





CITY OF SANTA FE

Date: **May 7, 2025**

To: **Governing Body**

From: **Rebecca Mnuk-Herrmann, Assistant City Attorney** 

Via: **Marcos Martinez, Acting City Attorney** 

RE: **Case No. 2024-8898, 214 Camino de Los Marquez Rezoning
Planning Commission Quorum 12/5/24**

1. QUESTION PRESENTED

Whether the Planning Commission (“Commission”) had a quorum at the time of its vote to recommend that the Governing Body approve Land Use Case #2024-8898 (“Case”), changing the official Zoning Map designation from R-21 PUD (Residential Twenty-one (21) dwellings per acre, Planned Unit Development) to R-29 (Residential Twenty-nine (29) dwellings per acre), and removing the PUD, for the property located at 214 Camino De Los Marquez, located near the intersection of Camino De Los Marquez and Galisteo Street.

Short answer: Yes. When fully appointed, the Commission would have nine (9) members. *See* Santa Fe City Code, § 14-2.3 (D)(1) (“The planning commission is composed of nine members who are qualified by training, experience and ability to exercise sound and practical judgment on civic, social, economic and governmental affairs.”) The Commission had seven (7) members at the time of its vote on the Case (December 5, 2024). Four (4) members were present for the vote and three (3) voted to recommend approval of the rezoning. Under the City’s Code, Committee Rules, and Robert’s Rules, with seven members then-appointed, four (4) constitute a quorum.

2. FACTUAL HISTORY

On December 5, 2024, the Planning Commission held a hearing on Land Use Case #2024-8898. *See* Planning Commission Meeting 12/5/2024.¹ At that time, the Commission consisted of the following seven members:

1. Chair Janet Clow

¹ See generally, YouTube Video Recording, available at <https://www.youtube.com/watch?v=qjIXugZ5nd8>.

2. Vice Chair Jessica Eaton Lawrence
3. Member Sasha McGhee
4. Member Thomas (TJ) Rieland
5. Member Gurushabad Mirando
6. Member Piper Kapin
7. Member Peter Smith

Chair Clow was present for the meeting but recused herself from the Case.² Vice Chair Jessica Eaton Lawrence and Member Sasha McGee were not present for the meeting.³ Members Rieland, Mirando, Kapin, and Smith were present in person.⁴ Four out of seven members heard the Case.

Due to Chair Clow's recusal and Vice Chair Lawrence's absence, Member Smith acted as Chair for the hearing on the Case. Following a public hearing and discussion, Member Mirando moved to approve the Case, with Member Rieland seconding.⁵ Members Rieland, Mirando, and Kapin all voted yes on the motion.⁶

3. ANALYSIS

Santa Fe City Code Section 14-2.8 (E), regarding procedures for land use boards, provides that "[a] majority of members constitutes a quorum." Santa Fe City Code Section 14-2.8 (F) provides that "Action shall be taken by a majority vote of a quorum of members."

Commission meetings⁷ are conducted according to Robert's Rules of Order. *See* City of Santa Fe, Rules & Procedures for City Committees, Introduction, p. 2. Robert's Rules provides that a "[a] majority of the entire membership is a majority of the total number of those who are members of the voting body at the time of the vote." *Robert's Rules of Order Newly Revised* 12th Ed. 23:1, §44:9 (b). In its footnotes, *Robert's Rules* also discusses the possibility that a body could choose to define a voting requirement based on fixed membership, which refers to the number of positions on a body as opposed to the number of members. *See id.*, n1. ("In the case of a body having a fixed membership – for example, a permanent board – it is also possible to define a voting requirement as a majority of the fixed membership, which is greater than the entire membership if there are vacancies on the board.") Here, the Code does not define the Commission voting requirement as a majority of the "fixed membership", make any reference to the determination of a quorum being related to the number of positions on a board, nor require a specific number of members for a quorum. Rather, the Code expressly provides that a quorum is

² YouTube Video Recording, 52:35-53:28

³ YouTube Video Recording, 5:50

⁴ YouTube Video Recording, 5:45-6:06

⁵ YouTube Video Recording, 2:48:31-2:48:39

⁶ YouTube Video Recording, 2:49:03

⁷ "Committee" "means a City board, commission, committee, or authority, appointed by the mayor with the approval of City Council." *See* City of Santa Fe, Rules & Procedures for City Committees, Article 1, "Definitions", p. 4.

determined based on the number of “members.” By contrast, the City Code specifically requires at least three (3) members for a quorum of the City Audit Committee. *See* City Code § 6-5.4 (A).

The Commission had seven members on December 5, 2024. Four members heard the Case. Pursuant to City of Santa Fe Rules & Procedures for City Committees Article 11, Section 2, subpart C, the chair only votes to break a tie. There was no tie, and therefore Member Smith did not vote.

4. CONCLUSION

The Commission had seven members when it met on December 5, 2024. Four members heard the Case. Because four was a majority of members on December 5, 2024, a quorum heard the case. A majority of the quorum members (three out of four) voted to recommend that the Governing Body approve the Case. Therefore, the Commission’s decision to recommend approval was based on a majority vote of quorum members.

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