

SANTA FE COUNTY
Resolution No. 2014 - 101

**A RESOLUTION ARTICULATING COUNTY POLICIES FOR THE
PLANNING, DESIGN, AND CONSTRUCTION OF THE AAMODT
SETTLEMENT AGREEMENT REGIONAL WATER SYSTEM**

WHEREAS, on April 25, 2006, the Board of County Commissioners ("Board") of Santa Fe County ("County") approved the Settlement Agreement in the case of New Mexico ex rel. State Engineer v. Aamodt, No. 66cv06639 MV/LCS-ACE (D.N.M.) ("the Settlement Agreement"); and

WHEREAS, the County, the State of New Mexico, the City of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso and Tesuque, and a number of private parties signed the Settlement Agreement on May 3, 2006; and

WHEREAS, the Settlement Agreement will resolve the water rights claims of the four Pueblos and will provide financial resources for water infrastructure benefiting the Pojoaque Basin, both for Pueblo and other County residents; and

WHEREAS, Congress approved the Settlement Agreement by enactment of the Aamodt Litigation Settlement Act, as part of the Claims Resolution Act of 2010, Pub. L. No. 11-291, tit. VI, §§ 601- 626, 124 Stat. 3064, 3134-56 (2010), which was signed into law by the President on December 8, 2010 ("Act"); and

WHEREAS, the County authorized Amendments to the Settlement Agreement and execution of the Cost-Sharing and System Integration Agreement ("Cost-Sharing Agreement") on April 10, 2012; and

WHEREAS, as provided in the Act and the Settlement Agreement, the cornerstone of the settlement is the planning, design, and construction by the United States Bureau of Reclamation ("USBR") of a regional water system ("RWS") that will provide water service to the four pueblos in the amount of 2,500 acre-feet per year and to other County residents who elect to connect to what is known as the County Water Utility in the amount of up to 1,500 acre-feet per year; and

WHEREAS, the County must bear a portion of the capital costs of constructing the RWS, as detailed in the Cost-Sharing Agreement; and

WHEREAS, the County will be responsible for the operation and maintenance of the County Water Utility and desires the County Water Utility to be financially self-sufficient; and

WHEREAS, the Act authorizes up to 1,500 acre-feet of capacity for use by the County, and both the Act and the Cost-Sharing Agreement give the County the right to make its own determination whether a smaller capacity or modified alignment is more suitable for County uses and whether the current plans and designs of the water system should be modified to better serve potential County customers; and

WHEREAS, the USBR is actively planning and designing the regional water system and requires input from the County on design criteria and similar technical policy issues in order to expeditiously continue the design process; and

WHEREAS, the Sustainable Growth Management Plan ("SGMP") identifies as County goals reducing reliance on groundwater (section 11.1.2.2) and expanding centralized water service (section 11.1.2.5) and further states in section 11.2.9 that the Aamodt Regional Water System serves these goals; and

WHEREAS, SGMP section 9.1.1 states that "Several residential areas in the County have insufficient water to provide adequate fire flows. Deficiencies should be corrected where feasible and the County should require adequate fire flows and water infrastructure to improve Fire Department service delivery and Fire District ISO ratings;" and

WHEREAS, the County has adopted the International Fire Code, 2003 edition.

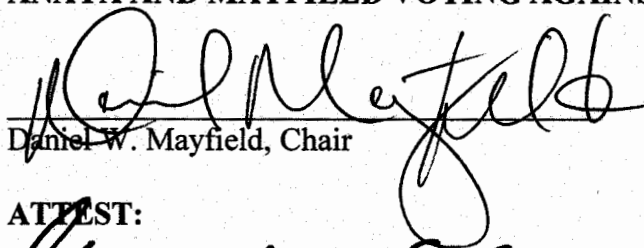
NOW, THEREFORE, BE IT RESOLVED by the Board:

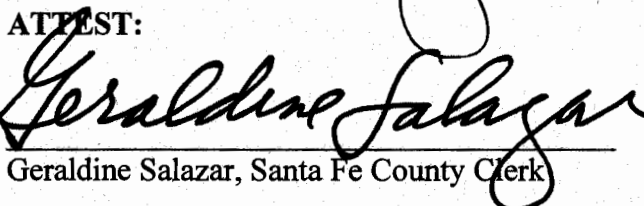
1. The items listed below are the articulated policies of the Board in the planning, design, and construction of the Aamodt Settlement Agreement Regional Water System. These policies are listed in priority order, such that if two policies conflict, the higher priority policy shall prevail.
 - a. Maximize service connections. RWS infrastructure will be designed to maximize the number of potential economically feasible non-Pueblo service connections. Service connections shall be deemed economically feasible if the County/State capital costs incurred to make the service connection(s) available can be recovered in 20 years or less through the estimated revenue that could be collected from the service connection(s). The cost recovery model can be applied to individual service connections or to service areas, as appropriate and as determined to be necessary to maximize the number of service connections for the lowest capital cost. The cost recovery model will not be applied to any service connections otherwise required by other agreements.
 - b. Minimize operation and maintenance costs. RWS infrastructure will be designed to minimize the eventual operation and maintenance costs, where operations and maintenance costs shall be broadly construed to include equipment maintenance and replacement, energy costs, water treatment costs, and staffing costs.

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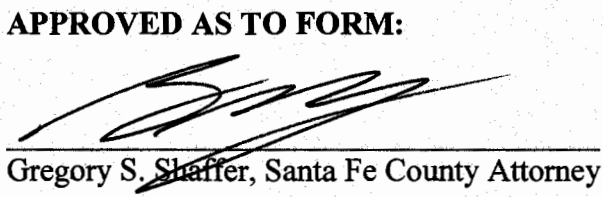
- c. Improving and increasing fire protection in the Pojoaque Basin. RWS infrastructure will be designed to provide the maximum economically feasible hydrant protection in accordance with the provisions of the International Fire Code, 2003 edition, or later edition, if the later edition establishes a higher standard than the 2003 edition and such higher standard is justified in the opinion of the Fire Marshall and in light of the other criteria in this Paragraph 1. Hydrant service shall not be deemed economically feasible if the infrastructure necessary to provide the hydrant does not meet the terms of Paragraph 1.a of this Resolution or if other provisions of the International Fire Code trigger significant capital improvements such as the widening of a road.
 - d. Maximize potential for interoperability with other area systems. The RWS shall be designed to provide for the maximum future interoperability, both physical and operational, with the existing County Utility and the Buckman Direct Diversion Project.
 - e. Minimize capital costs during construction. The RWS shall be planned, designed, and constructed to minimize land acquisition, to minimize disturbance to paved roads, and to otherwise minimize construction costs.
2. The Board delegates to the Public Works Department Director the ability to implement this policy guidance in the County's day-to-day dealings with the USBR and other stakeholders during RWS planning, design, and construction. Without limiting the generality of the foregoing, the Board specifically delegates to the Public Works Department Director the authority to make design decisions and communicate those design decisions to the USBR, consistent with the criteria set forth in Paragraph 1 of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 30TH DAY OF SEPTEMBER, 2014, ON A VOTE OF 3-2, WITH COMMISSIONERS CHAVEZ, HOLIAN, AND STEFANICS VOTING FOR THE RESOLUTION AND COMMISSIONERS ANAYA AND MAYFIELD VOTING AGAINST.


 Daniel W. Mayfield, Chair

ATTEST:

 Geraldine Salazar, Santa Fe County Clerk



APPROVED AS TO FORM:

 Gregory S. Shaffer, Santa Fe County Attorney

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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 4

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of October, 2014 at 03:39:56 PM
And Was Duly Recorded as Instrument # 1748326
Of The Records Of Santa Fe County

Deputy *Marcus Salazar* Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

REC'D BY REC'D BY 10/14/2014