CITY OF SANTA FE, NEW MEXICO
RESOLUTION NO. 2007-27

INTRODUCED BY:

Chris Calabaza
Dane Cozzett
John Webber

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;
and

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

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

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

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

BE IT FURTHER RESOLVED that:

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

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

Section 3. The City Attorney shall report back to the Governing Body within six months of the date of adoption of this resolution the results of the foregoing mandated training
program, along with recommendations for further appropriate action by the Governing Body.

PASSED, APPROVED and ADOPTED this 28th day of March, 2007.

[Signature]

DAVID COSS, MAYOR

ATTEST:

[Signature]

YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:

[Signature]

FRANK KATZ, CITY ATTORNEY