

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY
RESOLUTION NO. 2017 - 23**

**A RESOLUTION AUTHORIZING THE COUNTY
MANAGER TO TERMINATE WATER SERVICE
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 or the County Water Company had entered into water service agreements ("WSAs") with various individuals and companies (collectively, "Customers"); and

WHEREAS, as stated in Resolution No. 2006-57, "the form of [WSAs] ... varied widely," but most of them required Customers to, among other things, pay monthly standby or other fees to the County; and

WHEREAS, the Board of County Commissioners ("Board") adopted Resolution No. 2015-86 to authorize the County Manager and the County Attorney to investigate potential claims the County may have where Customers failed to pay all fees required under their respective WSAs; and

WHEREAS, the Board now desires to authorize the County Manager to terminate any WSA on behalf of the County, or confirm the prior termination of any WSA, where the County Manager determines in consultation with the County Attorney that such termination or confirmation is appropriate and lawful under the terms of the WSA and the facts of each case.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The County Manager is authorized to terminate or confirm the prior termination of any WSA on behalf of the County where the County Manager determines in consultation with the County Attorney that such termination or confirmation is justified and appropriate.

2. The County Manager is further authorized to do all things necessary or appropriate to carry out the authority delegated under this Resolution, which may include but are not limited to issuing such notices to the Customer as may be required under the WSA prior to termination, entering into voluntary termination agreements with the Customer, or issuing notices confirming the prior termination of a WSA.

3. Where the County Manager and County Attorney determine in their judgment that no fees are due from the Customer under a WSA, the County Manager may confirm this fact to the Customer; *provided*, however, that this Resolution does not authorize the County Manager to compromise or settle any claims on behalf of the County.

PASSED, APPROVED, AND ADOPTED THIS 14th DAY OF March, 2017.

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

By: H. P. Roybal
Henry P. Roybal, Chair

ATTEST:

Geraldine Salazar Date: 3-14-2017
Geraldine Salazar, Santa Fe County Clerk



APPROVED AS TO FORM:

Gregory S. Shaffer Date: 3/7/2017
Gregory S. Shaffer, Santa Fe County Attorney



COUNTY OF SANTA FE)	BCC RESOLUTIONS
STATE OF NEW MEXICO) ss	PAGES: 2
I Hereby Certify That This Instrument Was Filed for Record On The 15TH Day Of March, 2017 at 10:22:57 AM and Was Duly Recorded as Instrument # 1820454 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