

1 CITY OF SANTA FE, NEW MEXICO
2 PROPOSED AMENDMENT(S) TO BILL NO. 2025-21
3 Living Wage Update

4 Mayor and Members of the City Council:

5
6 This amendment WILL change the caption. _____

7 This amendment WILL NOT change the caption. X

8
9 I intend to propose amending Bill No. 2025-21 as follows:

10
11 CITY OF SANTA FE, NEW MEXICO

12 BILL NO. 2025-21

13 INTRODUCED BY:

14
15 Mayor Alan Webber

16 **AMENDMENT F – GOLD – Councilor Michael Garcia**

17
18
19
20 A BILL

21 AMENDING SFCC 1987, SECTION 28-1.5 (“LIVING WAGE ORDINANCE”), TO
22 INCREASE THE CITY’S BASE MINIMUM WAGE AND UPDATE THE FORMULA FOR
23 CALCULATING THE MINIMUM WAGE ANNUALLY.

24 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

25 Section 1. Section 28-1.1 of SFCC 1987 (being Ord. No. 2002-13, § 1) is included

1 for reference without amendments:

2 **28-1.1 Short title.**

3 This section may be cited as the "Living Wage Ordinance".

4 **Section 2. Section 28-1.2 of SFCC 1987 (being Ord. No. 2007-43, § 1) is amended**
5 **to read as follows:**

6 **28-1.2 Legislative findings.**

7 A. The governing body of the city [~~has determined that~~] made findings in 2002,
8 amended in 2003, and then amended again in 2007 as follows:

9 [A] (1). The public welfare, health, safety and prosperity of Santa Fe require
10 wages and benefits sufficient to ensure a decent and healthy life for
11 workers and their families;

12 [B] (2). Many Santa Fe workers earn wages insufficient to support
13 themselves and their families;

14 [C] (3). Many Santa Fe workers cannot participate in civic life or pursue
15 educational, cultural, and recreational opportunities because they must
16 work such long hours to meet their households' most basic needs;

17 [D] (4). Minimum wage laws promote the general welfare, health, safety and
18 prosperity of Santa Fe by ensuring that workers can better support and
19 care for their families through their own efforts and without financial
20 governmental assistance;

21 [E] (5). The average earnings per job in Santa Fe County is twenty-three
22 percent (23%) below the national average and the cost of living is
23 eighteen percent (18%) higher than the national average;

24 [F] (6). Housing costs in Santa Fe are much higher than in most other parts of
25 New Mexico, and low income workers must therefore spend a

1 disproportionate percentage of their income sheltering themselves and
2 their families;

3 [G] (7). Livable wages also benefit employers and the economy as a whole by
4 improving employee performance, reducing employee turnover,
5 lowering absenteeism, and thereby improving productivity and the
6 quality of the services provided by employees;

7 [H] (8). When businesses do not pay a livable wage, the community bears the
8 cost in the form of increased demand for taxpayer-funded social
9 services including homeless shelters, soup kitchens and healthcare for
10 the uninsured. Coupled with high real estate values, low wages reduce
11 the ability of low- and moderate-income residents to access affordable
12 housing. As a result, the city has had to invest significant tax dollars to
13 support affordable housing including funding to nonprofit
14 organizations, purchasing land, building infrastructure and waiving
15 fees. In addition, the city has allocated significant tax dollars to operate
16 after school and summer recreation programs and to support nonprofit
17 organizations offering an array of human services and children and
18 youth services, all of which are needed by very low-income residents
19 and their families;

20 [I] (9). It is in the public interest to require certain employers benefiting from
21 city actions and funding, and from the opportunity to do business in the
22 city, to pay employees a minimum wage, a "living wage", adequate to
23 meet the basic needs of living in Santa Fe;

24 [J] (10). According to the 2000 Census, approximately twelve and three-tenths
25 percent (12.3%) of the Santa Fe community lives below the poverty

1 level; and

2 ~~[K]~~ (11). According to the New Mexico department of labor, twenty-three and
3 one-half percent (23.5%) of Santa Feans who are employed in the
4 nongovernmental sector earn hourly wages of ten dollars and fifty cents
5 (\$10.50) per hour or less.

6 ~~[L]~~ (12). The governing body has reviewed the impact of previous minimum
7 wage increases, relevant studies and other appropriate data, and finds
8 that the city's minimum wage should be upwardly adjusted each year to
9 keep pace with increases in the cost of living.

10 ~~[M]~~ (13). The governing body has found that limiting coverage of the minimum
11 wage just to businesses with twenty-five (25) or more employees has
12 hindered compliance and has created an uneven playing field among
13 local businesses.

14 B. In 2025, the governing body of the city finds as follows:

15 (1) The legislative findings in SFCC 1987, Section 28-1.2, numbered 1 through
16 4, 6 through 8, 12, and 13 remain relevant today.

17 (2) Updating the legislative findings in SFCC 1987, Section 28-1.2, numbered
18 5 and 9 results as follows:

19 i. The average earnings per job in Santa Fe County are twelve
20 percent (12%) below the national average.

21 ii. According to the 2023 Census, approximately twelve and two-
22 tenths percent (12.2%) of the Santa Fe community lives below the
23 poverty level.

24 (3) According to American Community Survey data, median gross rent for
25 occupied units paying rent in the city of Santa Fe increased by twenty eight

1 **28-1.5 Minimum wage payment requirements.**

2 A. The following entities shall pay the minimum wage:

3 (1) The city of Santa Fe to all full-time permanent workers employed by the
4 city. However, the provisions of this section are expressly limited by and subject
5 to future union negotiations in compliance with the Fair Labor Standards Act and
6 subsequent appropriations by the governing body in compliance with the Bateman
7 Act;

8 (2) Contractors for the city, that have a contract requiring the performance of
9 a service including construction services but excluding purchases of goods, shall
10 pay the minimum wage to their workers and subcontractors performing work under
11 the contract if the total contract amount with the city is, or by way of amendment
12 becomes, equal to or greater than thirty thousand dollars (\$30,000.00); and

13 (3) Businesses receiving assistance relating to economic development in the
14 form of grants, subsidies, loan guarantees or industrial revenue bonds in excess of
15 twenty-five thousand dollars (\$25,000.00) to those employed by such entity for the
16 duration of the city grant or subsidy; and

17 (4) Businesses required to have a business license or business registration
18 from the city of Santa Fe and nonprofit organizations shall pay the minimum wage
19 to their workers for all hours worked within the city of Santa Fe that month. For
20 purposes of this paragraph, worker shall not include any person who is related by
21 blood or by marriage to any person who may have or possess any ownership
22 interest in the business that employs them. For purposes of identifying persons
23 entitled to be paid the minimum wage, all individuals employed by or providing
24 work to the business for compensation, whether on a part-time, full-time or
25 temporary basis, during a given month shall be counted as a worker. This definition

1 shall include contingent or contracted workers, and persons made available to work
2 through the services of a temporary service, staffing or employment agency or
3 similar entity. However, interns working for a business for academic credit in
4 connection with a course of study at an accredited school, college or university or
5 persons working for an accredited school, college or university while also
6 attending that school, college or university, or persons working for a business in
7 connection with a court-ordered community service program such as teen court or
8 workers who are in an apprenticeship program in a 501C(3) organization (such as
9 the Santa Fe opera) shall not be counted as a worker for such purposes.

10 B. Beginning January 1, 2004, the minimum wage shall be an hourly rate of eight
11 dollars and fifty cents (\$8.50). In computing the wage paid for purposes of determining compliance
12 with the minimum wage, the value of health benefits and childcare shall be considered as an
13 element of wages. On January 1, 2006, the minimum wage shall be increased to an hourly rate of
14 nine dollars and fifty cents (\$9.50). Beginning January 1, 2009, and each year thereafter, the
15 minimum wage shall be adjusted upward by an amount corresponding to the previous year's
16 increase, if any, in the consumer price index for the western region for urban wage earners and
17 clerical workers.

18 C. Beginning January 1, 2027, the minimum wage shall be an hourly rate of seventeen
19 dollars and fifty cents (\$17.50). In computing the wage paid for purposes of determining
20 compliance with the minimum wage, the value of health benefits and childcare shall be considered
21 as an element of wages. On March 1, 2028, the minimum wage shall be increased by the average
22 of the annual increase of the following two factors:

- 23 (1) the United States Bureau of Labor Statistics Consumer Price Index for All Urban
24 Consumers, the Western Region, as published by the United States Bureau of Labor
25 Statistics (“Western Region CPI-U”); and

1 (2) Fair Market Rent (“FMR”) for a two-bedroom unit in Santa Fe, New Mexico, as
2 published annually by the United States Department of Urban Development (“HUD”).

3 If either factor is unchanged or decreases, then the minimum wage shall increase by a rate that is
4 equal to half the percent increase of the other factor. If both factors are unchanged or decrease, then
5 the minimum wage shall remain the same. In other words, the annual increase to the minimum
6 wage shall be calculated as follows: annual increase = 0.50 (annual percent increase (if there is
7 one) to Western Region CPI-U) + 0.50 (annual percent increase (if there is one) to the HUD’s FMR
8 for a two- bedroom unit in Santa Fe). Increases to the minimum wage rate shall not exceed five
9 percent and the minimum wage shall not decrease.

10 [~~C~~] D. For workers who customarily receive more than one hundred dollars (\$100.00) per
11 month in tips or commissions, any tips or commissions received and retained by a worker shall be
12 counted as wages and credited toward[s] satisfaction of the minimum wage provided that, for tipped
13 workers, all tips received by such workers are retained by the workers, except that the pooling of
14 tips among workers shall be permitted.

15 [~~D~~] E. Nonprofit organizations whose primary source of funds is from Medicaid waivers
16 are exempt.

17 [~~E.~~ — Staff shall contract for a study or studies to review the impact of changes made to
18 the Living Wage Ordinance approved as Ordinance No. 2007-43 on businesses of less than ten (10)
19 employees and on the student drop-out rate. The study shall be presented to the governing body no
20 later than July 1, 2009.]

21 **Section 6. Section 28-1.6 of SFCC 1987 (being Ord. No. 2003-8, § 5) is included**
22 **for reference without amendments:**

23 **28-1.6 Prohibitions against retaliation and circumvention.**

24 A. It shall be unlawful for any employer or employer's agent or representative to take
25 any action against an individual in retaliation for the exercise of or communication of information

1 regarding rights under this section. This section shall also apply to any individual that mistakenly,
2 but in good faith, alleges noncompliance with this section.

3 B. Taking adverse action against an individual within sixty (60) days of the
4 individual's assertion of or communication of information regarding rights shall raise a rebuttable
5 presumption of having done so in retaliation for the assertion of rights.

6 C. It shall be unlawful for any business or employer to intentionally circumvent the
7 requirements of this section by contracting portions of its operation or leasing portions of its
8 property.

9 **Section 7. Section 28-1.7 of SFCC 1987 (being Ord. No. 2004-38-, § 1) is included**
10 **for reference without amendments:**

11 **28-1.7 Reserved.**

12 Editor's note— Former subsection 28-1.7, Compliance Through Collective Bargaining Process,
13 previously codified herein and containing portions of Ordinance No. 2002-13, was repealed in its
14 entirety by Ordinance No. 2004-38.

15 **Section 8. Section 28-1.8 of SFCC 1987 (being Ord. No. 2003-8, § 6) is amended**
16 **to read:**

17 **28-1.8 Enforcement; remedies.**

18 A. *Administrative Enforcement.* The city manager, or ~~his/her~~ their designee, is
19 authorized, as appropriate and as resources permit, to enforce this section. The city manager is
20 authorized to investigate possible violations of this section. Where the city manager, after a
21 proceeding that affords a suspected violator due process, concludes that a violation has occurred,
22 the city manager may issue orders to the employer appropriate to effectuate the complaining
23 person's rights, including but not limited to back pay and reinstatement. The city manager also has
24 the power to order termination of any and all economic benefit derived by any offending party from
25 the city and has the power to revoke the employer's business license or registration.

1 B. *Criminal Penalty.* A person violating this section shall be guilty of a misdemeanor
2 and, upon conviction, for each offense may be subject to fines and imprisonment as set forth in
3 Section 1-3 SFCC 1987. A person violating any of the requirements of this section shall be guilty
4 of a separate offense for each day or portion thereof and for each worker or person as to which any
5 such violation has occurred.

6 C. *Other Remedies.* The city, any individual aggrieved by a violation of this section,
7 or any entity the members of which have been aggrieved by a violation of this section, may bring
8 a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation
9 of this section and, upon prevailing, shall be entitled to such legal or equitable relief as may be
10 appropriate to remedy the violation including, without limitation, reinstatement, the payment of
11 any wages due and an additional amount as liquidated damages equal to twice the amount of any
12 wages due, injunctive relief, and reasonable attorney's fees and costs.

13 D. *Nonexclusive Remedies and Penalties.* The remedies provided in this section are
14 not exclusive, and nothing in this section shall preclude any person from seeking any other
15 remedies, penalties, or relief provided by law.

16 **Section 9. Section 28-1.9 of SFCC 1987 (being Ord. No. 2002-13, § 9) is included**
17 **for reference without amendments:**

18 **28-1.9 Effect.**

19 Nothing in this Living Wage Ordinance shall be deemed to nor shall be applied in such a manner
20 so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing
21 contract within the meaning of New Mexico Constitution, Article II, § 19.

22 **Section 10. Section 28-1.10 of SFCC 1987 (being Ord. No. 2003-8, § 7) is included**
23 **for reference without amendments:**

24 **28-1.10 Severability.**

25 The requirements and provisions of this section and their parts, subparts and clauses are severable.

1 In the event that any requirement, provision, part, subpart or clause of this section, or the application
2 thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or
3 unenforceable, it is the intent of the governing body that the remainder of the section be enforced
4 to the maximum extent possible consistent with the governing body's purpose of ensuring a living
5 wage for persons covered by the section.

6 **Section 11. Section 28-1.11 of SFCC 1987 (being Ord. No. 2003-8, § 8) is included**
7 **for reference without amendments:**

8 **28-1.11 Notice; posting; and publication.**

9 Any business subject to the provisions of this section shall as a condition to obtaining and holding
10 a city of Santa Fe business license or registration, post and display in a prominent location next to
11 its business license or registration on the business premises a notice, in English and Spanish, that
12 the business is in compliance with the provisions of this section and in particular post the text of
13 subsections 28-1.5, 28-1.6 and 28-1.8 SFCC 1987. Failure to comply with this subsection shall be
14 construed a violation of this section and, in addition, shall be considered grounds for suspension,
15 revocation, or termination of the business license or registration.

16 **Section 12. Section 28-1.12 of SFCC 1987 (being Ord. No. 2003-8, § 9) is amended**
17 **to read as follows:**

18 ~~[The city shall conduct a review of this section on or before July 1, 2005. In conducting~~
19 ~~said review the governing body may, at its discretion and pursuant to a duly adopted resolution,~~
20 ~~appoint an ad hoc committee to advise and assist in making recommendations regarding this section~~
21 ~~and to investigate the economic and social effects of this section on Santa Fe. The city will contract~~
22 ~~with an independent third party to develop an evaluation that will generate objective measures on~~
23 ~~the effect of the Living Wage Ordinance on the health, security, and livelihood of Santa Feans by~~
24 ~~March 31, 2003. Data necessary for such an evaluation on Santa Fe city businesses will be compiled~~
25 ~~and presented to the governing body for their review on or before July 1, 2003. In compiling the~~

1 ~~data, consideration should be given to potential impacts on youth employment and possible~~
2 ~~recommendations that might prevent unforeseen consequences hurting children in the community}~~
3 The city shall contract for a study or studies to determine the effects of the Living Wage Ordinance
4 No. 2025- including, but not limited to, effects on the following: low-wage employment and
5 hours in hospitality and retail sectors; business openings and closures in food service and lodging
6 sectors; Gross Receipts Tax trends in hospitality linked North American Industry Classification
7 System codes; worker turnover and vacancy durations; and youth employment. The study shall be
8 presented to the governing body no later than July 1, 2029.

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10 Respectfully submitted,

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12 _____

13 Michael Garcia, Councilor
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19 Amendment approved as to Form:

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21 [Erin McSherry \(Oct 22, 2025 13:57:50 MDT\)](#)
22 _____

23 Erin K. McSherry, City Attorney
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1 ADOPTED: _____

2 NOT ADOPTED: _____

3 DATE: _____

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6 _____

7 ANDRÉA SALAZAR, City Clerk

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25 *Legislation/Bill/Amendment/2025/Living Wage Amendment*