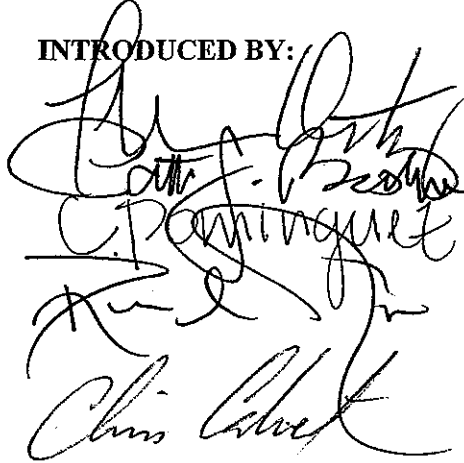


CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2007- 34

INTRODUCED BY:



A RESOLUTION

ADOPTING ADMINISTRATIVE PROCEDURES FOR IMPLEMENTING THE SANTA FE RIVER FUND, CREATING A VOLUNTARY CONTRIBUTION FUND TO ACQUIRE OR LEASE WATER RIGHTS FOR THE BENEFIT OF THE SANTA FE RIVER AND THE RIO GRANDE.

WHEREAS, on June 26, 2006, the governing body adopted Ordinance No. 2006- 28, wherein Section 25-8.2 SFCC 1987, Voluntary River Conservation Fund, calls for the creation of a voluntary contribution program/voluntary check-off provision on the city's monthly utility billing statements for the citizens to donate money to the city for the purchase, acquisition, long-term leasing of consumptive water rights in quantities sufficient to sustain the total water demand for either a living Santa Fe River or for the preservation and continuation of sufficient water flowing through the Rio Grande; and

WHEREAS, the Ordinance cited above mentions three specific administrative procedures including: 1) the city shall make public on at least an annual basis regular reports of all funds allocated and all purchases, acquisition, leases of water rights made as a result of this

1 river conservation fund; 2) the city shall appropriate sufficient funding that matches (on a dollar
2 for dollar basis) on an annual basis all money contributed by the public to the river conservation
3 fund; 3) the city shall use the proceeds from the river conservation fund for the purchase,
4 acquisition, long-term leasing of consumptive water rights in quantities sufficient to sustain the
5 total water demand for either a free-flowing Santa Fe River or for the preservation and
6 continuation of sufficient water living through the Rio Grande; and

7 **WHEREAS** on May 31, 2006 the governing body adopted Resolution No. 2006-59
8 directing city staff to research and prepare a report on the voluntary check off program described
9 in Ordinance No. 2006-28. The Resolution states that city water division and finance department
10 staff are directed to research and report to the governing body the program whereby residents
11 may choose to pay an additional amount on their monthly water bill; the city attorney's office is
12 directed to research the water rights issues and instream flow considerations of such a program;
13 and that the funds generated by the program will be used to administer the program and acquire
14 water rights used to support the ecological health of the Rio Grande and the Santa Fe River; and


15 **WHEREAS**, staff presented a white paper summarizing its research about the program
16 and its implementation to the public works committee on January, 17, 2007 and was directed to
17 create administrative procedures utilizing the white paper; and

18 **WHEREAS**, the governing body desires to adopt such administrative procedures as
19 attached in Exhibit A of this Resolution.

20 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
21 **CITY OF SANTA FE** that the administrative procedures for establishing and implementing a
22 voluntary check off program whereby citizens, as matched on a one to one basis by the city of
23 Santa Fe, donate funds to purchase, acquire, or lease water rights for either a living, flowing Santa
24 Fe River or Rio Grande River are adopted as shown on the attached Exhibit A, including a
25 governing body program review following the annual program progress report.

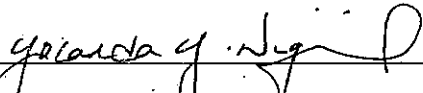
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PASSED, APPROVED, and ADOPTED this 25th day of April, 2007.




DAVID COSS, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



FRANK D. KATZ, CITY ATTORNEY

Santa Fe River River Fund: A Utility Bill Check-off Program
ADMINISTRATIVE PROCEDURES

1. PURPOSE AND AUTHORITY

The purpose of these administrative procedures is to establish procedures for the City of Santa Fe (herein "City") staff, boards, commissions, committees, the City Council, and any agent of the City to implement and administer the Santa Fe River Fund: A Utility Check-Off Program initiated to lease and/or purchase water rights for the Santa Fe River as described in City of Santa Fe Ordinance 2006-28, Section 25-8.2 SFCC 1987 and Resolution No. 2006-59.

2. PROGRAM MANAGEMENT AND ADMINISTRATION

Overall coordination for this program will fall under the City's Public Works' River Coordinator. Supporting staff include the Water Division's Water Resource Coordinators and other staff, Utility Billing staff, ITT staff. General program management includes coordinating City staff and public meetings, preparing annual project progress reports, reporting progress to committees, the Governing Body and the public, and responding to public inquiries.

3. PROGRAM OVERSIGHT

City's River Commission will provide primary guidance, oversight, and review of the Program. City Committees and the Governing Body will also provide guidance, and will approve Fund expenditure as needed.

4. PROGRAM ADMINISTRATIVE COSTS

The Program is anticipated to require an annual budget of approximately \$20,000/ year including the City's match to the community donated funds, professional service agreements (water right purchase review), outreach materials, and advertising costs. The program will require approximately 1/5 FTE in City staff time, split among the River Coordinator, Cashiers and Customer Service (Utility Billing), Water Resources Coordinator (Water Division), and ITT staff. Fund match, outreach materials, and advertising costs will be funded from the Water Division Enterprise Fund. Administrative costs like water right review, purchase or lease contracts, and protest hearings can be covered by the Santa Fe River Fund as specified in the ordinance.

5. PUBLIC OUTREACH AND EDUCATION

Public outreach, especially initially, is a necessary component of the Program. The Program Manager will conceptualize, organize, and generate a logo, mottos, explanatory flyer, brochures, advertisements, bill inserts, web materials, etc. to inform utility customers and other community members about the Santa Fe River Fund. The City's web page will be instrumental as a communication and educational tool, explaining the program details. Ideas to incorporate into the multi-year campaign include: the river and its relationship to its watershed, the reality of purchasing water rights in the Santa Fe area (including their expense and scarcity), and the constraints on our water resources in this high desert community.

6. COLLECTION OF FUNDS

Donations to the Santa Fe River Fund will be collected primarily via the Utility Bills. The utility bill will provide the opportunity for customers to donate to the Santa Fe River via a one-time check-off option on their monthly bill and a reoccurring donation on the bills. With the one-time check-off option, customers can donate any quantity they choose and submit the donation with their utility bill. The following donation increments will appear on the bill: \$100, \$50, \$25, \$10 and Other. With the reoccurring donation option, customers will enroll in the program using an application on which they identify one of six quantities to be added to their monthly bill: \$1, \$5, \$10, \$15, \$20, and \$50. The application will be available upon request from the utility billing division and on-line. A note will appear on monthly bills giving customers a phone number to call to learn more about the program and to get an application. Donations will also be accepted separately (in person) by the Utility Billing Division cashiers.

7. DONATIONS

Donations are non-refundable. The City recommends that donors consult their tax advisors on whether their donations are tax-deductible. The City will provide donors with annual donation receipt upon request. Donor information is part of the public record.

8. ACCOUNTING OF FUNDS

Utility billing staff will review all bill payments for one-time donations, which will be deposited by cashiering staff into a separate J.D. Edwards 'Santa Fe River Fund' account with its own business unit and line item. All reoccurring donations will be directed to the same account. Donations will accumulate interest at the same rate as all other City funds.

9. MATCHING OF FUNDS

The City Water Division will match dollar for dollar the donations collected.

10. PURCHASE AND / OR LEASING OF WATER RIGHT

The City's water division staff, with the review of the City Attorney's Office, will seek water rights to lease or purchase with the Santa Fe River Fund. All water contracts under this program will be routed to the River Commission and City Council for approval as needed.

11. STREAM FLOW SCHEDULE

Determination of details on release schedules, flow targets, flow criteria, costs, water right portfolio exchanges, etc for water rights purchased with the Santa Fe River Fund will be addressed through ongoing public processes including the Environmental Flow Process.

12. REPORTING

Program Manager will make annual reports to the River Commission and interested Governing Body committees. The report will include the status of the Fund, the amount collected within the last year, including interest, and the status of any water right purchase or leases. Annually, after receiving the report, the Governing Body will assess the efficacy of the program. The report will also be distributed to the Councilors, the stakeholders of the Santa Fe River, and be posted on the City's web page.