

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2017 - 09

A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO NEGOTIATE AND EXECUTE A COST- SHARING AGREEMENT WITH THE CITY OF SANTA FE TO FUND THE CONSTRUCTION OF A FINISHED WATER STORAGE TANK AS PART OF THE BUCKMAN DIRECT DIVERSION PROJECT AND EXECUTE AND SUBMIT DOCUMENTS IN SUPPORT OF WATER TRUST BOARD FUNDING FOR THE TANK

WHEREAS, the City and the County own an undivided equal interest in the facilities comprising the Buckman Direct Diversion Project ("BDD Project"), excluding the Club at Las Campanas Separate Facilities, as provided in that certain Facility Operations and Procedures Agreement for the Buckman Direct Diversion Project, effective as of October 16, 2006, as amended by the First Amendment to the Facility Operations and Procedures Agreement for the Buckman Direct Diversion Project; and

WHEREAS, the BDD Board has recommended that the City of Santa Fe ("City") and Santa Fe County ("County") jointly fund the construction of a four (4) million gallon storage tank ("Tank") for finished water at the BDD Project for those times when the BDD Project cannot divert raw water, in order to provide redundancy, and to allow for off-peak time pumping; and

WHEREAS, the total construction cost for the Tank is estimated to not exceed \$2,500,000.00 ("Construction Costs"); and

WHEREAS, the pre-construction costs, including final design, preliminary engineering, and archeological and permitting work (if required), are estimated to be \$54,156.00 ("Pre-Construction Costs"); and

WHEREAS, the City has agreed to pay the Pre-Construction Costs; and

WHEREAS, the City has requested \$895,843.00 of the Construction Costs from the New Mexico Water Trust Board ("WTB") in the form of loan/grant funds; and

WHEREAS, the WTB has not acted on the City's request, and, therefore, it is unknown at this time whether any loan/grant will be made, the amount of the loan/grant (if any), or how much (if any) will be distributed between loan and grant funds; and

WHEREAS, the City and County desire to negotiate a cost-sharing agreement to pay the Construction Costs related to the Tank; and

WHEREAS, it is advisable to delegate authority to the County Manager to negotiate and execute the cost-sharing agreement with the City and submit documents to the WTB in support of the City's application for WTB funding for the Tank, so as to ensure that the agreement is timely executed and supporting documents timely submitted.

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

1. The County Manager is authorized and directed to negotiate and execute on behalf of the County a cost-sharing agreement with the City for the Tank, subject to the following:

- a. the County's total cost share, including gross receipts tax and interest (if any) and administrative and other fees on any WTB loan, may not exceed \$940,000;
- b. the County's cost share shall be payable exclusively from general obligation bond proceeds and county capital outlay gross receipts tax revenues;
- c. use of general obligation bond proceeds for any portion of the County's cost share must be approved by the County's bond counsel; and
- d. the cost-sharing agreement shall contain such provisions concerning the County's entitlement to use of finished water stored in the Tank as the County Manager determines to be necessary or advisable.

2. Subject to the parameters set forth in Paragraph 1 above, the County Manager is authorized and directed to execute on behalf of the County and submit to the WTB and New Mexico Finance Authority such documents evidencing the County's support for WTB funding for the Tank project as she determines necessary or advisable.

3. If (i) the County's cost share would exceed \$940,000 for any reason or if revenue sources other than general obligation bond proceeds and county capital outlay gross receipts tax would be necessary to fund the County's cost share and (ii) the County Manager concludes that the Tank would nonetheless still be necessary and in the County's best interest, the County Manager may negotiate for BCC consideration and approval a cost-sharing agreement with the City under which the County's cost share would exceed \$940,000 and/or other or additional revenue sources would be used for the County's cost share.

PASSED, APPROVED, AND ADOPTED THIS 10th DAY OF JANUARY, 2017.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

H. P. R.
By: Henry P. Roybal
(Print Name)

Its: Chair
ATTEST:

Geraldine Salazar
Geraldine Salazar, Santa Fe County Clerk

Date: 1-13-2017



APPROVED AS TO FORM:

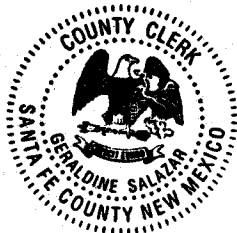
Gregory S. Shaffer
Gregory S. Shaffer, Santa Fe County Attorney

Date: 1/13/17

APPROVED:

Don D. Moya
Don D. Moya, Interim County Finance Director

Date: 1-10-17



COUNTY OF SANTA FE)	BCC RESOLUTIONS
STATE OF NEW MEXICO) ss	PAGES: 3
I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of January, 2017 at 08:52:38 AM And Was Duly Recorded as Instrument # 1814975 Of The Records Of Santa Fe County	
Witness My Hand And Seal Of Office Geraldine Salazar Deputy <u>Laura Hernandez</u> County Clerk, Santa Fe, NM	