

SANTA FE COUNTY, NEW MEXICO  
RESOLUTION NO. 127

AUTHORIZING AND REQUESTING THE COUNTY TREASURER AND COUNTY ASSESSOR TO TAKE NECESSARY ACTION IN CONNECTION WITH REQUESTS BY OWNERS OF REAL PROPERTY WITHIN THE COUNTY FOR THE IMPOSITION, ADMINISTRATION AND DISBURSEMENT OF SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENTS PURSUANT TO THE SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENT ACT.

WHEREAS, the Solar Energy Improvement Special Assessment Act, Chapter 270, Laws of New Mexico 2009 (the "Act"), authorizes New Mexico counties to impose, administer and disburse solar energy improvement special assessments to encourage the development of solar energy improvements within a county; and

WHEREAS, the Act provides that an owner of real property (an "Applicant") may submit a written application to the New Mexico county in which the real property is located requesting that a solar energy improvement special assessment be applied to the owner's real property for the purpose of financing an eligible solar energy improvement on the property, which application shall be in a form approved by the county treasurer (an "Application"); and

WHEREAS, pursuant to the Act following receipt of an Application, the Board of County Commissioners (the "Board") of Santa Fe County, New Mexico (the "County") may adopt an ordinance imposing the solar energy improvement special assessment and directing that the County Treasurer to include the solar energy improvement special assessment in the property tax bill for the property subject to the assessment and to collect the assessment at the same time and in the same manner as property taxes are levied and collected; and

WHEREAS, pursuant to the Act, prior to the adoption of an ordinance imposing a solar energy improvement special assessment on a parcel of real property (an "Assessment Ordinance"), the County Treasurer shall certify that the requested solar improvements are eligible for financing under the Act and comply with and will be installed pursuant to applicable State guidelines; provide an approved form of financing agreement to be entered into by a property owner and solar energy financing institution; and provide an approved form of agreement to be entered into by the County and a solar energy financing institution; and

WHEREAS, pursuant to the Act, prior to the adoption of an Assessment Ordinance, the County Assessor shall verify that the Applicant is the owner of record of the real property proposed to be assessed and that there are no delinquent taxes in connection with that real property; and

WHEREAS, in order to implement a solar energy special assessment financing program pursuant to the Act and to make the benefits of the Act available to interested owners of real property within the County, the Board hereby authorizes and requests the following actions.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY OF SANTA FE COUNTY, NEW MEXICO:

Section 1. Action requested of the County Treasurer. The County Treasurer is hereby authorized and requested to take all action necessary or appropriate to effectuate the provisions of this Act and this Resolution, including the provision of approved forms of the following:

- A. A written application by which a property owner may request the solar energy improvement special assessment be applied to the owner's property for purposes of the Act;
- B. A certification that the solar energy improvements:
  - a. are eligible solar energy improvements;
  - b. comply with the Energy, Minerals and Natural Resources Department's guidelines for photovoltaic or solar thermal systems; and
  - c. will be installed in compliance with the Energy, Minerals and Natural Resources Department's guidelines for installing photovoltaic or solar thermal systems.
- C. An agreement between the property owner and the solar energy improvement financing institution for the financing of solar energy improvements which establishes:
  - a. the financing will be provided by an entity that has been certified by the Financial Institutions Division of the Regulation and Licensing Division as a solar energy improvement financing institution pursuant to Act;
  - b. that the financing is for an amount, including principal, interest and administrative fees to the County, that is no more than 40% of the assessed value of the property according to current County property tax records and that the administrative fees to the County constitute no more than 10% of the total financing amount;

- c. the annual amount of the solar energy improvement special assessment necessary to satisfy the financing agreement and the number of years the assessment shall be imposed on the property; and
  - d. conditions by which the property owner may prepay and permanently satisfy the debt owed pursuant to the financing agreement and remove the solar improvement special assessment and lien from the property.
- D. An agreement, between the County and the solar energy financing institution which:
- a. provides for the transfer of revenues derived from the solar energy improvement special assessment to the solar energy financing institution; and
  - b. specifies that the County is not liable in any way for the debt of the property owner, is not a third party obligor and is not pledging or lending its credit to the property owner or the financing institution.

Section 2. Action Requested of the County Assessor. The County Assessor is hereby authorized and requested to take all action necessary or appropriate to effectuate the provisions of the Act and this Resolution, including implementation of procedures for verifying that the property owner requesting the solar energy improvement special assessment is the owner of record of the property with respect to which the solar energy improvement special assessment will be levied and that there are no delinquent taxes on such property.

Section 3. Severability. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

PASSED AND ADOPTED this 28 day of July, 2009.

SANTA FE COUNTY, NEW MEXICO

By: [Signature]  
Mike D. Anaya, Chairperson  
Board of County Commissioners

[SEAL]

ATTEST:

By: [Signature]  
Valerie Espinoza, Clerk

APPROVED AS TO FORM:

By: [Signature]  
Peter Franklin, bond counsel



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC RESOLUTIONS  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 29TH Day Of July, 2009 at 10:59:51 AM  
And Was Duly Recorded as Instrument # 1572113  
Of The Records Of Santa Fe County

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