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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2025-\_\_**

**INTRODUCED BY:**

Councilor Pilar Faulkner

Councilor Amanda Chavez

**A RESOLUTION**

**PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY OF SANTA FE VOTERS DURING THE NOVEMBER 4, 2025, REGULAR LOCAL ELECTION, REGARDING AMENDING ARTICLES VI, SECTION 6.02 AND VIII, SECTION 8.04 OF THE CITY’S MUNICIPAL CHARTER TO ALLOW FIVE COUNCILORS TO SUSPEND OR REMOVE THE CITY MANAGER, CITY ATTORNEY, AND CITY CLERK AT A REGULARLY SCHEDULED MEETING.**

**WHEREAS**, pursuant to Article 5.01(E) of the City of Santa Fe’s (“City’s) Municipal Charter (“Charter”), the mayor appoints the city manager, city attorney and city clerk with the consent of the governing body; and

**WHEREAS**, pursuant to Article 5.01(G), the mayor may remove the city manager, city attorney, and the city clerk “without council approval”; and

**WHEREAS**, in addition to the mayor’s powers described in Article 5.01(G), Article 8.04 states that a city manager may be suspended or removed by a vote of six councilors and;

**WHEREAS**, it is reasonable that a governing body’s powers also include suspension or removal of a city attorney and/or a city clerk; and

1           **WHEREAS**, five (5) votes is a majority of the members of the governing body and should  
2 be sufficient proportion of the governing body to suspend or remove; and

3           **WHEREAS**, an amendment to the Charter’s powers of the governing body, as described  
4 in Article VI, Section 6.02, as well as to a city manager’s “Removal” as it is described in Article  
5 VIII, Section 8.04 is necessary to allow the governing body to remove or suspend a city attorney  
6 or a city clerk and to reduce the number of votes to remove or suspend the city manager; and

7           **WHEREAS**, the Charter states that it may be “amended or repealed as provided by law”;  
8 and NMSA 1978, Section 3-15-16, provides that the governing body of a home rule municipality  
9 may amend its Charter by submitting a proposal to the qualified electors; and

10           **WHEREAS**, to allow the governing body to suspend or remove a city attorney and/or a  
11 city clerk by a vote of five members, Article 6.02 of the Charter should be amended to read as  
12 follows:

13           **6.02. - Powers and duties.**

14           A.       The governing body shall serve as the principal policy maker of the city,  
15                   and shall, as necessary, amend existing policies that are consistent with  
16                   other provisions of the Charter. The governing body shall consider the  
17                   legislative agenda put forth by the mayor and propose amendments to  
18                   existing policies and propose new policies.

19           B.       All legislative powers of the city shall be vested in the governing body,  
20                   except as otherwise required by law or this Charter. The governing body  
21                   shall provide for the exercise of its powers and for the performance of all  
22                   duties and obligations imposed on the city by law.

23           C.       The governing body shall by ordinance fix the annual salaries of the  
24                   municipal judge and councilors and shall review those salaries not less  
25                   than every four years.

1 D. The governing body shall by ordinance establish an independent salary  
2 review commission whose sole purpose shall be to review and set the  
3 mayor's salary. The independent salary review commission shall review  
4 the mayor's salary no less than every four years.

5 E. The governing body shall by ordinance set a policy for reimbursement of  
6 the actual and necessary expenses incurred by the mayor, the municipal  
7 judge and city councilors.

8 F. The governing body shall consider and take action throughout the year on  
9 the mayor's legislative agenda.

10 G. The governing body may suspend or remove the city manager, city  
11 attorney, and/or city clerk by a vote of five councilors during a regularly  
12 scheduled meeting.

13 **WHEREAS**, should the amendment above be made to Article VI, Section 6.02 of the  
14 Charter, the contents of Article VIII, Section 8.04 would become duplicative and therefore should  
15 be removed as a technical change and as shown below:

16 **~~[8.04. -- Removal.~~**

17 ~~The city manager may be suspended or removed:~~

18 ~~A. — By the mayor; or~~

19 ~~B. — By a vote of six councilors at a regularly scheduled~~  
20 ~~meeting.]~~

21 **WHEREAS**, the Governing Body wishes to submit the above recommended amendment  
22 to the City's voters for approval; and

23 **WHEREAS**, a resolution adopted by the Governing Body describing a proposed ballot  
24 question is the mechanism the City uses to document that wish to submit a proposal to the electors;  
25 and

1           **WHEREAS**, NMSA 1978, Section 1-16-3, requires the City to “file a resolution proposing  
2 the ballot question” with the county clerk, not less than seventy (70) days before the election at  
3 which the Governing Body proposes a ballot question for the voters’ consideration.

4           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
5 **CITY OF SANTA FE** that the following question shall be placed on the ballot during the regular,  
6 local election on November 4, 2025:

7                           **AUTHORITY FOR FIVE COUNCILORS TO SUSPEND OR REMOVE**  
8                           **THE CITY MANAGER, CITY ATTORNEY, AND/OR CITY CLERK.**

9           Should Article VI, Section 6.02 the Santa Fe Municipal Charter be amended to  
10 provide that five councilors may suspend or remove the city manager, city  
11 attorney, and/or city clerk during a regularly scheduled meeting?

12           For            Against

13           **BE IT FURTHER RESOLVED** that the City Clerk shall present this ballot question to  
14 the Santa Fe County Clerk no later than August 26, 2025.

15           **BE IT FURTHER RESOLVED** that if the voters approve the above ballot question, then  
16 the City’s Charter shall be amended as follows:

17           **6.02. - Powers and duties.**

18           A.       The governing body shall serve as the principal policy maker of the city,  
19 and shall, as necessary, amend existing policies that are consistent with  
20 other provisions of the Charter. The governing body shall consider the  
21 legislative agenda put forth by the mayor and propose amendments to  
22 existing policies and propose new policies.

23           B.       All legislative powers of the city shall be vested in the governing body,  
24 except as otherwise required by law or this Charter. The governing body  
25 shall provide for the exercise of its powers and for the performance of all

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duties and obligations imposed on the city by law.

C. The governing body shall by ordinance fix the annual salaries of the municipal judge and councilors and shall review those salaries not less than every four years.

D. The governing body shall by ordinance establish an independent salary review commission whose sole purpose shall be to review and set the mayor's salary. The independent salary review commission shall review the mayor's salary no less than every four years.

E. The governing body shall by ordinance set a policy for reimbursement of the actual and necessary expenses incurred by the mayor, the municipal judge and city councilors.

F. The governing body shall consider and take action throughout the year on the mayor's legislative agenda.

G. The governing body may suspend or remove the city manager, city attorney, and/or city clerk by a vote of five councilors during a regularly scheduled meeting.

**[8.04. -- Removal.**

~~The city manager may be suspended or removed:~~

~~A. — By the mayor; or~~

~~B. — By a vote of six councilors at a regularly scheduled meeting.]~~

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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ALAN WEBBER, MAYOR

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ATTEST:

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ANDRÉA SALAZAR, CITY CLERK

APPROVED AS TO FORM:

Erin McSherry  
Erin McSherry (Jul 3, 2025 14:42 MDT)

ERIN K. McSHERRY, CITY ATTORNEY

*Legislation/2025/Resolutions/Ballot question for majority vote to remove city manager, city attorney, and city clerk*