

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE 2010- 10

AN ORDINANCE AMENDING ORDINANCE NO. 1998-16
TO MAKE CLARIFYING CHANGES; REPEALING PRIOR INCONSISTENT
LANGUAGE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNTY:

Section One. Section 5(I) of Ordinance 1998-16 shall be and hereby is amended as shown below and all language stricken shall be and hereby is repealed:

"Section 5(I), REIMBURSEMENT OF CONSTRUCTION COSTS.

" Except when the cost of construction is paid from public funding source, such as public bond financing, tax increment financing, or a public improvement district, special assessment district or similar funding arrangement, the actual total construction cost for the sewer extension shall be paid in full by the person undertaking construction of the sewer extension under this Ordinance ("applicant") and documentation of payment shall be provided to the county. The applicant shall be entitled to reimbursement of a portion of the construction costs from new customers connecting to the sewer extension constructed by the applicant within ten (10) years from the date of the county's acceptance of the applicant's sewer extension. Each new customer that pays a share of the costs to construct the applicant's sewer extension shall be entitled to a reimbursement of a portion of that payment from any subsequent customers that connect to the applicant's sewer line during that ten (10) -year period. The intent of this Section is that the applicant and new customers connecting to the sewer extension during the ten (10) -year period will share in the cost to construct the portions of the sewer extension used by each. Each new customer's share of the cost of the sewer extension shall be determined by the county based on the following formula:

"The reimbursement amount shall equal the cost of construction x (linear feet of the sewer extension used by the new customer divided by the total linear feet of the sewer extension), this divided by the total number of customers (i.e., applicant, the new customer and any prior customer connected to applicant's sewer extension that reimbursed a portion of the cost of construction).

"The county shall collect such reimbursement amount and pay the applicant and each prior customer, if any, an equal share of the funds collected, no later than the

date of the new customer's connection to the sewer extension. If a reimbursement is determined to be required, pursuant to the foregoing provision, the county shall bill the new customer for the appropriate amount and, upon receipt thereof shall refund the amount to the applicant and prior customers, if any, due the reimbursement, if it can be determined that the applicant and prior customers still exist and can be readily located. Reimbursements made under this provision shall not exceed the amount of the applicant's contribution in aid of construction (i.e., the applicant's actual costs incurred to design and construct the sewer extension) less the applicant's share of the costs computed under this Ordinance. The provision hereof apply to connection to all extension installed after the effective date of this chapter.

PASSED, APPROVED AND ENACTED this 14 day of December, 2010, by the Board of County Commissioners of Santa Fe County.

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

By: [Signature]
Harry B. Montoya, Chair

ATTEST:

[Signature]
Valerie Espinoza, Santa Fe County Clerk



Approved as to form:

[Signature]
Stephen C. Ross, County Attorney

COUNTY OF SANTA FE) BCC ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 2
I Hereby Certify That This Instrument Was Filed for
Record On The 16TH Day Of December, 2010 at 11:10:43 AM
And Was Duly Recorded as Instrument # 1620427
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
[Signature] Valerie Espinoza
Deputy County Clerk, Santa Fe, NM



SFC CLERK RECORDED/16/2010