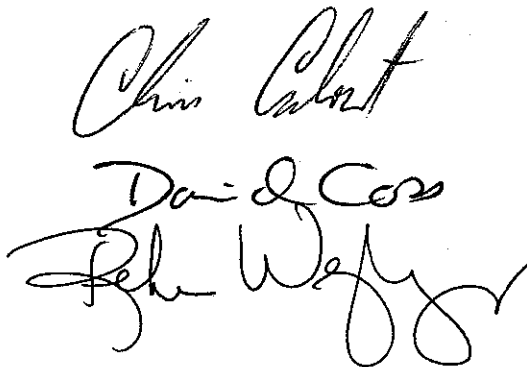


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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2007 - 27

INTRODUCED BY:



A RESOLUTION

**DIRECTING THE CITY ATTORNEY TO ADVISE AND INSTRUCT THE GOVERNING BODY AND DECISION MAKING BODIES OF THE CITY OF SANTA FE ABOUT THE ESSENTIAL ELEMENTS OF QUASI-JUDICIAL DECISIONS WITH PARTICULAR EMPHASIS ON THE NEED TO PREPARE AND ADOPT FINDINGS OF FACT AND CONCLUSIONS OF LAW.**

**WHEREAS**, the Santa Fe City Code authorizes delegation of authority by the governing body to commissions or boards to make quasi-judicial decisions or determinations as to the compliance of particular actions with pertinent code provisions; and

**WHEREAS**, such decisions or determinations, though final, are subject to review by the governing body upon appeal; and

**WHEREAS**, this review process presupposes that quasi-judicial decisions at all levels of city government set forth the reasons and bases for such determinations, including code or other legal provisions governing the matters to be decided, along with findings of key facts and conclusions which support or refute compliance with pertinent code provisions or legal criteria;

1 and

2           **WHEREAS**, failure to follow such basic procedural requirements confuses and  
3 complicates quasi-judicial decision making, detracts from a fair, efficient and focused decisional  
4 process consistent with due process of law, and can produce confused and potentially arbitrary  
5 and capricious rulings that invite further litigation.

6           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
7 **CITY OF SANTA FE that:**

8           Section 1.       Commissions or boards that make quasi-judicial final decisions shall  
9 prepare findings of fact and conclusions of law supporting the decision making body's final  
10 determination prior to review by the governing body.

11          Section 2.       The City Manager shall not place an item on the Governing Body's  
12 agenda if the findings of fact and conclusions of law described above are not available for  
13 inclusion in the Governing Body's meeting packet.

14           **BE IT FURTHER RESOLVED that:**

15          Section 1.       Within sixty (60) days of adoption of this resolution, the City Attorney is  
16 directed to advise and instruct the Governing Body and all decision making bodies of the city  
17 about the essential elements of quasi-judicial decision making, with particular emphasis on the  
18 need for adoption of findings of fact and conclusions of law, based on the hearing record, to  
19 support or refute compliance of particular activities with pertinent code provisions or other legal  
20 requirements.

21          Section 2.       The City Attorney shall schedule study sessions with appropriate training  
22 materials for members of all city decision making bodies making quasi-judicial determinations  
23 and their support staff to familiarize them with the foregoing requirements.

24          Section 3.       The City Attorney shall report back to the Governing Body within six  
25 months of the date of adoption of this resolution the results of the foregoing mandated training

1 program, along with recommendations for further appropriate action by the Governing Body.

2 PASSED, APPROVED and ADOPTED this 28<sup>th</sup> day of March, 2007.

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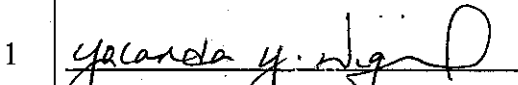
DAVID COSS, MAYOR

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9 ATTEST:

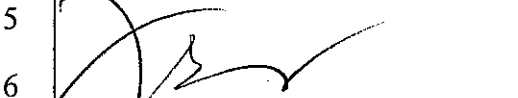
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12 YOLANDA VIGIL, CITY CLERK

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14 APPROVED AS TO FORM:



17 FRANK KATZ, CITY ATTORNEY

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25 mdb/N/Resolutions/Quasi-Judicial