

**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**Resolution No. 2024 - \_\_\_\_**

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**A RESOLUTION AMENDING AND RESTATING RESOLUTION 2010-104, AS  
AMENDED, TO CONSOLIDATE PREVIOUS AMENDMENTS INTO ONE  
RESOLUTION FOR EASE OF REFERENCE, TO MODIFY THE COMPOSITION OF  
THE GOVERNING BODY FOR THE HOUSING AUTHORITY OF SANTA FE  
COUNTY, TO ADD OR MODIFY RESIDENT MEMBER PROVISIONS, AND TO  
AMEND THE DUTIES OF THE EXECUTIVE DIRECTOR**

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**WHEREAS**, on November 22, 1971 the Board of County Commissioners of Santa Fe County (hereinafter "BCC") created the Santa Fe County Housing Authority (hereinafter "Authority"), pursuant to the New Mexico Municipal Housing Act, § 3-45-1 et seq., NMSA 1978 as amended (hereinafter "Housing Act"), and delegated, to the Authority, the power to construct, maintain, operate and manage any housing project or projects within Santa Fe County; and

**WHEREAS**, by Resolution No. 1982-10, adopted on March 8, 1982, the BCC established a five (5) person Authority, to serve with staggered terms and said Authority did, on or about April 7, 1982, adopt Bylaws for the operation of the Authority; and

**WHEREAS**, Resolution No. 1996-09, adopted on July 16, 1996 by the BCC, dissolved the Authority and assigned, reverted, and transferred all powers, vested in the Authority, back to the BCC; and

**WHEREAS**, Resolution No. 2000-65, adopted May 30, 2000 by the BCC, created a new Authority that was to include one member who was directly assisted by the Authority and operate in accordance with Section 2(b) of the United States Housing Act of 1937 and Section 505 of the Quality Housing and Work Responsibility Act of 1998 (hereinafter "Federal Acts"); and

**WHEREAS**, Resolution No. 2010-104, adopted June 29, 2010 by the BCC, established a new Authority that was to include seven (7) members, including five (5) BCC members, one (1) Resident Member, and one (1) Community Member who possesses experience and expertise in the area of affordable housing; and

**WHEREAS**, Resolution No. 2015-37, adopted on 24 February, 2015 by the BCC, amended Resolution No. 2010-104 to clarify the procedures for appointment of Board Members, specifically as they relate to terms and vacancies of Community and Resident Members; and

**WHEREAS**, Resolution No. 2016-82, adopted July 26, 2016 by the BCC, amended Resolution No. 2010-104 to define the term "cause" and to establish a procedure for discipline of the Executive Director of the Authority; and

**WHEREAS**, Resolution No. 2019-65, adopted May 28, 2019 by the BCC, amended Resolution No. 2010-104 to remove the limitation of the number of consecutive terms that may be served by the Community and Resident Members; and

**WHEREAS**, Section 3-45-4 of the Housing Act vests in local governments the power provided in the Housing Act to operate Authorities as a division of local government; and

**WHEREAS**, Section 505 (B)(2) of the Quality Housing and Work Responsibility Act of 1998 states, “the membership of the board of directors or similar governing body for each public housing agency shall contain not less than one member who is directly assisted by the public housing agency;” and

**WHEREAS**, the Authority has maintained a Resident Member on its governing board, in accordance with the Federal Acts, and will continue to comply with the requirements of Section 505 (b)(2) of the Quality Housing and Work Responsibility Act of 1998; and

**WHEREAS**, the BCC wishes to establish the Authority in accordance with Section 3-45-4 of the Housing Act, vesting the powers enumerated by the Housing Act with the BCC and ensuring compliance with all other provisions of the Housing Act, Federal Acts and federal regulations issued thereunder.

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

1. The Authority shall be a division of the County of Santa Fe to fulfill the purposes set forth under the Housing Act, as amended, pursuant to Section 3-45-4.
2. The Authority shall be comprised of five (5) elected County Commissioners (hereinafter “BCC Members”) and one (1) member who is directly assisted by the Authority’s Public Housing program (hereinafter “Resident Member”) pursuant to the United States Housing Act of 1937 (42 U.S.C. § 1437) and as amended by Section 505 of the Public Housing Reform Act of 1998.
3. The term for the BCC Members shall be the same as their term in office as County Commissioners.
4. The BCC shall appoint the Resident Member whose term shall begin on January 1st of the first even numbered year. The Resident Member shall serve two-year terms. There shall be no term limits for the Resident Member.
  - a. *Notice.* The Authority will provide residents with at least thirty (30) days advance of a Resident Member vacancy on the Board. The notice shall be delivered to each resident living in public housing advising them of the vacancy and the eligibility requirements and informing residents that are interested in serving in the position, to submit a Letter of Interest to the Executive Director and relevant deadlines. If no Letters of Interest are received, the request for letters of interest

will remain open to allow for a potential future appointment of a Resident Member.

- b. *Eligibility.* For a resident to be eligible for appointment as the Resident Member, the resident must be directly assisted by the Authority, currently live in County housing (the resident's name must appear on the lease for County housing), and must be at least 18 years of age.
  - c. *Ineligibility.* When the Resident Member vacates their office or is no longer directly assisted by the Authority, the Resident Member may be removed for that cause from the Board, or alternatively, the Resident Member may be allowed to complete their current term as a member of the Board. However, such Resident Member may not be re-appointed to the Board for purposes of serving as the federally required Resident Member.
  - d. *Participation.* The Resident Member may take part in any matters before the Board so long as that matter is not applicable to that Resident Member in a personal capacity. The Resident Member may only be excluded from participation in a matter that uniquely applies to that resident, and the Resident Member may be involved in any matter that is generally applicable to residents.
5. The Chair and Vice-Chair of the BCC shall serve as the Chair and Vice Chair of the Authority and shall have the same duties, responsibilities and authorities as the Chair and Vice Chair of the BCC.
  6. The Authority will meet monthly, on the last Tuesday of each month to conduct business at a time and place predetermined by the BCC. Meetings of the Authority shall be incorporated into regular meetings of the BCC. If the Authority deems it necessary to meet more or less frequently or on a different day, the Authority shall publish notice of such meeting(s) as required by law.
  7. The Authority shall exercise all powers and authority pursuant to, and in accordance with the provisions of the Housing Act and the Federal Acts, and the federal regulations issued thereunder. These duties shall include, but are not limited to:
    - a. The hiring, evaluating, and/or firing of the Executive Director;
    - b. Setting policies that further the mission and goals of the Authority;
    - c. Monitoring the performance of said mission and goals;
    - d. Approving the budgets, plans, contracts, etc. of the Authority;
    - e. Developing partnerships that support the mission and goal of the Authority; and
    - f. Fostering community support.
  8. The Executive Director of the Authority shall serve as the Secretary to the Authority. The Executive Director shall be removed only for cause. The Executive Director shall manage the day-to-day operations of the Authority per the Housing Act, Federal Acts and the federal regulations issued thereunder. Further duties of the Executive Director shall include, but are not limited to:
    - a. Preparing and delivering board packets for Authority meetings;

- b. Ensuring notices and agendas are created and posted in conjunction with the County’s Manager’s Office and in accordance with the County’s Open Meetings Act Resolution;
- c. Establishing and administering policies and procedures that are in compliance with the Housing Act, Federal Acts and federal regulations;
- d. Ensuring programs operated by the Authority are administered in accordance with the Housing Acts, Federal Acts, federal regulations, the Fair Housing Act (42 U.S.C. § 3601 et seq) and the Civil Rights Act of 1964 (42 U.S.C. § 2000D et seq);
- e. Creating and executing all public housing authority plans required by the United States Department of Housing and Urban Development; and
- f. Carrying out the objectives and directives of the Authority’s governing board.

9. The procedure for Discipline of the Executive Director and definition of “cause” are attached hereto as Exhibit A.

**PASSED, APPROVED, AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Hank Hughes, Chair

**ATTEST:**

\_\_\_\_\_  
Katharine E Clark  
Santa Fe County Clerk

Date: \_\_\_\_\_

**Approved as to form:**

\_\_\_\_\_  
Jeff Young  
Santa Fe County Attorney

**Exhibit A**

**Resolution No. 2024-\_\_\_\_**

**Definition of Cause and Disciplinary Procedure for the Executive Director**

The Board of County Commissioners of Santa Fe County adopt the following procedure for Discipline of the Executive Director:

1. The term 'cause', as used within this Resolution means incompetency, poor job performance, failure to comply with the regulations and policies of the United States Department of Housing and Urban Development, malfeasance, misappropriation, mismanagement, unlawful or tortious conduct, negligence, insubordination, failure to comply with the Santa Fe County Human Resources Handbook and/or the Santa Fe County Code of Conduct, unsatisfactory performance, or any behavior inconsistent with the position of Executive Director."
2. The Housing Board may discipline the Executive Director, up to and including termination, for cause. The position of Executive Director is not subject to the Human Resources Handbook provisions on discipline and is not entitled to progressive discipline.
3. For the purpose of this Resolution, "days" mean Monday through Friday, and does not include holidays or time when the Santa Fe County Administrative Offices are closed.
4. The HR Director or designee may, independently or at the request of the Housing Board, investigate any matter which could lead to the discovery of information substantiating cause for discipline of the Executive Director. Investigations shall include an opportunity for the Executive Director to respond to any allegations regarding cause for discipline.
5. When the HR Director or designee completes an investigation, a written investigative report will be provided to the Housing Board for use in determining whether cause exists to discipline the Executive Director.
6. The Housing Board may engage in a discussion during the closed session portion of a Housing Board meeting regarding the investigative report and/or the need to recommend imposition of disciplinary action against the Executive Director.
7. Prior to imposing discipline on the Executive Director, the Housing Board shall take action in open session to have mailed or hand delivered to the Executive Director a written confidential disciplinary memorandum (memo) recommending that discipline be imposed on the Executive Director and setting forth the reasons for proposed discipline, including a detailed description of the evidence supporting the proposed discipline. The memo shall be hand delivered or mailed to the Executive Director by certified mail.

8. A grievance meeting is an opportunity for the Executive Director to respond to the memo. The Executive Director may file a written request for a grievance meeting with the Housing Board by delivering the request to the HR Director within seven (7) days of mailing or receipt of the memo. The grievance meeting shall occur during the executive session portion of a meeting of the Housing Board, unless the Executive Director requests that the meeting take place in open session.
9. Failure of the Executive Director to attend a scheduled grievance meeting shall constitute abandonment of the grievance, in which case the Housing Board may take action to impose the recommended disciplinary action in open session following the executive session. If the Executive Director attends the grievance meeting, the Housing Board will hear the Executive Director's response to the memo prior to imposition of discipline. Following a grievance meeting, if the Housing Board takes action to impose discipline on the Executive Director, the action will be in open session.
10. If the Executive Director does not timely request a grievance meeting, at a subsequent Housing Board Meeting, the Housing Board may further discuss the matter in executive session and may take action on the following agenda item: Imposition of discipline upon the Executive Director.
11. The Housing Board will strive to take action to impose discipline within sixty days after completion of the grievance hearing or mailing of the memo, however failure to meet that time line will not serve to invalidate any action to impose discipline taken outside of the sixty-day period.
12. If the Executive Director elects to challenge a suspension, demotion or termination imposed by the Housing Board, the following post-disciplinary hearing procedure shall be the sole and exclusive method to appeal that action.
13. The Executive Director shall have no right to request a post-disciplinary hearing unless the Executive Director first completes the grievance process as provided in Paragraph 13 above, inclusive of attending a grievance hearing.
14. A request for a post-disciplinary hearing must be made in writing and delivered to the Human Resources Director no later than five days from imposition of discipline by the Housing Board. A statement of the specific grounds for the appeal must accompany the request.
15. Failure to request a post-disciplinary hearing within five (5) days shall constitute forfeiture of the right to appeal.
16. The Human Resources Director will select a hearing officer deemed capable of providing a fair and impartial hearing to the Executive Director.

17. The Hearing Officer shall set a hearing date no more than one-hundred-twenty (120) days from the receipt of the request for a post-disciplinary hearing. The hearing shall be recorded by the Hearing Officer. The timeline can be extended by the Hearing Officer.
18. Either party to the proceeding may represent itself or designate an attorney to represent them.
19. Oral evidence shall be taken only under oath or affirmation. The Hearing Officer has the power to administer oaths, issue subpoenas for witnesses and compel either party to produce documents pertinent to the post-disciplinary hearing.
20. The post-disciplinary hearing shall be conducted in an orderly and informal manner without strict adherence to the rules of evidence that govern proceedings in the courts of the State of New Mexico. However, in order to support a decision, there must be a residuum of legally competent evidence to support a verdict in a court of law. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
21. The Hearing Officer shall control the conduct of all parties and all other persons present at the post-disciplinary hearing. The hearing examiner may, under the appropriate circumstances:
  - a. remove any person from the hearing room;
  - b. close the hearing to the general public;
  - c. exclude all witnesses until they are called to testify;
  - d. continue the hearing to a later time and date; and
  - e. take any other action the Hearing Officer determines is necessary to insure orderly proceedings and conduct a fair and impartial hearing.
22. The Executive Director shall present its evidence after the evidence presented on behalf of the Housing Board.
23. Each party shall have the right to:
  - a. make opening and closing statements;
  - b. call and examine witnesses;
  - c. cross examine witnesses;
  - d. impeach any witness; and
  - e. rebut any relevant evidence.
24. The Hearing Officer may take administrative notice of those matters of which courts of this state may take judicial notice.
25. If the Executive Director fails to appear or participate in the post-disciplinary hearing, their right to continue the appeal is forfeited. The record of the hearing shall reflect the failure to appear or participate in the appeal process.

26. The Hearing Officer will render a decision within sixty (60) days from the final date of the post-disciplinary hearing. The Hearing Officer shall determine if there was cause for the disciplinary action. However, the Hearing Officer shall not substitute their discretion for that of the Housing Board regarding the appropriate level of discipline.
  
27. Any party that is adversely affected by a final decision of the Hearing Officer may seek judicial review of the decision by filing a petition for writ of certiorari in the First Judicial District Court. The District Court reviews the Hearing Officer's decision for arbitrariness, capriciousness, lack of substantial evidence, or nonconformance with the law.

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