

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

March 31, 2016

SANTA FE COUNTY
RFP# 2016-0259-LD/KE
Hearing Officer for Santa Fe County
ADDENDUM #2

Dear Proponents,

This Addendum is issued to reflect the following immediately. It shall be the responsibility of interested Offerors to adhere to any changes or revisions to the RFP as identified in this Addendum No. 2. This documentation shall become permanent and made part of the department files.

NOTICE: The qualifications of the Hearing Officer under The Santa Fe County Sustainable Land Development Code, Ordinance No. 2015-11, Section 3.5.4. have changed. Please review the attached Amendment.

ATTACHMENT: Santa Fe County Ordinance No. 2016-2, An Ordinance Amending Section 3.5.4 of Ordinance No. 2015-11, The Santa Fe County Sustainable Land Development Code, Concerning Hearing Officers Qualifications. (2 pages).

On March 2, 2016, Santa Fe County held a pre-proposal conference for the above referenced Request for Proposals (RFP). Listed below are questions asked at the conference and/or received via email.

Question #1- How many Hearing Officers will be selected?

Answer #1- *This is a multiple award RFP, meaning that more than one contract can be awarded. We anticipate the selection of two Hearing Officers, with the workload to be determined by the County and subject to change.*

Question #2- Are you looking for a firm or an individual?

Answer #2- *Individuals will be appointed as hearing officers. The underlying contract however can be with the individual's law firm. In addition a firm could propose that multiple attorneys be appointed hearing officers.*

Question #3- Approximately how many cases are done in a month?

Answer #3- *The number of cases will vary by month, and could range from zero to ten.*

Question #4- Are some cases controversial?

Answer #4- *Yes, some cases, such as developments of county-wide impact, are likely to be controversial.*

Question #5- Are there restrictions for public comment?

Answer #5- *According to the Sustainable Land Development Code (SLDC), Ordinance No. 2015-11, Chapter 4, Section 4.7.2.1, the Hearing Officer may establish reasonable time limits for testimony.*

Additionally, under Resolution No. 2009-2, Boards Rules of Order, Article V, Section B:

8. Public Input. Members of the public shall be allowed to testify in favor of and in opposition to an administrative adjudicatory item...The Chair may impose reasonable restrictions to limit testimony so as to eliminate extraneous, redundant, irrelevant, or harassing testimony. The Chair may set time restrictions on testimony as necessary.

Question #6- Is the Hearing Officer required to be a Notary Public?

Answer #6- *No.*

Question #7- What is the timeline for a determination by the Hearing Officer?

Answer #7- *The findings, conclusions, and recommendation must be completed and filed and received by the Land Use Administrator within 15 business days of the public hearing or such longer or shorter deadline as may be prescribed in the SLDC or established by the Land Use Administrator or designee in writing.*

Question #8- Is it possible to have a hearing heard in one month but carried over to the next month?

Answer #8- *Yes, an item could be tabled and then continued to be heard the following month. Under the SLDC, Chapter 4, Section 4.7.2.1, "[t]he hearing shall be conducted in accordance with the procedures set forth in the Board's Rules of Order."*

*Under Resolution No. 2009-2, Boards Rules of Order, Article V, Processing Items On The Agenda,
B. Administrative Adjudicatory Proceedings.*

1. Tabling, Postponing or Withdrawing Administrative Adjudicatory Matters. The Board of County Commissioners may hear any matter on the agenda, or table, postpone or permit withdrawal of the item...

Question #9- Are there templates available for decisions or are they written from scratch?

Answer #9- *Initially, recommended decisions will be written from scratch, since the SLDC is new. Over time, templates and standard language will exist. Although, orders from the prior code may be used as samples.*

Question #10- On average, how many hours do the hearing sessions last?

Answer #10- *The length of hearing sessions on average will depend on the number of cases and public interest in these cases.*

Question #11- Are lengthy summaries of the proceedings required or desired? Or is the expectation for the decisions generated to be shorter (with findings and conclusions)? More like you might see in court?

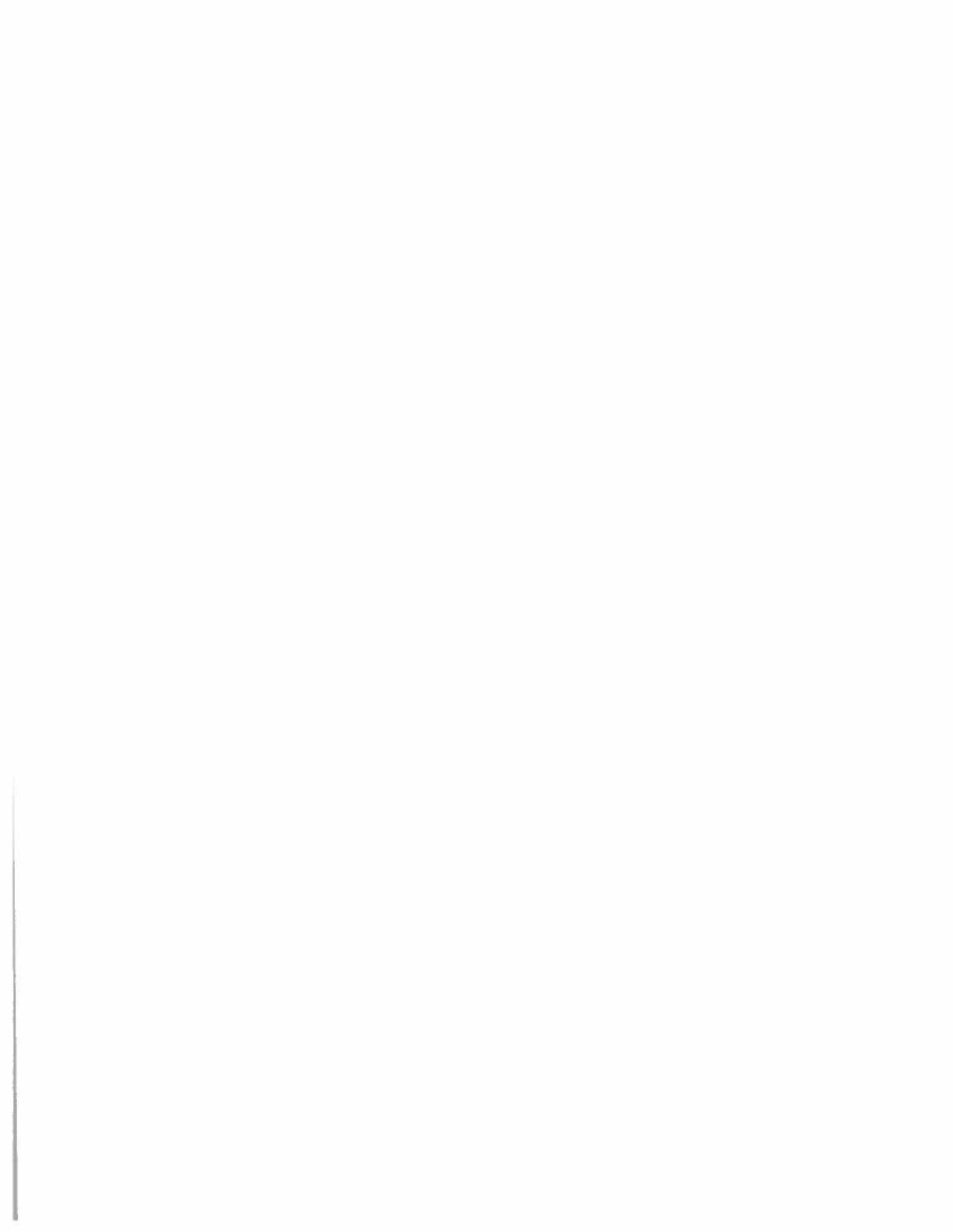
Answer #11- *A lengthy summary of the proceeding is not required. The order should contain a brief summary of the application, the relevant law, a summary of the evidence, and the findings of fact and conclusions of law, and a recommendation.*

Question #12- Does the requirement of "recording the minutes" simply mean monitoring a recording device during the hearings?

Answer #12- *There will be a stenographer present at the hearings who transcribes the minutes, which will be subject to the Hearing Officer's approval.*

Please add this Addendum #2 to the original bid documents. This and all subsequent addenda will become part of any resulting contract documents. All other unaffected sections will have their original interpretation and remain in full force and effect.

Bidders are reminded that any questions or need for clarification must be addressed to Karen K. Emery, Senior Procurement Specialist at kkemery@santafecountynm.gov.



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2016- 2

AN ORDINANCE
AMENDING SECTION 3.5.4 OF ORDINANCE NO. 2015-11, THE SANTA FE COUNTY
SUSTAINABLE LAND DEVELOPMENT CODE, CONCERNING HEARING OFFICER
QUALIFICATIONS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNTY:

Section 1. Section 3.5.4 of Ordinance No. 2015-11, the Santa Fe County Sustainable Land
Development Code, is hereby amended to read in its entirety as follows:

“3.5.4. Qualifications. A Hearing Officer shall have a J.D. degree from a law school certified
by the American Bar Association or Association of American Law Schools, with not less than six
(6) years of legal experience, and shall be licensed to practice law in New Mexico. During the
term of the Hearing Officer’s appointment and during the three (3) years immediately preceding
the Hearing Officer’s appointment, neither the appointed Hearing Officer nor the Hearing
Officer’s law firm shall represent or have represented persons or entities with regard to land use
applications submitted to the County or in appeals of or lawsuits regarding County land use
decisions. In addition, a Hearing Officer shall not during the term of their appointment:

- a. hold elective office;
- b. be employed by the County;
- c. be appointed to any County or joint board or committee of the County and City of
Santa Fe;
- d. be employed by any political subdivision of the State of New Mexico or tribal
government the geographic boundaries of which are located either wholly or partly within
the geographic boundaries of the County; or
- e. be employed by a governmental entity from which the County requests opinions
pursuant to Section 4.4.7 or Section 5.7.5.1 of the SLDC.”

Section 2. This Ordinance shall become effective 30 days after it is recorded with the County
Clerk.

PASSED, APPROVED, AND ENACTED this 29th day of March, 2016, by the Board of County
Commissioners of Santa Fe County.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By Miguel M. Chavez
MIGUEL M. CHAVEZ, Chair

SFC CLERK RECORDED 03/31/2016



Geraldine Salazar
GERALDINE SALAZAR, County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer
GREGORY S. SHAFFER, County Attorney

COUNTY OF SANTA FE) BCC ORDINANCE
STATE OF NEW MEXICO) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 31ST Day Of March, 2016 at 09:58:57 AM
And Was Duly Recorded as Instrument # 1790077
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy *Laura Hernandez* County Clerk, Santa Fe, NM



SFC CLERK RECORDED 03/31/2016