

**RESOLUTION NO. 2006- 105**

**THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY,  
NEW MEXICO**

**A RESOLUTION**

**REQUESTING THAT THE CITY OF SANTA FE CLARIFY ITS INTENTIONS WITH RESPECT TO THE REQUIREMENT IN THE FOURTH AMENDED AND RESTATED JOINT POWERS AGREEMENT THAT THE CITY AND THE COUNTY, THROUGH THE RPA, DEVELOP AN ANNEXATION PLAN; INSTRUCTING STAFF TO PREPARE AND PRESENT A RESOLUTION TERMINATING THE JOINT POWERS AGREEMENT IF A SATISFACTORY RESPONSE IS NOT RECEIVED WITHIN SIXTY DAYS; DIRECTING STAFF TO STUDY THE RAMIFICATIONS OF TERMINATING THE JOINT POWERS AGREEMENT; AND INSTRUCTING STAFF TO DELIVER A COPY OF THIS RESOLUTION TO THE CITY OF SANTA FE.**

**WHEREAS**, the Board of County Commissioners of Santa Fe County, New Mexico (hereinafter referred to as "the Board"), a political subdivision of the State of New Mexico, and the City of Santa Fe, New Mexico (hereinafter referred to as "the City"), a municipal corporation organized and existing under the laws of the State of New Mexico, are signatories to the Fourth Amended & Restated Regional Planning Authority Joint Powers Agreement (hereinafter referred to as "the JPA");

**WHEREAS**, the JPA, executed in 2002, was intended to accomplish a number of purposes, including creating the Regional Planning Authority (hereinafter referred to as "the RPA"), establishing the Metropolitan Planning Organization Board (hereinafter referred to as "the MPO"), employing staff and developing a Regional City-County Planning Authority Land Use Plan (hereinafter referred to as "the Land Use Plan"), addressing inconsistencies and conflicts between City and County land use plans within the five mile extraterritorial planning and platting area, developing an ordinance or ordinances adopting recommendations of the Land Use Plan, developing an annexation plan, and reviewing and recommending expenditures to the Board of County Commissioners from the County's Capital Outlay Gross Receipts Tax (Ordinance No. 2002-05);

**WHEREAS**, paragraph I(B)(2) of the JPA ("Purposes") states that the "express purpose" of the Regional Planning Authority is to "... develop ... a recommended annexation plan, based on the RPA Land Use Plan, to be adopted by the respective governing bodies having jurisdiction to adopt same. The ... annexation plan shall be the subject of public hearings within three months after adoption of the RPA Land Use Plan ...";

**WHEREAS**, the RPA Land Use Plan was completed in the Fall of 2004 and adopted by the City and the County;

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**WHEREAS**, the City has proposed and taken action on several annexation proposals, and it now appears that a pattern of piecemeal annexation without careful planning and without County input is under way;

**WHEREAS**, the County therefore desires to request that the City clarify its intention with respect to its agreement to abide by its obligation to develop a regional annexation plan, whether it will desist from its current practice of piecemeal annexation until a regional annexation plan is approved by the RPA, the County and City, and desires to give the City notice that if a satisfactory response is not received within sixty (60) days of the date of this resolution, the County will consider giving notice of termination of the JPA.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, AS FOLLOWS:**

1. The Board of County Commissioners hereby requests that the City of Santa Fe, within thirty (60) days, clarify its intentions with respect to the requirement in the Fourth Amended and Restated Joint Powers Agreement that the City and the County, through the RPA, develop an annexation plan as set forth above.

2. If no satisfactory response is received within forty-five (45) days, staff is instructed to prepare and present to the Board the appropriate resolution terminating the Fourth Amended & Restated Regional Planning Authority Joint Powers Agreement, effective 120 days after receipt of a copy by the Mayor of the City of Santa Fe.

3. During the next forty-five (45) days, staff is instructed to study the ramifications of terminating the Joint Powers Agreement and make specific recommendations concerning same. In connection with this project, staff shall provide specific recommendations concerning the recommended process for making expenditures from the Capital Outlay Gross Receipts Tax without input from the Regional Planning Authority, the future of the Metropolitan Planning Organization.

4. Staff is instructed to deliver a copy of this Resolution as soon as possible to Mayor David Coss of the City of Santa Fe, with copies to the City Manager and other relevant City staff.

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APPROVED AND ADOPTED this 27 day of June, 2006.

**THE BOARD OF COUNTY  
COMMISSIONERS OF SANTA FE COUNTY**

  
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Harry B. Montoya, Chair

**ATTEST:**

  
\_\_\_\_\_  
Valerie Espinoza, County Clerk

**APPROVED AS TO FORM:**

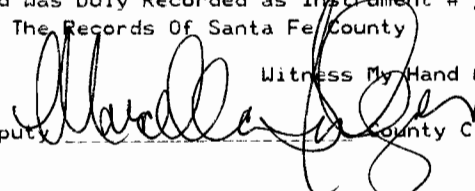
  
\_\_\_\_\_  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

BCC RESOLUTIONS  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 29TH Day Of June, A.D., 2006 at 10:52  
And Was Duly Recorded as Instrument # **1439881**  
Of The Records Of Santa Fe County

  
\_\_\_\_\_  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy County Clerk, Santa Fe, NM