Housing Funds or a Housing Assistance Grant and which loans previously were secured by such properties, as a facility which provides housing related services to persons of Low or Moderate Income for so long as any or all of the Affordable Housing Funds or Housing Assistance Grant which have been awarded, loaned, or otherwise conveyed to the qualifying Grantee are unpaid and outstanding or the duration of the Affordability Period, whichever is longer."

**Section Twelve.** Ordinance 2009-14 is hereby amended to delete the current Section Thirteen (Effective Date.) and substitute the following:

"**Section Thirteen. Effective Date.** This Ordinance shall become effective thirty days after recordation pursuant to Section 4-37-1 NMSA 1978 et seq."

PASSED AND ENACTED THIS 27 DAY OF SEPT, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY.

By Virginia Vign  
Virginia Vign, Chair

ATTEST:

Valerie Espinoza  
Valerie Espinoza, Santa Fe County Clerk



APPROVED AS TO FORM:

Stephen C. Ross for  
Stephen C. Ross, Santa Fe County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDINANCE  
PAGES: 15

I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of September, 2011 at 03:08:06 PM  
And Was Duly Recorded as Instrument # **1646487**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy County Clerk, Santa Fe, NM

SANTA FE COUNTY

Resolution No. 2010-190

A RESOLUTION AMENDING THE HOUSING ASSISTANCE  
REGULATIONS

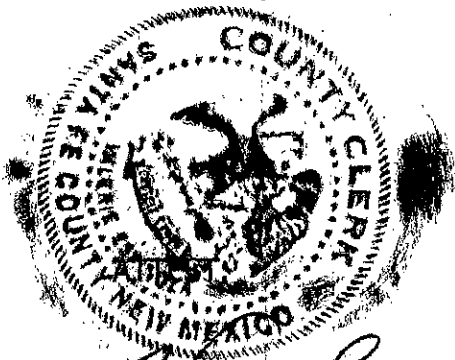
WHEREAS, Santa Fe County Ordinance No. 2010-3 ("Housing Assistance Ordinance") provides for the provision of donation of land, donations of existing buildings for the conversion or renovation into affordable housing, payment of the cost of infrastructure necessary to support affordable housing projects in Santa Fe County, and or making of housing assistance grants; and

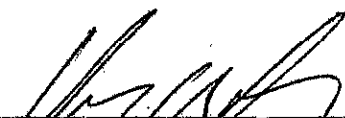
WHEREAS, the Housing Assistance Ordinance requires the Board of County Commissioners of the County of Santa Fe amend, by resolution, Housing Assistance Regulations addressing certain matters identified in the Housing Assistance ordinance.

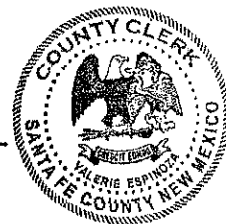
NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of the County of Santa Fe hereby adopts the Housing Assistance Regulations attached hereto as Exhibit A, and such regulations shall be effective immediately upon their recording with the Santa Fe County Clerk.

PASSED, APPROVED AND AMENDED this 26<sup>th</sup> day of October, 2010.

BOARD OF COUNTY COMMISSIONERS



  
Harry B. Montoya, Chairperson



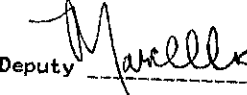
  
Valerie Espinoza, County Clerk

APPROVED AS TO FORM:

  
Stephen C. Ross  
County Attorney

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC RESOLUTIONS  
PAGES: 21

I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of October, 2010 at 10:48:30 AM  
And Was Duly Recorded as Instrument # 1615293  
Of The Records Of Santa Fe County

  
Deputy \_\_\_\_\_  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM

SEC. CLERK RECORDED 10/28/2010

**Santa Fe County**

**Housing Assistance Regulations**

**Article I**

**Short Title, Authority, Effective Date, Purpose**

- 1.1 Short Title.** These Regulations shall be known as the "Santa Fe County Housing Assistance Regulations."
- 1.2 Authority.** These Regulations are adopted by the Board of County Commissioners of Santa Fe County pursuant to Santa Fe County Ordinance No. 2009-14, as amended (hereinafter referred to as the "Housing Assistance Ordinance").
- 1.3 Effective Date.** These Regulations shall become effective immediately upon their filing with the Santa Fe County Clerk.
- 1.4 Purpose.** These Regulations are adopted for the following purposes:
- 1.4.1. To provide increased housing opportunities within the unincorporated areas of Santa Fe County.
  - 1.4.2. To provide requirements, procedures, forms and guidance that the Housing Assistance Ordinance requires to be promulgated with the Housing Assistance Regulations.
  - 1.4.3. Establishing internal controls to ensure proper administration of the Housing Assistance Ordinance as well as to provide safeguards for asset management.
- 1.5 Definitions.** Capitalized words herein shall have the meaning assigned by Santa Fe County Ordinance No. 2009-14 and Ordinance No. 2006-02.

**Article II**

**Housing Assistance Grants for Property, an Existing Building, or Infrastructure**

**2.1. General Criteria.**

- 2.1.1. A person that provides Affordable Housing as established by Santa Fe County Ordinance No. 2006-02 may apply to the Affordable Housing Administrator to receive a Housing Assistance Grant consisting of a donation of land for the construction on the land of affordable housing, for the costs of converting or renovating an existing building into affordable housing, or the costs of infrastructure necessary to support affordable housing projects.
- 2.1.2. To be eligible to receive a Housing Assistance Grant, the Qualifying Grantee must meet applicable requirements established by the New Mexico Mortgage Finance Authority pursuant to the Affordable Housing Act, NMSA 1978, Section 6-27-1 *et seq.* (2004).

SFC CLERK RECORDED 10/28/2018

## 2.2 Eligibility.

**2.2.1 General Requirements.** To be eligible to receive a Housing Assistance Grant as specified in Section 2.1.1, a Qualifying Grantee who is not an individual must:

(a) have a functioning accounting system that is operated in accordance with generally accepted accounting principles or has designated an entity that will maintain such an accounting system consistent with generally accepted accounting principles;

(b) have among its purposes significant activities related to providing housing or services to low or moderate-income persons or households; and

(c) if it has significant outstanding or unresolved monitoring findings from either the Mortgage Finance Authority or its most recent independent financial audit, provide a certified letter from the Mortgage Finance Authority or auditor stating that the findings are in the process of being resolved.

**2.2.2. Corporations.** If the applicant is a corporation, the corporation must be in good standing with the Public Regulation Commission, Corporations Bureau or, if a foreign corporation, the corporation must be registered with the Public Regulation Commission, Corporations Bureau, to do business in the State of New Mexico.

**2.2.3 Not-for-Profit Corporations.** Per New Mexico law must be registered with the Attorney General's Office list of charitable organizations if it falls under the requirements of Section 57-22-1 NMSA 1978 et seq.

## 2.3 Conditions.

**2.3.1. Limitation on Amounts of Grants.** A Housing Assistance Grant pursuant to this Section shall be limited to the amount set forth in Sec. 5(F) of Ordinance No. 2009-14 and Sec. 2.3.3 of these regulations, or the fair market value of property or infrastructure as established by an appraisal, whichever is less.

**2.3.2. When Grant is Made.** A Housing Assistance Grant pursuant to this Article shall be made only following completion of construction of the infrastructure that is the subject of the Housing Assistance Grant and only after construction of home served by the infrastructure commences.

**2.3.3. Maximum Amount of Grant.** The maximum Housing Assistance Grant under this Article shall be Ten Thousand Dollars (\$10,000.00) for each home provided.

**2.3.4. Income Restriction on Sales.** A Housing Assistance Grant pursuant to this Article shall be limited to affordable homes constructed within income ranges 1, 2 and 3, not to exceed 100% of the area median income, as defined in Section 3 (O) of Santa Fe County Ordinance No. 2006-02.

**2.3.5. Incentives.** A Housing Assistance Grant pursuant to this Article shall be in addition to any incentive set forth in Ordinance No. 2006-02.

SFC CLERK RECORDED 10/28/2018

**2.3.6. Requirement of Donation Agreement.** A Housing Assistance Grant awarded pursuant to this Article shall be memorialized in a Donation Agreement, which may either be a part of the Affordable Housing Agreement required by Ordinance No. 2006-02 or a separate Agreement.

**2.4. Application Process.**

**2.4.1.** To obtain a Housing Assistance Grant pursuant to Sec. 5 of Ordinance 2009-14 and these regulations, the applicant must submit an application and a detailed budget that describes the uses of proposed grant, including all the items required to be submitted pursuant to this subsection. The application shall be made on a form provided by the Affordable Housing Administrator; a copy of the application and relevant forms are attached hereto as Exhibit A.

**2.4.2.** The County may designate a person or persons to act as the County's agent for the purpose of receiving, processing or making decision on application, in which case the application shall be submitted to the County's designee.

**2.4.3.** The application shall include all information required by these Rules and Regulations including, but not limited to, the following information:

- (a) A narrative that describes the nature and scope of the Affordable Housing project envisioned by the applicant, and that describes the type and amount of assistance requested;
- (b) An executive summary and project narrative including, but not limited to, the following:
  - (i) the financial and management stability of the applicant;
  - (ii) the demonstrated commitment of the applicant to the community;
  - (iii) the cost-benefit analysis of the project proposed by the applicant; as indicated on Exhibit A "Developer Application". Affordable Housing Administrator to review and request further information if needed to determine total amount of subsidy based on need.
  - (iv) the benefits to the community of a proposed project;
  - (v) the type or amount of assistance to be provided;
  - (vi) the scope of the affordable housing project that includes a description of the number of potential beneficiaries or Affordable Homes to be provided, income ranges, proposed sales prices, location, and other relevant factors;
  - (vii) the substantive or matching contribution by the applicant to the proposed project; and
  - (viii) a performance schedule with performance criteria.

SPC CLERK RECORDED 10/28/2012

- (c) Relevant information concerning the applicant (organization structure, status, goals and objectives of the organization, accounting system, and other requirements set forth in Section 5 of Ordinance 2009-14, together with supporting documentation);
- (d) A detailed budget for the proposed project that includes sources and uses of funds;
- (e) A recent financial statement and audit, as applicable;
- (f) An organizational chart;
- (g) A statement of the experience of the applicant developing, financing or managing Affordable Housing projects;
- (h) A verification signed by the applicant that the information provided, under penalty for perjury, is true and correct to the best of the applicant's knowledge and belief;
- (i) All information required by Ordinance 2009-14 and the Housing Assistance Regulations; and
- (j) Other information required by the Affordable Housing Administrator.

2.4.4. If the application is made in the context of a request for proposals issued by the County, then the application shall be submitted and processed according to the instructions set forth in the request for proposals. Otherwise, the Affordable Housing Administrator shall review a pending application and make a finding whether the application conforms to Ordinance 2009-14 and Ordinance No. 2006-02, and whether the application is complete and approvable.

2.4.5. If the Affordable Housing Administrator makes a finding that the application is complete and approvable, the Affordable Housing Administrator shall prepare a staff analysis of the application and shall make a recommendation concerning the application to the Board of County Commissioners and shall be placed on the agenda within 45 days.

2.4.6. The application shall be presented to the Board of County Commissioners for final action. The Board may approve the application, approve the application with conditions or modifications, or may deny the application, in its absolute discretion.

2.4.7. In making its decision, the Board of County Commissioners shall consider whether the application conforms to the Act, Ordinance No. 2006-02, Ordinance 2009-14, the Housing Assistance Regulations and whether the proposed project will provide Affordable Housing, whether the Applicant is likely to be able to complete the project described in the application, and whether the proposed grant will assist in the creation of Affordable Housing.

2.4.8. Following approval of the application, the Qualifying Grantee shall enter into a Donation Agreement concerning the proposed project or enter into an amendment to an existing Affordable Housing Agreement as described in Ordinance 2006-02



2.4.9. The Affordable Housing Administrator shall provide a copy of the final decision on the application and relevant supporting material to the applicant and to the New Mexico Mortgage Finance Authority.

**2.5. Donation Agreement/Amended Affordable Housing Agreement.**

2.5.1. The Donation Agreement or amended Affordable Housing Agreement shall require the applicant to obtain adequate security against loss of public funds or property in the event the project is not completed, shall provide a construction schedule, shall provide for auditing and inspection of books and records pertaining to the project, and will only authorize payment on a reimbursement basis.

2.5.2. The Donation Agreement or Affordable Housing Agreement shall contain an acknowledgement that a Housing Assistance Grant imposes a contractual obligation on the Qualifying Grantee that the Affordable Housing provided pursuant to the Affordable Housing Act and Ordinance No. 2006-02 is to be occupied by low or moderate-income households.

2.5.3. The Donation Agreement or Affordable Housing Agreement shall contain provisions for adequate security against the loss of public funds or property in the event that a Qualifying Grantee abandons or otherwise fails to complete a project.

2.5.4. The Donation Agreement or Affordable Housing Agreement shall contain a requirement for review and approval of the project budget before any expenditure of grant funds or transfer of granted property.

2.5.5. The Donation Agreement of Affordable Housing Agreement shall require that approval of Housing Assistance Grant is conditioned on compliance with all applicable state and local laws, rules and ordinances.

2.5.6. The Donation Agreement of Affordable Housing Agreement shall contain detailed information concerning the verification of income levels of applicants.

2.5.7. The Donation Agreement or Affordable Housing Agreement shall contain a requirement that it shall be consistent with the Affordable Housing Act and includes remedies and default provisions.

2.5.8. A copy of an exemplar Donation Agreement is attached hereto as Exhibit B to these regulations.

**2.6. Budget Limitation.**

2.6.1. A Housing Assistance Grant pursuant to these regulations is subject to availability of funds budgeted to provide grants.

2.6.2. Any and all Housing Assistance Grants made pursuant to Ordinance 2009-14 and these regulations shall become final only following approval by the Board of County Commissioners of a budget that includes the proposed grant. From time to time and at least annually, the Affordable Housing Administrator shall submit a budget to the Board of County Commissioners for consideration and approval.

SVC CLERK RECORDED 10/28/2015

2.6.3. Matching of Affordable Housing Grants may be made from local, private or federal funds either through direct participation with a federal agency pursuant to federal law or through indirect participation through programs of the New Mexico Mortgage Finance Authority.

### **Article III** **Down Payment Assistance**

#### **3.1 General Criteria.**

3.1.1. Down Payment Assistance may be provided according to these requirements:

(a) To obtain down payment assistance pursuant to Sec. 5 of Ordinance 2009-14 and these regulations, the applicant must submit an application and supporting material. The application shall be made on a form approved by the Affordable Housing Administrator; copies of the application and other relevant forms are attached hereto as Exhibit C. Supporting material required by Ordinance 2009-14, the Housing Assistance Regulations, and the Affordable Housing Administrator, shall be attached.

(b) The maximum down payment assistance under this Section shall be twenty Thousand Dollars (\$20,000.00) for each Qualifying Grantee.

- Income Range 1 <65% of the Area Median Income may be allowed up to \$20,000.00
- Income Range 2 66% to 80% Area Median Income may be allowed up to \$15,000.00
- Income Range 3 81% to 100% Area Median Income may be allowed up to \$10,000.00

3.1.2. Each applicant for down payment assistance shall agree, in a written agreement, to maintain the property in good repair and to keep current any mortgages or notes on the property for as long as the applicant owns the property.

3.1.3. If the application is complete and the proposed grantee is a Qualifying Grantee and complies with the requirements established by the New Mexico Mortgage Finance Authority pursuant to the Affordable Housing Act, NMSA 1978, Section 6-27-1 *et seq.* (2004), the application may be approved.

3.1.4. Following approval of the application, the applicant shall execute liens, mortgages or other documents required by Ordinance 2009-14 and Ordinance No. 2006-02, as a condition precedent to receiving the assistance.

#### **3.2 Eligibility.**

3.2.1. The annual gross income of an applicant for down payment assistance may not exceed 100% of the area median income, except as specifically provided below.

3.2.2. An applicant who qualifies for down payment assistance pursuant to Ordinance 2009-14 and these regulations must own and occupy the home for which assistance is applied.

3.2.3. An applicant shall not have aggregate assets greater than \$50,000. The following assets shall not count toward the asset limitation: (a) retirement funds that cannot be accessed without the payment of a penalty; (b) the principal of trust funds, to the extent that the principal cannot be invaded; (c) necessary personal property; (d) education accounts committed to a dependent; or (e) other assets not readily accessible to the purchaser.

### 3.3. Hardship.

3.3.1 **Income Limits.** The Affordable Housing Administrator may, in cases of demonstrated hardship, approve the application of a Qualifying Grantee where (i) the applicant's adjusted gross income falls within the income ranges established by the Affordable Housing Administrator but (ii) exceeded such ranges during the previous two calendar years, so long as qualifying hardship (divorce, death of a spouse, or a long-term disability that limits the income a household member) exists, and the hardship suffered is reasonably certain to affect the ability of the applicant to provide housing in the foreseeable future.

3.3.2. **Asset Limitations.** An exception to the asset limitation may be made, as follows: An applicant who possesses assets in excess of \$50,000 may be granted an exception to the asset limitations where individual circumstances merit it. Qualifying circumstances include, but are not limited to, situations where the income of the household is so far below the area median income and, notwithstanding the assets; the applicant cannot afford to purchase a home without assistance. All such cases must be well documented and verified by the Affordable Housing Administrator.

### 3.4. First time homebuyers.

3.4.1. **Qualifying Grantee** or adults residing in the same home as the Qualifying Grantee must be first time homebuyers, meaning that they do not own a home (not including a manufactured home) and have not owned a home within three years of the date of application.

3.4.2. **Eligible Financing.** A Qualifying Grantee must finance the purchase of the home with a prime mortgage loan type, including but not limited to USDA Rural Development guarantee, direct, and leveraged loans; FHA, VA and FannieMae's Community Home Buyer (CHBP) and My Community suite of products.

### 3.5. Application Process.

3.5.1. The applicant shall follow the process provided in this Article for approval of the down payment assistance.

3.5.2. The County may designate a person or persons to act as the County's agent for the purpose of receiving, processing or making decisions on applications, in which case the

**NOTED 12-27-76**

(a) A copy of current pay stubs or other proof of current year earnings and/or income for the prospective buyer(s) and all adults who will occupy the home.

(c) A copy of a credit report for the prospective buyer(s) and all persons 19-years old or older who will occupy the Affordable Home issued within the last thirty (30) days by either, Trans Union, Experian, or Equifax.

(e) A list of all assets and liabilities of the prospective buyer(s) and anyone 19-years old or older who will occupy the home.

(f) Sworn statements from the applicant and any adult who will occupy the Affordable Home that verifies that the information provided in accordance with this Section is true, correct and complete, and that the home to be purchased will be used as the primary residence of the prospective buyer(s). The sworn statement from the applicant shall also indicate the names and birth dates of everyone who is expected to occupy the home.

(g) Such other relevant information as may be requested.

**3.5.4.** Within ten (10) business days of the delivery of a complete application package, the amount of down payment assistance shall be determined and the applicant shall be informed in writing of the decision; provided, however, that additional information may be requested from the applicant, in which case a determination will be made within fifteen (15) business days of receipt of the additional information. If the Application is approved, a letter of commitment shall be issued to the applicant. Additional information may be requested from the applicant at any time for verification or audit purposes, including, but not limited to, additional credit reports, or other supporting financial and employment documentation.

(a) If the applicant transfers assets to a third party or failed to disclose assets in order to become a Qualifying Grantee; or

(b) The applicant otherwise engaged in fraudulent, dishonest, or misleading conduct.

3.5.6. Unless there is a material change in income or asset status that renders the prospective buyer(s) ineligible under these regulations, the commitment letter shall be valid for a period of six months after issuance. During that six-month period, the Qualifying Grantee must immediately provide information of any change in status (e.g., income or assets) that may affect the application.

3.5.7. If an applicant was initially determined to be approved for down payment assistance and executed a purchase contract for such home, is subsequently determined not to be eligible for a Housing Assistance Grant as a result of an increase in the household income received after the purchase contract was signed, the Affordable Housing Administrator may, in his or her discretion, approve the sale of the Affordable Home and authorize the Housing Assistance Grant so long as the applicant's income does not exceed the maximum by more than 5 percent.

#### **Article IV**

##### **Long Term Affordability, Rental Prohibition**

4.1. **Affordability Mortgage or Lien.** Each home shall be subject to an Affordability Mortgage or Lien securing the Housing Assistance Grant as set forth in Ordinance No. 2009-14.

4.2 **Right of First Refusal.** The Affordability Mortgage or Lien (or other appropriate agreement between the County and Qualifying Grantee may contain a right of first refusal.

4.3. **Rental Prohibition.** A person receiving a Housing Assistance Grant pursuant to Ordinance No. 2009-14 and these regulations shall not lease or rent the home unless:

4.3.1 the Eligible Buyer is under duress by reason of employment, family medical emergency, is unable to sell the home for an amount sufficient to pay off all liens on the home, or other unique circumstances of hardship; and

4.3.2 The proposed lease is approved in advance by the Affordable Housing Administrator.

4.3.3 Length of Lease Approval: The Affordable Housing Administrator shall have sole discretion to determine how long the approval to lease an Affordable Home shall be valid, but in no case shall the initial approval be valid for more than one year.

#### **Article V**

##### **Closing of Qualified Transactions**

5.1 **Closing.** All sales to Qualified Buyers shall be closed in accordance with these procedures.

5.2. **Notice of Closing; Appraisal.** The buyer shall provide at least ten (10) days advance written notice of the scheduled closing date. The notice shall include:

5.2.1. The name of the buyers as well as a copy of their letter of commitment and/or certification of eligibility.

5.2.2. The date and time of the scheduled closing.

5.2.3. The name and location of the title company closing the transaction and the name and telephone number of the closing agent(s), copy of title commitment.

5.2.4. An appraisal of the home being sold, which appraisal shall (i) be prepared by a properly licensed, MAI certified real estate appraiser; (ii) be paid for in the manner agreed to by the seller and buyer and recorded in the purchase agreement; and (iii) has been prepared within the previous 6 months.

5.2.5. The buyer shall cause the title company to transmit, within ten (10) days of closing, a copy to the County of the settlement statement (HUD 1) for the transaction, signed by the seller and buyer.

**5.3. Recordation of Affordability Mortgage or Lien.** At least two (2) business days prior to the date of the scheduled closing, the County shall deliver to the title company (with a copy to seller and the buyer) the Affordability Mortgage and Lien along with written instructions to the closing agent concerning the execution, recording, and returning of the Affordability Mortgage and Lien. Any cost associated with the recording and returning of the Affordability Mortgage or Lien shall be borne by the buyer or as otherwise specified by the buyer and the seller.

NO LIAH RECORDED 18/28/2018



**Santa Fe County Affordable Housing Assistance  
Developer Application**

Name of Applicant:	_____	Federal Tax I.D. #	_____
Address of Applicant:	_____	Telephone:	_____
	_____	Fax:	_____
	_____	Email Address:	_____
City/State/Zip Code:	_____	Project Contact:	_____

**General Project Information**

Project Name	_____	Builder	_____
Project Address	_____	Cell:	_____
	_____	Fax:	_____
Number of Assisted Units:	_____	Total # of Lots	_____
Amount Requested:	_____	No. of Market Lots	_____
		No. Affordable Lots	_____
		No. Affordable Units	_____

**Affordability Breakdown**

	<b>Number of Units</b>
Income Range 1:	_____
Income Range 2:	_____
Income Range 3:	_____
Income Range 4:	_____
Fee In Lieu Paid	_____
Density Bonus	_____
Energy Efficiency	_____
Water Rights	_____

Date of Application:	_____	Signature:	_____
		Print Name:	_____
		Title:	_____

SFC CLERK RECORDED 10/28/2019



**Santa Fe County Affordable Housing Assistance**  
Site Information

**Site Information**

Site Control is in the form of:

☐ Deed

☐ Purchase Contract

☐ Lease

\_\_\_\_\_ (Term)

☐ Option

☐ Other

\_\_\_\_\_ (Specify)

Expiration Date of Contract, Option or Lease,

\_\_\_\_\_ (month/year)

Name of Seller or Lessor:

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Is there any identity of interest between Buyer and Seller? If yes, explain:

\_\_\_\_\_  
\_\_\_\_\_

☐ Yes

☐ No

Has project received all necessary approvals to begin construction?

If No, list approvals remaining:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant Certification**

The undersigned hereby applies for the assistance as specified above and represents that the property described herein will not be used for any illegal or restricted purpose. The undersigned certifies that the statements made in this application and all attachments are true, correct and complete. Verification may be obtained from any source necessary.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_





**Santa Fe County Affordable Housing Assistance**  
**Schedule A - Development Costs Per Unit Type**

**Project Name:** \_\_\_\_\_  
**Applicant:** \_\_\_\_\_

<b>Development Costs</b>	<b>Studio</b>	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>
<b>Land and Infrastructure</b>					
Land Acquisition	-	-	-	-	-
Lot Infrastructure	-	-	-	-	-
<b>Building Construction</b>					
Building Permit and Impact Fees	-	-	-	-	-
Construction	-	-	-	-	-
Construction Contingency	-	-	-	-	-
Other (specify)	-	-	-	-	-
<b>Soft Costs</b>					
Hazard Liability	-	-	-	-	-
General Liability	-	-	-	-	-
Legal/Accounting	-	-	-	-	-
Construction Management	-	-	-	-	-
Architectural Design	-	-	-	-	-
Construction financing	-	-	-	-	-
Real Estate Taxes	-	-	-	-	-
Environmental Review	-	-	-	-	-
Lender Inspection Fees	-	-	-	-	-
Testing and/or Certification	-	-	-	-	-
Marketing	-	-	-	-	-
Seller paid closing costs	-	-	-	-	-
Developer Fee/Profit	-	-	-	-	-
Other (specify)	-	-	-	-	-
<b>Total Development Cost</b>	-	-	-	-	-

SFC CLERK RECORDED 10/28/2010



**Santa Fe County Affordable Housing Assistance**  
Schedule B - Unit and Pricing Schedule

Project Name: 0  
Applicant: 0

Income Range 1 Units	Studio	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Number of Units	0	0	0	0	0
Sales Price*	76,500	87,000	100,000	112,000	125,000
Development Cost per unit (from Schedule A)	0	0	0	0	0
Profit/(Loss) per unit	n/a	n/a	n/a	n/a	n/a
Total Profit/(Loss)	n/a	n/a	n/a	n/a	n/a

Income Range 2 Units	Studio	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Number of Units	0	0	0	0	0
Sales Price*	103,500	114,000	130,000	146,000	162,000
Development Cost per unit (from Schedule A)	0	0	0	0	0
Profit/(Loss) per unit	n/a	n/a	n/a	n/a	n/a
Total Profit/(Loss)	n/a	n/a	n/a	n/a	n/a

Income Range 3 Units	Studio	1 bedroom	2 bedroom	3 bedroom	4 bedroom
Number of Units	0	0	0	0	0
Sales Price*	129,500	140,000	160,000	180,000	200,000
Development Cost per unit (from Schedule A)	0	0	0	0	0
Profit/(Loss) per unit	n/a	n/a	n/a	n/a	n/a
Total Profit/(Loss)	n/a	n/a	n/a	n/a	n/a

<b>Project Total</b>	
Total Units	0
Total Profit/(Loss)	0
Average Profit/(Loss) per unit	#DIV/0!

Construction Cost Per Square Foot \_\_\_\_\_  
Sales Price Per Foot \_\_\_\_\_

\*If Sales Price does not equal Maximum Target Sales Price as specified in current regulations, please explain difference:

SFC CLERK RECORDED 10/28/2018



**Santa Fe County Affordable Housing Assistance**  
Schedule C - Development Schedule

Project Name: 0  
Applicant: 0

Activity	Scheduled Completion:
Site Acquisition	
Zoning Approval	
Construction Loan Closed	
Plans & Specifications Complete	
Construction Start - First Unit	
Construction Complete - Final Unit	
Close of Escrow - First Unit	
Close of Escrow - Final Unit	

SFC CLERK RECORDED 10/28/2016

SANTA FE COUNTY DONATION AGREEMENT

THIS AGREEMENT is hereby made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_, by and between the County of Santa Fe, a New Mexico political subdivision (hereinafter "County") and \_\_\_\_\_, an approved Qualifying Grantee (hereinafter "Grantee"), subject to the following terms and conditions.

WHEREAS the Board of County Commissioners of the County of Santa Fe have adopted Ordinance No. 2009-14, the Housing Assistance Ordinance (hereinafter "Ordinance"); and

WHEREAS pursuant to said Ordinance, the County has adopted Regulations (hereinafter "Regulations") for the implementation of affordable housing in the County; and

WHEREAS the Regulations provide that each Housing Assistance Grant awarded, under the Ordinance and Regulations, shall be memorialized by a Donation Agreement (hereinafter "Agreement") which shall include the following terms and conditions;

NOW THEREFORE, in consideration of the requirements and benefits afforded under the County's Ordinance, the Grantee and County hereby agree as follows:

1. This Donation Agreement governs Grantee's obligation to construct and sell, in accordance with the Santa Fe County Affordable Housing Ordinance 2006-02 (the Affordable Housing Ordinance), the following affordable housing units:

Lot Number (per final plat attached hereto as Exhibit A)	Income Range of Purchasers	Affordable Unit Type	Target Housing Price	Construction Completion Date

2. The Grantee is hereby awarded a Grant in accordance with the terms of this Donation Agreement in the amount of \$ \_\_\_\_\_.
3. The Grantee hereby attaches as Exhibit A, a budget which sets forth the amount of grant funding to be utilized on each unit and for what elements of each unit. The Grantee

acknowledges that the budget will be reviewed by Santa Fe County. Only upon approval of the proposed budget shall Grantee be entitled to submit for reimbursement of designated expenditures on each unit. Reimbursement of approved expenditures shall be in accordance with Paragraph 6 below.

4. To the extent their books and records relate to (i) their performance of this Donation Agreement or any subcontract entered into pursuant to it, the Contractor agrees to (i) maintain such books and records during the term of this Donation Agreement and for a period of six (6) years from the date of final payment under this Donation Agreement; (ii) allow the County or its designee to audit such books and records at reasonable times and upon reasonable notice; and (iii) to keep such books and records in accordance with generally accepted accounting principles ("GAAP").
5. The Grantee understands and acknowledges that it is obligated to ensure that the housing units set forth in Paragraph 1 above are occupied by low or moderate-income household(s), as defined in the Ordinance and that failure to satisfy this obligation constitutes a breach of this contract. All documents reviewed by Grantee in determining eligibility of a potential purchaser shall be made available to Santa Fe County. The following information shall be gathered and evaluated by Grantee in order to determine whether an applicant seeking to purchase one of the units qualifies for the purchase:
  - a. Tax returns for the last three years;
  - b. The most current W-2;
  - c. Bank statements for the past three years for all accounts held in the name of any member of the household;
  - d. An appraisal of the property;
  - e. The Purchase and Sales Agreement which will be utilized for the sale of the property to the Applicant;
  - f. Any documents submitted to the mortgage financing company in order to secure a mortgage;
  - g. Any other documents requested by the Affordable Housing Administrator.
6. Upon closing on the sale of one or more units of affordable housing to a low or moderate income purchaser, Grantee shall be entitled to the portion of the grant funds allocated to the unit or units in the approved budget. In order to receive payment Grantee shall submit an invoice prior to closing identifying the closing date, time and location. Upon verification that the unit or units have been constructed to the satisfaction of Santa Fe County and are being sold to a qualifying low or moderate income purchaser, the County shall submit to Grantee at the closing payment of the relevant portion of the grant amount.
7. The Grantee understands and acknowledges that, in the event of unsatisfactory performance by the Grantee of the terms and conditions herein, or of any requirement under the Ordinance, Grantee shall be subject to, and the County shall have, all the remedies and default provisions allowed by law.

SFC CLERK RECORDED 10/28/2016

QUALIFYING GRANTEE:

\_\_\_\_\_  
SWORN, subscribed and acknowledged to  
before me on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ as the free and voluntary act of the  
above-named Grantee.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS

SANTA FE COUNTY, NEW MEXICO

By: \_\_\_\_\_

Chairperson

ATTEST:

(SEAL)

\_\_\_\_\_  
Valerie Espinosa, Clerk

Approved as to Form

\_\_\_\_\_  
Stephen C. Ross, County Attorney

SFC CLERK RECORDED 11/28/2018

## Homebuyer Down Payment Assistance

### Application

Income Range _____	Subdivision _____
# Bedrooms _____	Title Co. _____
County Lien _____	Closer _____
Ordinance _____	Phone # _____
	Closing Date _____

Borrower: \_\_\_\_\_

Co-Borrower: \_\_\_\_\_

Property Location: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Contact: \_\_\_\_\_

### List of Documents Provided

- \_\_\_\_\_ Purchase Agreement
- \_\_\_\_\_ Mortgage Loan Application (1003)
- \_\_\_\_\_ 1 month most recent pay stubs or other income verification
- \_\_\_\_\_ Two most recent tax returns with W-2's
- \_\_\_\_\_ Credit Report issued within 30 days of submission
- \_\_\_\_\_ Statements for all financial accounts held by buyer, including checking accounts, Savings accounts, money market accounts, stock and bond accounts, and all retirement accounts
- \_\_\_\_\_ Financial statement listing all of the assets and liabilities of the potential buyer (indicate here \_\_\_\_\_ if using listing on mortgage loan application)
- \_\_\_\_\_ Sworn statement from potential buyer that verifies that information provided by the Potential buyer is true, correct, and complete, that the house to be purchased will Used as the potential buyer's residence, and that the potential buyer(s) does not own residential rental property. Statement must list the names and birthdates of everyone who is expected to occupy the home
- \_\_\_\_\_ Appraisal
- \_\_\_\_\_ Loan Summary or First Mortgage Loan Approval
- \_\_\_\_\_ Homebuyer Education Certification

SVC CLERK RECORDED 10/28/2015

# Homebuyer Down Payment Assistance

## Application

<b>Homebuyer (s)</b>		
<b>Income</b>		<b>Sales Price</b> \$
Total Annual Household Income \$		Estimated Closing Costs \$
		Total costs \$
Household Size		<b>Credits</b>
		FHLB
		LTTF
Median Income for HH Size		HOME
		OTHER
		Third Party Subsidy \$
Percentage of AMI %		Other Credits \$
<b>Assets</b>		<b>First mortgage Loan</b> \$
Checking Account \$		Cash from Homebuyer \$
Checking Account \$		Down Payment Assistance \$
Savings Account \$		
Savings Account \$		
Stocks \$		
Bonds \$		
Other \$		
Other \$		
TOTAL \$		

SPC CLERK RECEIVED 10/25/2018



**MEMORANDUM**  
**SANTA FE COUNTY ASSESSOR'S OFFICE**

TO: County Commission Chair Kathy Holian  
CC: Domingo P. Martinez, County Assessor  
FROM: Gary Perez, Chief Deputy Assessor  
DATE: March 11, 2013  
RE: Update on Assessor's Data Collection Project

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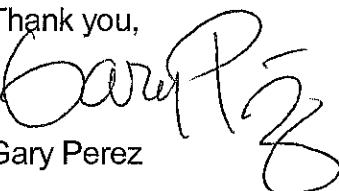
Commission Chair Holian,

The Assessor, Domingo P. Martinez, would like to provide an update to the Board of Commissioners and the general public regarding our data collection project.

At the public meeting on March 26, 2013 I will give a short presentation on the status of the project. This will be a verbal update without any written documents. However, I will show a map of the areas on the large screen for visual aid. A printed map of would be too small to be effective in the discussion.

Should you have any questions please contact me at 986-6332.

Thank you,

  
Gary Perez

**MEMORANDUM**  
**SANTA FE COUNTY ASSESSOR'S OFFICE**

TO: County Commission Chair Kathy Holian  
CC: Domingo P. Martinez, County Assessor  
FROM: Gary Perez, Chief Deputy Assessor  
DATE: March 11, 2013  
RE: New Format on Assessor's Notice of Value and Mailing Date

---

Commission Chair Holian,

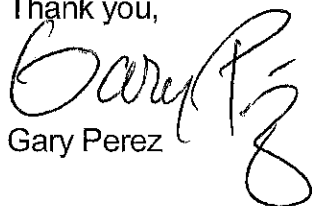
The Assessor, Domingo P. Martinez, would like to provide an update on the Assessor's Notice of Value for the 2013 tax year.

This year, as mandated by a new law, the Assessor is required to change the format of the notice of value that is required to be mailed to all property owners. We will show a copy of the notice on the large screen and discuss the changes from the prior year. A copy of the notice is attached.

We will also discuss the tentative mailing date of April 1, 2013 and the deadline for protesting valuations and applying for exemptions.

Should you have any questions please contact me at 986-6332.

Thank you,

  
Gary Perez



# 2013 NOTICE OF VALUE

**DOMINGO P. MARTINEZ**  
**SANTA FE COUNTY ASSESSOR**  
 P.O. BOX 126 • SANTA FE, NM 87504  
 Phone (505) 986-6300 • Fax # (505) 986-6316  
 E-mail: assessor@santafecountynm.gov  
 Website: www.santafecountynm.gov/assessor  
 Property listed and valued as of January 1, 2013

THIS IS NOT A TAX BILL

This is the only notice of value you will receive unless you are the owner of personal property or taxable livestock.

Location ID

Official Mailing Date

Protest Deadline

Key Code

**PROOF 2/06/13**  
**REAL PROPERTY**

- ☐ Proof Okay as is  
☐ Okay with changes (marked)  
☐ Correct and submit another proof\*

Signature

\* Please mark any changes right on the proof.  
**Return Fax #: 505-828-0414**  
**ATTN: Cherri Porter**

INSTRUCTIONS FOR PROTESTING AND FILING OF EXEMPTIONS ARE ON THE REVERSE SIDE.  
 FOR ASSISTANCE, CALL (505) 986-6300, BETWEEN THE HOURS OF 8:00 AM - 5:00 PM MONDAY - FRIDAY.

NET TAXABLE VALUES WILL BE ALLOCATED TO GOVERNMENTAL UNITS IN SCHOOL DISTRICT

ALWAYS USE LOCATION ID AS REFERENCE

School District

UPC #

Property Use

Location Address

Property Legal Description

2012 (Last Year's) Property Value Information These values reflect analysis of 2011 market value		2013 (This Year's) Property Value Information These values reflect analysis of 2012 market value	
Full Value - Land:	\$	Full Value - Land:	\$
Agricultural Land:	\$	Agricultural Land:	\$
Full Value - Structures:	\$	Full Value - Structures:	\$
<b>Total Full Value:</b>	\$	<b>Total Full Value:</b>	\$
<b>Taxable Value: (1/3 of Full Value)</b>	\$	<b>Taxable Value: (1/3 of Full Value)</b>	\$
Head of Family Exemption	\$	Head of Family Exemption	\$
Veteran's Exemption:	\$	Veteran's Exemption:	\$
<b>Net Taxable Value:</b>	\$	<b>Net Taxable Value:</b>	\$
2012 Tax Rate:	\$	*2013 Estimated Tax Rate:	
2012 Tax Amount:	\$	*2013 Estimated Tax Amount	\$

- \* Disclaimer: The calculation of (the estimated) property tax may be higher or lower than the property tax that will actually be imposed.
- \* The "2013 Estimated Property Tax Amount" is calculated by multiplying the "Net Taxable Value" by the "2013 Estimated Tax Rate".
- \* The "2013 Estimated Tax Rate" is equal to the 2012 Tax Rate. Tax rates for the current year will be determined in September by the New Mexico Department of Finance and Administration.

This document constitutes a property owner's notice of valuation as required under section 7-38-20 of the New Mexico Property Tax Code.

Retain this portion for your records.

"Full Value" means the value determined for property taxation purposes. "Taxable value" is 33 1/3% of "Full Value." "Net Taxable Value" is "Taxable Value" less exemptions and is the value upon which tax is imposed.

TO DETACH, TEAR ALONG PERFORATION

**RETURN THIS PORTION TO THE ASSESSOR'S OFFICE IF APPLICABLE. SEE INSTRUCTIONS ON BACK.**

Location ID

**HEAD OF FAMILY EXEMPTION** (No need to sign and send in if you are already receiving the exemption, verify in exemptions line above)

I hereby certify that I am a resident of New Mexico as of January 1 of this year and the "head of family" as that term is defined in Section 7-37-4 of the Property Tax Code, and I hereby claim the exemption from the taxable value of the property provided by Section 7-37-4 of the Property Tax Code. I certify that the above information is true and correct and that this exemption is not being claimed in any other county.

Head of Family (Sign Here): x \_\_\_\_\_ (A)

### AFFIRMATION

I do solemnly affirm to the best of my knowledge that the statements on this form completed and signed by me and the preceding list and description are full and correct statements of all property required to be reported pursuant to Section 7-38-8 of the Property Tax Code in this county on January 1 and all statements required to be made under the Property Tax Code, and I so affirm under pains and penalties of perjury.

Affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

x \_\_\_\_\_ (B) \_\_\_\_\_ Assessor or Assessor's Employee  
 Property Owner or Authorized Agent (sign here)

## GENERAL INSTRUCTIONS

**INFORMACION GENERAL- Por favor llame 505-986-6300 o consultar en persona para ayuda en español.**

### REPORT TO ASSESSOR'S OFFICE IF YOU:

- 1) Disagree with the valuation and want to file a protest..... (see line 1 below)
- 2) Need to claim Head of family or Veteran exemptions..... (see line 3 A&B below)
- 3) Own a mobile / manufactured home..... (see line 4 below)
- 4) Are declaring property as agricultural for the first time..... (see line 5 below)
- 5) Are requesting a church or charitable / educational exemption..... (see line 3 C&D below)
- 6) Are 65 or older or 100% disabled w/ income of \$32,000 or less..... (see line 2 below)

**1. PROTESTING VALUATION: (NMSA 7-38-24)** A property owner may protest the value or classification determined by the county assessor for his property for property taxation purposes, the assessor's allocation of value of his property to a particular governmental unit or denial of a claim for an exemption or for a limitation on increase in value by filing a petition with the assessor. Petitions of protest are required to be filed with the county assessor no later than 30 days after the mailing date of the Notice of Value as indicated on the front of this form.

**2. LIMITATION ON INCREASE IN VALUE FOR SINGLE-FAMILY DWELLINGS OCCUPIED BY LOW-INCOME OWNERS SIXTY-FIVE YEARS OF AGE OR OLDER OR DISABLED: (NMSA 7-36-21.3)** Certain NM residents who own and occupy a single-family dwelling may be eligible for a freeze of their taxable value. The application is for the current year only and is based on the previous year's income. To qualify, the previous year's modified gross household income must be \$32,000 per year or less and the applicant must be either disabled or 65 years of age in the year in which the application is made. Modified gross income means all household income, undiminished by losses from whatever source derived. Application must be submitted no later than 30 days after the mailing date indicated on this form. Proof of age or disability, and income must be presented with application. Applications are available at the assessor's office or on our website at [www.santafecountynm.gov/assessor](http://www.santafecountynm.gov/assessor).

**3. EXEMPTION CLAIMING: (NMSA 7-38-17)** All exemptions must be applied for no later than 30 days after the mailing of the county assessor's notice of valuation, pursuant to Section 7-38-20 NMSA 1978, in order for it to be allowed for that tax year.

**A. HEAD-OF-FAMILY: (NMSA 7-37-4)** This exemption is a \$2,000 reduction in the taxable value of residential property, and may be claimed by any New Mexico resident for his or her residence. Only one exemption may be claimed for any tax year per household. This exemption can be claimed in person or by signing lines A & B on the front of this form and mailing that portion back to the assessor's office. Keep the top portion for your records. You do not need to sign and return this form if you are already receiving the exemption. See "EXEMPTIONS" on front.

**B. VETERAN AND DISABLED VETERAN EXEMPTION: (NMSA 7-37-5 & 7-37-5.1)** The veteran's exemption is a \$4,000 reduction in your taxable value. The disabled veteran's exemption is a 100% exemption from property taxes. Both may be claimed by any honorably discharged veteran. Eligibility is determined by the New Mexico Department of Veterans' Services. Once qualified, you must present a certificate of eligibility to the assessor's office in person for confirmation of exemption declaration. Once the exemption is claimed and allowed, it shall apply to subsequent years as long as there is no change in eligibility or ownership status. If you have claimed the exemption with the Motor Vehicle Division, you must come into the assessor's office and report it, as only the remaining portion of the exemption will be allowed. You do not need to sign and return the form if you are already receiving the exemption. See "EXEMPTIONS" on front.

**TO ALL VETERANS AND UNMARRIED SURVIVING SPOUSE OF VETERANS:** The state constitution was amended in November 2004 to expand the eligibility requirements to all veterans who may be eligible for the veteran exemption. Call the Department of Veteran Services: Toll Free (866) 433-8387 or locally at (505) 827-6300 with eligibility questions.

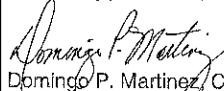
**C. CHURCH: 7-36-7 (3.6.5.15L)** To qualify for this exemption, the substantial and primary use of the property must be for religious purposes. Application must be submitted on a form provided by the assessor's office.

**D. CHARITABLE / EDUCATIONAL: NMSA 7-36-7 (3.6.5.15K)** To qualify for these exemptions, the substantial and primary use of the property must be for charitable / educational purposes. Application must be submitted on a form provided by the assessor's office.

**4. MANUFACTURED HOMES: (NMSA 7-36-26)** The owner of a manufactured home subject to valuation for property taxation purposes shall report the manufactured home annually for valuation to the assessor of the county in which the manufactured home is located on January 1 of the current tax year. The report shall be in a form and contain the information required by department regulation and shall be made no later than the last day of February of the tax year in which the property is subject to valuation.

**5. AGRICULTURAL USE CLAIM: (NMSA 7-36-20)** If you wish to declare your property as land used primarily for agricultural purposes, resulting in a special method of valuation (below market value), an application must be made with the assessor's office by the last day of February of the current tax year. If you were granted the special method of valuation the preceding year, you are not required to reapply as long as the status and use does not change. When the owner of the land has not reported that the use of the land is no longer primarily used for agricultural purposes but the county assessor has evidence sufficient to rebut the presumptions in Subsection A of Section 7-36-20, the county assessor must change the classification of the land. In such a case the county assessor must also consider whether the penalty provided by Subsection H should be applied. The owner may protest the change in classification.

Should you have questions about this form or need any assistance with any other property valuation issues, I encourage you to call us or visit with our staff in person. Our address and phone number are listed on the front page of this notice. Several applications, forms, and more information are also available on our website at: [www.santafecountynm.gov/assessor](http://www.santafecountynm.gov/assessor).

  
Domingo P. Martinez, County Assessor

**REAL PROPERTY  
BACKER  
PROOF 2/28/13 - 3PM**

EVERY ATTEMPT IS MADE TO HAVE A CORRECT AND CURRENTLY ASSESSED OWNER ON OUR RECORDS. IF ANY CHANGES HAVE OCCURED, PLEASE FILL OUT THE INFORMATION BELOW. ALL CHANGES REQUIRE A SIGNATURE.

Any improvements or new construction to your property not listed on this notice of value must be reported to the assessor's office for valuation.

**FOR AN ADDRESS CHANGE OR OWNERSHIP CHANGE, COMPLETE THE FOLLOWING AND SIGN**

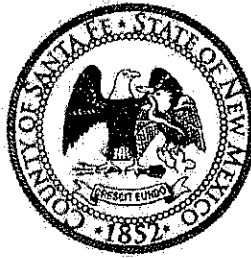
<b>PLEASE PRINT CORRECT NAME AND MAILING ADDRESS</b>			
OWNER NAME:			
MAILING ADDRESS:			
CITY	STATE:	ZIP CODE:	
TELEPHONE	HOME:	WORK:	
<b>OWNERSHIP CHANGE REQUIRES A COPY OF THE DEED</b>			
SITUS ADDRESS	SALES PRICE: \$		
DOCUMENT	BOOK NO.	PAGE NO.	SALES DATE: / /
SIGNATURE OF OWNER OR OWNER'S AUTHORIZED AGENT <b>X</b>			DATE: / /

<b>PROPERTY CHANGE DECLARATION</b>	
If there has been a change to the status of your land or building, please check.	
<input type="radio"/> NEW <input type="radio"/> REMOVED <input type="radio"/> ADDITION/REMODEL <input type="radio"/> MANUFACTURED HOMES	<b>PROPERTY USE:</b> <input type="radio"/> RESIDENTIAL <input type="radio"/> COMMERCIAL <input type="radio"/> OTHER
<b>DOMINGO P. MARTINEZ</b>	
<b>SANTA FE COUNTY ASSESSOR</b>	
P.O. BOX 126	
SANTA FE, NM 87504-0126	
Phone (505) 986-6300	
Main Fax Line (505) 986-6316	
<b>PLEASE RETURN TO OUR OFFICE AT ADDRESS LISTED ABOVE</b>	

Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathleen Holian  
Commissioner, District 4

Elizabeth Stefanics  
Commissioner District 5

Katherine Miller  
County Manager

## **Memorandum**

**To:** Santa Fe County Board of County Commissioners

**Through:** Rachel O'Connor *RO*  
Santa Fe County Health & Human Services Director *JS*

**From:** Lupe Sanchez *LS*  
Santa Fe County DWI Program

**Date:** March 13, 2013

**Subject:** Request Approval to Amend Professional Service Agreement #2011-0291-DWI/TRV with Capital City Cab for Chauffer and Designated Driver Service (CADDy) in the amount of \$66,000.

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### **Issue:**

Request Approval to Enter into Amendment # 4, for Professional Service Agreement #2011-0291-DWI/TRV with Capital City Cab for Chauffer and Designated Driver Service in the amount of \$66,000.00 increasing total contractual amount to \$312,000.00.

### **Background:**

Local DWI (LDWI) funds are generated from excise tax on the sale of alcohol, collected by the New Mexico Department of Taxation and Revenue, and administered by the Department of Finance and Administration (DFA). Local DWI funds are used to fund Santa Fe County's DWI program, which includes the Chauffer and Designated Driver Service.

The CADDy service has been in operation since 2007, started as a pilot project aiming to reduce alcohol related fatalities and crashes. CADDy services have been provided by Capital City Cab since the inception of the program. The program has grown in popularity over recent years with the number of riders increasing from 8,897 in 2010 to 15,213 in 2012. In addition the County for fiscal year 2013 implemented new policies to the CADDy program, reducing the fee from \$5 to \$1, prohibiting two way rides, emphasizing the ride home where the patron is most likely to be intoxicated and extending CADDy services further into the County. Amendment #4 to Professional

Agreement #2011-0291-DWI/TRV will allow for the County to continue providing CADDy Service's throughout fiscal year 2013.

**Staff Recommendation:**

Staff recommends approval of this Agreement.

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# Santa Fe County

## Fiscal Impact Report

Department / Division: Health Human Services/ DWI Program

Action Item to be Considered: Increase to CADDy Contract

Agreement Number:

Indicate with a <input checked="" type="checkbox"/> below	Section 1 - Identify the type of document below for BCC Consideration and Approval
<input type="checkbox"/>	Revenue, e.g. Grant, charges and fees, etc.
<input checked="" type="checkbox"/>	Contractual Services (includes change orders), e.g. Professional services agreement, construction, price agreement, joint powers agreement, lease agreement, etc.
<input type="checkbox"/>	Loan/Grant Agreement
<input type="checkbox"/>	Other:

Indicate with a <input checked="" type="checkbox"/> below	Section 2 - Funding Source Identify the item below for BCC Consideration and Approval
<input type="checkbox"/>	General Fund, e.g. property taxes, gross receipt taxes, etc.
<input type="checkbox"/>	Special Revenue Funds, e.g. Fire, Indigent, etc.
<input type="checkbox"/>	Capital Outlay GRT, (capital infrastructure only, does not include maintenance or repair costs)
<input type="checkbox"/>	Bond Proceeds (general obligation and gross receipt tax revenue bonds)
<input checked="" type="checkbox"/>	Grant Funds. If yes, indicate the percentage and amount required % and/or \$, and source. % <sup>100</sup> \$                      Source LDWI Distribution/Grant
<input type="checkbox"/>	Other:

Section 3 - Ongoing operations and maintenance (O&M) requirements:		
<b>Short Term</b> (Specify needs for the current fiscal year only)		
None		
New FTE's # 0	Position	Hourly Rate \$ 0
Current Fiscal Year Cost \$ 0	Annual Cost \$ 0	
Initial Costs (Vehicle, computer, office space, etc.)		
None		
O & M (Concisely identify the recurring needs, supplies, equipment, and the resources necessary for carrying out the job duties)		
Contractual Agreement does not have any O&M costs associated.		

**Current Fiscal Year Cost \$ 0**

**Annual Cost \$ 0**

**Long Term** (Specify the needs for the next four (4) years. This will include staff, O & M, asset renewal and replacement costs, and additional capital needs)

Estimated \$156,000 per year to fund the CADDy program.

**Salary & Benefits:**

None

**All other expenses:**

None

#### **Section 4 - Revenue**

**Short Term** (Specify the revenue potential for the current fiscal year only. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).

N/A

**Current FY Estimate \$ N/A**

**Long Term** (Specify the revenue potential for the next four (4) fiscal years. If a grant, specify the total grant award amount and the term. If a fee or charge for service, explain basis of revenue projection).

N/A

**Annual Estimate \$ 0**

**Total (next 4 years) \$ 0**

#### **Additional Narrative**

(Should include additional information such as significant issues, administrative issues and technical issues. What consequences, if any, may occur if this item is not acted upon):

For fiscal year 2013 the DWI program initially budgeted \$90,000.00 for the CADDy program, knowing that the contract would require an increase in funding based on data from the previous fiscal year and due to programmatic changes made to the CADDy program. The DWI program for FY 13 implemented changes to the program, by reducing the cost of a ride home from \$5.00 to \$1.00, expanding CADDy services further into the County and prohibiting two way rides, emphasizing the ride home where the patron is most likely to be intoxicated.

The DWI program anticipated a decrease in the number of rides provided because of changes made to the program but was unable to predict how the changes would impact the cost associated with operating the program. Data for the first half of fiscal year 2013 has shown that the number of rides provided has decreased but the cost of the program is remaining the same. In order for the CADDy program to remain in operation for the remainder of the fiscal year the DWI program is anticipating a need to increase the contractual amount by \$66,000.00, bringing the total contractual amount to \$156,000.00, for fiscal year 2013.

Prepared by **Lupe Sanchez**

Reviewed by





**AMENDMENT NO. 4  
TO SERVICE AGREEMENT WITH  
CAPITAL CITY CAB TO PROVIDE  
CHAUFFER AND DESIGNATED DRIVER SERVICES  
(CADDy PROGRAM)**

**THIS AMENDMENT** is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between **Santa Fe County**, herein after "County" and **Capital City Cab**, a New Mexico corporation with a principal address at 2875 Industrial Road, Santa Fe, NM 87507, hereinafter referred to as Contractor."

**WHEREAS**, the County is committed to reducing the incidence of Driving While Intoxicated (DWI);

**WHEREAS**, pursuant to a sole source procurement on June 3, 2011 the County entered into Agreement 2011-0291-DWI/TRV with Contractor to provide designated driver services (CADDy Program);

**WHEREAS**, under Agreement 2011-0291-DWI/TRV, Contractor receives compensation from the County to provide CADDy transportation services to adults on Friday and Saturday nights from 5:30 p.m. to 2:30 a.m.;

**WHEREAS**, pursuant to Paragraph 17 of the Agreement No. 2011-0291-DWI/TRV, the Agreement may be amended by an instrument in writing executed by the parties;

**WHEREAS**, the Agreement provided for \$91,000 in compensation for FY 2012 which by Amendment No. 1 was increased by \$40,000 for a total contract value of \$131,000;

**WHEREAS**, in Amendment No. 2 the parties increased the compensation by \$25,000 and to amended the Contractor's Scope of Work.

**WHEREAS**, in Amendment No. 3 the parties increased the compensation by \$90,000 and to amended the Contractor's Scope of Work.

**WHEREAS**, by this Amendment No. 4 the parties desire to increase the compensation by \$66,000.00 for additional services.

**NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:**

1. Section 2.A (Compensation) of Agreement No. 2011-0291-DWI/TRV is amended by deleting "\$246,000" and replace it with "\$312,000"
2. All other provisions of the Agreement not specifically amended by Amendment No. 1, Amendment No. 2, Amendment No. 3, and this Amendment No. 4 shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties have executed this Amendment No. 4 as of the date first written above.

**SANTA FE COUNTY**

\_\_\_\_\_  
Kathy Holian, Chair  
Board of County Commissioners

\_\_\_\_\_  
Date

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar  
Santa Fe County Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
Stephen C. Ross  
Santa Fe County Attorney

\_\_\_\_\_  
March 12, 2013  
Date

**FINANCE DEPARTMENT APPROVAL**

\_\_\_\_\_  
Teresa C. Martinez, Director  
Finance Department

\_\_\_\_\_  
3/12/13  
Date

**CONTRACTOR**

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Matthew P Knowles  
Print Name and Title

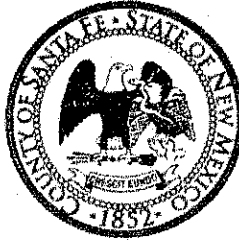
\_\_\_\_\_  
3/13/13  
Date

**FEDERAL TAX I.D. NUMBER:** \_\_\_\_\_

**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

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## MEMORANDUM

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**To:** Santa Fe County Board of County Commissioners

**From:** Teresa C. Martinez, Finance Division Director *TCM*

**Via:** Katherine Miller, County Manager *KM*

**Date:** March 26, 2013

**Re:** Approval of a Notice of Sale Resolution for Series 2013 General Obligation Bonds

***Issue:***

Santa Fe County staff is presenting before the Board of County Commissioners (BCC) a Notice of Sale Resolution for the Series 2013 General Obligation Bonds.

***Background:***

This resolution will enable the County to issue general obligation bonds based on the questions that were submitted and approved by the voters at the November 6, 2012 general election. As a reminder, the bond questions approved by the voters for the issuance of general obligation bonds payable from general (ad valorem) taxes in the amount of \$35 million included open space projects (\$6M), road projects (\$19M), and water and wastewater projects (\$10M).

***Action Requested:***

Staff of the finance division request approval of the notice of sale resolution for the Series 2013 general obligation bonds.

EXCERPT FROM A REGULAR MEETING  
OF THE BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY

The Board of County Commissioners (the "Board"), as the governing body of Santa Fe County, State of New Mexico (the "County"), met in regular session in full conformity with law and the rules and regulations of the Board at the County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on Tuesday, March 26, 2013, at the hour of 2:00 p.m. Upon roll call, the following members were found to be present:

PRESENT:

Chairperson:

\_\_\_\_\_

Members:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ALSO PRESENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Member \_\_\_\_\_ thereupon moved the adoption of the following resolution:

SANTA FE COUNTY, NEW MEXICO  
RESOLUTION

WHEREAS, at a general obligation bond election duly called and held for Santa Fe County, State of New Mexico, (the "County") on the day of November 6, 2012, the electors of the County authorized the Board of County Commissioners of Santa Fe County (the "Board") to contract bonded indebtedness on behalf of the County and upon the credit thereof by issuing general obligation bonds of the County to secure funds for the following purposes in the following amounts:

<u>Purpose</u>	<u>Amount Authorized at Election</u>	<u>Amount Previously Issued</u>	<u>Amount to be Issued</u>
acquire, construct, design, and equip roads within the County	\$19,000,000	\$-0-	\$ _____
acquire real property and necessary water rights for, and construct, design, equip, rehabilitate, and improve water and wastewater projects within the County	\$10,000,000	\$-0-	\$ _____
Acquire, design, construct, improve, equip, and restore open space, trails, and parks within the County	\$6,000,000	\$-0-	\$ _____
TOTALS:	<u>\$35,000,000</u>	<u>\$-0-</u>	<u>\$</u>

WHEREAS, the Board has determined, and does hereby determine, that it is necessary and in the best interest of the County and the inhabitants thereof that the \$[19,000,000] portion of the general obligation bonds authorized at the election (the "Series 2013 Bonds" or the "Bonds") be issued at this time; provided, however, that a satisfactory price for the Series 2013 Bonds be obtained upon a public sale.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Santa Fe County, New Mexico:

Section 1. The Chairperson of the Board and the County Clerk are authorized and directed to cause to be published a notice of sale of the Series 2013 Bonds in the form set forth below in Section 2, for the purposes and in the amount described above, in the *Santa Fe New Mexican*, a newspaper of general circulation in the County, at least one week prior to the date of sale, and the County Manager or Finance Director are hereby authorized and directed to cause such other notice of the bond sale to be given as either of them shall determine, including the publication of the notice in financial papers and periodicals and the distribution among investment bankers and others of a preliminary official statement relating to the Series 2013 Bonds.

Section 2. The notice of sale of the Series 2013 Bonds shall be published in the following form:

(Form of Notice for Publication)

NOTICE OF PUBLIC MEETING AND BOND SALE

PUBLIC NOTICE IS HEREBY GIVEN that the Board of County Commissioners (the "Board"), the governing body of Santa Fe County, New Mexico (the "County"), will receive and publicly open sealed or electronic transmission bids at the County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico, at the hour of 11:00 a.m., prevailing Mountain Time, on April 9, 2013, for the purchase of \$[19,000,000] Santa Fe County, New Mexico General Obligation Improvement Bonds, Series 2013 (the "Series 2013 Bonds"). The Board will meet in regular session at 1:00 p.m., on April 30, 2013, in the County Commission Chambers, County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the County, to take action to award the Series 2013 Bonds. The Series 2013 Bonds will be issued as fully registered bonds and will mature on July 1 of each year as follows:

\$[19,000,000]\*  
SANTA FE COUNTY, NEW MEXICO  
GENERAL OBLIGATION IMPROVEMENT BONDS  
SERIES 2013

Year Maturing (July 1)	Amount Maturing*
2013	\$
2014	
2015	
2016	
2017	
2018	
2019	
2020	
2021	
2022	

2023  
2024  
2025  
2026  
2027  
2028  
2029  
2030  
2031  
2032

\*Preliminary and subject to change.

The Series 2013 Bonds shall constitute the general obligation of the County and shall be payable solely out of general (ad valorem) taxes which shall be levied against all taxable property in the County without limitation as to rate or amount, as defined in the Property Tax Code, of all taxable property of the County for the property tax years of 2013 through 2032.

Each bidder must submit an unconditional, written and sealed or electronic transmission bid on the Official Bid Form for all of the Series 2013 Bonds, specifying the lowest rate or rates of interest and premium, if any, at or above par at which such bidder will purchase the Series 2013 Bonds. The maximum net effective interest rate is 10% per annum and the maximum stated interest rate permitted is 10% per annum. Further limitations and information concerning the interest rates which may be bid for the Bonds and otherwise concerning bidding are set forth in the Official Notice of Bond Sale, of which this notice is a condensation. None of the Series 2013 Bonds will be sold at less than the principal amount thereof. Copies of the Official Notice of Bond Sale, Preliminary Official Statement and the Official Bid Form may be obtained from the County's Financial Advisor, RBC Capital Markets Corporation, 6301 Uptown Blvd. N.E., Albuquerque, New Mexico 87110, telephone (505) 872-5999. All bids must comply with the terms of the Official Notice of Bond Sale.

The validity and enforceability of the Series 2013 Bonds will be approved by Modrall, Sperling, Roehl, Harris & Sisk, P.A., 500 Fourth Street, N.W., Albuquerque, New Mexico 87102, and a certified transcript of the legal proceedings will be furnished to the purchaser without charge.

DATED this 26<sup>th</sup> day of March, 2013.

BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

By: \_\_\_\_\_  
Kathy Holian, Chairperson

ATTEST:

By: \_\_\_\_\_  
Geraldine Salazar, County Clerk

(End of Form of Notice for Publication)

Section 3. The Official Notice of Bond Sale shall be in substantially the following form with such changes as are not inconsistent therewith and approved by the Chairperson of the Board:

(Form of Official Notice of Public Meeting and Bond Sale)

OFFICIAL NOTICE OF PUBLIC MEETING AND BOND SALE

[\$19,000,000]\*  
SANTA FE COUNTY, NEW MEXICO  
GENERAL OBLIGATION IMPROVEMENT BONDS  
SERIES 2013

PUBLIC NOTICE IS HEREBY GIVEN that the Board of County Commissioners (the "Board"), the governing body of Santa Fe County, New Mexico (the "County") will, at the hour of 11:00 a.m., prevailing Mountain Time, on the 30<sup>th</sup> day of April, 2013, or such other date and time as indicated below (the "Rescheduled Bid Date" and "Rescheduled Bid Deadline," respectively, and together with the Original Bid Date and the Original Deadline, the "Bid Date" and "Bid Deadline," respectively), receive and publicly open sealed or electronic transmission bids at the County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico, for the purchase of Santa Fe County, New Mexico General Obligation Improvement Bonds, Series 2013 (the "Bonds"). Such bids may be submitted in a sealed envelope or electronically (at the option of the bidder) as further provided herein. If submitted electronically, bids must be submitted via PARITY as further provided herein. The Board will meet in regular session at 2:00 p.m. on April 30, 2013, in the County Commission Chambers, County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico, to take action to award the Bonds pursuant to an award resolution (the "Award Resolution").

*This Notice is not a disclosure document. Prior to submitting a bid to the Board for the Bonds, a full review should be made of the entire Preliminary Official Statement for the Bonds (the "Preliminary Official Statement"). The offering of Bonds to potential investors is made only by means of the Preliminary Official Statement.*

DESCRIPTION OF ISSUE: The Bonds will constitute general obligation debt of the County, payable from *ad valorem* taxes levied on all taxable property within the County.



## MATURITY SCHEDULE:

The Bonds will be issued in the aggregate principal amount of \$ [19,000,000], will be dated the date of delivery, will be issued as fully registered bonds and will mature on July 1 of each year as follows:

Year Maturing (July 1)	Amount Maturing*
---------------------------	------------------

2013	\$
2014	
2015	
2016	
2017	
2018	
2019	
2020	
2021	
2022	
2023	
2024	
2025	
2026	
2027	
2028	
2029	
2030	
2031	
2032	

\* Preliminary and subject to change.

REDEMPTION: The Bonds maturing on and after July 1, 2023 are subject to redemption at the option of the County in one or more units of principal of \$5,000 on and after July 1, 2022, in whole or part at any time, in such order of maturities as the County may determine, for the principal amount of each \$5,000 unit of principal so redeemed plus interest accrued to the redemption date. Redemption shall be made upon prior notice mailed to the registered owner of each Bond selected for redemption as shown on the registration books kept by the Registrar in the manner and upon the conditions provided in the

ADJUSTMENT OF PRINCIPAL AMOUNTS, MODIFICATION OR CLARIFICATION PRIOR TO THE EXAMINATION OF BIDS: The County Finance Director may, after consultation with the County's Finance Director and Bond Counsel, in the Finance Director's sole discretion and prior to the examination of bids, (i) adjust the

aggregate principal amount set forth herein, (ii) adjust individual maturities, and/or (iii) modify or clarify any other term hereof by issuing a notification of the adjusted amounts, modification or clarification via Thomson Municipal News ("TM3") and/or Bloomberg Financial Services no later than 8:30 a.m. local time on the Bid Date.

**ADJUSTMENT OF PRINCIPAL AMOUNT AND MATURITY SCHEDULE**  
**AFTER RECEIPT OF BIDS.** The County reserves the right, after receipt of bids, to adjust the principal amount and maturity schedule for the Bonds by increasing or decreasing the principal amount of each maturity, no later than two (2) hours following receipt of bids to maintain stable property tax collections in the County. Notice of any adjustment will be given promptly to the best bidder and any adjustment will be done in a "spread neutral" manner.

**RESCHEDULING OF BID DATE AND BID DEADLINE.** The County Finance Director may, after consultation with the County's Financial Advisor and Bond Counsel, in the County Finance Director's sole discretion on notice given at least twenty-four (24) hours prior to April 30, 2013 (the "Original Deadline"), reschedule the bid date and Original Deadline, and may, at that time or a subsequent time on at least twenty-four (24) hours prior notice, in each case via TM3 and/or Bloomberg Financial Services, establish a rescheduled bid date and rescheduled deadline and a place where electronic bids will be publicly examined.

For purposes of the written sealed bids, and bids received through the electronic bidding process, the time as maintained by PARITY shall constitute the official time.

**BIDS DELIVERED TO THE BOARD:** Sealed bids, plainly marked "Bid for Bonds," should be addressed to "Board of County Commissioners of Santa Fe County, New Mexico and delivered to the office of the Santa Fe County Manager, 102 Grant Avenue, Santa Fe, New Mexico, 87501, Attention: County Manager, prior to 11:00 a.m., local time, on April 30, 2013, the date of the bid opening. Such bids must be submitted on the Official Bid Form, without alteration or interlineation or through the electronic bidding procedures described below.

**ELECTRONIC BIDDING PROCEDURES:** Any prospective bidder that intends to submit an electronic bid must submit its electronic bid through the facilities of PARITY. Subscription to i-Deal's BIDCOMP Competitive Bidding System is required in order to submit an electronic bid. The County will neither confirm any subscription nor be responsible for the failure of any prospective bidder to subscribe.

An electronic bid made through the facilities of PARITY shall be deemed an irrevocable offer to purchase the Bonds on the terms provided in this Official Notice of Bond Sale ("Notice"), and shall be binding upon the bidder as if made by a signed, sealed bid delivered to the County's Financial Advisor. The County and RBC Capital Markets, LLC (the "County's Financial Advisor") shall not be responsible for any malfunction or mistake made by or as a result of the use of the facilities of PARITY, the use of such facilities being the sole risk of the prospective bidder.

If any provisions of this Notice of Sale conflict with information provided by PARITY, as the approved provider of electronic bidding services, this Notice of Sale shall be controlling. Further information about PARITY, including any fees charged, may be obtained from BIDCOMP/PARITY, 1359 Broadway, 2nd Floor, New York, New York (10018, i-Deal Prospectus: (212) 849-5024 or (212) 849-5025; BidComp/Parity: (212) 849-5021.

For information purposes only, bidders are requested to state in their electronic bids the true interest cost to the Board, as described under "BASIS OF AWARD" below. All electronic bids shall be deemed to incorporate the provisions of this Notice and the Official Bid Form.

**INTEREST RATE, BID LIMITATIONS, AND MAXIMUM PREMIUM LIMITATION:** The maximum net effective interest rate permitted on the Bonds is ten percent (10%), and no interest rate on any maturity of the Bonds may be greater than ten percent (10%) per annum. It is permissible to bid different or split rates of interest; provided, however, that: (a) no bid shall specify more than one interest rate for each maturity; (b) each interest rate specified must be stated in a multiple of one-eighth ( $1/8$ ) or one-twentieth ( $1/20$ ) of one percent (1%) per annum; and (c) the maximum interest rate specified for any maturity may not exceed the minimum interest rate specified for any other maturity by more than two percent (2%).

The Bonds will not be sold for less than par.

Bidders are required to submit a bid specifying the lowest rate or rates of interest and premium, if any, which may not exceed five percent (5%) of the par amount of the Bonds at which such bidder will purchase the Bonds. For informational purposes only, each bidder is requested to specify: (a) the True Interest Cost on the Bonds stated as a nominal annual percentage rate (see "BASIS OF AWARD" below), (b) gross interest cost, (c) premium, if any, and (d) net interest cost. Only unconditional bids shall be considered. Bids should be submitted on the Official Bid Form, which may be obtained from the District's Financial Advisor (see "FURTHER INFORMATION" below).

**BASIS OF AWARD:** The Bonds will be awarded to the best bidder, considering the interest rate or rates specified and the premium offered, if any, and subject to the right of the Board to reject all bids. If there are any and all bids and re-advertise. The best bid will be determined and will be awarded on the basis of the True Interest Cost of the Bonds (i.e., using a True Interest Cost method) for each bid received, and an award will be made (if any is made) to the responsible bidder submitting the bid that results in the lowest actuarial yield on the Bonds. "True Interest Cost" of the Bonds, as used herein, means that yield, which if used to compute the present worth, as of the date of the Bonds, of all payments of principal and interest to be made on the Bonds, from their date to their respective maturity dates, as specified in the maturity schedule and without regard to the possible optional prior redemption of the Bonds, using the interest rates specified in the bid, produces an amount equal to the principal amount of the Bonds plus any premium bid. Such calculation shall be based on a 360-day year consisting of twelve thirty day

months and a semiannual compounding interval. The Board reserves the right to waive any irregularity or informality in any bid, except time of filing.

**GOOD FAITH DEPOSIT:** Only unconditional bids will be considered. Not later than 2:00 p.m. (prevailing Mountain Time) on April 30, 2013, and prior to the official award of the Bonds, the best bidder must send a good faith deposit of \$[350,000] for the Bonds by wire transfer to an account specified by the County. If such wire transfer is not received by the best bidder by 2:00 p.m. (prevailing Mountain Time) on April 30, 2013, the next best bidder may be awarded the Bonds. No interest on the good faith deposit will accrue to the best bidder. The good faith deposit will be applied to the purchase price of the Bonds.

The good faith deposit shall be returned if the bid is not accepted by the Board. If the successful bidder fails or neglects to complete the purchase of the Bonds within forty-five (45) days following the acceptance of the bid or within ten (10) days after the Bonds are offered for delivery, whichever is later, the amount of the good faith deposit shall be forfeited to the County as liquidated damages, and, in that event, the Board may accept the bid of the one making the next best bid. If all bids are rejected, the Board shall readvertise the Bonds for sale in the same manner as herein provided for the original advertisement. If there be two or more equal bids and such bids are the best bids received, the Board shall determine which bid shall be accepted.

**PAYMENT OF PURCHASE PRICE:** The purchaser will be required to make payment of the balance of the purchase price of the Bonds (after credit for the purchaser's good faith deposit, without interest to the purchaser) in immediately available funds at a bank designated by the Board.

**TIME OF AWARD AND DELIVERY:** The Board will take action awarding the Bonds or rejecting all bids not later than 24 hours after the expiration of the time herein prescribed for the receipt of the bids. Delivery of the Bonds will be made to the successful bidder through the facilities of The Depository Trust Company, New York, New York, within 60 days of the acceptance of the bid. If for any reason delivery cannot be made within 60 days, the successful bidder shall have the right to purchase the Bonds during the succeeding 30 days upon the same terms, or at the request of the successful bidder, during the succeeding 30 days, the good faith deposit will be returned, and such bidder shall be relieved of any further obligation. It is anticipated that the delivery of the Bonds will be on or about May 14, 2013.

**RATING:** The County will apply and pay for ratings on the Bonds by Moody's Investor's Service, Inc. and Standard & Poor's Ratings Services.

**FURTHER INFORMATION:** Information concerning the Bonds, information regarding electronic bidding procedures, bid submission and other matters related to the Bonds, including printed copies of this Notice of Sale, the Official Bid Form and the Preliminary Official Statement (the "Preliminary Official Statement") may be obtained from the County's Financial Advisor, RBC Capital Markets, LLC, 6301 Uptown

Boulevard NE, Suite 110, Albuquerque, New Mexico, 87110. This Notice of Sale, the Official Bid Form and the Preliminary Official Statement are available for viewing in electronic format at [www.i-dealprospectus.com](http://www.i-dealprospectus.com). The County has prepared the Preliminary Official Statement for dissemination to potential purchasers of the Bonds, but will not prepare any other document or version for such purpose except as described below. In addition, any NASD registered broker-dealers or dealer banks with The Depository Trust Company clearing arrangements who bid on the Bonds are advised that they may either: (a) print out a copy of the Preliminary Official Statement on their own printer or (b) at any time prior to the sale date, elect to receive a photocopy of the Preliminary Official Statement in the mail by requesting it from the District's Financial Advisor. All bidders must review the Preliminary Official Statement and, by submitting a bid for the Bonds, each bidder certifies that such bidder has done so prior to participating in the bidding.

The County will agree in a separate agreement to provide certain periodic information and notices of material events in accordance with Securities and Exchange Commission Rule 15c2-12 ("Rule"), as described in the Preliminary Official Statement under "Continuing Disclosure of Information." The Preliminary Official Statement is deemed final by the District for purposes of Rule 15c2-12(b)(1) except for the omission of the following information: the offering price(s), interest rate(s), selling compensation, aggregate principal amount, principal amount per maturity, delivery dates, ratings, other terms of the securities depending on such matters, and the identity of the purchaser. The County will furnish to the successful bidder or bidders, acting through a designated senior representative, in accordance with instructions received from such successful bidder(s) in order to comply with the Rule, within seven (7) business days from the sale date an aggregate of 50 copies of the final Official Statement, reflecting interest rates and other terms relating to the initial reoffering of the Bonds. The cost of preparation of the Official Statement shall be borne by the Board except for the cost of any final Official Statement in excess of the number specified shall be borne by the successful bidder(s).

**TRANSCRIPT AND LEGAL OPINIONS:** The legality of the Bonds will be approved by Modrall, Sperling, Roehl, Harris & Sisk, P.A., Attorneys at Law, Albuquerque, New Mexico, Bond Counsel, whose opinion approving the legality of the Bonds will be furnished to the successful bidder at no cost to the successful bidder. The opinion will state in substance that the Bonds are valid and legally binding upon the County, that all of the taxable property in the County is subject to the levy of a tax to pay the same without limitation as to rate or amount, and that interest on the Bonds is excludable from gross income for purposes of federal income tax. The successful bidder (without cost to such bidder) will also be furnished a complete transcript of the legal proceedings, including a no-litigation certificate stating that, to the knowledge of the signer or signers thereof, as of the date of the delivery of the Bonds, no litigation is pending affecting the validity of the Bonds or collection of such taxes for the payment of the Bonds.

**BOOK-ENTRY ONLY OBLIGATIONS:** The Bonds will be issued in book-entry only form through the facilities of the Depository Trust Company

CUSIP NUMBERS: CUSIP identification numbers may be typed or printed on the Bonds, but neither the failure to provide such number on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser thereof to accept delivery of and to pay for the Bonds in accordance with the terms hereof. All expenses in relation to the CUSIP Service charge for the assignment of the numbers will be the responsibility of and will be paid for by the purchaser.

BLUE SKY LAWS: The County has not investigated the eligibility of any institution or person to purchase or participate in the underwriting of the Bonds under any applicable legal investment, insurance, banking, or other laws.

By submitting a bid, the initial purchaser represents that the sale of the Bonds in states other than New Mexico will be made only under exemptions from registration, or, wherever necessary, the initial purchaser will register the Bonds in accordance with the securities laws of the state in which the Bonds are offered or sold. The Board agrees to cooperate with the initial purchaser, at the initial purchaser's written request and expense, in registering the Bonds or obtaining an exemption from registration in any state where such action is necessary but will not consent to service of process in any such jurisdiction.

DATED at Santa Fe, New Mexico, this 26<sup>th</sup> day of March, 2013.

BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

By: \_\_\_\_\_  
Kathy Holian, Chairperson

ATTEST:

By: \_\_\_\_\_  
Geraldine Salazar, County Clerk

(End of Form of Official Notice of Public Meeting and Bond Sale)

Section 4. The official bid form to be used in connection with the sale of the Bonds will be in substantially the form attached to this Resolution as Exhibit "A".

Section 5. The Chairman and officers of the Board, the County's Financial Advisor, and the County's Bond Counsel are authorized to prepare, post, and to distribute the Official Notice of Bond Sale, Official Bid Form, and Preliminary Official Statement, to such potential bidders on the Bonds as they may determine in substantially the forms set forth above and as attached hereto and to take all action necessary or appropriate to ~~give effect to the provisions of this Resolution.~~

Section 6. This Resolution shall take immediate effect.

PASSED AND ADOPTED this 26<sup>th</sup> day of March, 2013.

BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

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By: \_\_\_\_\_  
Kathy Holian, Chairperson

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ATTEST:

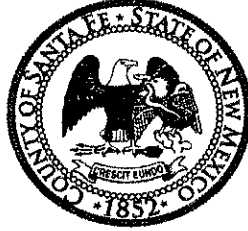
By: \_\_\_\_\_  
Geraldine Salazar, County Clerk



Daniel "Danny" Mayfield  
*Commissioner, District 1*

Miguel M. Chavez  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*


Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

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## **MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Teresa C. Martinez, Finance Division Director 

**VIA:** Katherine Miller, County Manager

**DATE:** March 26, 2013

**SUBJECT:** **Request Ratification Of A Budget Adjustment Request, Per Capital Outlay Policy, Allocating \$100,000 of District 2 Capital Funds To Renovation Of County Human Resources Building**

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### **Background**

The Board of County Commissioners previously reviewed and approved the Capital Improvement Plan. The Plan allocated \$200,000 to each commission district to be used for capital projects within that district. The district capital funding is currently budgeted in a set-aside within the Capital Outlay GRT Fund. A budget action is necessary when a commissioner designates a capital project within her/his district to be funded by the district capital funding.

### **Issue**

The attached budget adjustment request will transfer \$100,000 within the Capital Outlay Gross Receipt Tax Fund from the set-aside to a specific cost center established for each commission district. Specifically, this action will move funds from the district capital funds set-aside to a district cost center for District 2 (Commissioner Chavez). The Finance Division will also maintain a separate spreadsheet that details each capital project by commissioner and district.

### **Summary**

The Finance Division requests BCC ratification of the transfer of funds from the district capital funding set-aside to a specific cost center for District 2 within the Capital Outlay GRT Fund in the amount of \$100,000 to be used for building renovations and furnishings for the Santa Fe County Human Resources Building located at 949 W. Alameda.

**SANTA FE COUNTY**

## BUDGET ADJUSTMENT REQUEST FORM (BAR \_\_\_\_\_)

**Entered by Finance**

**Fiscal Year 2013 (July 1, 2012 through June 30, 2013)**

**NOTE: THIS FORM MUST BE ACCOMPANIED BY A "BUDGET ADJUSTMENT NARRATIVE FORM"**

INCLUDE ONLY ONE FUND IN THIS BAR.

**Requesting Department / Division: CMO/Finance for Public Works**

Line-Item Transfer:   x   (between cost centers   x  ) Capital Package Request:            Contingency Request            Other           

**BUDGETED REVENUES: (use continuation sheet, if necessary)**

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
TOTAL (if SUBTOTAL, check here )						

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/ DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/ OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
213	0114	481	8010	Capital / Roadways		
213	0132	483	8001	Capital/ Buildings & Structures	\$100,000	\$100,000
TOTAL (if SUBTOTAL, check here x )					\$100,000	\$100,000

**Requested by:** Adam Leigland

**Date** 3/19/13

Finance Department Approval: Donna M. Arlt Date: 3/19/13

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

County Manager Approval: P. Petersen Date: 3/6/13

Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## BUDGET ADJUSTMENT NARRATIVE FORM

Fiscal Year 2013 (July 1, 2012 through June 30, 2013)

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Carole Jaramillo Dept/Div: CMO/Finance Phone No.: 986-6321

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.  
Request is to transfer \$100,000 from the district capital funds set-aside for the following building renovations needed at 949 W. Alameda in District 2:
  - Replacing faulty plumbing in both men's and women's restrooms; replacing toilets, stalls and vanities in order to meet ADA standards; extend and reconfigure the computer room to meet building occupancy code; construct a much needed conference room to conduct confidential personnel hearings and constituent meetings; construct a janitor's sink; stucco facade of building; treat all exterior wood trim; repair portal ceiling (approximately 450 sq ft) and smooth out portal flooring; level 6374 sq ft of uneven flooring throughout the building and replace with commercial tile and carpet; clean out vents, ducts to improve air quality; replace outdated lighting with energy efficient commercial lighting; replace soiled ceiling tiles; furnishings for 3 office.

a) Employee Actions

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

b) Professional Services (50-xx) and Capital Category (80-xx) detail:

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount
8001	Building renovations at the Human Resources Office at 949 W. Alameda	\$100,000

- 2) Is the budget action for RECURRING expense      or for NON-RECURRING (one-time only) expense X
- 3) Does this BAR include state or federal funds? YES      NO X  
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of award letter and proposed budget.
- 4) Is this request a result of Commission action? YES X NO       
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).