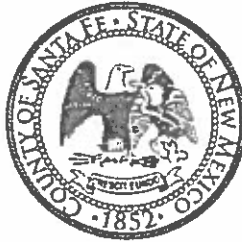


Henry P. Roybal  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** March 8, 2016

**TO:** Board of County Commissioners

**FROM:** Robert Griego, Planning Manager <sup>RG</sup>

**VIA:** Penny Ellis-Green, Growth Management Director <sup>PEG</sup>  
Katherine Miller, County Manager <sup>KM</sup>

**ITEM** Resolution 2016 - , A Resolution Directing Staff to Initiate the Santa Fe County Transfer of Development Rights Program

---

### SUMMARY:

Santa Fe County is developing a Transfer of Development Rights Program (TDR) to implement the Sustainable Growth Management Plan (SGMP) and Sustainable Land Development Code (SLDC). The TDR Program is a voluntary, incentive-based, market-driven approach to preserving agricultural land, open space and other critical resources while encouraging development in designated County growth areas.

### BACKGROUND:

The Sustainable Growth Management Plan (SGMP) identifies Plan Directives which form the core of the SGMP's Policy Framework. Santa Fe County's TDR Program is part of the County's Growth Management Strategy. The TDR Program will realize the Goals, Policies, and Strategies as outlined in the Land Use, Agriculture and Ranching, and Open Space Elements of the SGMP.

The Sustainable Land Development Code (SLDC), adopted by Ordinance 2015-11, implements the SGMP and establishes procedures and regulations for Transfer of Development Rights which include:

1. Standards for Sending Sites
2. Allocation of Development Rights
3. Receiving Site Designations
4. TDR Unit Equivalencies (Increased Units allowed per TDR)
5. Development Approval Procedures
6. Recordation and Notification Procedures

Staff is developing the Santa Fe County TDR program in accordance with the SGMP and SLDC. Staff is coordinating both internally and externally to establish TDR Program implementation. Staff has coordinated internally with the County Manager's Office, County Assessor's Office, Finance, Legal, Growth Management and Public Works Departments. Staff has coordinated externally through focus group meetings with agricultural, conservation and development stakeholders to discuss TDR concepts and to gather feedback on the program.

The TDR program allows eligible property owners an option to create transferable development rights from their property. TDRs can then be sold to increase intensity of development in designated growth areas as identified by the SLDC and Zoning Map. Staff has developed a TDR Program Framework which includes an overview, description of the application process, TDR material list, and public outreach strategy (Exhibit A). Staff is also developing a database for property owners to place their development rights on a "TDR Exchange". The Exchange will allow potential buyers and sellers to negotiate the price and sale of TDRs.

Staff is currently exploring a phased implementation of a TDR Bank which would be established in accordance with the SLDC. The TDR Bank may be set up through the general fund, economic development funds, proceeds from the sale of County development rights, grants or donations from any source. A TDR Bank would allow the County to acquire TDRs in order to ensure that TDRs are available and will help to stabilize the market and price of TDRs. Additionally, the TDR Bank will allow the County to actively pursue conservation initiatives and implement the SGMP.

TDR Program success will also require consistent and coordinated public information, education and outreach in order to inform property owners and developers about the benefits and implementation of the TDR Program. Staff has developed a TDR Program Outreach strategy which will include community outreach for each Growth Management Area of the County, community meetings, stakeholder meetings and information on the TDR Program posted on the County website.

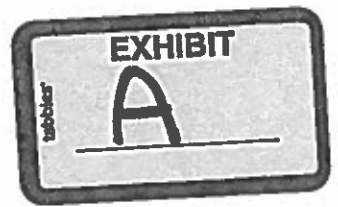
### **STAFF RECOMMENDATION**

Staff recommends approval of Resolution 2016- , A Resolution Directing Staff to Initiate the County Transfer of Development Rights Program.

### **ATTACHMENTS**

Exhibit A: TDR Program Framework

Exhibit B: Resolution 2016- , A Resolution Directing Staff to Initiate the Santa Fe County Transfer of Development Rights Program



# TDR Program Framework:

## TDR Overview

The Santa Fe County Transfer of Development Rights (TDR) Program is outlined in the 2015 Sustainable Growth Management Plan (SGMP) and incorporated into the Sustainable Land Development Code (SLDC) procedures and regulations.

The purpose of the TDR program is to promote the preservation of agriculture, rural open space, and rural character, scenic vistas, natural features, areas of special character or special historic, cultural or aesthetic interest or value, and environmental resources for the benefit of residents of Santa Fe County.

The TDR Program is a voluntary, incentive-based, market-driven approach to preserving agricultural land, open space and other critical resources while encouraging development in designated County growth areas. The sale of TDRs allows qualifying landowners to receive financial compensation without having to sell or fully develop their land. Developers in designated areas are able to increase the intensity of a project through acquisition of TDRs in order to put additional dwelling units, height or non-residential square footage in their projects.

## TDR Application Process

**A. Sending Sites:** Development Rights may be sent from a property qualified as a sending site. General standards for sending sites include:

- Areas that are designated as ‘sending sites’ through a Community District Overlay.
  - Areas that are designated as an environmental and resource protection overlay, historic protection overlay or agricultural overlay.
  - Areas that are considered sensitive environmental lands (e.g. riparian habitats, endangered or threatened species habitat, archeological sites).
  - Areas identified as agricultural land.
  - Lands preserving scenic vistas, natural features, and areas of special character.
- 1. Qualification Phase:** During the Qualification Phase of the TDR application process, property owners determine the number of transferable development rights on their property. This process includes a pre-application meeting with staff, a site evaluation, the TDR application and posting of the qualified TDRs on a County database to participate in the “TDR Exchange”. This TDR Exchange will include both qualified and certified development rights for sale and provides a mechanism for prospective buyers of TDRs to identify the number of TDRs available. This will create a market based mechanism for buyers and sellers to negotiate the price and sale of transferrable development rights. One of the key aspects of the qualification

phase is that it allows a property owner to test the TDR market prior to severing their development rights in perpetuity.

2. **Certification Phase:** During the Certification Phase of the TDR application process, property owners complete application checklist items in order to designate a sending site on their property and sever the development rights from that sending site. The severance of development rights during this phase is achieved by the creation of a conservation easement and a survey recorded on the plat. Once the Certification Phase is complete, a property owner will receive a Santa Fe County TDR certificate for the amount of TDRs that were certified. The 'qualified TDRs' associated with the property that had been posted on the TDR Exchange will then be reclassified as 'certified TDRs', which are immediately available for purchase.

**B. Receiving Sites:** In order to be eligible as a receiving site, a property must be located in one of the following areas or zoning districts:

- Mixed Use (MU)
- Planned Development (PD)
- Industrial General (I)
- Industrial Light (IL)
- Commercial General (CG)
- Designated receiving areas
- A district rezoned to a higher density

Applications for developments utilizing TDRs follow the same process as any development application. A conditional approval for the development will indicate a need for specified number of TDRs to be acquired, and final approval will only be granted after the applicant has acquired and delivered to the County the required number of TDRs. After the TDRs are submitted for the development, they will be recorded and extinguished.

### **TDR Materials**

Currently, staff is in the process of developing materials for the TDR Program which will include:

- Information Packet
  - Concept diagram
  - Process Flow Charts
  - Worksheets
- Application
- Checklist
- Density calculation worksheet
- Conservation Easement template
- TDR Database to facilitate purchase and sale
- Qualification procedures

- Certification procedures
- TDR Certificate Extinguishment procedures

### **TDR Program Outreach Strategy**

Staff has identified stakeholders in both the agricultural and development communities and has held focus group meetings to introduce TDR concepts and these meetings have provided important feedback for the program's development. Staff has also met with individual stakeholders and presented information to both the Santa Fe Food Policy Council and COLTPAC regarding the initiation of the TDR program. Based on research and analysis of other TDR programs around the country, the dissemination of public information through education and outreach is a critical element of a successful program. A strategy included in the 2016 Draft Santa Fe County Agriculture and Ranching Plan is to conduct on-going outreach promoting the TDR program.

The next phase of the Outreach Strategy will target each of the four Growth Management Areas of the County to include El Norte, El Centro, Galisteo and Estancia. In addition, staff will be meeting with specific communities who may have an interest in the TDR Program. Staff will also conduct stakeholder meetings with organizations that have established communications with land owners who may qualify for the program. Additional potential stakeholders include the Santa Fe Farmers Market, NM Acequia Association, Farm to Table, Santa Fe Conservation Trust, New Mexico Land Conservancy and the Trust for Public Lands.

The County will provide TDR Program information on the County Website to include TDR Materials, TDR Manager contact information and the TDR Exchange.





**THE BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SANTA FE  
RESOLUTION NO. 2016- \_\_\_\_\_**

---

**A Resolution Directing Staff to Initiate the  
Santa Fe County Transfer of Development Rights Program**

---

**WHEREAS**, on October 27, 2015, the Board of County Commissioners (Board) adopted the Sustainable Growth Management Plan (SGMP) and designated it as the comprehensive plan for the County of Santa Fe as prescribed by New Mexico law, including but not limited to NMSA 1978, Section 3-21-5;

**WHEREAS**, on December 8, 2015, the Board adopted the Sustainable Land Development Code, Ordinance No. 2015-11 (SLDC) and adopted the County Zoning Map, Ordinance No. 2015-12;

**WHEREAS**, the SGMP provides the basis for the County's growth management strategy, which includes Land Use, Open Space and Agriculture and Ranching Elements;

**WHEREAS**, SGMP Policy 7.12 establishes the use of Transfer of Development Rights (TDR) for the protection and conservation of open space, agricultural land, and environmentally sensitive areas, and establishes priority growth areas, which will be the designated receiving areas for TDRs;

**WHEREAS**, SGMP Goal 14 memorializes the intent of the County to "Preserve, support, promote and revitalize agriculture and ranching as a critical component of the local economy, culture and character;"

**WHEREAS**, SGMP Policy 14.2 and Strategy 14.2.1 identify financing tools and incentives, which include TDRs as a mechanism to support the viability of agriculture and ranching;

**WHEREAS**, SGMP Policy 22.2 and Strategy 22.4.2 identify the need to protect significant lands such as, environmentally sensitive areas, agricultural and ranch lands, scenic vistas, and areas of historic importance through the establishment of a TDR program and the creation of a County Land Bank; and

**WHEREAS**, Chapter 12, Section 12.14 of the SLDC establishes procedures and regulations for both the establishment of a TDR program and a TDR Bank.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Santa Fe that County staff initiates the Santa Fe County Transfer of Development Rights Program and further directs staff to develop policies and procedures to implement the program.

**APPROVED, ADOPTED AND PASSED** this \_\_\_ day March, 2016.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Miguel M. Chavez, Chairman

**Attest:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**Approved As To Form:**

  
\_\_\_\_\_  
Gregory Shaffer, County Attorney



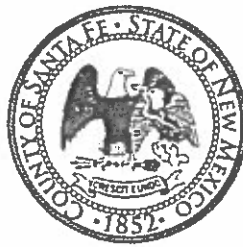




**Henry P. Roybal**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## MEMORANDUM

**Date:** March 8, 2016

**To:** Board of County Commissioners

**From:** Amy Rincon, Community Planner *AR*

**Via:** Robert Griego<sup>R6</sup> - Planning Manager, Penny Ellis-Green<sup>PEO</sup> - Land Use Administrator, and Katherine Miller - County Manager *KM*

**Re:** **RESOLUTION 2016 -- A RESOLUTION TO RECOGNIZE THE SAN PEDRO NEIGHBORHOOD ASSOCIATION AS A COMMUNITY ORGANIZATION FOR THE SAN PEDRO COMMUNITY PLANNING AREA**

---

### SUMMARY:

The purpose of this Resolution is to establish a Community Organizations (CO) for the San Pedro Neighborhood Association for the San Pedro Community Planning Area in accordance with the Sustainable Land Development Code (SLDC).

### BACKGROUND:

The Board approved the Sustainable Growth Management Plan (SGMP) by Resolution 2015-155 as the County's Comprehensive Plan which set forth a process for increased public participation through the creation of Community Organizations (CO) and Registered Organizations (RO). The SLDC details the application process for the establishment of a CO. A CO is defined as a new or pre-existing organization that is recognized by the Board to represent a specified geographical area within the County in accordance with the application procedures identified in the SLDC.

Once approved by the Board, the CO will have rights and responsibilities identified in the SLDC to include the right to receive notice and provide written recommendations for any discretionary development application within the defined geographic area.

Representatives of the San Pedro Neighborhood Association have met with County Planning staff and have submitted an application to be recognized as a CO in accordance with the SLDC. The application includes a map with the geographic boundaries of the CO which is identified as the San Pedro Community Planning Area. The CO checklist is included in the packet along with the application. Staff has reviewed the application in accordance with the SLDC. The CO application is included as Exhibit B.

### STAFF RECOMMENDATION:

Staff recommends that the Board approve the Resolution to recognize the San Pedro Neighborhood Association to establish a Community Organization for the San Pedro Planning Area.

**EXHIBIT A:** Resolution 2016 -- A Resolution to Recognize a Community Organization for the San Pedro Community Planning Area

**EXHIBIT B:** San Pedro Neighborhood Association Application

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:  
505-995-2740 www.santafecountynm.gov





**THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY  
RESOLUTION NO. 2016- \_\_\_\_\_**

---

**A RESOLUTION TO RECOGNIZE A COMMUNITY ORGANIZATION FOR  
THE SAN PEDRO COMMUNITY PLANNING AREA**

---

**WHEREAS**, on October 27, 2015, the Board of County Commissioners adopted the Sustainable Growth Management Plan (SGMP) and designated it as the comprehensive plan for Santa Fe County as prescribed by New Mexico law, including but not limited to NMSA 1978, Section 3-21-5;

**WHEREAS**, the SGMP provides that the County will establish Community Organizations (CO) "for communities and community-oriented organizations to have an improved public participation process to meet community needs and to make recommendations with respect to development projects and community development issues;"

**WHEREAS**, the San Pedro Community Plan has been adopted as an amendment to the SGMP, which identifies the San Pedro Community Planning Area;

**WHEREAS**, on December 8, 2015, the Board of County Commissioners adopted the Sustainable Land Development Code (SLDC) which governs land use and development throughout the unincorporated areas of the County;

**WHEREAS**, the SLDC establishes the creation of COs and sets out the application and approval process;

**WHEREAS**, the San Pedro Neighborhood Association has applied to become a CO to represent the San Pedro Community Planning Area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the San Pedro Neighborhood Association is hereby recognized as the CO for the San Pedro Community Planning Area.

**APPROVED, ADOPTED AND PASSED** this \_\_\_ day March, 2016.





San Pedro Neighborhood Association (SPNA) Community Organization Application Information

Point of Contact: Sally Douglas, SPNA member: [gchiker@higherspeed.net](mailto:gchiker@higherspeed.net), (505) 281-9843

51 Camino del Corazon, Sandia Park, NM (note that although the mailing address is in Bernalillo County, the San Pedro neighborhood is all within Santa Fe County boundaries).

President: Jilea Lee (505) 281-9843

Vice President: Bill Bell

Treasurer: Toni Olson

Secretary: James Freymiller

Other Board Members:

Bob Bewley

David Campbell

Bob Clancy

Helen Crotty

Greg Price.

SPNA was founded: The first bylaws were adopted on August 13, 1980

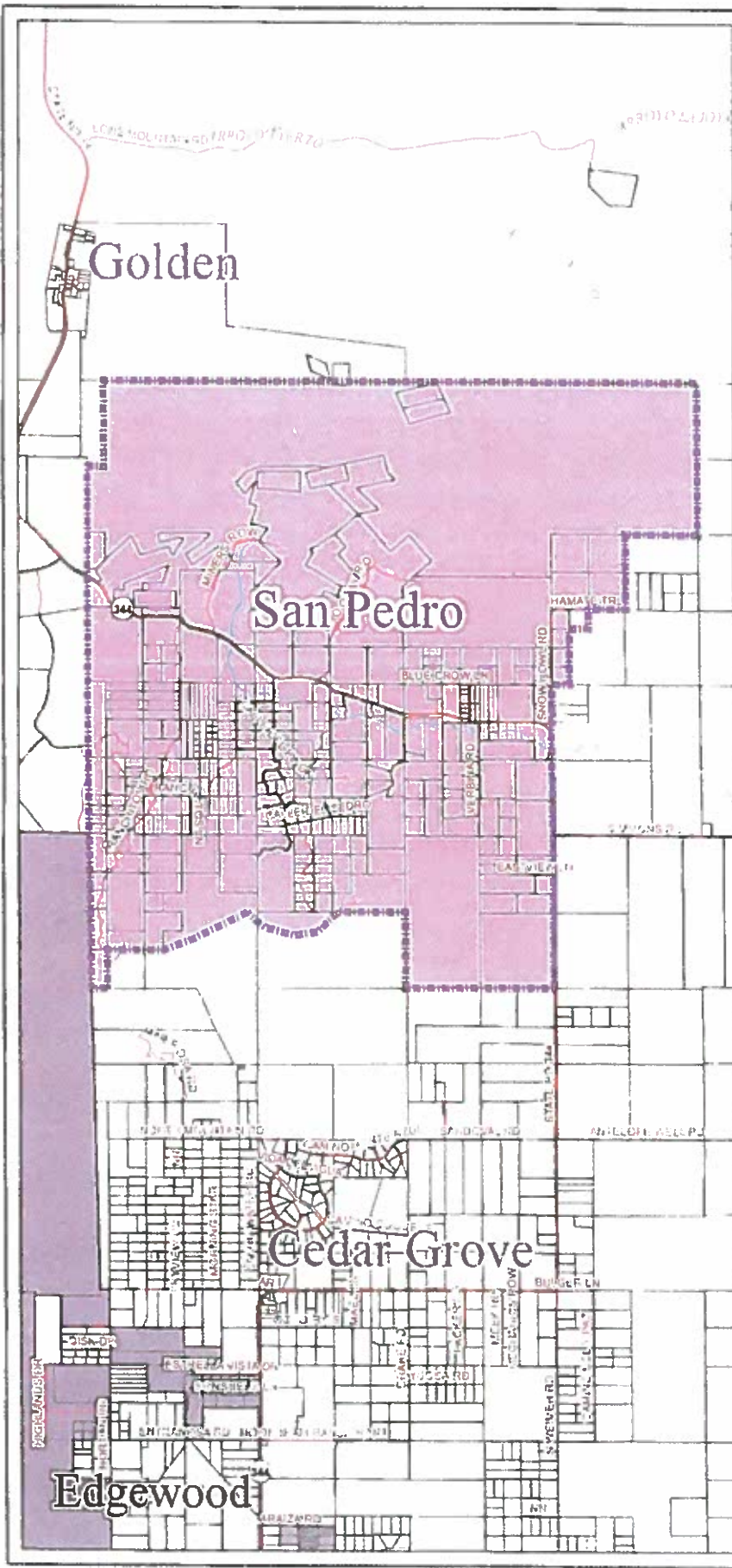
Number of members as of 2-10-2016: 65 dues-paying members; there are over 85 households within the San Pedro Community

SPNA Board meetings are normally held on the first Tuesday of every month at 7:00 PM at the San Pedro Fire Station at the corner of State Rd. 344 and Oro Quay Rd. All members are invited to attend, and a notice of each meeting is posted in advance on the community bulletin board. An annual community picnic meeting is held on a Sunday each September; over 50 persons attend each year.














# Santa Fe County San Pedro Community Planning Area



## Legend

-  Santa Fe County
- Municipalities**
-  Municipality
-  Municipal Annexation Area
- San Pedro Community Planning Area**
- 
- Parcels**
- 
- Roads**
-  Major Roads
-  Minor Roads
- Railroad Lines**
- 
- Major Streams and Arroyos**
- 



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.



Santa Fe County  
Growth Management  
Department  
Planning Division

Nov 20 2014  
san\_pedro\_community\_district.mxd



BYLAWS  
OF  
SAN PEDRO NEIGHBORHOOD ASSOCIATION, INC.

(Amended and Restated as of September 2013)

ARTICLE I. Name, Office, and Purpose

Section 1. Name. The name of the corporation is the San Pedro Neighborhood Association, Inc.

Section 2. Office. The Association shall have and continuously maintain in the State of New Mexico a registered office and a registered agent whose office is identical with such registered office.

Section 3. Purpose. The purposes and objectives of the Association shall be promoted through public meetings and/or forums. Purposes and objectives include, but are not limited to, the following:

- (a) To preserve and protect the rural residential environment of the San Pedro neighborhood area of interest and to assure that any future development is in conformity with applicable plans and ordinances of Santa Fe County.
- (b) To monitor mining and development activities in the area surrounding the San Pedro Neighborhood community to assure that such mining and development activities are environmentally sensitive, in the best health, safety, and welfare interests of the San Pedro community, and in conformity with applicable plans and ordinances of Santa Fe county; and
- (c) To represent the common interests of property owners/residents in the San Pedro Neighborhood community in the areas of water quality and availability, public services, utilities, and other matters bearing on the general welfare of residents of the area.

Article II. Members

Section 1. Class and Qualifications. The Association shall have one class of membership: individual. Any adult residing or owning property in the San Pedro Neighborhood area who desires to support the purposes of the Association may become a member of the Association by applying for membership and paying the prescribed dues.

Section 2. Voting Rights. Each individual member whose dues for the current fiscal year have been paid shall be entitled to one vote on each matter submitted to a vote of the members of the Association.

Section 3. Transfer of Membership. Membership in the Association is not transferable or assignable.

### Article III. Meetings of Members

Section 1. Annual Meeting. The Annual Meeting of the members of the Association shall be held at such time and place in the month of September, commencing with the year 1990, as the Board of Directors shall designate for the purpose of electing Directors and for the transaction of such other business as may come before the meeting.

Section 2. Special Meetings. Special meetings of the members may be called by the President, a majority of the Board of Directors, or not less than one-quarter of the members in good standing.

Section 3. Place of Meeting. The Board of Director may designate any place within Santa Fe County, New Mexico, as the place of meeting for any annual or special meeting. Places and times for meetings should be as convenient as possible for most members.

Section 4. Notice of Meeting. Notice of time, place, and, in the case of special meetings or when required by statute or by these Bylaws, the purpose of any meeting of members shall be delivered personally, by telephone, by email, or by mail (United States Postal Service [USPS]) to each member of record not less than five days or more than 21 days before the date of such meeting at the direction of the President, the Secretary, or the officers or persons calling such meeting. If emailed, the notice shall be deemed to be delivered upon sending. If mailed using the USPS, a notice shall be deemed to be delivered when deposited postage prepaid in the United States mail addressed to the member at his or her address as it appears on the records of the Association.

Section 5. Quorum. A majority of voting members represented in person or by proxy shall constitute a quorum at a meeting of the members. A quorum, once attained, continues until adjournment despite voluntary withdrawal of enough members to leave less than a quorum.

Section 6. Proxies. A member entitled to vote at any meeting of the members may vote by written proxy.

Section 7. Matter of Acting. If a quorum is present, the affirmative vote of the majority of members represented at the meeting and entitled to vote on the subject matter shall be the act of the members unless the vote of a greater number is required by law or by these Bylaws.

Section 8. Rules of Meetings. The meetings of the members and of the Board of Directors shall be governed by the laws of the State of New Mexico, the Articles of Incorporation, and these Bylaws. If none of these cover the method of conducting the business of a situation which may arise, then the latest edition of *Robert's Rules of Order* shall apply.

### Article IV. Board of Directors

Section 1. General Powers. The affairs of the Association shall be managed by its Board of Directors. Directors must be New Mexico residents and members of the Association in good standing.

Section 2. Number and Tenure. The number of Directors shall not be fewer than five or more

than nine as determined by resolution of the Board of Directors from time to time, and officers of the Association shall be members of the Board of Directors. Nine Directors are currently authorized by the Board, and starting in 2013, the Directors elected by the members will serve staggered terms of three years each, with a maximum of three positions expiring each year. Terms of office shall begin immediately following the Annual Meeting.

Section 3. Transition. To enable the transition from two- to three-year terms, one Director whose term ends in 2013 will be chosen by the Board to extend his/her term one year, and two whose terms end in 2014 will be chosen to extend their terms one year. In this manner, three Directors will have terms expiring in each of 2013, 2014, and 2015.

Section 4. Alternate Board Members. In the event of a tie in the number of votes for a Director position, the tied nominees will draw straws to determine the winner. The losing nominee will become an Alternate. The Alternate Board Member may vote on motions at Board meetings when one or more of the Directors is absent. The Alternate Board Member serves until the next election, or, if an elected Director cannot complete his/her term, the Alternate can fill that position for the unexpired term of his or her predecessor in office. (See Article VI, Section 3, "Elections.")

Section 5. Special Meetings. Special meetings of the Board of Directors may be called by the President or by any two Directors. The time and place of such special meeting may be set by the person or persons who called the meeting. Notice of any special meeting of the Board of Directors shall be given no less than one day prior to the meeting date.

Section 6. Board of Directors Meetings. Board meetings are held periodically as determined by the Board and are open to San Pedro residents or property owners. Notice of the meeting may be posted on the SPNA Bulletin Board or its website or distributed by other means.

Section 7. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board. An alternate member is counted for the quorum.

Section 8. Manner of Acting. The act of a majority of Directors present at the meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater membership is required by statute or by these Bylaws.

Section 9. Vacancies. Any vacancy occurring in the Board of Directors, or any directorship to be filled by reason of the increase in the number of directors, may be filled by an Alternate Board Member, if applicable, or by the affirmative vote of a majority of the remaining Directors, though less than a quorum of the Board of Directors. A Director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

## ARTICLE V. Officers

Section 1. Officers. The officers of the Association shall be a President, a Vice-President, a Secretary, a Treasurer, and such other officers as the Board may decide, each of whom shall be

elected in accordance with the provisions of Article VI below. The Board of Directors may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person, except the offices of President and Secretary.

Section 2. Election and Term of Office. Elections shall be held at Annual Meetings of the membership in accordance with the provisions of Article VI below. At their first meeting following the Annual Meeting of 2014, and in even-numbered years thereafter, the Directors shall elect the officers to two-year terms. Terms of office shall begin immediately following election by the Board.

Section 3. Removal. Any officer may be removed by a two-thirds vote of the general membership.

Section 4. Vacancies. A vacancy in any office because of death, disability, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

Section 5. President and Vice-President. The President, or the Vice-President during the absence, disability, or failure to act of the President, shall be the principal executive officer of the Association and of the Board of Directors and shall preside at all meetings of the members and of the Board of Directors. The President shall in general supervise all of the business and affairs of the Association and perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time. The Vice-President shall perform such other duties as from time to time may be assigned to him or her by the President or the Board of Directors.

Section 6. Secretary and Assistants. The Secretary, or any Assistant Secretary during the absence, disability, or failure to act of the Secretary, shall keep the minutes of the meetings of the members and of the Board of Directors; see that all notices are duly given in accordance with the provisions of these Bylaws or as required by statute; be custodian of the corporate records; and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the President or the Board of Directors.

Section 7. Treasurer and Assistants. The Treasurer, or any Assistant Treasurer during the absence, disability, or failure to act of the Treasurer shall have charge and custody of and be responsible for all funds of the Association; receive and give receipts for monies due and payable to the Association from any source whatsoever, and deposit all such monies in the name of the Association in such banks or other depositories as shall be selected in accordance with these Bylaws; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors. He or she shall keep a register of the address of each member and shall have general charge of the membership records of the Association. He or she shall provide the Secretary with current copies of membership records at least seven days prior to each meeting of the members.

#### Article VI. Nominations and Elections

Section 1. Nominating Committee. The Nominating Committee shall consist of three

members, one of whom shall be appointed by the President and two of whom shall be elected by voting members at the Annual Meeting. The members of the Nominating Committee shall serve for one year and may be reappointed or reelected. The Nominating Committee shall elect its chairman and shall nominate candidates for all offices and directorships due to become vacant at the next annual meeting. The slate of candidates so nominated shall be included in the notification to the members of the next annual meeting.

Section 2. Nomination. Any member of the Association may submit, in writing, the names of candidates for Directorships to the Nominating Committee. The Nominating Committee shall submit to the Board of Directors no less than 30 days prior to the next scheduled annual meeting a slate of candidates for offices to be filled that year. Nominations from the floor may also be made by individual voting members of the Association provided that consent of the nominee has previously been obtained in writing.

Section 3. Elections. Candidates shall be elected by a simple majority of voting members represented in person or by proxy at the annual meeting. Written ballots shall be provided in the event that there is more than one candidate for a Directorship. A tie in voting is dealt with in Article IV, Section 4, "Alternate Board Members," above.

#### ARTICLE VII. Committees

In addition to the Nominating Committee provided for in Section 1 of Article VI above, other committees may be formed as deemed necessary by the Board of Directors.

#### ARTICLE VIII. Checks, Drafts, Etc.

In the absence of an authorization by the Board of Directors, all checks, drafts, or orders for payment of money, notes, or other evidences of indebtedness issued in the name of the Association shall be signed by any two officers of the Association and in such manner as from time to time shall be determined by the Board of Directors.

#### ARTICLE IX. Books and Records.

The Association shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees and shall keep at its registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Association may be inspected by any voting member, or his agent or attorney, for any proper purpose at any reasonable time.

#### ARTICLE X. Fiscal Year

The fiscal year shall begin on the first day of July and end on the thirtieth day of June in each year.

#### ARTICLE XI. Dues

Section 1. Annual Dues. The Board of Directors may determine from time to time the

amount of annual dues payable to the Association by members.

Section 2. Payment of Dues. Dues for any fiscal year shall be payable by the first day in September in each fiscal year.

Section 3. Default and Termination of Membership. When any member shall be in default in the payment of dues, his or her membership may thereafter be terminated by the Board of Directors.

ARTICLE XII. Dissolution


In the event the Association dissolves, all assets belonging to the Association after just debts have been paid shall be donated to a non-profit organization having purposes and objectives similar to those stated herein.

ARTICLE XIII. Amendments to the Bylaws

These Bylaws may be altered, amended, or repealed, and new Bylaws adopted by a two-thirds majority of the members present and voting at a meeting of the Association, provided that notice of the proposed changes is presented to the Secretary in writing and given to the members at the time of notification of the meeting.

I certify the foregoing to be the true copy of the By-Laws duly adopted by the Corporation on the 15<sup>th</sup> day of September, 2013.

 12-2-2013  
President

 12-2-13  
Secretary SALLY DOUGLAS



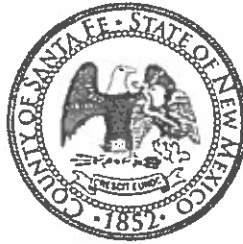




Henry P. Roybal  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**Date:** March 8, 2016

**To:** Board of County Commissioners

**From:** Amy Rincon, Community Planner *AR*

**Via:** Robert Griego *RG* Planning Manager, Penny Ellis-Green – Land Use Administrator and  
Katherine Miller – County Manager *KM*

**Re:** RESOLUTION 2016 -- A RESOLUTION TO RECOGNIZE LAS CANDELAS DE LOS CERRILLOS AS A COMMUNITY ORGANIZATION FOR LOS CERRILLOS COMMUNITY PLANNING AREA

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### SUMMARY:

The purpose of this Resolution is to recognize Las Candelas de Los Cerrillos as a Community Organizations (CO) for Los Cerrillos Community Planning Area in accordance with the Sustainable Land Development Code (SLDC).

### BACKGROUND:

The Board approved the Sustainable Growth Management Plan (SGMP) by Resolution 2015-155 as the County's Comprehensive Plan which set forth a process for increased public participation through the creation of Community Organizations (CO) and Registered Organizations (RO). The SLDC details the application process for the establishment of a CO. A CO is defined as a new or pre-existing organization that is recognized by the Board to represent a specified geographical area within the County in accordance with the application procedures identified in the SLDC.

Once approved by the Board, the CO will have rights and responsibilities identified in the SLDC to include the right to receive notice and provide written recommendations for any discretionary development application within the defined geographic area.

Representatives of Las Candelas de Los Cerrillos have met with County Planning staff and have submitted an application to be recognized as a CO in accordance with the SLDC. The application includes a map with the geographic boundaries of the CO which is identified as Los Cerrillos Community Planning Area. The CO checklist is included in the packet along with the application. Staff has reviewed the application in accordance with the SLDC. The CO application is included as Exhibit B.

### STAFF RECOMMENDATION:

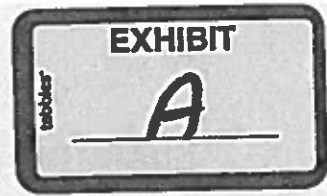
Staff recommends that the Board approve the Resolution to recognize Las Candelas de Los Cerrillos as a Community Organization for Los Cerrillos Planning Area.

**EXHIBIT A:** Resolution 2016 -- A Resolution to Recognize a Community Organization for Los Cerrillos Community Planning Area

**EXHIBIT B:** Las Candelas de Los Cerrillos Application

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:  
505-995-2740 www.santafecountynm.gov





THE BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SANTA FE  
RESOLUTION NO. 2016- \_\_\_\_\_

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A RESOLUTION TO RECOGNIZE A COMMUNITY ORGANIZATION FOR  
LOS CERRILLOS COMMUNITY PLANNING AREA

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WHEREAS, on October 27, 2015, the Board of County Commissioners adopted the Sustainable Growth Management Plan (SGMP) and designated it as the comprehensive plan for Santa Fe County (County) as prescribed by New Mexico law, including but not limited to NMSA 1978, Section 3-21-5;

WHEREAS, the SGMP provides that the County will establish Community Organizations (CO) "for communities and community-oriented organizations to have an improved public participation process to meet community needs and to make recommendations with respect to development projects and community development issues;"

WHEREAS, Los Cerrillos Community Plan has been adopted as an amendment to the SGMP, which identifies Los Cerrillos Community Planning Area;

WHEREAS, on December 8, 2015, the Board of County Commissioners adopted the Sustainable Land Development Code (SLDC) which governs land use and development throughout the unincorporated areas of the County;

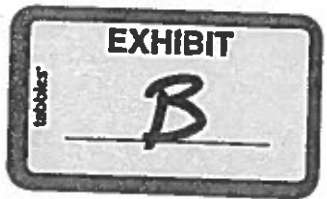
WHEREAS, the SLDC establishes the creation of COs and sets out the application and approval process;

WHEREAS, Las Candelas de Los Cerrillos has applied to become a CO to represent Los Cerrillos Community Planning Area.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Santa Fe that Las Candelas de Los Cerrillos is hereby recognized as the CO for Los Cerrillos Planning Area.

APPROVED, ADOPTED AND PASSED this \_\_\_ day March, 2016.





Community Organization Application (submitted Feb 29 2016)

Community Organization Name: Las Candelas de los Cerrillos

Community Contact Person: Todd Brown and Ross Lockridge  
Staff agreed to have 2 contacts.

Name: Todd Brown Pres. / Ross Lockridge (committee chair)

Address: PO Box 131, #17 Waldo St, Cerrillos NM 87010  
(Ross) PO Box 22, #12 Waldo St, Cerrillos NM 87010

Telephone number: 505 438 3008  
(Ross) 505 471 9182

Email address: BrownP52@yahoo.com  
(Ross) Murlock@RAINfreecounty.com

List of Officers

- Name/position: Todd Brown President
- Name/position: Todd Yocham Vice-president
- Name/Position: Pat Brown Treasurer
- Name/position: Sue Schneider Secretary
- Name/position: Ross Lockridge Planning Committee chairman

Meeting Location: Cerrillos Hill's State Park Visitor Center

Meeting Date and time: May and October 3 to 5 PM

Date for the founding of the organization: October 25 2001

Number of organization members: 12 Board members  
+ 3 new members



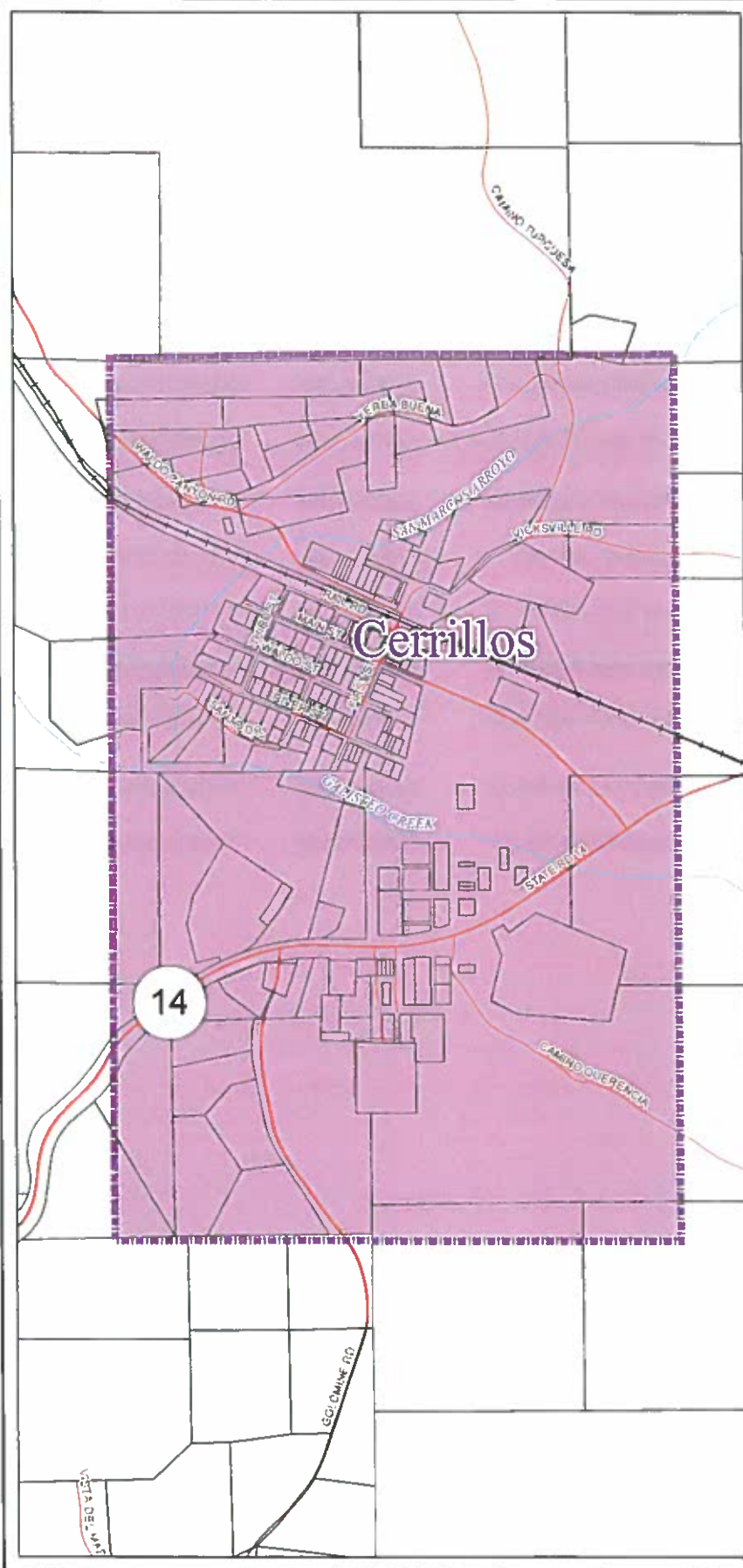




**LCDLC Officers and Directors: 2015-2016**

President	Todd Brown	PO Box 131/ 17 Waldo St	Cerrillos, NM	PH (505) 438-3008
Vice-President	Todd Yocham	PO Box 565/ 52 Main St	Cerrillos, NM	C (505) 469-5404
Treasurer	Patricia Brown	PO Box 131/ 17 Waldo St	Cerrillos, NM	PH (505) 438-3008
Secretary	Sue Schneider	PO Box 376/ 14 Waldo St	Cerrillos, NM	PH (505) 471-6219
Director	Gretel Wanenmacher	PO Box 371/ 33 River St	Cerrillos, NM	PH (505) 471-7660
Director	Ross Lockridge	PO Box 22/ 12 Waldo St	Cerrillos, NM	PH (505) 471-9182
Director	Nia Parry	PO Box 864/ 9 First St	Cerrillos, NM	PH (505) 424-1402
Director	Carol O'Keefe	PO Box 494/ 4 Waldo St	Cerrillos, NM	PH (505) 471-0287
Director	Becky Walding	PO Box 146/ 50 Main St	Cerrillos, NM	PH (505) 474-4931
Director	Heidi Steele	PO Box 177/ 5 Waldo St	Cerrillos, NM	PH (505) 474-6238
Director	Dave Campbell	PO Box 177/ 5 Waldo St	Cerrillos, NM	PH (505) 231-4940
Director	Patrick Torres	PO Box 226/28 Main St	Cerrillos, NM	PH (505) 629-4135

# Santa Fe County Cerrillos Community Planning Area



## Legend

Santa Fe County

### Municipalities

Municipality

Municipal Annexation Area

### Cerrillos Community Planning Area

### Parcels

### Roads

Major Roads

Minor Roads

### Railroad Lines

### Major Streams and Arroyos



0.1 0.05 0 0.1 Miles



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.



Santa Fe County  
Growth Management  
Department  
Planning Division

Nov. 20, 2014  
cerrillos\_community\_district.mxd

2/7/2016

To Santa Fe Planning Division concerning Las Candelas as a Community Organization for Los Cerrillos, New Mexico

Las Candelas de Los Cerrillos  
( 501c3 - IRS ID #85-0447784)

LCDLC Mission Statement:

The specific purpose of the corporation is to make charitable collections and distributions to projects or activities that benefit the citizens of the Village of Cerrillos and its surrounding areas and improve their community in various ways.

The origins and formation of LCDLC came out of the planning for the Los Cerrillos Community Plan, adopted in October, 1999. Its members were likewise participants in that planning process. The development committee created Los Candelas to continue supporting local development and events. The organization and membership is open to all in the community district.

Since 1997 Las Candelas de Los Cerrillos has been active in the Cerrillos area, first supporting the County's open space purchase of the Cerrillos Hills Historic Park (now the Cerrillos Hills State Park). We petitioned our State Senator Rhonda King for \$200,000 for a community center which was approved for our community by the County and the money was combined with State Parks to build the park visitor center in Cerrillos. We have supported Cerrillos community fiestas, art classes, yard sale events, guided history walks and town Christmas decoration plus Santa coming to town. We currently have 12 Board Members and are registered with the State and file yearly reports with the IRS, PRC Corporations Division and Attorney General of New Mexico and are in "good standing" with these agencies. We meet twice a year and lay out the events for the coming year. Las Candelas established the village website [CerrillosNewMexico.com](http://CerrillosNewMexico.com) and also umbrellas the Cerrillos Historical Society and Cerrillos Chamber of Commerce. It works closely with Santa Fe County to keep our roads fixed and signs up. We have reworked our film application for movies to come to our town. We built a Children's Park on County property on River St and donated it to Santa Fe County with the consent of Santa Fe County Commissioners. We have adopted 1 mile of Highway 14 for trash cleanup twice a year. We support owners trying to jump start more businesses for the community and for tourism. We recently worked with the County to place a public portable toilet on Railroad Avenue which the County is paying for and we help maintain. Over the years LCDLC has also taken positions on many applications that could either benefit or impact the District.

Four board members of Las Candelas de Los Cerrillos worked closely on a planning committee with other community members and County Staff for the 2015 Santa Fe County Zoning Map and the Los Cerrillos Community Plan Update which was passed by the Board of County Commissioners.

We hope this lets you recognize that Las Candelas de Los Cerrillos can work with Santa Fe County as a Community Organization for the town of Cerrillos, New Mexico.

Thank you,

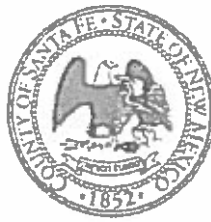
Todd Brown - President (505) 438-3008

Las Candelas de Los Cerrillos  
PO Box 795  
Cerrillos, New Mexico 87010

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

October 26, 2012

Mr. Todd Brown, President  
Candelas de Los Cerrillos  
Community Association  
Cerrillos, New Mexico 87010

Dear Mr. Brown:

As per your request I am writing this letter to emphasize that the Community of Cerrillos is a great partner of Santa Fe County not only in working for the betterment of Cerrillos but also in working for the betterment of the entire Santa Fe County. Your hard work and leadership for Las Candelas de Los Cerrillos (a 501 C-3) is greatly appreciated by Santa Fe County.

On behalf of Commissioner Robert A. Anaya and myself, we thank you and look forward to continue the relationship and partnership that has been created in working to better and improve the community of Cerrillos.

Sincerely,

Chris M. Barela,  
Constituent Services Liaison  
Commissioner Robert A. Anaya  
Santa Fe County District 3



OFFICE OF THE  
PUBLIC REGULATION COMMISSION.

CERTIFICATE OF INCORPORATION

OF

LAS CANDELAS DE LOS CERRILLOS

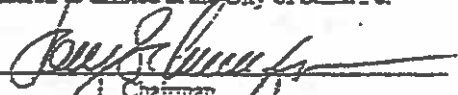
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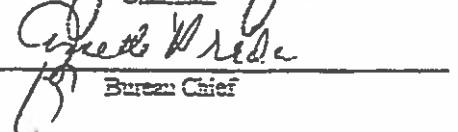
The Public Regulation Commission certifies that the Articles of Incorporation, duly signed and verified pursuant to the provisions of the  
NONPROFIT CORPORATION ACT  
(53-8-1 to 53-8-99 NMSA 1978)  
have been received by it & are found to conform to law.

Accordingly, by virtue of the authority vested in it by law, the Public Regulation Commission issues this Certificate of Incorporation & attaches hereto, a duplicate of the Articles of Incorporation.

Dated: JANUARY 30, 2002

In testimony whereof, the Public Regulation Commission of the State of New Mexico has caused this certificate to be signed by its Chairman and the seal of said Commission to affixed at the City of Santa Fe.

  
Chairman

  
Bureau Chief

2225597

ARTICLES OF INCORPORATION

JAN 30 2002

OF

LAS CANDELAS DE LOS CERRILLOS

The undersigned, for the purposes of forming a non-profit corporation pursuant to the laws of the New Mexico Nonprofit Corporation Act, NMSA 1978, §§ 53-8-1 to 53-8-99, adopts the following Articles of Incorporation for such corporation.

ARTICLE I

Name

The name of the corporation (the "corporation") is Las Candelas de los Cerrillos.

ARTICLE II

Duration

The corporation shall have perpetual existence.

ARTICLE III

Purpose

This corporation is a nonprofit corporation and is not organized for the private gain of any person. It is organized under the New Mexico Nonprofit Corporation act for charitable purposes. The specific purpose of the corporation is to make charitable collections and distributions to projects or activities that benefit the citizens of the Village of Los Cerrillos and its surrounding areas and improve their community in various ways.

The corporation is organized exclusively for charitable purposes within the meaning of §501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as may hereafter be amended (the "Code"). In furtherance thereof, the corporation may receive property by gift, devise, or bequest, invest or reinvest the same, and apply the income and principal thereof, as the Board of Directors may from time to time determine, either directly or through contributions to any charitable organization or organizations, exclusively for charitable purposes, and engage in any lawful act or activity for which corporations may be organized under the New Mexico Nonprofit Corporation Act.

ARTICLE IV

Restrictions

(a) No part of the net earnings of the corporation shall inure to the benefit of, or be distributed to, its directors, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered. No substantial part of the activities of the corporation shall be the carrying of propaganda, or otherwise attempting to influence legislation, except as otherwise permitted by §501(h) of the Code and in any corresponding laws of the State of New Mexico. The corporation shall not participate in or intervene in, including the publishing or distribution of statements concerning any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on activities not permitted to be carried on (a) by a corporation, except from Federal income tax under section 501(c)(3) of the Internal Revenue Code, or the

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corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

(b) This paragraph (b) shall apply only if the corporation is or becomes a private foundation as that term is defined by section 509 of the Code. The corporation shall expend or distribute its income for each year at such time and in such amount and manner as not to subject it to tax under Section 4942 of the Code; and shall refrain from any act or self-dealing, any retention of excess business holdings, any investment and any taxable expenditure which would subject it to tax under sections 4941, 4943, 4944, or 4945 of the Code.

## ARTICLE V

### Dissolution

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state, for a public purpose in the village of Cerrillos. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

## ARTICLE VI

### Initial Registered Office and Initial Registered Agent

The street address of the initial registered office of the corporation is 49 Main Street Cerrillos, New Mexico 87010.

The name of the initial registered agent of the corporation, an individual resident in New Mexico whose business is at the above address, is Cathy Weber.

ARTICLE VII

Board of Directors

The initial Board of Directors, who shall hold office until their successors take office is: *The number of directors constituting the initial board of directors is three.*

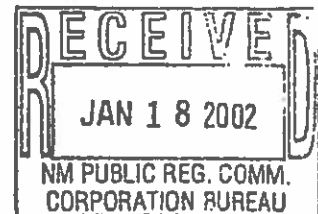
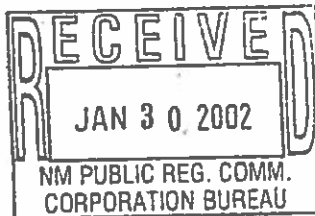
Name	Title	Address
Richard Crombie	President	P.O. Box 90, Cerrillos, NM 87010
Anne Murray	Vice-President	P.O. Box 22, Cerrillos, NM 87010
Yolanda Sandoval	Secretary	P.O. Box 68, Cerrillos, NM 87010

ARTICLE VIII

Incorporator

The name and address of each incorporator of the corporation is:

Name	Address
Yolanda Sandoval	P.O. Box 68, Cerrillos, NM 87010
Richard Crombie	P.O. Box 90, Cerrillos, NM 87010
Gretel Wanenmacher	P.O. Box 371, Cerrillos, NM 87010
Anne Murray	P.O. Box 22, Cerrillos, NM 87010
Ross Lockridge	P.O. Box 22, Cerrillos, NM 87010
William Kuchar	P.O. Box 343, Cerrillos, NM 87010





For purposes of forming the corporation under the laws of the State of New Mexico, the undersigned, constituting the incorporators, have executed these Articles of Incorporation as of October 25, 2001.

*Yolanda Sandoval*  
Yolanda Sandoval

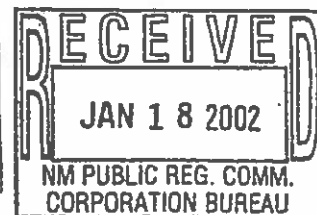
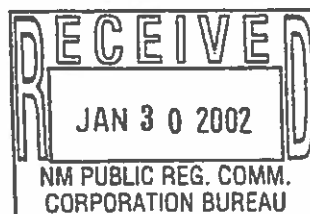
*Richard Crombie*  
Richard Crombie

*Gretl Wanenmacher*  
Gretl Wanenmacher *sw*

*Anne Murray*  
Anne Murray  
*AM*

*Ross Lockridge*  
Ross Lockridge

*William Kuchar*  
William Kuchar



## **BYLAWS OF LAS CANDELAS DE LOS CERRILLOS, INC. A NONPROFIT CORPORATION**

adopted 10/25/2001 revised 1/23/2016, 2/27/2016

### **ARTICLE I**

#### **Name-Offices**

**Section 1. Name.** The name of this organization is Las Candelas de Los Cerrillos, Inc. (the incorporation).

#### **Section 2. Offices.**

The principal office of the corporation shall be in Cerrillos, New Mexico, at an address to be designated by the Board of Directors. The designation is 17 Waldo St., Cerrillos, New Mexico. The Board is granted full power and authority to change the principal office from one location to another. The corporation may establish or maintain additional offices at such other places as the Board of Directors may from time to time determine.

### **ARTICLE II**

#### **Members**

##### **Section 1. Membership.**

The corporation shall have voting members who reside within Los Cerrillos Community District or own land including real property and or a structure within the traditional Boundary. Members can nominate and vote for Directors. Each member shall be entitled to one vote only. If members cannot be present to vote, a vote by proxy is permitted, as follows:

- One and only one proxy vote may be cast by any individual representing a member.
- The individual representing the absent member must also be a LCDLC member.
- Each proxy will be presented in writing by the representative of the member and will include the name of the member, signature of the member, date of the election for which the proxy is made, and the name of the individual to who the proxy is assigned.

As the association cannot impose membership on anyone they must request to become a member.

### **ARTICLE III**

#### **Board of Directors**

**Section 1. Power.** The business and property of the corporation shall be managed and controlled by -the Board of Directors. Subject to any limitations in the Articles of Incorporation or these Bylaws, the activities and affairs of the corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board of Directors. The Board may delegate the management of the activities of the corporation to any member or officer, person or persons, management company, or committee or committees however composed, provided that the activities and affairs of the corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board. The directors shall serve until the expiration of their term of office or until the election and qualifications

of their respective successors, otherwise provided in these Bylaws for filling vacancies. The position of Directors, whose terms have expired, shall be filled at the annual meeting of the directors and shall be chosen by majority vote of the members present. After the first election, to take place after the approval of these revised Bylaws, the directors will draw by chance to determine whether their term will be one (1) or two (2) years. For example, if the Board is to have a total of five directors, 3 would draw to serve one year, and 2 would draw to serve two years.

#### Section 2. Number and Elections.

(a) The number of the directors of the corporation shall be no less than five (5) no more than fifteen (15), with the exact number of directors to be fixed from time to time, within such limits, by approval of the Board. The authorized number of directors of the corporation, whether fixed or subject to a minimum and maximum number of directors may be changed to an amendment to these bylaws, which is approved by the Board.

(b) Directors shall be elected at each annual meeting of the Board of Directors. Each director, including a director elected to fill a vacancy, shall hold office until the expiration of the term for which he or she was elected and until his successor is elected and qualified.

#### Section 3. Resignation and Vacancies.

(a) A director may resign at any time by delivering written notice to the Board of Directors, its presiding officer or to the president or secretary. A resignation is effective when the notice is received unless the notice specifies a later effective date. If a resignation is made effective at a later date, the pending vacancy may be filled as hereinafter described before the effective date provided that the successor does not take office until the effective date.

(b) Any vacancy on the Board shall be filled for the unexpired portion of the term by a majority vote of the remaining directors and members present, at any regular meeting or special meeting of the board called for that purpose. Each director so elected shall hold office until the expiration of the term of the replaced director and until his or her successor has been elected and qualified. A vacancy in the Board shall be deemed to exist on the occurrence of the death, resignation, or removal of any director, or if the authorized number of directors is increased.

#### Section 4. Removal of Directors.

Any directors may be removed by a vote of two-thirds of the entire Board of Directors, in person, at any regular or special meeting called for that purpose, with or without cause. Any such director proposed to be removed shall be entitled to at least (5) days notice in writing by mail of the proposed removal and of the meeting and place at which such removal is to be voted upon and shall be entitled to appear and be heard at such meeting. No reduction of the authorized number of directors shall have the effect of removing any director prior to the expiration of that director's term of office.

#### Section 5. Annual Meetings.

The annual meetings of the Board shall be held on, or near, the second Thursday in October each year. Notice of the time and place of these meetings may be given by mail or by telephone. The Board shall fix the time and place of each annual meeting.

**Section 6. Regular and Special Meetings: Notice.** The Board may designate regular, periodic meeting dates.

Special meetings of the Board of Directors shall be held whenever called by any member of the Board at such time and place as may be specified in the notice. The purpose of any special meeting shall be stated in the notice of the meeting. Notice of such special board meetings shall be given to each director at least 48 hours before the day on which the meeting is to be held.

**Section 7. Waiver of Notice.** Notice of a meeting need not be given to any director who

- 1.) signed a waiver of notice or a written consent to holding the meeting,
- 2.) signed an approval of the minutes thereof, or
- 3.) who attends the meeting without protesting the lack of notice to such director, prior to the meeting or at its commencement. All such waivers, consents, and approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

**Section 8. Adjournment.**

A majority of the directors present, whether or not a quorum is present may adjourn any meeting to another time and place.

**Section 9. Action without Meeting.**

Unless the Articles of Incorporation or these Bylaws provide otherwise, action required or permitted to be taken at a Board of Director's meeting may be taken without a meeting if the action is taken by all members of the board. The action must be evidenced by one or more written consents describing the action taken, signed by the Directors, and included in the minutes or filed with the corporate records reflecting the action taken. Action taken under this section is effective when the last Director signs the consent, unless the consent specifies a different effective date. Such consent has the effect of a meeting vote and may be described as such in any document.

**Section 10. Meetings by Telephone Conference Call.**

All meetings may be held by telephone conference call or other similar telecommunications equipment by means of which all persons participating in the meeting can hear each other at the same time.

**Section 11. Quorum and Voting.**

A majority of the Directors shall constitute a quorum for the transaction of business, and all actions of the Board except otherwise provided in the Articles of Incorporation or these Bylaws shall be taken by majority vote. A meeting at which a quorum is initially present may continue to transact business

notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

#### Section 12. Committees.

The Board may, by resolution adopted by a majority of the number of directors then in office, provided that a quorum is present, create one or more committees, each consisting of one, two or more directors, to serve as directed by the Board. Appointments to such committees shall be by a majority vote of the Directors made by the Board. The Board may appoint one or more Directors as alternate members of any such committee, who may replace any absent member at any meeting of the committee. Committees can be made up of both Board members and members. Any such committee to the extent provided in the resolution of the Board, shall have all the authority of the Board except with respect to:

- a) The approval of any action for which the State of New Mexico Nonprofit Corporation Act requires approval of the Board or of a majority of the Board;
  - b) The filling of vacancies on the Board or in any created by the Board;
  - c) The fixing of compensation of the directors for serving on the Board or on any committee;
  - d) The amendment or repeal of Bylaws or the adoption of new Bylaws;
  - e) The amendment or repeal of any resolution of the Board which by its express terms is not amendable or repealable;
- or
- f) The appointment of committees of the Board or the members thereof.

#### Section 13. Chair.

At all meetings of the Board of Directors, the President, or in his or her absence, the Vice President, or in their absence, a chair chosen by the Directors present shall preside.

#### Section 14. Fees and Compensation.

The corporation shall not pay any compensation to directors for services rendered to the corporation, except that directors may be reimbursed for expenses incurred in the performance of their duties to the corporation, in reasonable amounts as approved by the Board.

#### Section 15. Advisory Board.

The Board of Directors may appoint from persons interested in the work of the corporation an Advisory Board consisting of as many individuals as in their judgment will serve to benefit the corporation, and the number may be increased or diminished from time to time as the Board of Directors shall direct. These Advisory Board members will be appointed each year by the Board of Directors and may serve an

unlimited number of consecutive terms. Each year the Board of Directors shall appoint a Chair of the Advisory Board from among the Advisory Board members to serve for a term of one year. The Board of Advisors from time to time shall consider and make recommendations concerning such questions as may be submitted to them by the chair, and the Board of Advisors, or any of its members so selected, shall be privileged to be present, and participate in the discussions arising, at the meetings of the Board of Directors to which they are invited by the Directors.

#### Section 16. Employees.

The Board of Directors may authorize the employment of such salaried staff as it deems necessary and proper. The Board shall set the conditions and salaries of such employees or it may delegate such authority to any officers or employees of the corporation.

### ARTICLE IV

#### Officers.

##### Section 1. Number, Qualifications, Election and Term of Office.

a) The officers of the corporation shall be appointed by the Board of Directors and shall consist of a President, a Vice President, a Secretary, and a Treasurer or any other such officers with such powers and duties consistent with these Bylaws as may be appointed and determined by the Board of Directors. Any number of offices except the offices of President and Secretary may be held by the same person, except that neither the Secretary nor the President may serve concurrently as President or Chairman of the Board (if applicable).

b) Each officer shall hold office for one year, except as may be previously determined in a notice of his or her election, which determination shall be made by the Board of Directors or by a nominating committee at the time of nomination, and shall serve until his or her successor has been elected and qualified.

##### Section 2. Vacancies.

A vacancy in any office not otherwise provided for shall be filled for the unexpired portion of the term by the Board at any regular or special meeting.

##### Section 3. Removal and Resignation .

Any officer may be removed with or without cause by the Board at any time or, in the case of an officer not chosen by the Board, by any officer upon whom such power of removal may be conferred by the Board. Any such removal shall be without prejudice to the rights, if any, of the officer under any contract of employment. Any officer may resign at any time by giving written notice to the corporation without prejudice to the rights, if any, of the corporation under any contract to which the officer is a party. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein, and unless otherwise specified therein.

#### Section 4. President.

Subject to such powers as may be given by the Board to the Chairman of the Board, if any, the President is the general manager and of the corporation and, subject to the control of the Board of Directors, shall be responsible for the general supervision, direction, and control of the business and officers of the corporation. The President has the general powers and duties of management usually vested in the office of President and general manager of a corporation and such other powers and duties as may be described by the Board.

#### Section 5. Vice President.

In the absence or disability of the President, the Vice President, if appointed, shall perform all the duties of the President and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice President shall have such other powers and perform such other duties as from time to time may be prescribed for them respectively by the Board.

#### Section 6. Secretary.

The Secretary shall keep or cause to be kept, at the principal office of the corporation or such other place as the Board of Directors may order, a book of minutes of all meetings of the Board and its committees. The minutes shall include the time and place of meetings, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at Board and committee meetings, and the proceedings thereof. The Secretary shall keep, or cause to be kept, at the principal office in the State of New Mexico the original or a copy of the corporation's Articles and Bylaws, as amended to date. The Secretary shall give, or cause to be given, notice of all meetings of the Board and its committees required by law or by these Bylaws to be given, shall keep the seal of the corporation (if any) in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board.

#### Section 7. Treasurer.

The Treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and accounts of the properties and business transactions of the corporation. The books of account shall be open at all reasonable times to inspection by any director and by any other person authorized by law. The Treasurer shall deposit, or cause to be deposited, all money and other valuables in the name and to the credit of the corporation with such depositories as may be designated by the Board. The Treasurer shall disburse funds of the corporation as may be ordered by the Board, shall render to the President and the Directors, whenever requested, an account of all transactions as Treasurer and of the financial condition of the corporation, and shall have such other powers and perform such other duties as may be prescribed by the Board.

### ARTICLE V

#### Indemnification and Liability Insurance

Section 1. Definitions. For the purposes of this Article V:

- a) "Agent" means any person who is or was a director, officer, employee, or other agent of the corporation., or is or was serving at the request of the corporation as a director, officer, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, or other enterprise, or was a director, officer, employee, or agent of a foreign or domestic corporation which was a predecessor corporation of the corporation or of another enterprise at the request of such predecessor corporation;
- b) "Liability" means the obligation to pay a judgment, settlement, penalty, fine, or reasonable expenses incurred with respect to a proceeding;
- c) "Proceeding" means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative;
- d) "Party" includes an individual who was, is, or is threatened to be made a named defendant in a proceeding; and
- e) "Expenses" includes without limitation attorney's fees and any expenses of establishing a right to indemnification under Article V, Sections 4 and 5(b) of these Bylaws.

Section 2. Authority to Indemnify.

- a) Except as provided in subsection c), the corporation shall indemnify an individual against liability incurred in the a proceeding who has been made a party to the proceeding because he or she is or was an agent of the corporation if:
  - (1) The agent conducted him/herself in good faith; and
  - (2) The agent in good faith believed:
    - (i) In the case of conduct in the agent's official capacity with the corporation, that the agent's conduct was in the best interests of the corporation; and
    - (ii) In all other cases, that the agent's conduct was at least not opposed to the best interests of the corporation; and
  - (3) In the case of any criminal proceeding, the agent had no reasonable cause to believe his/her conduct was unlawful.
- b) The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and or in a manner that the person reasonably believed to be in the best interests of the corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.
- c) The corporation may not indemnify an agent under this section:



(1) In connection with a proceeding by or in the right of the corporation in which the agent was adjudged liable to the corporation; or

(2) In connection with any other proceeding charging improper personal benefit to the agent, whether or not involving action in the agent's official capacity, in which the agent was adjudged liable on the basis that personal benefit was improperly received by the agent.

(3) In connection with any other proceeding under the State of New Mexico Nonprofit Corporation Act.

(4) In connection with any other proceeding brought by the Attorney General or a person granted relator status by the Attorney General for any breach of duty relating to assets held in charitable trust.

(5) If indemnification of the agent would be inconsistent with a provision of the Articles of Incorporation, these Bylaws, or an agreement in effect at that time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification.

(6) If indemnification of the agent would be inconsistent with any condition expressly imposed by a court in approving a settlement.

d) Indemnification permitted under this section in connection with a proceeding by or in the right of the corporation is limited to reasonable expenses incurred in connection with the proceeding.

### Section 3. Indemnification Against Expenses.

To the extent that an agent of the corporation has been successful on the merits of the defense of any proceeding or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

### Section 4. Required Determinations.

Except as provided in these Bylaws, any indemnification under this Article V shall be made by the corporation only if authorized in the specific case, by: upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth these Bylaws, by:

a) A majority of the vote of a quorum consisting of directors who are not parties to such proceeding; or

b) The court in which such proceeding is or was pending upon application made by the corporation or the agent of the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by the corporation, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth these Bylaws.

### Section 5. Advance of Expenses.

Expenses incurred in defending any proceeding may be advanced by the corporation prior to the final disposition of such proceeding upon receipt of an undertaking by or on behalf of the agent to repay such amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this

Article V.

#### Section 6. Other Indemnification.

No provision made by the corporation to indemnify its or its subsidiary's

directors or officers for the defense of any proceeding, whether contained in the Articles of Incorporation, Bylaws, a resolution of directors, an agreement or otherwise, shall be valid unless consistent with this Article V. Nothing contained in this Article V shall affect any right to indemnification to which persons other than such directors and officers may be entitled by contract or otherwise.

#### Section 7. Personal Liability of Volunteer Directors #or Executive Officers.

To the fullest extent permitted by the State of New Mexico Nonprofit Corporation Act, and the Federal Volunteer Protection Act of 1997, as now in effect or as may hereafter be amended, a volunteer director or officer shall have there shall be no personal liability to a third party for monetary damages on the part of the corporation, caused by the volunteer's negligent act or omission in the performance of that person's duties as a volunteer to the corporation, provided that:

- (1) the person does not receive compensation or any other thing of value in lieu of compensation from the corporation in excess of \$500 per year;
- (2) the volunteer's act or omission was within the scope of the volunteer's duties;
- (3) if appropriate or required, the volunteer was properly licensed, certified, or authorized to perform the work he or she did;
- (4) the harm was caused by no more than ordinary negligence; and
- (5) the harm was not caused by the volunteer's operation of a motor vehicle. The volunteer is not immune from liability for harm caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.

#### Section 8. Insurance.

The corporation shall have power to purchase and maintain insurance on behalf of any agent of the corporation against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such whether or not the corporation would have the power to indemnify the agent against such liability under the provisions of this Article V.

Section 9. Chapter 42 Taxes. In no case, however, shall the corporation indemnify, reimburse, or insure any person for any taxes imposed on such individual under Chapter 42 of the Internal Revenue Code of 1986, as amended ("Code"). Further, if at any time the corporation is deemed to be a private foundation within the meaning of §509 of the Code then, during such time, no payment shall be made under this Article if such payment should constitute an act of self dealing or a taxable expenditure, as defined in §4941(d) or 4945(d), respectively, of the Code. If any part of this Article V shall be found in any action, suit or proceeding to be invalid or ineffective, the validity and the effectiveness of the remaining parts shall not be affected.

## ARTICLE VI

### Miscellaneous

#### Section 1. Fiscal Year.

The fiscal year of the corporation shall be the calendar year or such unless another period as may be fixed by the Board of Directors.

#### Section 2. Checks, Notes, and Contracts.

The Board of Directors shall determine who shall be authorized from time to time on the corporation's behalf (1) to sign checks, drafts, or other orders for payment of money; (2) to sign acceptances, notes, or other evidences of indebtedness; (3) to enter into contracts; or (4) to execute and deliver other documents and instruments.

#### Section 3. Amendments of Articles of Incorporation and Bylaws.

The Articles of Incorporation and Bylaws of the corporation may be adopted, amended, or repealed in whole or in part by majority vote of the Directors then in office. Any director shall be entitled to at least five (5) days' notice in writing, which must include a copy of the proposed amendment, by mail of the proposed amendment and of the meeting time and place at which such amendment is to be voted upon.

We certify that the above Bylaws of the corporation were adopted by the Board of Directors on 2/27/2016.

Todd Brown

President

Susan A. Schneider

Vice President

Patricia Brown

Secretary

Treasurer



OFFICE OF THE  
PUBLIC REGULATION COMMISSION.

CERTIFICATE OF INCORPORATION

OF

LAS CANDELAS DE LOS CERRILLOS


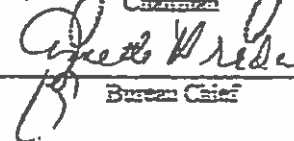
2225597

The Public Regulation Commission certifies that the Articles of Incorporation, duly signed and verified pursuant to the provisions of the  
NONPROFIT CORPORATION ACT  
(53-8-1 to 53-8-99 NMSA 1978)  
have been received by it & are found to conform to law.

Accordingly, by virtue of the authority vested in it by law, the Public Regulation Commission issues this Certificate of Incorporation & attaches hereto, a duplicate of the Articles of Incorporation.

Dated: JANUARY 30, 2002

In testimony whereof, the Public Regulation Commission of the State of New Mexico has caused this certificate to be signed by its Chairman and the seal of said Commission to affixed at the City of Santa Fe.

  
Chairman  
  
Bureau Chief

2225597

ARTICLES OF INCORPORATION

OF

JAN 30 2002

LAS CANDELAS DE LOS CERRILLOS

The undersigned, for the purposes of forming a non-profit corporation pursuant to the laws of the New Mexico Nonprofit Corporation Act, NMSA 1978, 88 -53-8-1 to 53-8-99, adopts the following Articles of Incorporation for such corporation.

ARTICLE I

Name

The name of the corporation (the "corporation") is Las Candelas de los Cerrillos.

ARTICLE II

Duration

The corporation shall have perpetual existence.

ARTICLE III

Purpose

This corporation is a nonprofit corporation and is not organized for the private gain of any person. It is organized under the New Mexico Nonprofit Corporation act for charitable purposes. The specific purpose of the corporation is to make charitable collections and distributions to projects or activities that benefit the citizens of the Village of Los Cerrillos and its surrounding areas and improve their community in various ways.

The corporation is organized exclusively for charitable purposes within the meaning of 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as may hereafter be amended (the "Code"). In furtherance thereof, the corporation may receive property by gift, devise, or bequest, invest or reinvest the same, and apply the income and principal thereof, as the Board of Directors may from time to time determine, either directly or through contributions to any charitable organization or organizations, exclusively for charitable purposes, and engage in any lawful act or activity for which corporations may be organized under the New Mexico Nonprofit Corporation Act.

ARTICLE IV

Restrictions

(a) No part of the net earnings of the corporation shall inure to the benefit of, or be distributed to, its directors, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered. No substantial part of the activities of the corporation shall be the carrying of propaganda, or otherwise attempting to influence legislation, except as otherwise permitted by 501(h) of the Code and in any corresponding laws of the State of New Mexico. The corporation shall not participate in or intervene in, including the publishing or distribution of statements concerning any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on activities not permitted to be carried on (a) by a corporation, except that Federal income tax under section 501(c)(3) of the Internal Revenue Code, or the

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NM PUBLIC REG. COMM. NM PUBLIC REG. COMM.

corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

(b) This paragraph (b) shall apply only if the corporation is or becomes a private foundation as that term is defined by section 509 of the Code. The corporation shall expend or distribute its income for each year at such time and in such amount and manner as not to subject it to tax under Section 4942 of the Code; and shall refrain from any act or self-dealing, any retention of excess business holdings, any investment and any taxable expenditure which would subject it to tax under sections 4941, 4943, 4944, or 4945 of the Code.

## ARTICLE V

### Dissolution

Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state, for a public purpose in the village of Cerrillos. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

## ARTICLE VI

### Initial Registered Office and Initial Registered Agent

The street address of the initial registered office of the corporation is 49 Main Street Cerrillos, New Mexico 87010.

The name of the initial registered agent of the corporation, an individual resident in New Mexico whose business is at the above address, is Cathy Weber.

ARTICLE VII

Board of Directors

The initial Board of Directors, who shall hold office until their successors take office is: *The number of directors constituting the initial board of directors is three.*

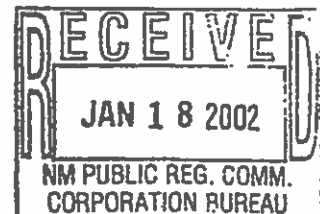
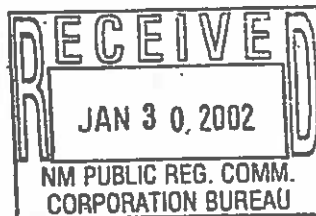
Name	Title	Address
Richard Crombie	President	P.O. Box 90, Cerrillos, NM 87010
Anne Murray	Vice-President	P.O. Box 22, Cerrillos, NM 87010
Yolanda Sandoval	Secretary	P.O. Box 68, Cerrillos, NM 87010

ARTICLE VIII


Incorporator


The name and address of each incorporator of the corporation is:

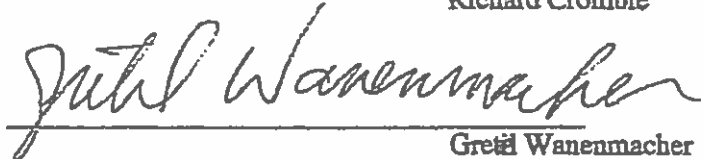
Name	Address
Yolanda Sandoval	P.O. Box 68, Cerrillos, NM 87010
Richard Crombie	P.O. Box 90, Cerrillos, NM 87010
Gretel Wanenmacher	P.O. Box 371, Cerrillos, NM 87010
Anne Murray	P.O. Box 22, Cerrillos, NM 87010
Ross Lockridge	P.O. Box 22, Cerrillos, NM 87010
William Kuchar	P.O. Box 343, Cerrillos, NM 87010





For purposes of forming the corporation under the laws of the State of New Mexico, the undersigned, constituting the incorporators, have executed these Articles of Incorporation as of October 25, 2001.

  
Yolanda Sandoval

  
Richard Crombie

  
Gretel Wanenmacher *sw*

  
Anne Murray  
*AM*

  
Ross Lockridge

  
William Kuchar

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CORPORATION BUREAU

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NM PUBLIC REG. COMM.  
CORPORATION BUREAU



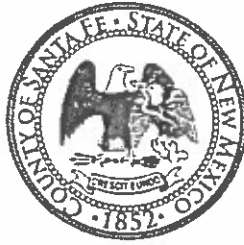




Henry P. Roybal  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**Date:** March 8, 2016

**To:** Board of County Commissioners

**From:** Amy Rincon, Community Planner *AR*

**Via:** Robert Griego - Planning Manager, Penny Ellis-Green – Land Use Administrator and Katherine Miller – County Manager *RG PEG KM*

**Re:** **RESOLUTION 2016 -- A RESOLUTION TO RECOGNIZE THE SAN MARCOS DISTRICT PLANNING COMMITTEE AS A COMMUNITY ORGANIZATION FOR THE SAN MARCOS COMMUNITY PLANNING AREA**

### SUMMARY:

The purpose of this Resolution is to recognize the San Marcos District Planning Committee as a Community Organizations (CO) for the San Marcos Community Planning Area in accordance with the Sustainable Land Development Code (SLDC).

### BACKGROUND:

The Board approved the Sustainable Growth Management Plan (SGMP) by Resolution 2015-155 as the County's Comprehensive Plan which set forth a process for increased public participation through the creation of Community Organizations (CO) and Registered Organizations (RO). The SLDC details the application process for the establishment of a CO. A CO is defined as a new or pre-existing organization that is recognized by the Board to represent a specified geographical area within the County in accordance with the application procedures identified in the SLDC.

Once approved by the Board, the CO will have rights and responsibilities identified in the SLDC to include the right to receive notice and provide written recommendations for any discretionary development application within the defined geographic area.

Representatives of the San Marcos District Planning Committee have met with County Planning staff and have submitted an application to be recognized as a CO in accordance with the SLDC. The application includes a map with the geographic boundaries of the CO which is identified as the San Marcos Community Planning Area. The CO checklist is included in the packet along with the application. Staff has reviewed the application in accordance with the SLDC. The CO application is included as Exhibit B.

### STAFF RECOMMENDATION:

Staff recommends that the Board approve the Resolution to recognize the San Marcos District Planning Committee as a Community Organization for the San Marcos Planning Area.

**EXHIBIT A:** Resolution 2016 -- A Resolution to Recognize a Community Organization for the San Marcos Community Planning Area

**EXHIBIT B:** San Marcos District Planning Committee Application

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:  
505-995-2740 www.santafecountynm.gov





**THE BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SANTA FE  
RESOLUTION NO. 2016- \_\_\_\_\_**

---

**A RESOLUTION TO RECOGNIZE A COMMUNITY ORGANIZATION FOR  
THE SAN MARCOS COMMUNITY PLANNING AREA**

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**WHEREAS**, on October 27, 2015, the Board of County Commissioners adopted the Sustainable Growth Management Plan (SGMP) and designated it as the comprehensive plan for Santa Fe County (County) as prescribed by New Mexico law, including but not limited to NMSA 1978, Section 3-21-5;

**WHEREAS**, the SGMP provides that the County will establish Community Organizations (CO) "for communities and community-oriented organizations to have an improved public participation process to meet community needs and to make recommendations with respect to development projects and community development issues;"

**WHEREAS**, the San Marcos Community Plan has been adopted as an amendment to the SGMP, which identifies the San Marcos Community Planning Area;

**WHEREAS**, on December 8, 2015, the Board of County Commissioners adopted the Sustainable Land Development Code (SLDC) which governs land use and development throughout the unincorporated areas of the County;

**WHEREAS**, the SLDC establishes the creation of COs and sets out the application and approval process;

**WHEREAS**, the San Marcos District Planning Committee has applied to become a CO to represent the San Marcos Community Planning Area.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Santa Fe that the San Marcos District Planning Committee is hereby recognized as the CO for the San Marcos Community Planning Area.

**APPROVED, ADOPTED AND PASSED** this \_\_\_ day March, 2016.

**BOARD OF COUNTY COMMISSIONERS**

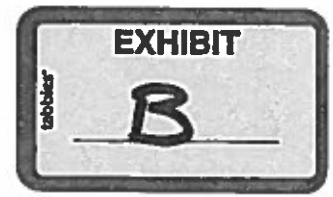
\_\_\_\_\_  
Miguel M. Chavez, Chairman

**Attest:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**Approved As To Form:**

*Gregory Shaffer*  
\_\_\_\_\_  
Gregory Shaffer, County Attorney



## Community Organization Application

Community Organization Name:

San Marcos District Planning Committee

Community Contact Person(s):

Walter Wait  
48 Bonanza Creek Rd  
Santa Fe, NM 87508  
(505) 471-0645  
[waltwait@q.com](mailto:waltwait@q.com)

Cid Isbell  
18 Jennifer Way  
Santa Fe, NM 87508  
(505) 216-0840  
[cidisbell@gmail.com](mailto:cidisbell@gmail.com)

Carolyn Moore  
52 Bonanza Trail  
Santa Fe, NM 87508  
(505) 699-3843  
[Moore.carolynv@gmail.com](mailto:Moore.carolynv@gmail.com)

List of Officers:

Sigmund Silber, member  
Uzi Broshi, member  
Cynthia Broshi, member  
Valerie Nye, member  
William Dempster, member  
Gail Karr, member  
Tashina Proli, member  
Zorah Grogan, member  
Helen Boyce, member  
Thomas Wingate, member  
Craig Eaves, member

Meeting Location:

Rancho Viejo Fire Station

Meeting Date and Time:

4-6pm on the 3<sup>rd</sup> Wednesday of the month

Date for founding of the organization:

February 2015

Number of organization members:

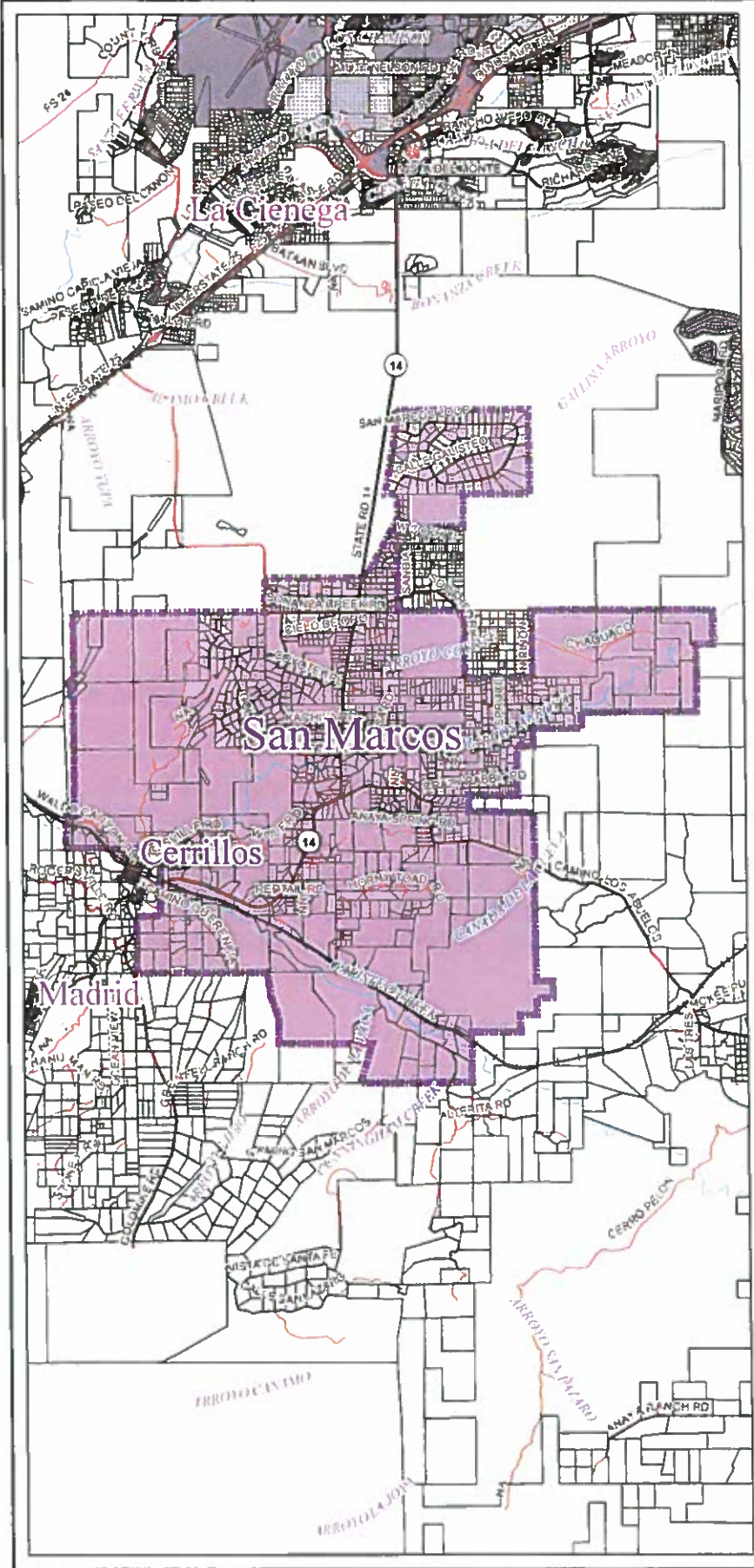
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# Santa Fe County San Marcos Community Planning Area

## Legend

-  Santa Fe County
- Municipalities**
-  Municipality
-  Municipal Annexation Area
- San Marcos Community Planning Area**
-  San Marcos Community Planning Area
- Parcels**
-  Parcels
- Roads**
-  Major Roads
-  Minor Roads
- Railroad Lines**
-  Railroad Lines
- Major Streams and Arroyos**
-  Major Streams and Arroyos



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.



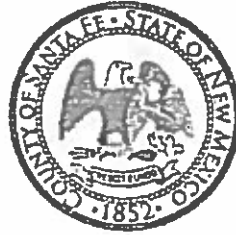
Santa Fe County  
Growth Management  
Department  
Planning Division

Nov 20, 2014  
san\_marcos\_community\_district.mxd

Henry P. Roybal  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

## MEMORANDUM

**DATE:** January 14, 2015

**TO:** Board of County Commissioners

**FROM:** Robert Griego, Planning Manager *RG*

**VIA:** Penny Ellis-Green, Growth Management Director  
Katherine Miller, County Manager

**ITEM & ISSUE:** RESOLUTION 2015- A RESOLUTION TO ESTABLISH A PLANNING COMMITTEE FOR EACH OF THE FOLLOWING AREAS: VILLAGE OF AGUA FRIA ZONING DISTRICT, LA CIENEGA/LA CIENEGUILLA COMMUNITY ZONING DISTRICT, LOS CERRILLOS COMMUNITY ZONING DISTRICT, MADRID COMMUNITY PLANNING DISTRICT, POJOAQUE VALLEY COMMUNITY DISTRICT, SAN MARCOS COMMUNITY PLANNING DISTRICT, US 285 SOUTH HIGHWAY CORRIDOR ZONING DISTRICT, TESUQUE COMMUNITY ZONING DISTRICT, GALISTEO COMMUNITY PLANNING DISTRICT, SAN PEDRO CONTEMPORARY COMMUNITY ZONING DISTRICT, AND TRES ARROYOS DEL PONIENTE ZONING DISTRICT

### SUMMARY:

The purpose of this Resolution is to establish planning committees for communities with adopted community district or corridor plans and/or community district ordinances.

### BACKGROUND:

The Board approved the Sustainable Growth Management Plan (SGMP) by Resolution 2010-210 in November 2010 as the County's Comprehensive Plan. The SGMP recognizes adopted community Plans and indicates that the County will honor existing community plans as amendments to the SGMP:

#### Policy 3.1

*Recognize and integrate community plans, zoning and land use criteria in the SGMP and SLDC and ensure that the SDLC zoning map incorporates approved community plans and ordinances. Adopted community plans will be an amendment and refinement to the SGMP.*

The Board adopted the Sustainable Land Development Code (SLDC) in December 2013 and is in the process of establishing the Official Zoning Map for Santa Fe County. The zoning map adoption process was initiated in March 2014 after which several public meetings on the zoning map were held by the Board. At a Board of County Commissioners Special Meeting on October 14, 2014, the Board voted to adopt Option 3 of a document presented to them for consideration that directed "staff to work with communities to do consistency review between community plans and the SGMP and prepare Overlay Community Districts (O-CD)."

Santa Fe County Ordinance 2002-3 outlines a community planning process to include establishment of planning committees for the development of community plans which is supported through the SGMP. Ordinance 2002-3 includes a provision for the Land Use Administrator to streamline the community planning process which must include public notification and community meeting requirements. Additionally, it provides for the formation of community planning committees with membership to include residents, property owners, business owners and community groups which should be representative of the community's diversity.

Staff has engaged in the following community outreach to establish planning committees:

1. Email notification to contacts database,
2. County press release,
3. Notice on County website along with Planning Committee Membership form,
4. Flyers distributed to senior centers and satellite offices,
5. Newspaper advertisements in the following publications: Journal North, Santa Fe New Mexican, Rio Grande Sun, Edgewood Independent and Mountain View Telegraph, and
6. Staff outreach

The County has provided outreach to the 12 listed communities for their participation on community planning committees to complete community plan updates for amendment of the SGMP, to create community overlay districts for amendment to the SLDC, and for proposing changes to the Zoning Map. Eighty-eight individuals have submitted an interest to serve on one of these planning committees. Staff has reviewed the planning committee applications and has determined that 11 of Community Planning Committees meet the requirements to establish an initial planning committee. El Valle de Arroyo Seco community had only one member who submitted an application which will require further coordination with the community to establish this planning committee at a later time.

Membership on the planning committees shall be open throughout the planning process. The list of members for each Community Planning Committee is identified in Exhibit 1 a-k.

#### **STAFF RECOMMENDATION:**

Staff has reviewed the planning committee membership list and recommends that the Board approve the Resolution to establish a Planning Committee for each of the communities identified in Exhibit 1. Planning committee membership shall be open throughout the planning process in accordance with Ordinance 2002-3.

**EXHIBIT 1: Community Planning Committee Membership List**

- a. Village of Agua Fria Planning Committee
- b. La Cienega/La Cieneguilla Planning Committee
- c. Los Cerrillos Planning Committee
- d. Madrid Planning Committee
- e. Pojoaque Valley Planning Committee
- f. San Marcos Community Planning Committee
- g. US 285 South Highway Corridor District Planning Committee
- h. Tesuque Community Planning Committee
- i. Galisteo Community Planning Committee
- j. San Pedro Planning Committee
- k. Tres Arroyos Del Poniente Planning Committee

*f. San Marcos Community Planning Committee*

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<b>San Marcos Community Planning Committee Members</b>					
<b>Name</b>	<b>Property Owner</b>	<b>Resident</b>	<b>Business Owner</b>	<b>Business Name &amp; Address</b>	<b>Are you a member of a Community group? (Y/N)</b>
William Scruggs	Yes	Yes	No		
Sigmund Silber	Yes	Yes	No		
Valerie Nye	Yes	Yes	No		Yes
Walter Wait	Yes	Yes	No		Yes
Marie Harding	Yes	Yes	Yes	Synergia Ranch LLC	Yes
William Scruggs	Yes	Yes	No		No
Carolyn Moore	Yes	Yes	Yes	Nurses With Heart Home Care	No

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

RESOLUTION NO. 2015- 18

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A RESOLUTION TO ESTABLISH A PLANNING COMMITTEE FOR EACH OF THE FOLLOWING AREAS: VILLAGE OF AGUA FRIA ZONING DISTRICT, LA CIENEGA/LA CIENEGULLA COMMUNITY ZONING DISTRICT, LOS CERRILLOS COMMUNITY ZONING DISTRICT, MADRID COMMUNITY PLANNING DISTRICT, POJOAQUE VALLEY COMMUNITY DISTRICT, SAN MARCOS COMMUNITY PLANNING DISTRICT, US 285 SOUTH HIGHWAY CORRIDOR ZONING DISTRICT, TESUQUE COMMUNITY ZONING DISTRICT, GALISTEO COMMUNITY PLANNING DISTRICT, SAN PEDRO CONTEMPORARY COMMUNITY ZONING DISTRICT, AND TRES ARROYOS DEL PONIENTE ZONING DISTRICT

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WHEREAS, on November 9, 2010, the Board of County Commissioners adopted the Sustainable Growth Management Plan (SGMP) and designated it as the comprehensive plan for Santa Fe County as prescribed by New Mexico law, including but not limited to NMSA 1978, Section 3-21-5;

WHEREAS, the preamble to the SGMP acknowledges the community effort in designing the SGMP which was "to create a framework to protect our resources and to provide a sustainable quality of life with an attendant Sustainable Land Development Code, guided by the Plan, to enforce this new growth management paradigm";

WHEREAS, the SGMP provides that the County will "recognize and incorporate existing adopted community plans and zoning ordinances and the role of community planning committees as defined in the Community Planning Ordinance" and that these community plans should be consistent with the SGMP;

WHEREAS, the Board adopted the Community Planning Ordinance by Ordinance 1998-5 which it revised on March 12<sup>th</sup>, 2002 by Ordinance 2002-3, which ordinance outlines a community planning process for the development of community plans;

WHEREAS, the Community Planning Ordinance provides for the formation of community planning committees by application to and approval by the Board with membership on the committees to include residents, property owners, business owners and community groups;

WHEREAS, the Community Planning Ordinance permits the community plan amendment process to be streamlined as determined by the Land Use Administrator but must include public notification and community meeting requirements as set forth in that ordinance;

2015/03/23  
CLERK  
RECORDED

WHEREAS, during an October 14, 2014 special meeting, the Board voted to adopt Option 3 of a document presented to them for consideration that directed "staff to work with communities to do consistency review between community plans and the SGMP and prepare O-CDs.";

WHEREAS, staff will work with community planning committees to develop community plan updates, and draft community overlay districts and zoning maps for amendments to the SGMP and SLDC;

WHEREAS, since the adoption of the Community Planning Ordinance, the community, district and highway corridor plans have been adopted and are listed in Chapter 9 of the SLDC;

WHEREAS, the County has provided outreach to the 12 listed communities for their participation on community planning committees to complete community plan updates for amendment of the SGMP and create community overlay districts for amendment to the SLDC, and for proposing changes to the Zoning Map; and

WHEREAS, the following communities have submitted a list of members to establish planning committees and have otherwise met the requirement of the Community Planning Ordinance and the Land Use Administrator's streamlined process: Village of Agua Fria Zoning District, El Valle De Arroyo Seco Highway Corridor Zoning District, La Cienega/La Cieneguilla Community Zoning District, Los Cerrillos Community Zoning District, Madrid Community Planning District, Pojoaque Valley Community District, San Marcos Community Planning District, US 285 South Highway Corridor Zoning District, Tesuque Community Zoning District, Galisteo Community Planning District, San Pedro Contemporary Community Zoning District, and Tres Arroyos Del Poniente Zoning District;

WHEREAS, membership on the planning committees shall be open throughout the planning process;

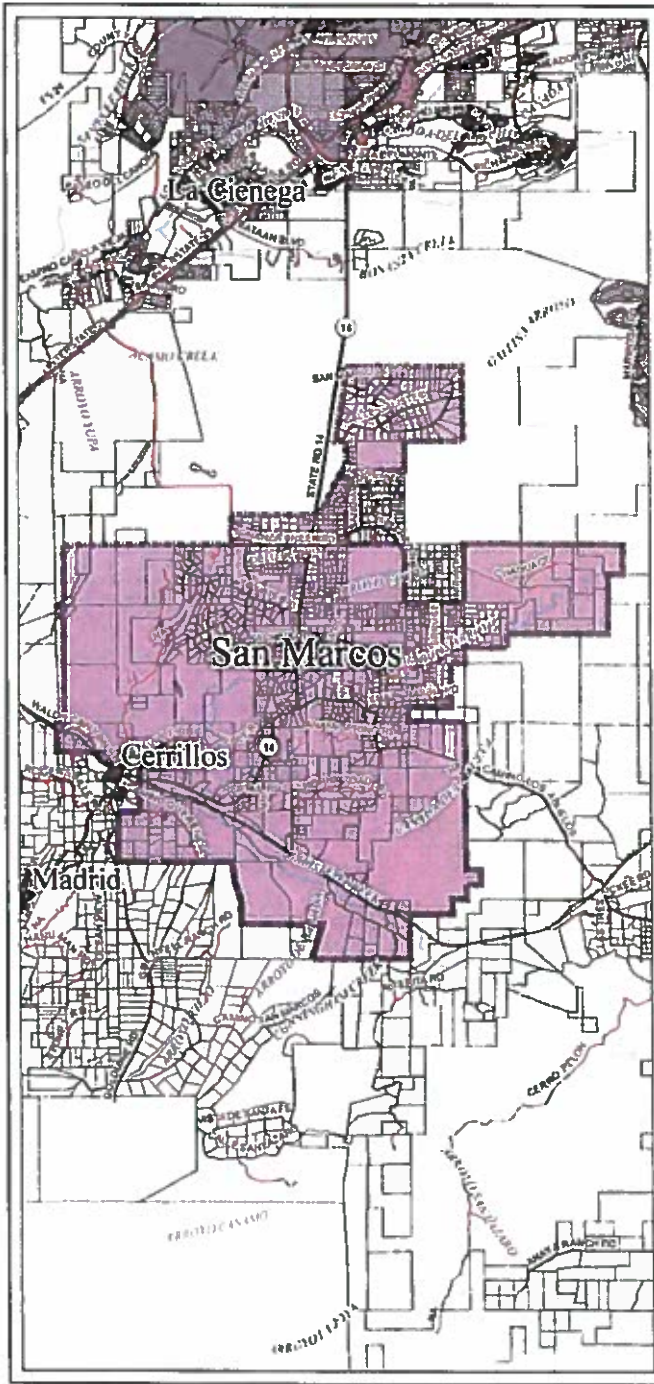
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that:

1. The planning committees for the following community districts are hereby recognized to work with County staff to develop community plan updates and to draft community districts, zoning and community district overlays for amendments to the SGMP and SLDC as appropriate:
  - a. Village of Agua Fria Zoning District,
  - b. La Cienega/La Cieneguilla Community Zoning District,
  - c. Los Cerrillos Community Zoning District,
  - d. Madrid Community Planning District,
  - e. Pojoaque Valley Community District,
  - f. San Marcos Community Planning District,
  - g. US 285 South Highway Corridor Zoning District,

REC CLERK RECORDED 01/29/2015

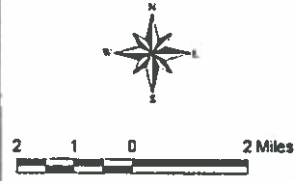






**Santa Fe County  
San Marcos Community  
Planning Area**

- Legend**
- Santa Fe County
  - Municipalities**
    - Municipality
    - Municipal Annexation Area
  - San Marcos Community Planning Area**
    -
  - Parcels**
    -
  - Roads**
    - Major Roads
    - Minor Roads
  - Railroad Lines**
    -
  - Major Streams and Arroyos**
    -



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary.

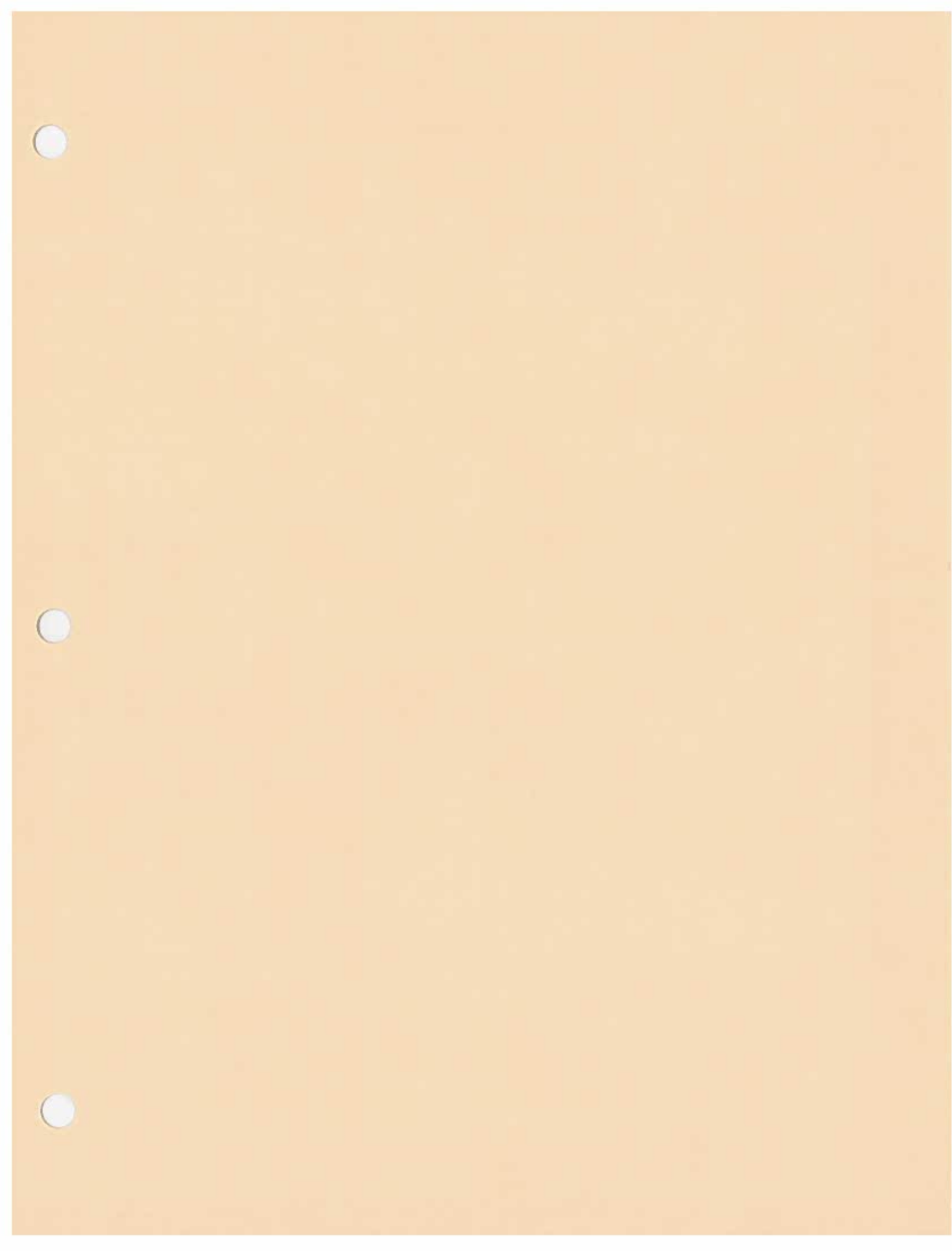


Santa Fe County  
Growth Management  
Department  
Planning Division

Nov. 20, 2014  
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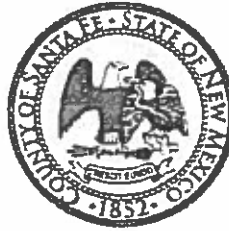




**Henry P. Roybal**  
Commissioner, District 1

**Miguel M. Chavez**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**Memorandum**

**To:** Santa Fe County Board of County Commissioners

**Through:** Katherine Miller, County Manager *KM*

**From:** Mark K. Caldwell, Warden, Adult Detention Facility  
Department of Public Safety *Mark K. Caldwell*

**Date:** March 18, 2016

**Subject:** **RESOLUTION AUTHORIZING AND DELEGATING TO THE COUNTY MANAGER THE AUTHORITY TO EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE STATE HUMAN SERVICES DEPARTMENT AND SANTA FE COUNTY TO IMPLEMENT SB 42.**

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This resolution authorizes and delegates to the County Manager the authority to execute the Memorandum of Agreement between the New Mexico Department of Human Services and Santa Fe County that implements the requirements of SB 42.

**Background:**

SB 42 was passed during the 2015 legislative session. SB 42 amended the Public Assistance Act, § 27-2-1, to require the New Mexico Human Services Department (HSD) to provide for continued Medicaid eligibility for individuals who are incarcerated or confined in a correctional facility. The Act requires HSD to ensure that inmates of a correction facility such as the County Adult Detention Facility, who are enrolled in Medicaid upon incarceration, continue to be eligible for Medicaid while incarcerated, and inmates who are not enrolled in Medicaid can apply for Medicaid during their incarceration. HSD is implementing SB 42 with county jails and detention centers through a memorandum of agreement that establishes the procedures that HSD and the County will follow to convey inmate data that will permit HSD to determine eligibility and track medical services for Medicaid eligible individuals. A copy of the draft MOA that was reviewed by the County and returned to HSD is attached. Also attached for your information is a copy of SB 42. HSD plans to implement these procedures by April 5, 2016.

According to Exhibit A of the MOA the County will be responsible for the non-federal share of costs associated with short-term Medicaid for inmates who receive hospital inpatient services (admittance into a medical facility for 24 hours or more).

**Staff Recommendation:**

The Santa Fe County Adult Detention Facility (S.F.C.A.D.F.) recommends the Boards approval of this Resolution.

Participation by the S.F.C.A.D.F. allows facility staff members to be trained and certified by HSD as Presumptive Eligibility Determiners (PED's), who are then authorized to make Presumptive Eligibility (PE), or short term, Medicaid determinations for eligible individuals. This allows the facility to provide access to immediate care for eligible recipients and to ensure assistance with submission and possible ongoing Medicaid coverage for those individuals who become incarcerated. In addition, eligibility for Short-Term Medicaid for Incarcerated Individuals (STMII) covers hospital inpatient services for Medicaid eligible adult and juvenile inmates once they are incarcerated.

As a County, the facility's ability to assist this segment of the population will also assist in cost-savings and effectiveness, to include increasing the instances of eligibility of those transitioning into programs who previously were not eligible due to having no insurance coverage.

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**SANTA FE COUNTY**  
**Resolution No. 2016-**

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**A RESOLUTION AUTHORIZING AND  
DELEGATING TO THE COUNTY MANAGER THE AUTHORITY TO  
EXECUTE THE MEMORANDUM OF AGREEMENT BETWEEN THE  
NEW MEXICO DEPARTMENT OF HUMAN SERVICES AND SANTA FE COUNTY  
TO IMPLEMENT THE REQUIREMENTS OF SB 42**

---

WHEREAS, the New Mexico Legislature enacted Senate Bill 42 ("SB 42") to provide for incarcerated individuals who are Medicaid eligible to continue to receive Medicaid assistance, and allow incarcerated individuals to apply for Medicaid eligibility during incarceration; and

WHEREAS, SB 42 requires the New Mexico Department of Human Services (HSD) to implement the provisions of SB 42 and HSD has determined that a memorandum of agreement (MOA) with the County is the appropriate means of implementing SB 42; and

WHEREAS, the Santa Fe County Adult Detention Facility supports the County's approval and execution of the MOA.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. The County Manager is hereby delegated the authority to execute the MOA between HSD and Santa Fe County to implement the requirements of SB 42.

APPROVED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**SANTA FE COUNTY BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Miguel M. Chavez, Chair  
Santa Fe County Board of County Commissioners

**ATTESTATION:**

\_\_\_\_\_  
Geraldine Salazar  
Santa Fe County Clerk

\_\_\_\_\_  
Date

Approved as to form:

  
\_\_\_\_\_  
Gregory S. Shaffer  
County Attorney

3-22-16  
Date



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AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING A SECTION OF THE  
PUBLIC ASSISTANCE ACT AND ENACTING A NEW SECTION OF THE  
NMSA 1978 TO REQUIRE THE HUMAN SERVICES DEPARTMENT TO  
PROVIDE FOR CONTINUED MEDICAID ELIGIBILITY FOR INCARCERATED  
INDIVIDUALS WHO WERE ENROLLED IN MEDICAID UPON INCARCERATION  
AND ELIGIBILITY FOR MEDICAID FOR INDIVIDUALS DURING  
INCARCERATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 27-2-4 NMSA 1978 (being Laws 1973,  
Chapter 376, Section 4, as amended) is amended to read:

"27-2-4. ELIGIBILITY REQUIREMENTS.--Consistent with the  
federal act, a person is eligible for public assistance  
grants under the Public Assistance Act if:

A. pursuant to Section 27-2-3 NMSA 1978, the total  
amount of the person's nonexempt income is less than the  
applicable standard of need;

B. nonexempt specific and total resources are less  
than the level of maximum permissible resources established  
by the department;

C. the person meets all qualifications for one of  
the public assistance programs authorized by the Public  
Assistance Act;

D. within two years immediately prior to the

1 filing of an application for assistance, the person has not  
2 made an assignment or transfer of real property unless the  
3 person has received a reasonable return for the real property  
4 or, if the person has not received a reasonable return, the  
5 person is willing to attempt to obtain such return and, if  
6 that attempt proves futile, the person is willing to attempt  
7 to regain title to the property;

8 E. the person is not an inmate of any public  
9 nonmedical institution at the time of receiving assistance,  
10 except that an inmate may be eligible for medical assistance  
11 programs administered by the medical assistance division of  
12 the department; and

13 F. the person is a resident of New Mexico."

14 SECTION 2. INCARCERATED INDIVIDUALS--MEDICAID  
15 ELIGIBILITY.--

16 A. Incarceration shall not be a basis to deny or  
17 terminate eligibility for medicaid.

18 B. Upon release from incarceration, a formerly  
19 incarcerated individual shall remain eligible for medicaid  
20 until the individual is determined to be ineligible for  
21 medicaid on grounds other than incarceration.

22 C. An incarcerated individual who was not enrolled  
23 in medicaid upon the date that the individual became  
24 incarcerated shall be permitted to submit an application for  
25 medicaid during the incarcerated individual's period of

1 incarceration.

2 D. The provisions of this section shall not be  
3 construed to abrogate:

4 (1) any deadline that governs the processing  
5 of applications for medicaid pursuant to existing federal or  
6 state law; or

7 (2) requirements under federal or state law  
8 that the human services department be notified of changes in  
9 income, resources, residency or household composition.

10 E. The provisions of this section shall not  
11 require the human services department to pay for services on  
12 behalf of any incarcerated individual, except as permitted by  
13 federal law.

14 F. A correctional facility shall inform the human  
15 services department when an eligible individual is  
16 incarcerated and shall notify the department upon that  
17 eligible individual's release.

18 G. The secretary of human services shall adopt and  
19 promulgate rules consistent with this section.

20 H. As used in this section:

21 (1) "eligibility" means a finding by the  
22 human services department that an individual has met the  
23 criteria established in state and federal law and the  
24 requirements established by department rules to enroll in  
25 medicaid;

1                   (2) "incarcerated individual" means an  
2 individual, the legal guardian or conservator of an  
3 individual or, for an individual who is an unemancipated  
4 minor, the parent or guardian of the individual, who is  
5 confined in any of the following correctional facilities:

6                   (a) a state correctional facility;  
7                   (b) a privately operated correctional  
8 facility;

9                   (c) a county jail;  
10                  (d) a privately operated jail;

11                  (e) a detention facility that is  
12 operated under the authority of the children, youth and  
13 families department and that holds the individual pending a  
14 court hearing; or

15                  (f) a facility that is operated under  
16 the authority of the children, youth and families department  
17 and that provides for the care and rehabilitation of an  
18 individual who is under eighteen years of age and who has  
19 committed an act that would be designated as a crime under  
20 the law if committed by an individual who is eighteen years  
21 of age or older;

22                   (3) "medicaid" means the joint federal-state  
23 health coverage program pursuant to Title 19 or Title 21 of  
24 the federal Social Security Act and rules promulgated  
25 pursuant to that act; and

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(4) "unemancipated minor" means an individual who is under eighteen years of age and who:

(a) is not on active duty in the armed forces; and

(b) has not been declared by court order to be emancipated.





