

RESOLUTION NO. 2021-19

A RESOLUTION ESTABLISHING A MORATORIUM TO PROHIBIT BUILDING, CONSTRUCTING, AND ESTABLISHING COMMUNITY SOLAR FACILITIES UNTIL THE NEW MEXICO PUBLIC REGULATION COMMISSION (NMPRC) ESTABLISHES ITS RULES BY APRIL 1, 2022, AND THE TOWN'S COMMUNITY DEVELOPMENT DEPARTMENT CONFORMS ITS POLICIES AND PROCEDURES TO THE NMPRC RULES

Sponsored by Lynda D. Aiman-Smith

WHEREAS, during the legislative session in 2021 the State of New Mexico legislature passed Senate Bill 84, The Community Solar Act (the "Act"), and the governor signed the Act on April 5, 2021; and

WHEREAS, the Act provides for the establishment of community solar facilities as solar electric generation facilities; and

WHEREAS, the Act requires the New Mexico Public Regulation Commission ("NMPRC") to establish rules to implement the Act ("Rules"); and

WHEREAS, the NMPRC has stated it has not presently enacted the required Rules but that it will enact Rules by April 1, 2022; and

WHEREAS, the Community Development Department of the Town of Silver City will need to review the Rules and conform its policies and procedure to the Rules before said businesses can locate within the Town; and

WHEREAS, the Town welcomes and desires solar businesses to locate in the Town, but it must carefully plan for said businesses, must be able to establish procedures and policies for community solar facilities that conform to the Rules, and cannot do so until the Rules are available.

WHEREAS, it is appropriate and necessary for the health, safety and welfare of the Town and its inhabitants that the Town not accept any building permits, land use or business registration applications or requests for community solar facilities until the Community Development Department possesses the Rules and establishes local policies and procedures that conform to the Rules.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

1. The Town of Silver City shall not accept any building permits, land use or business registration applications or requests for community solar facilities or projects as defined by Senate Bill 84 until the Community Development Department possesses the Rules and establishes local policies and procedures that conform to the Rules.

PASSED, ADOPTED AND APPROVED by the governing body of the Town of Silver City, New Mexico, at its regular meeting this 24th day of August, 2021.

Ken Ladner, Mayor

SEAL

Attest:

Maria C Sublasky, Acting Town Clerk