CITY OF SANTA FE, NEW MEXICO 1 **RESOLUTION NO. 2015-77** 2 INTRODUCED BY: 3 4 Councilor Joseph M. Maestas 5 Councilor Peter Ives 6 7 8 9 A RESOLUTION 10 SUPPORTING LEGISLATION AMENDING THE OSE'S HEARING PROCEDURES, 11 NMSA 1978, § 72-7-1 AND NMSA 1978, § 72-2-16. 12 13 WHEREAS, the Office of the State Engineer (OSE) administrative hearing process has 14 become more time consuming and expensive for all applicants, particularly for municipalities, 15 counties, and political subdivisions that provide potable water; 16 WHEREAS, much of the delay and expense relates to legal arguments being made in the 17 administrative context and then challenged in district court; 18 WHEREAS, historically the OSE reviewed applications on a technical basis rather than 19 to test novel legal arguments; 20 WHEREAS, in the 2015 Regular Session of the Legislature, Representative Bandy 21 22 introduced House Bill 265; WHEREAS, HB 265 proposed to amend NMSA 1978, § 72-7-1 to provide that if the 23 OSE does not issue a final decision on any matter that has been pending before the OSE for one 24 year or longer, the applicant has one year to file a notice of appeal in the district court; and 25

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1	WHEREAS, previously proposed legislation gave an applicant a choice of pursuing
2	contested applications either in the state administrative hearing process or in the district court
3	amending NMSA 1978, § 72-2-16;and
4	WHEREAS, the City of Santa Fe supports both prompt decision making by the OSE as
5	well as the ability to choose the forum in which the City's contested applications for water rights
6	will be heard.
7	NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE
8	CITY OF SANTA FE that the Governing Body supports legislation to amend NMSA 1978,
9	§ 72-7-1 and § 72-2-16, regarding appeals to the district court and initial review of contested
10	applications before the district court.
11	BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the State
12	legislative delegation serving the City of Santa Fe.
13	PASSED, APPROVED AND ADOPTED this 9 th day of September, 2015.
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16	JAVIER M. GONZALES, MAYOR
17	ATTEST:
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20	YOLANDA Y. VIGIL, CITY CLERK
21	APPROVED AS TO FORM:
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24	KELLEY A. BRENNAN, CITY ATTORNEY
25	M/Legislation/Resolutions 2015/2015-77 OSE Hearing Procedures