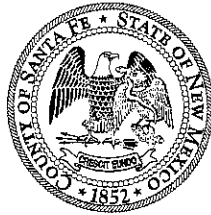


Henry P. Roybal  
*Commissioner, District 1*

Anna Hansen  
*Commissioner, District 2*

Ed Moreno  
*Commissioner, District 5*



Robert A. Anaya  
*Commissioner, District 3*

Anna T. Hamilton  
*Commissioner, District 4*

Katherine Miller  
*County Manager*

## **M E M O R A N D U M**

**DATE:** March 7, 2017

**TO:** Board of County Commissioners

**VIA:** Katherine Miller, Santa Fe County Manager

**FROM:** Maria Rotunda, Constituent Services Liaison, District 2

**RE: RESOLUTION 2017-\_\_\_\_, A RESOLUTION SUPPORTING LEGISLATION  
REQUIRING COMPETITIVE RESOURCE PROCUREMENT FOR ELECTRIC  
UTILITIES IN THE STATE OF NEW MEXICO**

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### **SUMMARY**

This resolution supports legislation requiring competitive resource procurement for electric utilities in the state of New Mexico such as that described in New Mexico Senate Bill 360, as introduced in New Mexico's 53<sup>rd</sup> Legislature's First Session.

### **BACKGROUND**

Senate Bill 360, introduced during the first session of New Mexico's 53<sup>rd</sup> Legislature, would require investor-owned electric public utilities to provide the New Mexico Public Regulation Commission (PRC) with the results of a competitive resource procurement (RFP) process when applying to the PRC for approval of their procurement of a new "supply-side electric energy or capacity resource" for a duration greater than one year; and would also require that the PRC approve a qualified "independent evaluator" to advise the PRC regarding the sufficiency and reasonableness of those utility RFP processes and a utility's bid evaluation procedures and methods.

### **ACTION REQUESTED**

Commissioner Hansen respectfully requests the Board of County Commissioners support and approve this resolution.



**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY  
RESOLUTION NO. 2017 - \_\_\_\_\_**

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**A RESOLUTION SUPPORTING LEGISLATION  
REQUIRING COMPETITIVE RESOURCE  
PROCUREMENT FOR ELECTRIC UTILITIES IN THE  
STATE OF NEW MEXICO**

---

**WHEREAS**, the Santa Fe County (County) Board of County Commissioners (Board) has reviewed Senate Bill 360 (SB 360) introduced by State Senator Joseph Cervantes at the 53<sup>rd</sup> Session of the New Mexico Legislature; and

**WHEREAS**, SB 360 would require investor-owned electric public utilities to provide the New Mexico Public Regulation Commission (PRC) with the results of a competitive resource procurement (RFP) process when applying to the PRC for approval of their procurement of a new "supply-side electric energy or capacity resource" for a duration greater than one year; and

**WHEREAS**, SB 360 would also require that the PRC approve a qualified "independent evaluator" to advise the PRC regarding the sufficiency and reasonableness of those utility RFP processes and a utility's bid evaluation procedures and methods; and

**WHEREAS**, the County and the residents and businesses within the County are retail service customers of the Public Service Company of New Mexico (PNM), an investor-owned electric utility, and thus their rates for retail electric service and the impacts of those rates on their budgets and business operations are affected by the cost of new supply-side electric energy or capacity resources procured by an investor-owned electric utility for a duration greater than one year; and

**WHEREAS**, the Board is informed that a 2008 study commissioned by the National Association of Regulatory Utility Commissioners and the Federal Energy Regulatory Commission stated:

Competitive procurements can provide utilities with a way of obtaining electricity supply that has the 'best' fit to customers' needs at the 'best' possible terms. In principle, competitive procurements accomplish this goal by requiring market participants to compete for the opportunity to provide these services; [and]

**WHEREAS**, state law provides that whenever an electric public utility applies to the PRC for approval of a certificate of public convenience and necessity (CCN) for a new supply-side resource pursuant to NMSA 1978, § 62-9-1.A, the utility applicant has the burden of proving to the PRC that the new supply-side resource proposed is its most cost-effective resource option among all feasible alternatives to meet its service needs; and

**WHEREAS**, the Board agrees that requests for competitive proposals by electric public utilities is an important and valuable method for such utilities to reasonably identify all feasible supply-side resource options available to them at a particular time to meet their service needs in accordance with the "most cost-effective resource portfolio" criteria set forth in the New Mexico Efficient Use of Energy Act (EUEA), NMSA 1978, § 62-17-10, and in the PRC's Integrated Resource Planning (IRP) Rule, § 17.7.3, *et seq.*, NMAC; and

**WHEREAS**, the County and most government entities in New Mexico engage in competitive procurement to assure the best and most cost prudent procurements for the benefit of their constituencies; and

**WHEREAS**, requiring investor-owned electric public utilities to engage in competitive procurement similar to governmental entities is prudent, reasonable, and in the best interest of County residents; and

**WHEREAS**, requiring the PRC to implement an independent evaluator advisory process as set forth in SB 360 to ensure those processes are reasonable and conducted fairly will protect and benefit the customers of those utilities and the public interest by encouraging more independent power producers to participate in such utility competitive processes and thereby provide greater competition, consistent with the "most cost-effective resource portfolio" criteria set forth in the EUEA, NMSA 1978, § 62-17-10, and in the PRC's IRP Rule; and

**WHEREAS**, on May 29, 2014, Southwest Generation Operating Co., LLC, an independent power producer, the Office of the Attorney General of New Mexico, New Energy Economy, the Interwest Energy Alliance, and the New Mexico Green Chamber of Commerce filed a Joint Petition with the PRC asking that the PRC establish an independent evaluator process, similar to the independent evaluator or monitor processes adopted in other states, to advise the PRC regarding the reasonableness of the scope of future RFPs and the bidding evaluation processes conducted by PNM to support its future applications to the PRC for approval of new supply-side resource proposals to replace the capacity of Units 2 and 3 of the San Juan Generating Station proposed for retirement at the end of 2017 in Case No. 13-00390-UT that was opposed by PNM and the PRC's Utility Division Staff; and

**WHEREAS**, the PRC has not taken any action on that Joint Petition to date; and

**WHEREAS**, in PRC Case Nos. 14-00152-UT, 13-00390-UT, 15-00205-UT, and 16-00105-UT, PNM argued that PRC lacks statutory authority to require PNM to conduct an RFP process and present its results to the PRC to support its application to the PRC for approval of a new supply-side resource; and

**WHEREAS**, based on its review of SB 360, it is the understanding of the Board that Subsection I of that Bill sets forth a reasonable provision allowing an investor-owned electric public utility to request a waiver of the application of the requirements in that Bill upon a showing of "extraordinary circumstances" and that such a waiver is necessary to protect the public interest.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board strongly supports the Legislature's passage and the Governor's enactment of SB 360 to promote greater and fair competition with respect to the procurement of supply-side resources by investor-owned electric public utilities in the State of New Mexico and to protect the interests of customers of investor-



owned electric public utilities and the public interest in this State.

**BE IT FURTHER RESOLVED** that the Board directs staff to promptly provide this Resolution to Senator Joseph Cervantes, the Senate Majority Leader, the Speaker of the House of Representatives, the House Majority Floor Leader, the House Minority Floor Leader, the House Majority Whip, the House Minority Whip, the Senate President Pro Tempore, the Senate Minority Floor Leader, the Senate Majority Whip, the Senate Minority Whip, and to the Governor of State of New Mexico.

**PASSED, APPROVED, AND ADOPTED THIS 14<sup>th</sup> DAY OF MARCH, 2017.**

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

By: \_\_\_\_\_  
Henry P. Roybal, Chair

**ATTEST:**

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

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

**APPROVED AS TO FORM:**

*fn*  \_\_\_\_\_  
Gregory S. Shaffer, Santa Fe County Attorney

Date: 3/8/2017





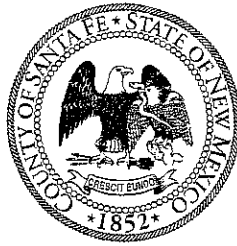




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Ed Moreno  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** March 14, 2017

**TO:** Board of County Commissioners

**FROM:** Rachel Brown, Deputy County Attorney *RB*

**RE:** Resolution No. 2017, A Resolution Establishing the Animal Control Ordinance Advisory Committee

In 1991 the Board of County Commissioners of Santa Fe County (Board) adopted Ordinance 1991-6, the Santa Fe County Animal Control Ordinance (Ordinance). In January of 2017 the Board adopted Ordinance 2017-1 (Amendment), amending the Ordinance to increase licensing fees, restrict tethering of dogs and ensure that the Ordinance comported with state law. The restriction on tethering of dogs set forth in the Amendment is scheduled to go into effect on August 1, 2017.

On February 14, 2017, at the regularly scheduled meeting of the Board, staff was directed to prepare a resolution establishing an advisory committee charged with making recommendations to the Board regarding the definition of tethering and improvements to the regulations governing dog barking. The Board expressed a desire to receive the recommendations quickly so that the Board could implement further revisions to the Ordinance prior to the effective date of the tethering restrictions.

The Resolution Establishing the Animal Control Ordinance Advisory Committee establishes the Animal Control Ordinance Advisory Committee (Committee). The Committee is proposed to be comprised of seven members, including one from each Commission District. The Committee will also have a member who can offer informed input regarding regulations pertaining to humane restraint of dogs and one member who can offer informed input regarding regulating barking.

The Committee is to make prompt recommendations regarding how to refine the definition of tethering and how to modify the regulation of barking with the objective of allowing the Board to act on the recommendations in advance of implementation of the tethering restrictions adopted by the Board in January.

The Board can also task the Committee with making additional recommendations regarding the Animal Control Ordinance.

The Committee will function in accordance with the rules of procedure set forth in Santa Fe County Resolution 2009-2.

A liaison from the County Manager's Office will be identified to assist the Committee with the scheduling of meetings and other administrative tasks. The Captain from the Santa Fe County Sheriff's Office will be invited to all Committee meetings. The Santa Fe County Legal Office will be informed of all Committee meetings.

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

**RESOLUTION NO. 2017- \_\_\_\_\_**

**A RESOLUTION  
ESTABLISHING THE ANIMAL CONTROL ORDINANCE ADVISORY COMMITTEE**

**WHEREAS**, in 1991 Santa Fe County (the County) adopted the Santa Fe County Animal Control Ordinance, Ordinance 1991-6; and

**WHEREAS**, the Board of County Commissioners of Santa Fe County (the Board) adopted Ordinance 2017-1, in January of 2017, amending the Animal Control Ordinance to increase licensing fees, restrict tethering of dogs, and ensure that the Animal Control Ordinance comported with state law; and

**WHEREAS**, the Board, at a public meeting on February 14, 2017, determined that a citizen advisory committee should be established to develop recommendations regarding how to define tethering within the Animal Control Ordinance, and how to more effectively regulate the animal nuisance of barking within the County.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS HEREBY  
RESOLVES AS FOLLOWS:**

1. The Board hereby established the Animal Control Ordinance Advisory Committee (the Committee).
2. The express purpose of the Committee is to provide recommendations to the Board regarding revisions to provisions of the Animal Control.
3. The duties of the Committee are as follows:
  - a. Develop recommendations regarding amendments to the Animal Control Ordinance to improve the clarity of the provisions governing tethering of dogs;

- b. Develop recommendations regarding amendments to the Animal Control Ordinance to improve the efficacy of the prohibition on barking as set forth in Section 5-5, Animal Disturbing the Peace;
  - c. Obtain necessary data regarding enforcement of the Animal Control Ordinance from the Animal Control Division of the Sheriff's Office to inform recommendations regarding revisions to the tethering and barking provisions of the Animal Control Ordinance;
  - d. Submit written recommendations regarding revisions to the tethering and barking provisions of the Animal Control Ordinance within eight weeks of the first meeting of the Animal Control Ordinance Advisory Committee;
  - e. Seek authorization from the Board to propose additional amendments to the Animal Control Ordinance to improve its clarity and enforceability;
  - f. Take responsibility for providing recommendations regarding such other issues pertaining to the Animal Control Ordinance as the Board may request from time to time.
4. The Committee shall be made up of seven members appointed by the BCC. All members shall have their primary residence within the exterior boundaries of Santa Fe County.
- Notwithstanding the geographic distribution of members, all members shall be charged with representing the best interests of the County as a whole. The members shall include:
- a. A resident from each of the Commission Districts;
  - b. One member who can offer informed input regarding regulations pertaining to humane restraint of dogs;
  - c. One member who can offer informed input regarding regulating barking.
5. Three members of the Committee shall be appointed for an initial term of one year and four members shall be appointed for an initial term of two years. Thereafter members shall serve

terms of two years. In the event of a vacancy, the Board shall appoint a member to serve out the remainder of the departing member's term. There shall be no limitation on the number of consecutive terms that a member may serve.

6. Members will be appointed by the Board based on letters of interest, qualifications, and county-wide representation. Members may be removed by the BCC with or without cause. In addition, a member shall be deemed to have resigned their position if they fail to attend two consecutive meetings of the Committee; provided, however, the member may request that the Board excuse their absences for good cause and allow them to continue serving on the Committee.

7. The Committee shall comply with the rules of order set forth in Resolution 2009-2 as that Resolution may be amended from time to time, including selecting a chairperson and vice chairperson to serve for one-year terms. The chairperson and vice chairperson shall be selected at the first Committee meeting and annually thereafter.

8. All matters coming before the Committee shall be resolved by majority vote of the quorum. A quorum is a majority of the number of members of the Committee. A quorum is necessary for the Committee to conduct business.

9. The Committee shall meet no more frequently than once per week. Meetings shall be held in the Legal Conference Room at the Santa Fe County Administration Building, 102 Grant Avenue, Santa Fe, NM, and such other locations as may be conducive to visible and publicly accessible meetings. Meetings shall be held in accordance with the Santa Fe County Open Meetings Act Resolution.

10. The County Manager shall appoint a member of the County staff from the Manager's Office to serve as liaison to the Committee.

11. The Captain of the Santa Fe County Sheriff's Department, or the Captain's designee, shall be invited to attend each meeting.

12. A representative of the Santa Fe County Legal Office shall also be invited to attend each meeting.

13. The Animal Control Committee shall cease to exist and this Resolution shall expire six months after the completion of the Animal Control Committee's last assignment from the Board.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Henry P. Roybal, Chair

**ATTESTATION:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory S. Shaffer, Santa Fe County Attorney







### **III. Action Items**

#### **C. Resolutions**

- 3. Resolution No. 2017-\_\_, A Resolution  
Authorizing the County Manager to Negotiate  
And Execute All Agreements Up to and  
Including the Contract for Construction of  
Planned Additions and Renovations Relating  
to Improvements of the Agricultural Extension  
Office Located at the Santa Fe County  
Fairgrounds. (Public Works Department/  
Mark Hogan)**





