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**SANTA FE COUNTY**

**RESOLUTION NO. 2021-105**

**INTRODUCED BY:**

Commissioner Anna Hansen

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2022-1**

**INTRODUCED BY:**

Councilor Signe I. Lindell                      Councilor Jamie Cassutt

**A JOINT RESOLUTION**

**RECOGNIZING THE EXISTENCE OF OPEN ITEMS RELATED TO ANNEXATION AND ESTABLISHING NEGOTIATING TEAMS TO DEVELOP NON-BINDING PROPOSALS TO RESOLVE THOSE ITEMS.**

**WHEREAS**, on May 19, 2008, the City of Santa Fe (“City”), Santa Fe County (“County”), and others entered into that certain Settlement Agreement and Mutual Release of Claims (“Settlement Agreement”), pursuant to which, among other things, the City agreed to annex certain areas of the County, the City and County established utility service areas, and the City and County established land use jurisdiction within and beyond the Presumptive City Limits; and

**WHEREAS**, the City and County subsequently entered into a variety of agreements to implement the Settlement Agreement, including, but not limited, to that certain Annexation Phasing Agreement between the City of Santa Fe and Santa Fe County (which was subsequently amended); County of Santa Fe and the City of Santa Fe Memorandum of Understanding for Fire Protection and EMS Service; the Roadway Improvements Memorandum of Understanding between the County of Santa Fe and the City of Santa Fe; Agreement regarding Water, Wastewater and Solid

1 Waste Required by the Settlement Agreement and Mutual Release of Claims; County of  
2 Santa Fe and the City of Santa Fe Mutual Aid Agreement for Law Enforcement Services;  
3 and City of Santa Fe and Santa Fe County Agreement Regarding Water and Wastewater  
4 Service for Agua Fria, Hyde Park, High Summit, and Cloudstone (collectively,  
5 “Implementation Agreements”); and

6 **WHEREAS**, while the parties have discharged the majority of their respective  
7 obligations under the Settlement Agreement and Implementation Agreements and many of  
8 the overarching goals of the Settlement Agreement have been achieved, the Board of  
9 County Commissioners (“Board”) and the Governing Body recognize that there are open  
10 items related to annexation that require resolution; and

11 **WHEREAS**, those open items include, but are not necessarily limited to, the  
12 annexation of the remainder of Area 1, North of Alameda; drainage improvements to  
13 Alameda Road; and Fire Protection and EMS services within Areas 2, 4, and 18; and

14 **WHEREAS**, the Board and Governing Body desire to see all open items  
15 comprehensively resolved rather than addressed in piecemeal fashion; and

16 **WHEREAS**, the Board and Governing Body wish to facilitate such  
17 comprehensive resolution by having duly appointed County Commissioners and City  
18 Councilors negotiate non-binding proposals for consideration by the Board and Governing  
19 Body; and

20 **WHEREAS**, the Board and Governing Body wish to acknowledge the existence  
21 of such non-binding negotiations and appoint less than a quorum of their respective  
22 members to participate in them.

23 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**  
24 **COMMISSIONERS AND THE GOVERNING BODY** that:

- 25 1. The Board hereby appoints Commissioners Anna Hansen and Hank

1 Hughes to participate in the non-binding negotiations described herein.

2 2. The Governing Body hereby approves the appointment of Councilors Signe  
3 Lindell and Jamie Cassutt to participate in the non-binding negotiations described herein.

4 3. The non-binding negotiations described herein are not subject to the Open  
5 Meetings Act, as the proposals developed through them are not binding on the Board or Governing  
6 Body and less than a quorum of the Board and Governing Body are participating in them.

7 4. As the items to be discussed relate to obligations under the Settlement Agreement  
8 and/or Implementing Agreements, the non-binding negotiations described herein constitute  
9 compromise negotiations within the meaning of Rule 11-408 NMRA. Accordingly, participants'  
10 conduct and statements made during the negotiations and proposals made are confidential and  
11 inadmissible in any future litigation between the parties except as provided in Rule 11-408.

12 5. The County Manager and City Manager shall designate appropriate staff to support  
13 the non-binding negotiations described herein.

14 6. By April 13, 2022, County and City representatives shall present principles of  
15 agreement on all open annexation items to the Board and Governing Body, report that negotiations  
16 are at an impasse, or report that additional time is needed to complete the non-binding negotiations;  
17 provided, however, that neither the City nor the County is obligated to continue to participate in  
18 non-binding negotiations after April 13, 2022.

19 PASSED, APPROVED, and ADOPTED this 12<sup>th</sup> day of January, 2022.

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22 ALAN WEBBER, MAYOR  
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1 ATTEST:

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4 KRISTINE MIHELIC, CITY CLERK

5 APPROVED AS TO FORM:

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8 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2022/Resolutions/2022-1 Joint Resolution Concerning Non-Binding Negotiations*

**RESOLUTION NO. 2021-105**

Introduced by Commissioner Anna Hansen

**CITY OF SANTA FE**

**RESOLUTION NO. 2022-\_\_**

Introduced by Councilor Signe I. Lindell and Councilor Jamie Cassutt

**A JOINT RESOLUTION  
RECOGNIZING THE EXISTENCE OF OPEN ITEMS RELATED TO  
ANNEXATION AND ESTABLISHING NEGOTIATING TEAMS TO DEVELOP  
NON-BINDING PROPOSALS TO RESOLVE THOSE ITEMS**

**WHEREAS**, on May 19, 2008, the City of Santa Fe (City), Santa Fe County (County), and others entered into that certain Settlement Agreement and Mutual Release of Claims (Settlement Agreement), pursuant to which, among other things, the City agreed to annex certain areas of the County, the City and County established utility service areas, and the City and County established land use jurisdiction within and beyond the Presumptive City Limits; and

**WHEREAS**, the City and County subsequently entered into a variety of agreements to implement the Settlement Agreement, including, but not limited, to that certain Annexation Phasing Agreement between the City of Santa Fe and Santa Fe County (which was subsequently amended); County of Santa Fe and the City of Santa Fe Memorandum of Understanding for Fire Protection and EMS Service; the Roadway Improvements Memorandum of Understanding between the County of Santa Fe and the City of Santa Fe; Agreement regarding Water, Wastewater and Solid Waste Required by the Settlement Agreement and Mutual Release of Claims; County of Santa Fe and the City of Santa Fe Mutual Aid Agreement for Law Enforcement Services; and City of Santa Fe and Santa Fe County Agreement Regarding Water and Wastewater Service for Agua Fria, Hyde Park, High Summit, and Cloudstone (collectively, Implementation Agreements); and

**WHEREAS**, while the parties have discharged the majority of their respective obligations under the Settlement Agreement and Implementation Agreements and many of the overarching goals of the Settlement Agreement have been achieved, the Board of County Commissioners (Board) and City Council (Council) recognize that there are open items related to annexation that require resolution; and

**WHEREAS**, those open items include, but are not necessarily limited to, the annexation of the remainder of Area 1, North of Alameda; drainage improvements to Alameda Road; and Fire Protection and EMS services within Areas 2, 4, and 18; and

**WHEREAS**, the Board and Council desire to see all open items comprehensively resolved rather than addressed in piecemeal fashion; and

SFC CLERK RECORDED 12/01/2021

**WHEREAS**, the Board and Council wish to facilitate such comprehensive resolution by having duly appointed County Commissioners and City Councilors negotiate non-binding proposals for consideration by the Board and Council; and

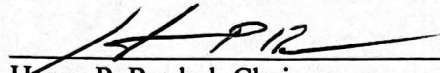
**WHEREAS**, the Board and Council wish to acknowledge the existence of such non-binding negotiations and appoint less than a quorum of their respective members to participate in them.

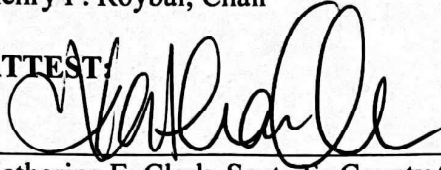
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AND COUNCIL AS FOLLOWS:**

1. The Board hereby appoints Commissioners Anna Hansen and Hank Hughes to participate in the non-binding negotiations described herein.
2. The Council hereby appoints Councilors Signe I. Lindell and Jamie Cassutt to participate in the non-binding negotiations described herein.
3. The non-binding negotiations described herein are not subject to the Open Meetings Act, as the proposals developed through them are not binding on the Board or Council and less than a quorum of the Board and Council are participating in them.
4. As the items to be discussed relate to obligations under the Settlement Agreement and/or Implementing Agreements, the non-binding negotiations described herein constitute compromise negotiations within the meaning of Rule 11-408 NMRA. Accordingly, participants' conduct and statements made during the negotiations and proposals made are confidential and inadmissible in any future litigation between the parties except as provided in Rule 11-408.
5. The County Manager and City Manager shall designate appropriate staff to support the non-binding negotiations described herein.
6. By April 13, 2022, County and City representatives shall present principles of agreement on all open annexation items to the Board and Council, report that negotiations are at an impasse, or report that additional time is needed to complete the non-binding negotiations; provided, however, that neither the City nor the County is obligated to continue to participate in non-binding negotiations after April 13, 2022.


SFC CLERK RECORDED 12/01/2021

PASSED, APPROVED, AND ADOPTED THIS 30<sup>th</sup> DAY OF NOVEMBER, 2021.  
BOARD OF COUNTY COMMISSIONERS

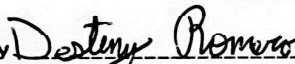
  
Henry P. Roybal, Chair

ATTEST:  
  
Katharine E. Clark, Santa Fe County Clerk



APPROVED AS TO FORM:  
  
11-29-21  
Gregory S. Shaffer, Santa Fe County Attorney

COUNTY OF SANTA FE ) BCC RESOLUTIONS  
STATE OF NEW MEXICO ) ss PAGES: 4  
I Hereby Certify That This Instrument Was Filed for  
Record On The 1ST Day Of December, 2021 at 08:45:35 AM  
And Was Duly Recorded as Instrument # 1973159  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy  County Clerk, Santa Fe, NM



SFC CLERK RECORDED 12/01/2021

**PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF JANUARY, 2022.**

**GOVERNING BODY OF THE CITY OF SANTA FE**

\_\_\_\_\_  
Alan M. Webber, Mayor

**ATTEST:**

\_\_\_\_\_  
Kristine Bustos-Mihelcic, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Erin K. McSherry, City Attorney

SEC CLERK RECORDED 12/01/2021