

September 18, 2026

Re: Case Nos. 2026-012764-HDRB (Residence)
and 2026-012765-HDRB (Guesthouse)
1062 Camino San Acacio
Procedural Objection to Proposed Motion to Reconsider



Dear Ms. McCulley and Members of the Historic Districts Review Board:

I respectfully request that this letter be included in the Board packet and the public record for the agenda item concerning a possible Motion to Reconsider the Board's August 25, 2026 approvals of my applications.

Background. On August 25, with a quorum present, the Board heard the two applications listed above for construction of a residence and a guesthouse. They deliberated, and approved each application by a vote of two to one, with the presiding member not voting. The approvals were announced at the meeting. On the morning of August 26, City staff issued Letters of Board Action confirming both approvals. In reliance on those written approvals, I obtained a demolition permit on August 28, applied for a driveway permit, engaged structural engineers and had an outside consultant perform energy and water use modeling based on the approved designs. My staff and I have begun preparing construction documents.

On September 8, under Matters from the Board, a motion was put forward for an item on the Sept 22 agenda for a member to make a motion to reconsider. The motion was made by Member Bienvenu, seconded by Member Biedscheid and approved by a vote of 2-2 with Chair Rios breaking the tie in favor. Members Simmons and Cherry voted against scheduling the item. The Assistant City Attorney has advised me in writing that this placeholder is for a Motion to Reconsider "if the conditions of Robert's Rules are met."

Governing rules. Article 12, Section 2 of the Rules & Procedures for City Committees requires that all meetings be conducted in accordance with Robert's Rules of Order. Reconsideration is therefore available only on the terms Robert's Rules sets. Those terms are not met here.

First, the approvals have been officially communicated and relied upon. Robert's Rules of Order Newly Revised (12th ed.) bars reconsideration of an affirmative vote once it has been carried out in whole or in part or once the affected party has been officially notified (RONR (12th ed.) 37:9(2)(c)-(e)). The same principle bars rescission (RONR 35:6). The City notified me of both approvals in writing on August 26. That bar applies regardless of who makes the motion or when.

Second, only a member who voted with the prevailing side may move to reconsider (RONR 37:10(a)). Member Bienvenu acknowledged this requirement at the September 8 meeting. Members Cherry and Simmons are the only members who may move to reconsider. Neither has done so, and both voted against placing this item on the agenda. A motion by any other member is out of order.

Third, a motion to reconsider must be made at the same meeting and on the same day that the vote being reconsidered was taken (RONR 37:10(b)). The approvals were adopted on August 25. No motion to reconsider was made at that meeting. This deadline cannot be revived at a later meeting. A motion offered on September 22, four weeks and one intervening meeting after the vote was taken, is out of order regardless of who makes it.



The committee-specific reconsideration provisions of Robert's Rules (RONR 37:35) do not change this result. Those provisions exist because a committee's work is preliminary and is reported to a parent body for final action. This Board's decisions are final, quasi-judicial determinations, subject to appeal under City Code § 14-2.1(B)(5)(IV).

Appeal, not reconsideration, is the remedy. The Code provides an appeal process, with a period measured from the date of the Board's vote, for anyone aggrieved by a decision of the Board. Reconsideration is not a substitute for that process, and it should not be used to reopen a decided matter or extend the time for challenging it.

Fairness and the Board's process. I presented my applications at a noticed public hearing with the reasonable expectation that the Board's vote, confirmed in writing by the City staff, would resolve them. If a decision can be reopened whenever members who were absent or did not prevail disagree with the result, no applicant can know when a matter is resolved. Staff cannot reliably implement the Board's decisions, and applicants may be required to defend the same application repeatedly as the Board's composition changes. Predictable and final procedures are as essential to a quasi-judicial process as the standards it applies.

Requests. I respectfully ask that the Board:

1. Find that a motion to reconsider or rescind the August 25 approvals is not in order under Robert's Rules of Order.
2. If the Board nonetheless takes up the merits, allow me the opportunity to present and respond, and have each member who was absent on August 25 state on the record that they have reviewed the complete record of that hearing.
3. Include this letter in the packet and the public record.

Because I am proceeding with permitting and construction documents in reliance on the Board's approvals, and because any delay leaves the finality of those approvals uncertain through the appeal period, I respectfully request that the Board resolve these items at its September 22 meeting.

I appreciate the Board's service to the City and look forward to resolving this and building my home.

Respectfully,

A handwritten signature in red ink, appearing to be 'Gabriel Browne', with a long horizontal stroke extending to the right.

Gabriel Browne, Owner
Architect NM Lic #3302
General Contractor NM GB-98 #61478