

**AMENDMENT NO. 2
TO PROFESSIONAL SERVICES AGREEMENT
BETWEEN SANTA FE COUNTY AND LONG, POUND AND KOMER**

This Amendment is made this 22 day of February 2016, between **Santa Fe County**, hereinafter referred to as the "County", a New Mexico political subdivision, and **Long, Pound and Komer**, hereafter referred to as the "Contractor."

WHEREAS, the County and Contractor entered into Agreement No. 2013-0170-LG/PL-C dated April 30, 2013 (the Agreement), for a term of two years; and

WHEREAS, by Amendment No. 1 the term of the Agreement was extended for one year to April 8, 2016; and

WHEREAS, Section 1 (Scope of Work) of the Agreement states that the Contractor's services are to provide legal services on matters as directed by the Santa Fe County Attorney, including without limitation matters of land use and land use planning; and

WHEREAS, Section 18 (No Oral Modifications; Written Amendments Required) of the Agreement allows the parties to amend the Agreement by an instrument in writing executed by the parties; and

WHEREAS, the parties desire to enter into this Amendment No. 2 to extend the term of the Agreement for one year and provide for Contractor to render hearing officer services as directed by the Santa Fe County Attorney in accordance with Section 1 (Scope of Work) of the Agreement.

NOW THEREFORE, both parties agree as follows:

1. Section 1. (Scope of Services) of the Agreement is amended by inserting a subparagraph E. to read as follows;

E. Provide hearing officer services for administrative hearings pursuant to the Santa Fe County Sustainable Land Use Code (Santa Fe County Ordinance 2015-11). Services will be required for the months of February, March, and April, 2016. Contractor's Hearing Officer services will be performed as follows:

1. During the term of this Agreement, Contractor will maintain licensure in good standing with the New Mexico State Bar.
2. Contractor shall not hold other appointed or elective office or position in government during the term of this Agreement.
3. Contractor will conduct quasi-judicial public hearings on applications for discretionary development approval filed pursuant to the SLDC or as referred to the Hearing Officer by another decision-making body.

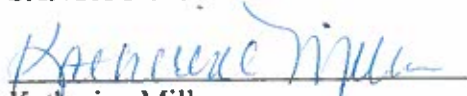
4. Contractor will conduct quasi-judicial public hearings in an efficient, fair, and orderly manner, consistent with the procedures and standards set forth in the SLDC, the County's Rules of Order, and applicable law.
5. Contractor will make written findings of fact, conclusions of law, recommendation(s), and complete a written report containing such findings and conclusions of law. The report will be submitted to the County Land Use Administrator, Planning Commission, or the BCC, as applicable. Such findings, conclusions, recommendation, and reports must be completed and filed with the appropriate decision-making body or official 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.
6. As requested by the Land Use Administrator, Contractor will revise the proposed findings of fact and conclusions of law to reflect the final decisions of the appropriate decision-making body or official.
7. Contractor will convene three quasi-judicial public hearings in the BCC chambers, 102 Grant Avenue, Santa Fe, on a monthly basis, as necessary, on the date and at the time established by the Land Use Administrator.

The County shall:

1. Provide for the availability of the BCC Chambers for the Contractor to conduct public hearings.
 2. Be responsible for recording the minutes of the public hearing(s).
 3. Provide a copy of the SLDC, the Santa Fe Code of Conduct, and any other necessary ordinances or laws applicable to hearings, which must be returned at the expiration of the term of this Agreement.
 4. Provide a staff member who will assist with the work and services pertinent to the hearings.
2. Article 3 (Effective Date and Term), a new subparagraph "3.b" is inserted to read as follows:
- b. By Amendment No. 2, the term of this Agreement is extended for one (1) year from April 8, 2016 to April 8, 2017, on the same terms and conditions as stated herein.
3. All other provisions of Agreement No. 2013-0170-LG/PL-C not specifically amended or modified by Amendment No. 1 and this Amendment No. 2 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have duly executed this Amendment No. 2.

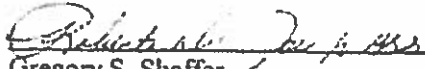
SANTA FE COUNTY


Katherine Miller
Santa Fe County Manager

2.22.16
Date

Amendment No. 2 to Agreement No. 2013-0170-LG/PL-C

Approved as to form


Gregory S. Shaffer
Santa Fe County Attorney

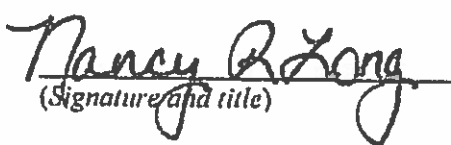
2/16/16
Date

Finance Department


Carole H. Jaramillo
Finance Department Director

2/18/16
Date

CONTRACTOR Long, Pound and Komer


(Signature and title)

2/22/16
Date

