

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

The Board of County Commissioners (the "Commission"), as the governing body of Santa Fe County, New Mexico (the "County"), met in regular session in full conformity with law and the rules and regulations of the Board in the Commission Chambers at the County Administration Building, 102 Grant Avenue, Santa Fe, New Mexico, being the regular meeting place of the Board, on Tuesday, 10/27, 2009, at the hour of \_\_:00 \_\_.m. Upon roll call, the following members were found to be present:

PRESENT:

Chairperson:

Harry Montoya

Members:

Kathy Holian  
Liz Stefanics  
Virginia Vigil

ABSENT:

Mike Anaya

ALSO PRESENT:

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

SFC CLERK RECORDED 10/28/2009

SANTA FE COUNTY, NEW MEXICO  
ORDINANCE NO. 2009-12

APPROVING THE FORMATION OF THE SANTA FE COUNTY RENEWABLE ENERGY FINANCING DISTRICT PURSUANT TO THE RENEWABLE ENERGY FINANCING DISTRICT ACT, CHAPTER 180, LAWS OF NEW MEXICO 2009; MAKING FINDINGS IN CONNECTION WITH THE FORMATION OF THE DISTRICT; DETERMINING THE PURPOSES FOR WHICH THE DISTRICT IS BEING FORMED; APPROVING THE MANNER OF COLLECTION OF A RENEWABLE ENERGY IMPROVEMENT ASSESSMENT TO BE IMPOSED UPON REAL PROPERTY INCLUDED IN THE DISTRICT; APPROVING A FORM OF APPLICATION AND AGREEMENT BETWEEN THE COUNTY AND THE OWNERS OF REAL PROPERTY FOR INCLUSION OF REAL PROPERTY IN THE DISTRICT; PROVIDING FOR GOVERNANCE OF THE DISTRICT; PROVIDING FOR THE INCLUSION OF REAL PROPERTY WITHIN THE DISTRICT BY SUBSEQUENT RESOLUTIONS; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE

Capitalized terms in the following preambles shall have the meanings assigned in Section 1 of this Ordinance, unless the context clearly requires otherwise.

WHEREAS, the Renewable Energy Financing District Act (the "Act") provides in part that the governing body of a county may adopt an ordinance for the formation of a renewable energy financing district for the purpose of encouraging, accommodating and financing renewable energy improvements; and, upon determination that a district should be formed based on the interests, convenience or necessity of owners of property in the proposed district and the citizens of the municipality or county in which the proposed district would be located, the governing body of the county shall adopt an ordinance ordering that the renewable energy financing district be formed and identifying the method by which property owners can execute agreements to have their property included in the district; and

WHEREAS, the Act authorizes counties to enter into agreements to establish the obligations of the owners of real property included in the District and the County concerning the improvements and other matters relating to the use of the improvements within the District; and

WHEREAS, the Board of County Commissioners (the "Commission") of Santa Fe County (the "County") adopted County Resolution No. 2009-12 on [July 28], 2009 (the "Intent Resolution").

WHEREAS, the Intent Resolution sets forth application procedures for the inclusion of real property within the District, subject to enactment pursuant to this Ordinance approving the formation of the District; and

WHEREAS, the Commission has held a public hearing to consider formation of the District; and

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WHEREAS, the Renewable Energy Improvements are to be permanently installed in accordance with applicable State and County standards including, without limitation, building permit requirements, which standards may be supplemented by Assessment Resolution; and

WHEREAS, the Renewable Energy Improvements will be financed by the Renewable Energy Improvement Assessment on the real property included in the District; and

WHEREAS, the Commission shall cause a copy of this Ordinance ordering formation of the District to be delivered to the County Assessor, the County Treasurer, the Taxation and Revenue Department of the State and the Local Government Division of the Department of Finance and Administration as required by the Act.

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY, NEW MEXICO:

Section 1. Defined Terms. As used in this Ordinance, the following terms shall have the meanings specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

"Act" means the Renewable Energy Financing District Act, Chapter 180, Laws of New Mexico 2009.

"Assessment Resolution" means a resolution of the District Board that includes real property in the District and imposes a Renewable Energy Improvement Assessment, which Assessment Resolution may include one or multiple parcels with separate ownership interests.

"Commission" means the Board of County Commissioners of the County.

"County" means Santa Fe County, New Mexico.

["Contractor" means the contractor hired by the County to perform duties related to the formation and operation of the District.]

"District" means the Santa Fe County Renewable Energy Financing District.

"District Board" means the governing body of the District.

"District Boundary Map" means the map attached as Exhibit "A" to the Ordinance.

"Intent Resolution" means County Resolution No. 2009-126 adopted on 7/28, 2009.

"Ordinance" means this ordinance adopted by the County in connection with its approval of the formation of the District.

"Renewable Energy Improvement Assessment" means a special assessment imposed as authorized by the Act and this Ordinance.

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"Renewable Energy Improvements" means the renewable energy improvements, as provided in the Act, to be financed with the proceeds of the Renewable Energy Improvement Assessment imposed on each parcel of real property included in the District.

"State" means the State of New Mexico.

Section 2. Findings. The County hereby declares that it has considered all relevant information and data, and hereby makes the following findings:

A. The owners of the real property to be included in the District shall own 100% of the real property to be included in the District.

B. The Renewable Energy Improvements will be constructed to County specifications, and will be subject to inspection, approval and acceptance by the County.

C. The District will serve the interests, convenience and necessity of the owners of real property included in the District, future owners of parcels located within the District and the citizens of the County.

D. The cost of permanently installing the Renewable Energy Improvements will be allocated to the owners of real property included in the District via a Renewable Energy Improvement Assessment, and will not be passed on to the citizens of the County or the County itself.

E. The financing of the Renewable Energy Improvements is feasible and will not impose an undue burden on the future owners of real property located within the District.

F. The financing of the Renewable Energy Improvements will enable the District to construct those improvements in a cost-effective manner.

G. As planned, the Renewable Energy Improvements promote the County's goals and policies relating to the incorporation of renewable energy and energy efficient technologies.

H. The Commission has determined that proceeding with the formation of the District is consistent with the Intent Resolution and promotes the interests, convenience or necessity of the owners of real property to be included in the District; and

I. The Commission has determined that is in the best interests of the County and its citizens to form the District for the purpose of encouraging, accommodating and financing Renewable Energy Improvements; and

Section 3. Approval of Formation of District.

A. Formation of the District is hereby approved.

B. The District shall encompass the boundaries of the County subject to the addition of specific parcels pursuant to Assessment Resolutions.

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C. [By Resolution, the incorporated municipalities of the City of Santa Fe and the Town of Edgewood have consented to inclusion within the District.]

D. The District is hereby ordered approved and formed to carry out the purposes set forth in, and according to the provisions of, this Ordinance and the Intent Resolution.

E. The purpose of the District shall be to encourage, accommodate and finance the Renewable Energy Improvements pursuant to the Act.

F. The District shall be self-supporting.

G. The District shall comply with existing County policies for development, growth management and conservation.

H. The officers, agents and employees of the County are hereby authorized and empowered to take all actions necessary and to execute and deliver all documents relating to or requested by the District to carry out and comply with the provisions of this Ordinance and the Intent Resolution.

Section 4. Determining Real Property to be Included in the District.

A. In order for real property to be considered for inclusion in the District, the recorded owner(s) of the real property shall complete one application for each parcel of real property to be considered for inclusion as described in the Intent Resolution. Following determination by County staff [or the Contractor] that the application is complete, the recorded owner(s) of the real property to be included in the District shall sign an agreement with the District Board agreeing to the terms of inclusion of the real property in the District and the imposition of the Renewable Energy Improvement Assessment in amounts necessary to pay the costs of permanently installing the approved renewable energy improvements and the costs of financing such improvements including the related administrative fees to the District. The costs of such improvements will be amortized over a period of time as determined by the District, or its Financial Advisor, which amortization schedule and Renewable Energy Improvement Assessment amount shall be acknowledged and approved by the owner prior to inclusion of the property. The District Board will approve the inclusion of each parcel of real property in the District pursuant to an Assessment Resolution or Assessment Resolutions.

B. The District shall deliver a copy of each Assessment Resolution to the County Assessor and the County Treasurer. A copy of each Assessment Resolution and a description of the real property included within the District shall be recorded with the County Clerk.

Section 5. Imposition of Renewable Energy Improvement Assessment.

A. Following the approval of inclusion of real property in the District, the District Board may impose a Renewable Energy Improvement Assessment on such real property sufficient to pay for the Renewable Energy Improvements, costs of bond issuance, if any, debt

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service, if any, and administrative costs of the District and the County as provided in the Intent Resolution.

B. Each owner of real property shall acknowledge and consent to the Renewable Energy Improvement Assessments amount and amortization schedule as a condition of inclusion of the real property in the District.

C. Following acknowledgement and consent by the owner of the real property to be included in the District and satisfaction of the other requirements of the Act, this Resolution and as may from time to time be made applicable by the Commission, the Board shall adopt an Assessment Resolution. An Assessment Resolution may include one or multiple parcels with separate ownership interests.

D. Renewable Energy Improvement Assessments shall be collected at the same time and in the same manner as property taxes are levied and collected; provided that the District Board may, in its discretion, establish alternative collection procedures. Renewable Energy Improvement Assessments may be prepaid pursuant to procedures established by the District Board and identified in Assessment Resolutions.

Section 6. Special Assessment Bonds. The District may issue one or more series of special assessment bonds [or enter into loan agreements] to provide funds for Renewable Energy Improvements by subsequent Ordinance or Resolution. Bonds shall be payable from Renewable Energy Improvement Assessments levied pursuant to the Assessment Resolutions adopted by the District Board. In the discretion of the District Board, the District may issue bonds secured by the Renewable Energy Improvement Assessments on multiple parcels within the District, or secured by the Renewable Energy Improvement Assessment on a single parcel within the District.

Section 7. District Governance.

A. The District Board shall initially be composed of the five members of the Commission.

B. The initial members of the District Board shall serve six-year terms.

C. Once the initial six-year terms expire, the initial members of the District Board must be replaced by elected directors.

D. The District Board shall hold a public meeting following the date of adoption of this Ordinance. At that meeting, the District Board shall adopt an open meetings policy and by-laws for the District.

Section 8. Amendments. This Ordinance may be amended or supplemented by ordinance or resolution adopted by the Commission in accordance with the laws of the County and the State.

Section 9. Repealer. All ordinances or resolutions, or parts thereof in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency.

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This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 10. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this Ordinance.

Section 11. Publication of Notice of Adoption of Ordinance. The County Clerk is hereby directed to publish a notice of this Ordinance, in substantially the following form:

Notice is hereby given of the title and general summary of the subject matter contained in an ordinance duly adopted and approved by the Board of County Commissioners of Santa Fe County, New Mexico relating to the approval of the Santa Fe County Renewable Energy Financing District. Complete copies of the ordinance are available for public inspection during the regular business hours of the County Clerk, Santa Fe County, New Mexico.

The title of the Ordinance is as follows:

#### ORDINANCE

APPROVING THE FORMATION OF THE SANTA FE COUNTY RENEWABLE ENERGY FINANCING DISTRICT PURSUANT TO THE RENEWABLE ENERGY FINANCING DISTRICT ACT, CHAPTER 180, LAWS OF NEW MEXICO 2009; MAKING FINDINGS IN CONNECTION WITH THE FORMATION OF THE DISTRICT; DETERMINING THE PURPOSES FOR WHICH THE DISTRICT IS BEING FORMED; APPROVING THE MANNER OF COLLECTION OF A RENEWABLE ENERGY IMPROVEMENT ASSESSMENT TO BE IMPOSED UPON REAL PROPERTY INCLUDED IN THE DISTRICT; APPROVING A FORM OF APPLICATION AND AGREEMENT BETWEEN THE COUNTY AND THE OWNERS OF REAL PROPERTY FOR INCLUSION OF REAL PROPERTY IN THE DISTRICT; PROVIDING FOR GOVERNANCE OF THE DISTRICT; PROVIDING FOR THE INCLUSION OF REAL PROPERTY WITHIN THE DISTRICT BY SUBSEQUENT RESOLUTIONS; RATIFYING CERTAIN ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTIONS INCONSISTENT WITH THIS ORDINANCE

(End of Form of Summary of Ordinance for Publication)  
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PASSED, ADOPTED AND APPROVED this 27 day of October, 2009.

BOARD OF COUNTY COMMISSIONERS  
SANTA FE COUNTY, NEW MEXICO

By: [Signature]  
Mike D. Anaya, Chairperson

ATTEST:

By: [Signature]  
Valerie Espinoza, County Clerk



APPROVED AS TO FORM:

BY: [Signature]  
Peter Franklin, as Bond Counsel



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC ORDINANCE  
PAGES: 12

I Hereby Certify That This Instrument Was Filed for  
Record On The 28TH Day Of October, 2009 at 02:04:05 PM  
And Was Duly Recorded as Instrument # 1581412  
Of The Records Of Santa Fe County

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

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Board Member Harry Montoya then seconded the adoption of the foregoing ordinance introduced by Board Member Kathy Holian.

The motion to adopt the ordinance upon being put to a vote was passed and adopted on the following recorded vote:

Those Voting Aye:

Harry Montoya  
Kathy Holian  
Liz Stefanics  
Virginia Vigil

Those Voting Nay:

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

~~Four~~ (4) members of the Board having voted in favor of the motion, the presiding officer declared the motion carried and the ordinance adopted, whereupon the Chairperson of the Board and County Clerk signed the foregoing proceedings and ordinance upon the records of the minutes of the Board.

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**EXHIBIT "A"**

District Boundary Map





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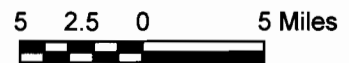
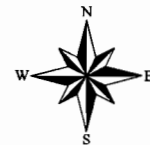
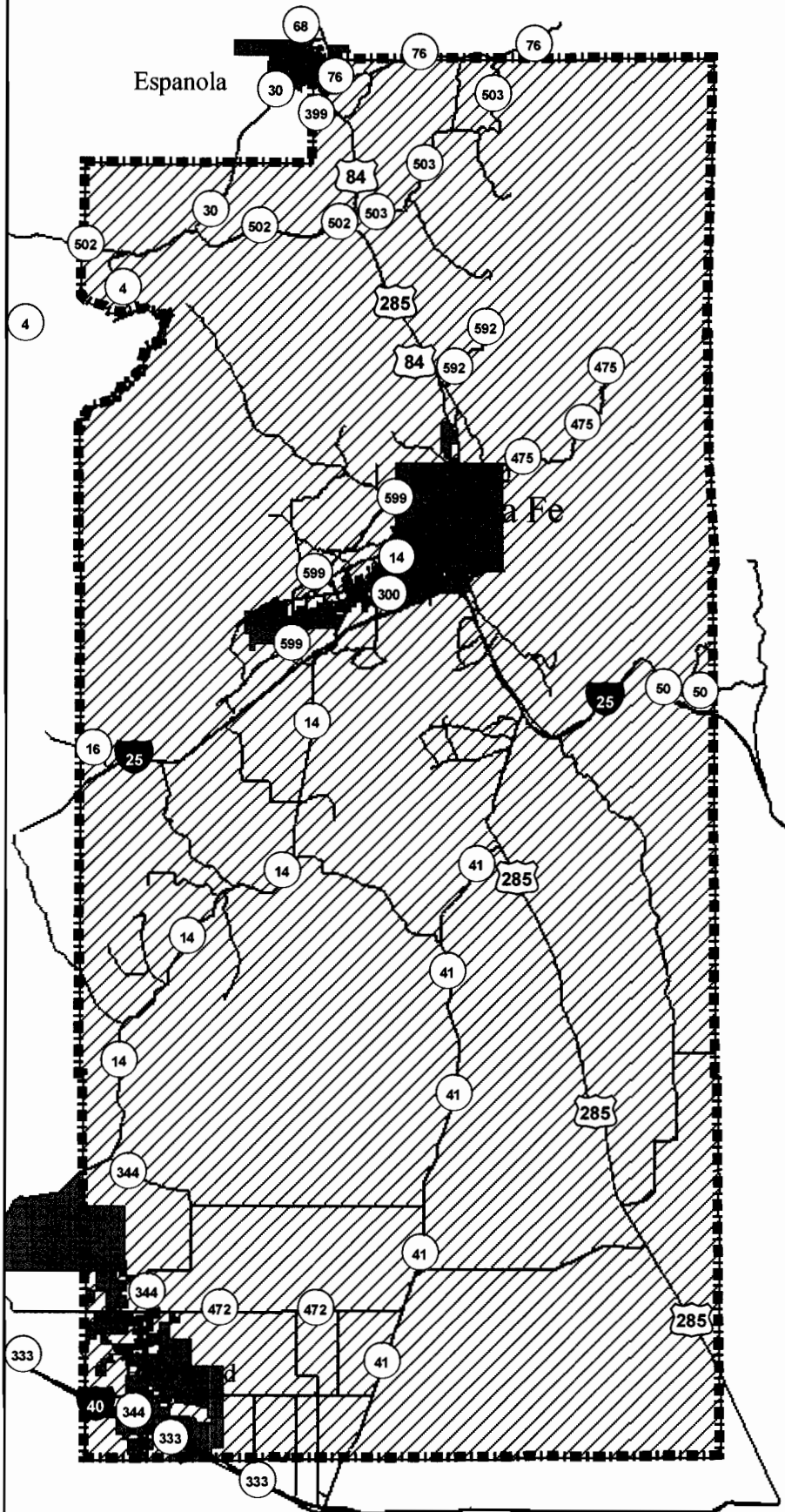
# Santa Fe County Renewable Energy Financing District

## District Boundary Map

EXHIBIT "A" to  
Ordinance No. 2009 - 12

### Legend

-  Exterior District Boundary
-  Renewable Energy Financing District
-  Municipalities (Not Included in District  
and Can Opt into District)
-  Major Roads



This information is for reference only.  
Santa Fe County assumes no liability for  
errors associated with the use of these data.  
Users are solely responsible for confirming  
data accuracy when necessary.



Santa Fe County  
Growth Management  
Department  
Planning Division

Oct. 27, 2009  
renewable\_energy\_financing\_district

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