

THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY

RESOLUTION NO. 2020- 89

A RESOLUTION

DELEGATING TO THE COUNTY MANAGER THE AUTHORITY TO EXECUTE AND SUBMIT ON BEHALF OF SANTA FE COUNTY RIGHT-OF-WAY APPLICATIONS TO THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS FOR RIGHT-OF-WAYS PURSUANT TO THE SETTLEMENT AGREEMENTS WITH THE PUEBLOS OF NAMBE, POJOAQUE, SAN ILDEFONSO, AND TESUQUE AND DEPARTMENT OF THE INTERIOR CONCERNING COUNTY-MAINTAINED ROADS WITHIN THOSE PUEBLOS AND RECOGNIZING THE ENFORCEABILITY OF RIGHT-OF-WAYS ISSUED TO THE COUNTY IN ACCORDANCE WITH THE SETTLEMENT AGREEMENTS

WHEREAS, Santa Fe County (County) is party to certain Settlement Agreements, effective April 12, 2018, by and between the County, the United States Department of the Interior (DOI), and each of the Pueblos of Nambé, Pojoaque, San Ildefonso, and Tesuque (individually, a Settlement Agreement and collectively, the Settlement Agreements) concerning certain county-maintained roads (CMRs) within each Pueblo; and

WHEREAS, while the details of the Settlement Agreements vary, each Settlement Agreement calls for the County to submit to the DOI, Bureau of Indian Affairs (BIA) Right-of-Way (ROW) applications for the CMRs and/or BIA roads to replace the CMRs; and

WHEREAS, the applications do not involve the exercise of policy judgment but, rather, implement the policy decisions of the Board of County Commissioners (BCC or Board), as expressed in the Settlement Agreements; and

WHEREAS, federal regulations require that ROW applications for ROWs across Pueblo land be accompanied by resolutions or other documents demonstrating that the representative of the entity applying for the ROW "has authority to execute the application" and the "right-of-way will be enforceable against the applicant" (25 CFR Section 169.102(b)(7)(i)-(ii)); and

WHEREAS, the Board desires to (i) delegate to the County Manager the authority to execute and submit on behalf of the County all ROW applications necessary to implement the Settlement Agreements and (ii) recognize that the ROWs issued to the County by BIA in accordance with the Settlement Agreements will be enforceable against the County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

1. The Board hereby delegates to the County Manager the authority to execute and submit on behalf of the County to BIA all ROW applications required by the Settlement Agreements.
2. The Board recognizes that ROWs issued by BIA to the County pursuant to such applications and in accordance with the Settlement Agreements will be enforceable against it.



PASSED, APPROVED, AND ADOPTED this 1<sup>st</sup> day of December, 2020.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

*[Signature]*  
Henry P. Roybal, Chair

*[Signature]*  
Geraldine Salazar, County Clerk

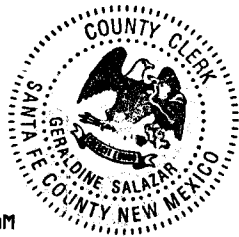
APPROVED AS TO FORM:

*[Signature]*  
Gregory S. Shaffer, County Attorney

SFC CLERK RECORDED 12/04/2020

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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I Hereby Certify That This Instrument Was Filed for Record On The 4TH Day Of December, 2020 at 08:58:26 AM And Was Duly Recorded as Instrument # 1936352 Of The Records Of Santa Fe County

Deputy *[Signature]* Witness My Hand And Seal Of Office  
*[Signature]* Geraldine Salazar  
County Clerk, Santa Fe, NM