



# County of Los Alamos

Los Alamos, NM 87544  
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## Council Meeting Staff Report

January 25, 2022

**Agenda No.:** A.

**Indexes (Council Goals):**

**Presenters:** Board of Appeals

**Legislative File:** 15377-22

### Title

Closed Session pursuant to NMSA § 10-15-1 (H)(3) for deliberations in connection with Action No. 2020-01 Sirphey, LLC, a New Mexico limited liability company, Appellant v. Michael Arellano, in his official capacity as the Building Official for Los Alamos County, Appellee.

### Purpose and Scope

The purpose of this hearing is for the Board of Appeals to meet, deliberate, and issue findings of fact and conclusions of law as ordered by the 1<sup>st</sup> Judicial District Court on December 1, 2021. No further argument or evidence will be heard or taken from the parties, and no other matters will be entertained.

### Potential Motions for Hearing

#### **FOR ENTERING CLOSED SESSION FOR DELIBERATION**

I move that the Board of Appeals enter into closed session pursuant to New Mexico Statute 10-15-1 (H)(3) for the purposes of deliberation in connection with this administrative adjudicatory proceeding.

#### **FOR EXITING CLOSED SESSION**

I move that the Board of Appeals exit the closed session, and that the following statement be included in the minutes: The matters discussed in the closed session were limited only to those specified in the motion for closure, and no action was taken in the closed session.

#### **FOR ADOPTING A FINAL WRITTEN ORDER**

I move that the Board of Appeals approve this written order containing findings of fact and conclusions of law, and further move to authorize the Chair of the Board of Appeals to sign this order and enter the written order into the record of this proceeding.

#### **FOR ADOPTING FINDINGS OF FACT AND CONCLUSION WITH DIRECTION TO CHAIR TO PREPARE A FINAL WRITTEN ORDER CONSISTENT WITH THE BOARD'S FINDINGS.**

I move that the Board of Appeals adopt the following findings of fact and conclusions of law

\_\_\_\_\_, and further move the Chair prepare, in consultation with the County Attorney, a written order consistent with these finding and enter the written order into the record of this proceeding.

### Attachments

A - Order Remanding Appellant's Notice of Appeal for Lack of Ripeness issued December 1, 2021 in *Sirphey LLC. v. Appellant v. Board of the County Council of Los Alamos County and Michael Arellano, building official of Los Alamos County, Appellees*, Case No: D-132-CV-2021-00002, 1<sup>st</sup> Judicial District Court, Los Alamos County, State of New Mexico.

