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**SANTA FE COUNTY
RESOLUTION NO. 2021 - ___**

INTRODUCED BY:
Commissioner Anna Hansen
CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2022-__

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 Waste Required by the Settlement Agreement and Mutual Release of Claims; County of Santa Fe

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

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

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

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

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

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

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

22 1. The Board hereby appoints Commissioners Anna Hansen and Hank Hughes to
23 participate in the non-binding negotiations described herein.

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

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

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

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

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

16 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2022.

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20 _____
21 ALAN WEBBER, MAYOR

22 ATTEST:

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24 _____
25 KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2022/Resolutions/Joint Resolution Concerning Non-Binding Negotiations