

## Council Meeting Staff Report

January 4, 2022

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**Agenda No.:** L.

**Indexes (Council Goals):** \* 2021 Council Goal - N/A

**Presenters:** County Council - Regular Session

**Legislative File:** 15302-21

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### Title

Remand of 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, Action No. 2020-01 to the Board of Appeals per the *Order Remanding Appellant's Notice of Appeal for Lack of Ripeness* issued by the First Judicial District Court on December 1, 2021 in Sirphey LLC v. Board of the County Council of Los Alamos County and Michael Arellano, building official of Los Alamos County, Case No. D-132-CV-2021-00002

### Recommended Action

**I move that the County Council remand this proceeding back to the Board of Appeals for issuance of findings of fact and conclusions of law within 60 days of remand, and for further proceedings consistent with Section 10-84 of the Los Alamos County Code of Ordinances as order by the First Judicial District Court.**

### County Manager's Recommendation

The County Manager recommends that Council approve this action

### Body

On December 1, 2021 in *Sirphey LLC, Appellant v. Board of the County Council of Los Alamos and Michael Arellano, building official of Los Alamos County*, Case No: D-132-CV-2021-00002 the First Judicial District Court, the Court issued *Order Remanding Appellant's Notice of Appeal for Lack of Ripeness*. The Court has ordered that Appellant's Appeal is remanded to the Los Alamos County Council for remand to the Board of Appeals for the issuance of findings of fact and conclusions of law within 60 days of remand, and for further proceedings consistent with Section 10-84 of the Los Alamos County Code of Ordinances. The purpose of this council action is to remand this matter back to the Board of Appeals to comply with the ordered issued by the First Judicial District Court on December 21, 2021.

### Alternatives

There are no legal alternatives to this proposed action.

### Fiscal and Staff Impact/Planned Item

The fiscal and staff impact of this action consist of the time and expense of re-convening the Board of Appeals to deliberate and issue findings of fact and conclusions of law as required by the December 1, 2021 order.

### Attachments

A - Order Remanding Appellant's Notice of Appeal for Lack of Ripeness