

**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY  
RESOLUTION NO. 2018- 61**

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**A RESOLUTION DELEGATING TO THE COUNTY MANAGER  
THE AUTHORITY TO NEGOTIATE AND EXECUTE  
ALL DOCUMENTS AND AGREEMENTS NECESSARY  
FOR THE SANTA FE COUNTY HOUSING AUTHORITY'S ("SFCHA")  
IMPLEMENTATION OF THE ENERGY AUDIT,  
PHASE II OF THE ENERGY PERFORMANCE ("EPC") PROJECT,  
AND COMPLETION OF THE EPC**

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**WHEREAS**, in 2017 Santa Fe County ("County") entered into Service Agreement No. 2017-0216-HA/IC with The International Center for Appropriate & Sustainable Technology (ICAST) to provide for ICAST's completion of an energy audit of three SFCHA properties (Santa Cruz, Valle Vista and Jacobo); and

**WHEREAS**, ICAST has completed the energy audit and ICAST is prepared to commence with implementation of the EPC project and obtain the approval of HUD to proceed with Phase II of the EPC project; and

**WHEREAS**, in order to ensure continuity of services by ICAST and timely approval of any necessary agreements, certification or documents related to the EPC project, the County Manager should be delegated the authority to execute all documents, agreements, certifications, financing agreements, change orders, necessary for the implementation and completion of the EPC project; and

**NOW, THEREFORE, IT BE RESOLVED** that the Board hereby delegates to the County Manager the authority to negotiate and execute all documents, agreements, certifications including financing agreements and change orders necessary to ensure the implementation and completion of the EPC project by ICAST and the SFCHA.

**PASSED, APPROVED, AND ADOPTED** this 26<sup>th</sup> day of June, 2018.

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

By: Anna Hansen  
Anna Hansen, Chair  
Board of County Commissioners of Santa Fe County

SFC CLERK RECORDED 06/27/2018

ATTESTATION:

Geraldine Salazar 6-26-2018  
Geraldine Salazar Date  
Santa Fe County Clerk

Approved as to form:

R. Bruce Frederick  
R. Bruce Frederick  
County Attorney

6-5-18  
Date



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
PAGES: 6

I Hereby Certify That This Instrument Was Filed for  
Record On The 27TH Day Of June, 2018 at 10:47:17 AM  
And Was Duly Recorded as Instrument # 1861163  
Of The Records Of Santa Fe County

Deputy Estrella Martinez Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe,

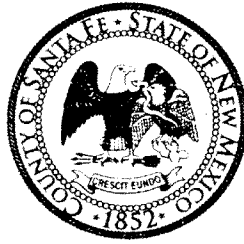
SFC CLERK RECORDED 06/27/2018

**Henry P. Roybal**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3

**Joe Loewy**  
Housing Board Member



**Joseph R. Montoya**  
Executive Director

**Anna T. Hamilton**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**Cathy Hurtado**  
Resident Board Member

Memo for Record  
Repayment of Energy Performance Contract (EPC) Debt Certification

This memo is to certify that the Santa Fe County Housing Authority (SFCHA) certifies the following:

1. The repayment of EPC debt services will be paid for from savings realized from energy costs savings.
2. For EPCs in which the Add-On Subsidy has been approved, the PHA receives additional operating subsidy to repay any loans and/or yearly costs that it owes to a 3<sup>rd</sup> party for the EPC. HUD will continue to pay the Add-On Subsidy incentive as planned as long as the utility savings generated in a given year are equal to or greater than the Add-On Subsidy amount provided by HUD for that year.

Public housing authorities that receive the Add-On Subsidy will also receive an Operating Fund Benefit (OFB) which is described in 24 CFR 990.170 (c). The OFB accrues to a public housing authority that experiences a reduction in utility consumption levels under the Operating Fund formula. With respect to the OFB, the SFCHA acknowledges the following:

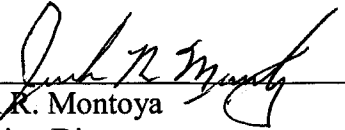
- a) The OFB is not an EPC incentive and will not be combined with any EPC incentive from this proposed EPC;
  - b) The OFB will not be used in this proposed EPC to fund any Energy Conservation Measures (ECMs); and
  - c) Funds from the OFB will not be used within the proposed EPC cash flow as an income stream to subsidize any ECMs.
3. Operating Funds or capital funds can be used in an EPC to subsidize the installation of ECMs; however the associated ECMs cannot contribute to the energy savings in the cash flow. For the SFCHA proposed EPC:

*(Check one of the below)*

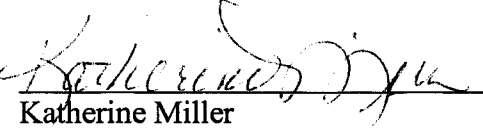
- No ECMs are being subsidized by Operating Funds or Capital funds, or
- Operating Funds or Capital Funds are being used to subsidize the installation of ECMs, but the associated ECMs are not contributing to the energy savings in the cash flow.

SFC CLERK RECORDED 06/27/2018

SANTA FE COUNTY HOUSING AUTHORITY


  
\_\_\_\_\_  
Joseph R. Montoya  
Executive Director  
Santa Fe County Housing Authority

6/20/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Katherine Miller  
Santa Fe County Manager

10-26-18  
\_\_\_\_\_  
Date

Approved as to form:

  
\_\_\_\_\_  
R. Bruce Frederick  
Santa Fe County Attorney

6-4-18  
\_\_\_\_\_  
Date

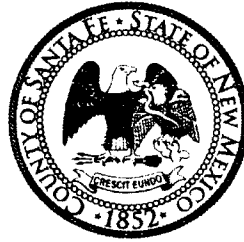
0187 / 17 / 08 APPROVED 80 / 11 / 2010

**Henry P. Roybal**  
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**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3

**Joe Loewy**  
Housing Board Member



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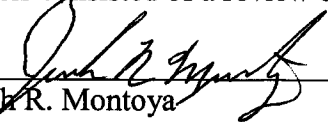
## Memo for Record Cost Reasonableness Certification

This memo is to certify that the Santa Fe County Housing Authority (SFCHA) has reviewed the following cost(s) and certifies they appear reasonable.

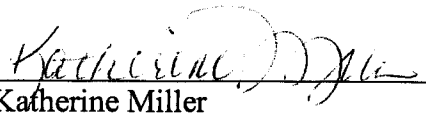
Contract	Cost
Energy Service Agreement	\$1,324,773
Total Annual Fees	\$335,317

The SFCHA has reviewed the above costs and has determined that they are reasonable. A cost or price analysis has been performed as per 24 CFR 85.36 requirements to support the cost reasonableness.

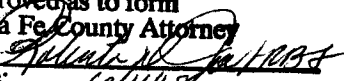
The cost reasonableness exercise consisted of working with a licensed solar development consultant to analyze the viability of solar installation. Due to the smaller size and scope of this project as compared to other EPC projects, comparable data as to cost is relatively unavailable. Cost estimates are in line with established HUD allowances. The process included gathering a minimum of two quotes for the energy conservation measures outlined in the scope of the proposed project. The cost of the remaining items were verified by detailed cost analysis as per 24 CFR 85.36(f). The cost analysis consisted of a review of all direct costs, indirect costs, overhead and profit.

  
\_\_\_\_\_  
Joseph R. Montoya  
Executive Director  
Santa Fe County Housing Authority

6/26/18  
Date

  
\_\_\_\_\_  
Katherine Miller  
Santa Fe County Manager

10-26-18  
Date

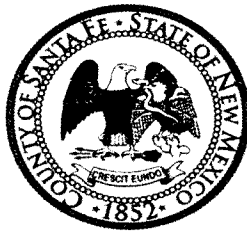
Approved as to form  
Santa Fe County Attorney  
By:   
Date: 6/14/18

0187/17/08 08:00:00 AM

Henry P. Roybal  
Commissioner, District 1

Anna Hansen  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Anna T. Hamilton  
Commissioner, District 4

Ed Moreno  
Commissioner, District 5

Katherine Miller  
County Manager

Office of the County Attorney

Floyd Duran  
Public Housing Director  
PO Box 906  
500 Gold Avenue, SW, Suite 7301  
Albuquerque, NM 87103-0906

Re: *Energy Services Agreement ("ESA") between Santa Fe County, Santa Fe County Housing Authority and the International Center for Appropriate and Sustainable Technology (ICAST)*

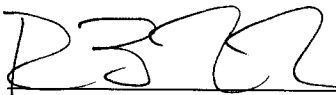
Dear Mr. Duran:

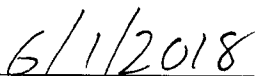
As legal counsel to Santa Fe County, and its departments and divisions including the Santa Fe County Housing Authority (the "Authority"), I have been asked to render the following opinion to you in conjunction with the subject ESA.

Based on a review of the New Mexico Municipal Housing Act, Sections 3-45-1 *et seq.* and Santa Fe County Resolution No. 2010-104 pertaining to Housing Authorities and Authority policies, documents and information provided to us by the Authority, we are of the opinion that the ESA is in compliance with state and local laws.

Further, we are of the opinion that the legal interests of the Authority are fairly represented in the ESA.

The opinions expressed herein are solely for the benefit of the Authority and of the U.S. Department of Housing and Urban Development in connection with the above-referenced document and may not be relied on in any manner or for any purpose by any other person, nor may copies be furnished to any other person without our prior written consent.

  
\_\_\_\_\_  
R. Bruce Frederick  
Santa Fe County Attorney

  
\_\_\_\_\_  
Date

SFC CLERK RECORDED 06/27/2018