

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2010-5

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "C. P. Aminguez". The signature is written in a cursive style with a large, looping flourish at the end.

A RESOLUTION

HONORING THE SACRIFICE OF VETERANS AND THEIR FAMILIES BY
PETITIONING NEW MEXICO'S CONGRESSIONAL DELEGATION TO SEEK TO
REPEAL PUB. L. 106-117, TITLE VI, §612, NOV. 30, 1999, 113 STAT. 1580, WHICH
PROVIDED THAT "THE SECRETARY OF VETERANS AFFAIRS MAY PROVIDE
FLAT GRAVE MARKERS AT THE SANTA FE NATIONAL CEMETERY, NEW
MEXICO" AND SEEK ADOPTION OF A NEW LAW THAT WOULD REQUIRE THE
SECRETARY OF VETERANS AFFAIRS TO REPLACE THE EXISTING FLAT GRAVE
MARKERS WITH THE UPRIGHT GRAVE MARKERS AT THE SANTA FE
NATIONAL CEMETERY AND THAT IN THE FUTURE ONLY UPRIGHT
HEADSTONES SHALL BE PLACED AT THE SANTA FE NATIONAL CEMETERY.

WHEREAS, the 106th Congress in 1999 adopted an amendment to 38 USC 2404 that
stated "... the Secretary of Veterans Affairs may provide for flat grave markers at the Santa Fe
National Cemetery, New Mexico"; and

WHEREAS, such amendment was adopted by Congress as Pub. L. 106-117, Title VI,

1 §612, Nov. 30, 1999, 113 Stat. 1580; and

2 **WHEREAS**, Congress anticipated that the “Santa Fe National Cemetery will run out of
3 space to provide for casketed burials at the end of 2000 unless Congress acts to allow the use of
4 flat grave markers to extend the useful life of the cemetery until 2008”; and

5 **WHEREAS**, although the use of flat markers does not diminish the cemetery’s stature as
6 a national shrine and flat markers have been accepted by veterans, their families and the public at
7 other national cemeteries, both large and small located around the nation, veterans and their
8 families in Santa Fe have requested that only upright headstones be installed and flat grave
9 markers be replaced at the Santa Fe National Cemetery; and

10 **WHEREAS**, on January 28, 2009, the Governing Body of the City of Santa Fe unanimously
11 approved Resolution No. 2009-15 and on behalf of veterans and their families, the City of Santa Fe
12 respectfully requested from New Mexico’s Congressional Delegation, the U.S. Department of Veteran’s
13 Affairs and the New Mexico Department of Veterans Services that the necessary steps be taken so that
14 upright headstones are installed in the Santa Fe National Cemetery in the future and those headstones
15 previously installed flat be installed upright; and

16 **WHEREAS**, the Department of Veteran’s Affairs responded to the City, see attached Exhibit
17 “A”, by stating the:

18 “VA’s decision to use flat markers on the east side of the ridge was a
19 result of a compromise made in 1999 by the National Cemetery Association
20 (NCA) and the neighbors of Santa Fe National Cemetery, who objected to burials
21 on their side of the ridge. When it became evident that we needed to bury in that
22 area in order to provide burial space for the Veterans of New Mexico, NCA met
23 with the neighbors and they agreed to withdraw their objection to burials in their
24 area if NCA agreed to mark the gravesites with flat markers.”; and

25 **WHEREAS**, at the meeting of January 28, 2009 a portion of a letter, attached hereto as

1 Exhibit "B" from the Historic St. Catherine's Neighborhood Association was read into the record
2 which stated in part:

3 "It has been erroneously reported that the Historic St. Catherine's Neighborhood
4 Association, the neighborhood which borders the eastern side of this cemetery,
5 was responsible for the Cemetery's decision to begin installing flat grave markers
6 instead of the traditionally used upright ones"; and

7 **WHEREAS**, the Governing Body recognizes that there may have been some type of
8 miscommunication in 1999 between the National Cemetery Administration and the Historic St.
9 Katherine's Neighborhood Association that resulted in the adoption of Pub. L. 106-117, Title VI,
10 §612, Nov. 30, 1999, 113 Stat. 1580; and

11 **WHEREAS**, on February 25, 2009, the Governing Body unanimously approved
12 Resolution No. 2009-31 which directed City staff to prepare the necessary documents to complete
13 the donation of approximately 4.4 acres of vacant City owned land located adjacent to the Santa
14 Fe National Cemetery to the National Cemetery Administration, Department of Veterans Affairs;
15 and

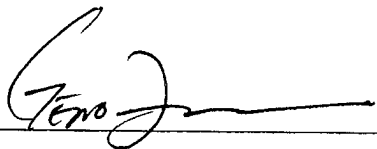
16 **WHEREAS**, on September 9, 2009 the Governing Body of the City of Santa Fe
17 unanimously approved the platting and deed used in the donation of approximately 4.4 acres of
18 land to the National Cemetery Administration of the Department of Veterans Affairs; and

19 **WHEREAS**, the Governing Body honors the great sacrifice that veterans and their
20 families have made for our Country and hereby petitions, on their behalf, New Mexico's
21 Congressional Delegation to seek to repeal Pub. L. 106-117, Title VI, §612, Nov. 30, 1999, 113
22 Stat. 1580; and

23 **WHEREAS**, recent actions by the Governing Body to donate land to the National
24 Cemetery Association should be taken into consideration by New Mexico's Congressional
25 Delegation when considering whether to repeal such Law.

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APPROVED AS TO FORM:



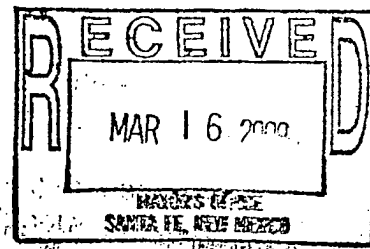
A handwritten signature in black ink, appearing to read "Geno Zamora", is written over a horizontal line.

GENO ZAMORA, CITY ATTORNEY



DEPARTMENT OF VETERANS AFFAIRS
UNDER SECRETARY FOR MEMORIAL AFFAIRS
WASHINGTON DC 20420

MAR 09 2009



Mayor David Coss
City of Santa Fe, New Mexico
200 Lincoln Avenue
P.O. Box 909
Santa Fe, NM 87504

Dear Mayor Coss:

This is to acknowledge receipt of Resolution No. 2009-15 concerning the installation of upright headstones in Santa Fe National Cemetery in Santa Fe, New Mexico. I am responding because I oversee the development and operation of our Nation's 128 Department of Veterans Affairs (VA) national cemeteries.

VA's decision to use flat markers on the east side of the ridge was the result of a compromise made in 1999 by the National Cemetery Administration (NCA) and the neighbors of Santa Fe National Cemetery, who objected to burials on their side of the ridge. When it became evident that we needed to bury in that area in order to provide burial space for the Veterans of New Mexico, NCA met with the neighbors and they agreed to withdraw their objection to burials in their area if NCA agreed to mark the gravesites with flat markers.

As a result of the compromise, Senator Domenici introduced legislation, Public Law 106-117, enacted on November 30, 1999, notwithstanding section 2404 (c) (2) of title 38, U.S.C., the Secretary may provide flat grave markers at the Santa Fe National Cemetery. Based on this legislation, the Secretary authorized the use of flat markers at Santa Fe National Cemetery.

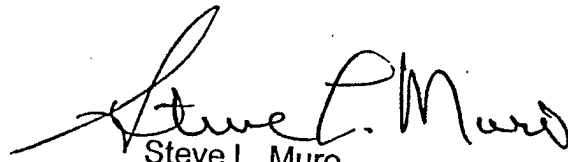
NCA will consider the use of upright headstones in any new land that we acquire for Santa Fe National Cemetery providing we have the full support of New Mexico veterans organizations and the neighbors on the east side of the ridge. However, it is NCA's policy that once a burial section is designated a flat marker section, it remains that way. Therefore, we will not replace the existing flat markers in Santa Fe National Cemetery with upright headstones.

Page 2.

Mayor David Coss

I hope that this information is helpful. I realize that this is not the answer that you seek, but I hope that you will understand our obligation to adhere to the 1999 agreement and to our policy with regard to changing the style of existing markers.

Sincerely,


Steve L. Muro
Acting

Historic St Catherine's Neighborhood Association

599 Griffin St.

Santa Fe, NM 87501

505-983-7613

January 22, 2009

To: Mayor Coss, Councilors Patti Bushee and Chris Calvert and other Members of the Santa Fe City Council

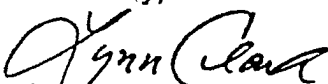
Re: Cemetery Grave Markers in the Santa Fe National Cemetery

It has been erroneously reported that the Historic St Catherine's Neighborhood Association, the neighborhood which borders the eastern side of this cemetery, was responsible for the Cemetery's decision to begin installing flat grave markers instead of the traditionally used upright ones.

As current President of this neighborhood association I have researched this issue in past records and I have spoken with past Association officers. There is no record of or recollection of this ever being addressed at an association meeting. Therefore, our Association has no position on the issue and has no opposition to a reversion to a policy of using upright markers.

Please let me know if you have questions or wish further information regarding this issue.

Sincerely,


Lynn Clark, President

Historic St Catherine's Neighborhood Association