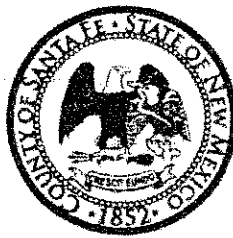


Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: June 26, 2018

To: Santa Fe County Board of County Commissioners

Via: Katherine Miller, County Manager

From: Joseph Montoya, Executive Director
Santa Fe County Housing Authority *JS*

Re: Approval of proposed resolution authorizing the County Manager to sign all documents and agreements necessary for the Housing Authority to move forward with the Energy Services Agreement project between the County, Santa Fe County Housing Authority, and the International Center for Appropriate and Sustainable Technology (ICAST).

SUMMARY:

Attached is a Proposed Resolution, an Attorney's Opinion, a Cost Reasonable Certification, and a Repayment of EPC Debt Certification. The County's approval of these documents is required by U.S. Department of Housing and Urban Development (HUD) in order for the Housing Authority to continue to work with ICAST and implement the energy efficiency project that will ultimately benefit the low income housing sites managed by the Santa Fe County Housing Authority. The proposed resolution specifically authorizes the County Manager to negotiate and approve the various agreements, certifications, and documents necessary to continue to work with ICAST to implement and complete the energy services project.

BACKGROUND AND DISCUSSION:

In September of 2017, the County entered into Services Agreement No. 2017-0216-HA/IC (the Services Agreement) with ICAST, the winner of the RFP issued by the County for such purposes. Under the Services Agreement, ICAST was required to complete an energy audit on three public housing sites, with recommendations for lowering energy and water use in a cost-effective manner. ICAST's services were to be performed in accordance with HUD regulations and requirements for an Energy Performance Contract (EPC). ICAST conducted the scope of services on the three sites

under the Services Agreement in October 2017, and the Housing Authority received the comprehensive audit and recommendations report including ICAST's findings and suggested scope of work (the deliverables) in December of 2017. The energy audit included a current utility consumption report and financial data regarding the energy and water usage of the property. The report included recommendations for cost-effective energy and water upgrades compiled using feasibility and cost reasonableness calculations in conformance with federal cost principals. If installed, the energy and water improvements will result in utility savings great enough to recoup the investment of the improvements, as required by HUD for engaging in an EPC.

Having completed this first phase of the Services Agreement, the Housing Authority and ICAST are ready to proceed with the second phase of this project: to enter into a comprehensive Energy Services Agreement (ESA) so that ICAST can fully implement and complete the recommended energy and water upgrades. Once approved and signed, the Proposed Resolution, Attorney's Opinion, Cost Reasonable Certification, and Repayment of EPC Debt Certification documents, along with the energy audit and recommendations report will be sent to HUD for review. Ultimately, HUD will determine what extent it is willing to freeze the energy utility allowance for the Housing Authority's public house sites in order to realize energy cost savings that result from ICAST's installation of the HUD approved energy saving measures. Once HUD has approved the ESA, the Housing Authority will be able to sign the agreement and execute the project.

The projected cost savings from this project will be used to capitalize the energy savings equipment, appliances, and educational protocols. No County funds are will be expended to capitalize the energy savings services that are recommended and completed by ICAST. The County, therefore, is not incurring debt in order for the public housing sites to become more energy efficient and sustainable. This program is significant in that it targets our residents who are most in need and suffer the greatest consequences of rising energy costs. The Santa Fe County Housing Authority will be only the third housing authority in the State of New Mexico to take advantage of this HUD program.

ACTION REQUESTED:

The Housing Authority requests approval and support from the Board to continue to work with ICAST and move to the second phase of this energy savings project. To facilitate this process, the Housing Authority also requests approval of the attached resolution granting authority to the County Manager to sign all necessary certifications and documents required by HUD. At this stage of the project, the attorney opinion and the two certifications signed by the County Manager need to be submitted to HUD alongside ICAST's energy audit and ICAST's findings and scope of work.

Attachments: Proposed resolution, attorney opinion, Cost Reasonable Certification. and Repayment of EPC Debt Certification.

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2018-_____**

**A RESOLUTION DELEGATING TO THE COUNTY MANAGER
THE AUTHORITY TO NEGOTIATE AND EXECUTE
ALL DOCUMENTS AND AGREEMENTS NECESSARY
FOR THE SANTA FE COUNTY HOUSING AUTHORITY'S ("SFCHA")
IMPLEMENTATION OF THE ENERGY AUDIT,
PHASE II OF THE ENERGY PERFORMANCE ("EPC") PROJECT,
AND COMPLETION OF THE EPC**

WHEREAS, in 2017 Santa Fe County ("County") entered into Service Agreement No. 2017-0216-HA/IC with The International Center for Appropriate & Sustainable Technology (ICAST) to provide for ICAST's completion of an energy audit of three SFCHA properties (Santa Cruz, Valle Vista and Jacobo); and

WHEREAS, ICAST has completed the energy audit and ICAST is prepared to commence with implementation of the EPC project and obtain the approval of HUD to proceed with Phase II of the EPC project; and

WHEREAS, in order to ensure continuity of services by ICAST and timely approval of any necessary agreements, certification or documents related to the EPC project, the County Manager should be delegated the authority to execute all documents, agreements, certifications, financing agreements, change orders, necessary for the implementation and completion of the EPC project; and

NOW, THEREFORE, IT BE RESOLVED that the Board hereby delegates to the County Manager the authority to negotiate and execute all documents, agreements, certifications including financing agreements and change orders necessary to ensure the implementation and completion of the EPC project by ICAST and the SFCHA.

PASSED, APPROVED, AND ADOPTED this _____ day of June, 2018.

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


By: _____
Anna Hansen, Chair
Board of County Commissioners of Santa Fe County

ATTESTATION:

Geraldine Salazar
Santa Fe County Clerk

Date

Approved as to form:



R. Bruce Frederick
County Attorney



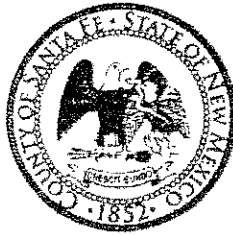
Date

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Joe Loewy
Housing Board Member



Joseph R. Montoya
Executive Director

Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Cathy Hurtado
Resident Board Member

Memo for Record
Repayment of Energy Performance Contract (EPC) Debt Certification

This memo is to certify that the Santa Fe County Housing Authority (SFCHA) certifies the following:

1. The repayment of EPC debt services will be paid for from savings realized from energy costs savings.
2. For EPCs in which the Add-On Subsidy has been approved, the PHA receives additional operating subsidy to repay any loans and/or yearly costs that it owes to a 3rd party for the EPC. HUD will continue to pay the Add-On Subsidy incentive as planned as long as the utility savings generated in a given year are equal to or greater than the Add-On Subsidy amount provided by HUD for that year.

Public housing authorities that receive the Add-On Subsidy will also receive an Operating Fund Benefit (OFB) which is described in 24 CFR 990.170 (c). The OFB accrues to a public housing authority that experiences a reduction in utility consumption levels under the Operating Fund formula. With respect to the OFB, the SFCHA acknowledges the following:

- a) The OFB is not an EPC incentive and will not be combined with any EPC incentive from this proposed EPC;
 - b) The OFB will not be used in this proposed EPC to fund any Energy Conservation Measures (ECMs); and
 - c) Funds from the OFB will not be used within the proposed EPC cash flow as an income stream to subsidize any ECMs.
3. Operating Funds or capital funds can be used in an EPC to subsidize the installation of ECMs; however the associated ECMs cannot contribute to the energy savings in the cash flow. For the SFCHA proposed EPC:

(Check one of the below)

- ☒ No ECMs are being subsidized by Operating Funds or Capital funds, or
- ☐ Operating Funds or Capital Funds are being used to subsidize the installation of ECMs, but the associated ECMs are not contributing to the energy savings in the cash flow.

SANTA FE COUNTY HOUSING AUTHORITY

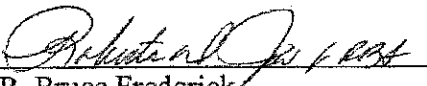
Joseph R. Montoya
Executive Director
Santa Fe County Housing Authority

Date

Katherine Miller
Santa Fe County Manager

Date

Approved as to form:


R. Bruce Frederick
Santa Fe County Attorney

6-4-18

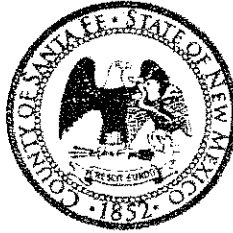
Date

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Commissioner, District 1

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Commissioner, District 3

Joe Loewy
Housing Board Member



Joseph R. Montoya
Executive Director

Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Cathy Hurtado
Resident Board Member

Memo for Record Cost Reasonableness Certification

This memo is to certify that the Santa Fe County Housing Authority (SFCHA) has reviewed the following cost(s) and certifies they appear reasonable.

Contract	Cost
Energy Service Agreement	\$1,324,773
Total Annual Fees	\$335,317

The SFCHA has reviewed the above costs and has determined that they are reasonable. A cost or price analysis has been performed as per 24 CFR 85.36 requirements to support the cost reasonableness.

The cost reasonableness exercise consisted of working with a licensed solar development consultant to analyze the viability of solar installation. Due to the smaller size and scope of this project as compared to other EPC projects, comparable data as to cost is relatively unavailable. Cost estimates are in line with established HUD allowances. The process included gathering a minimum of two quotes for the energy conservation measures outlined in the scope of the proposed project. The cost of the remaining items were verified by detailed cost analysis as per 24 CFR 85.36(f). The cost analysis consisted of a review of all direct costs, indirect costs, overhead and profit.

Joseph R. Montoya
Executive Director
Santa Fe County Housing Authority

Date

Katherine Miller
Santa Fe County Manager

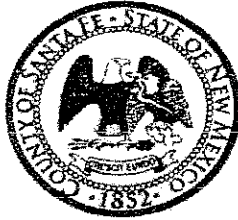
Date

Approved as to form
Santa Fe County Attorney
By: [Signature]
Date: 6/14/88

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Office of the County Attorney

Floyd Duran
Public Housing Director
PO Box 906
500 Gold Avenue, SW, Suite 7301
Albuquerque, NM 87103-0906

Re: *Energy Services Agreement ("ESA") between Santa Fe County, Santa Fe County Housing Authority and the International Center for Appropriate and Sustainable Technology (ICAST)*

Dear Mr. Duran:

As legal counsel to Santa Fe County, and its departments and divisions including the Santa Fe County Housing Authority (the "Authority"), I have been asked to render the following opinion to you in conjunction with the subject ESA.

Based on a review of the New Mexico Municipal Housing Act, Sections 3-45-1 *et seq.* and Santa Fe County Resolution No. 2010-104 pertaining to Housing Authorities and Authority policies, documents and information provided to us by the Authority, we are of the opinion that the ESA is in compliance with state and local laws.

Further, we are of the opinion that the legal interests of the Authority are fairly represented in the ESA.

The opinions expressed herein are solely for the benefit of the Authority and of the U.S. Department of Housing and Urban Development in connection with the above-referenced document and may not be relied on in any manner or for any purpose by any other person, nor may copies be furnished to any other person without our prior written consent.

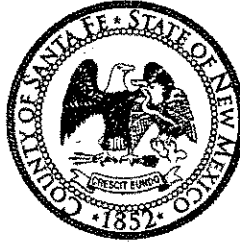
R. Bruce Frederick
Santa Fe County Attorney

6/1/2018
Date

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

DATE: June 13, 2018

TO: Santa Fe County Board of County Commissioners

FROM: Paul Olafson, Planning Projects Manager *[Signature]*

VIA: Robert Griego, Planning Manager *RG*
Penny Ellis-Green, Growth Management Director *[Signature]*
Katherine Miller, County Manager

Re: RESOLUTION 2018 - ____ A RESOLUTION AUTHORIZING THE
COUNTY MANAGER TO NEGOTIATE AND ACQUIRE THROUGH
PURCHASE REAL PROPERTY FOR SEGMENT VI OF THE SANTA
FE RAIL TRAIL

SUMMARY:

The purpose of this proposed resolution is to authorize the County Manager to negotiate and to execute purchase agreement and other necessary documents to complete the acquisition of approximately 12.5 acres for a trailhead at the southern end of the Santa Fe Rail Trail (Rail Trail).

BACKGROUND:

The Santa Fe County portion of the Rail Trail is an approximately 12 mile multi-use recreation and transportation facility that stretches from Rabbit Road to the Galisteo Basin Preserve, and eventually further south to Lamy.

A trailhead and access point is needed at the southern end of Segment VI of the Rail Trail where the Rail Trail design ends at the Galisteo Basin Preserve. The parcel identified for the trailhead is approximately 12.5 acres which is adjacent to the Santa Fe Southern Rail Road and US 84/285. This property is currently owned by Commonweal Conservancy, Inc.

The purchase of this real property for a trailhead leverages the County's investment made in the Rail Trail, and also leverages the work done by Commonweal Conservancy, Inc. and the Galisteo Basin Preserve to provide more than 25 miles of trail in the Galisteo Basin.

ACTION REQUESTED

Approval of the resolution to authorize the County Manager to negotiate and complete the purchase of real property from Commonweal Conservancy, Inc. for Segment VI of the Rail Trail.

EXHIBITS:

Exhibit A: RESOLUTION 2018 - ____ A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE AND ACQUIRE THROUGH PURCHASE REAL PROPERTY FOR SEGMENT VI OF THE SANTA FE RAIL TRAIL

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2018 - _____

A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE AND ACQUIRE THROUGH PURCHASE REAL PROPERTY FOR SEGMENT VI OF THE SANTA FE RAIL TRAIL

WHEREAS, the Santa Fe Rail Trail (Rail Trail) is included in the Santa Fe County ("County") Sustainable Growth Management Plan, the Sustainable Land Development Code, the draft of the County's 5-year Capital Improvement Program, and the Santa Fe MPO 2012 Bicycle Master Plan; and

WHEREAS, the Rail Trail is identified as a District Trail within the County Community College District; and

WHEREAS, the County has completed preliminary design for Segment VI of the Rail Trail and has envisioned a trailhead at the southern end of this segment; and

WHEREAS, the County has been in discussions with Commonweal Conservancy, Inc. to acquire an approximately 12.5 acre parcel at the southern end of Segment VI which would serve as a Southern trailhead for the Rail Trail as well as a trailhead to provide access to the approximately 25 miles of trails developed by Commonweal Conservancy in the Galisteo Basin Preserve; and

WHEREAS, time is of the essence in acquiring the property as part of continuing efforts to maintain the Galisteo Basin Preserve trail network; and

WHEREAS, in order to timely complete this acquisition, the County Manager should be authorized to negotiate and execute the purchase of the necessary property interests on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners as follows:

1. The Board authorizes the County Manager to negotiate and acquire on behalf of Santa Fe County approximately 12.5 acres of real property from Commonweal Conservancy, Inc. through a negotiated purchase and a purchase agreement.
2. The Board further authorizes the County Manager to execute on behalf of the County the purchase agreement and any other agreements or instruments as may be necessary to acquire the necessary real property interests for Segment VI of the Rail Trail.

PASSED, APPROVED, AND ADOPTED this 26th day of June, 2018.

BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By: _____
Anna Hansen, Chair
Santa Fe Board of County Commissioners

ATTESTATION:

Geraldine Salazar
Santa Fe County Clerk

Date: _____

Approved as to form:


R. Bruce Frederick,
Santa Fe County Attorney

Date: 6-13-18

