

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

RESOLUTION NO. 2015 - 86

**A RESOLUTION CONCERNING THE INVESTIGATION
AND POSSIBLE PURSUIT OF POTENTIAL CLAIMS OF
THE COUNTY UNDER WATER SERVICES
AGREEMENTS**

WHEREAS, prior to adoption of Santa Fe County ("County") Resolution No. 2006-57 ("A Resolution Adopting a Santa Fe County Line Extension Policy and Water Service Policy"), the County had entered into Water Services Agreements ("WSA") with various individuals and companies (collectively, "Customers"); and

WHEREAS, as reflected in Resolution No. 2006-57, "the form of water service agreements ... varied widely," but many of them required Customers to pay standby or other fees and contractual payments to the County in exchange for the County's commitment to provide water service to the Customer and other consideration; and

WHEREAS, it appears that one or more Customers may not have paid all fees and other contractual payments due under their WSA; and

WHEREAS, the County has hired a contractor to research existing WSAs of record at the County to determine their status and whether any outstanding fees or other contractual payments are owed to the County; and

WHEREAS, in recognition of the risk that the County's potential contractual claims against Customers for breach of their WSAs may become time-barred, in whole or in part, unless the County either commences suit on its claims or enters into an agreement to toll the statute of limitations ("Tolling Agreement") during settlement negotiations, the Board of County Commissioners ("BCC") of the County desires to delegate authority to the County Attorney and County Manager to investigate and take appropriate action in response to potential claims, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, that the BCC hereby authorizes, directs, and delegates:

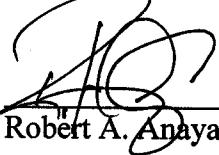
A. to the County Attorney, the County Attorney's staff, and contractors working under the County Attorney's direction the authority to (1) investigate the County's

potential claims under all existing WSAs and; (2) initiate and prosecute, in the name of the BCC, all appropriate litigation and any ancillary proceedings against Customers who refuse to pay amounts due under the WSA or refuse to enter into Tolling Agreements or as may otherwise be required to preserve the County's claims; and

B. to the County Manager to negotiate and execute on behalf of the County Tolling Agreements with Customers, so as to allow settlement negotiations to be explored before litigation is commenced.

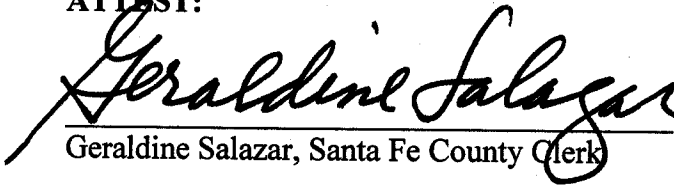
PASSED, APPROVED, AND ADOPTED THIS 9th DAY OF JUNE, 2015.

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



Robert A. Anaya, Chair

ATTEST:

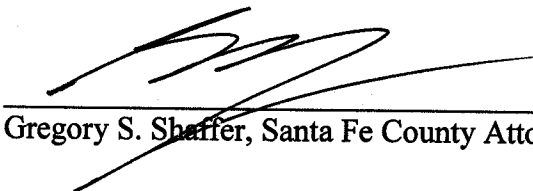


Geraldine Salazar, Santa Fe County Clerk

6-9-2015



APPROVED AS TO FORM:



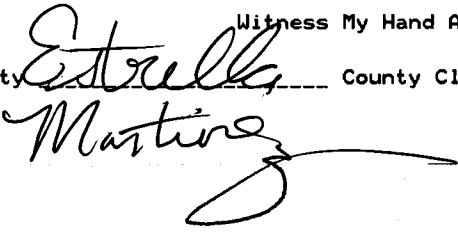
Gregory S. Shaffer, Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 2

Hereby Certify That This Instrument Was Filed for
Record On The 10TH Day Of June, 2015 at 03:24:51 PM
and Was Duly Recorded as Instrument # 1766649
of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Geraldine Salazar
deputy  County Clerk, Santa Fe, NM

SFC CLERK RECORD 06/10/2015 03:24:51 PM