

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2009-99**

3 **INTRODUCED BY:**

4 Councilor Bushee
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10 **A RESOLUTION**

11 **DIRECTING STAFF TO PREPARE RULES OF PRACTICE AND PROCEDURE FOR**
12 **ADJUDICATIVE PROCEEDINGS IN CASES ARISING UNDER CHAPTER 14 AND**
13 **CHAPTER 26 SFCC 1987.**

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15 **WHEREAS**, the New Mexico Supreme Court has determined that municipalities shall
16 ensure that all zoning and other adjudicative proceedings conform to legal standards of fairness,
17 impartiality, and administrative due process; and

18 **WHEREAS**, the Governing Body has approved substantial revisions of Chapter 14
19 SFCC 1987 and Chapter 26 SFCC 1987 pertaining to appeals from land use and development
20 proceedings of an adjudicative nature, including hearings before Hearing Examiners, the Planning
21 Commission, and other agencies; and

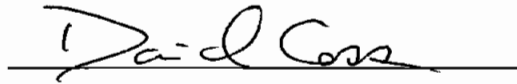
22 **WHEREAS**, the Governing Body intends to ensure that Rules of Practice and Procedure
23 are in place for the conduct of such adjudicative proceedings as soon as practicable.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
25 **CITY OF SANTA FE** that within six months from the adoption of this Resolution, city staff

1 shall submit, for review and approval by the Governing Body, a set of Rules of Practice and
2 Procedure for Adjudicative Proceedings in cases arising under Chapter 14 and Chapter 26 SFCC
3 1987 that are designed to ensure fairness, impartiality and administrative due process.

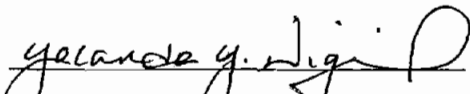
4 **AND BE IT FURTHER RESOLVED** that such rules shall include appropriate
5 procedures for the conduct of hearings in adjudicative proceedings, the taking of evidence, and
6 the process for arriving at decisions which are based on explanatory findings of fact and
7 conclusions of law which are supported by factual proof and conformity with legal requirements
8 of Chapter 14 and Chapter 26 SFCC 1987 and other applicable legal criteria in New Mexico
9 Constitutional, statutory or case law.

10 PASSED, APPROVED, and ADOPTED this 14th day of October, 2009.

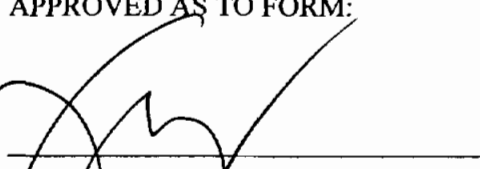
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14 DAVID COSS, MAYOR

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16 ATTEST:

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19 VOLANDA Y. VIGIL, CITY CLERK

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21 APPROVED AS TO FORM:

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24 FRANK D. KATZ, CITY ATTORNEY

25 10/14/09/jpmb/2009 res/adjudicative procedures