

## CITY OF SANTA FE MUNICIPAL CHARTER

Contains amendments through November 7, 2023.

The Charter of the City of Santa Fe was adopted by the voters of the City of Santa Fe, New Mexico, at a Special Municipal Election held on December 9, 1997; amended by the voters of the City of Santa Fe at a Regular Municipal Election held on March 4, 2008; amended by the voters of the City of Santa Fe at a Regular Municipal Election held on March 4, 2014; amended by the voters of the City of Santa Fe at a General Election held on November 6, 2018; and amended by the Governing Body on March 11, 2020 (Ord. No. 2020-9); and amended by the Governing Body on November 7, 2023. Amendments are noted with the appropriate text.

### PREAMBLE

We, the people of Santa Fe, a capital city for four centuries, a community with rich and lasting multi-cultural traditions and a history of tolerance towards all peoples, cultures, traditions, and lifestyles, recognize our right to define our way of life and our form of government. With this Charter we affirm that right and express our determination to secure for ourselves and our children the continuity of our cultural values, our personal freedoms, and our well being. Therefore, we, the people of Santa Fe, pursuant to the constitution and laws of New Mexico, do hereby enact this charter for the City of Santa Fe.

## ARTICLE I. INCORPORATION AND POWERS

### 1.01. Purpose and incorporation.

- A. **Purpose.** The purpose of this Charter is to provide for maximum self-government and the greatest possible exercise of home rule powers. In no case shall the city have any fewer powers than a non-charter municipality in the State of New Mexico.
- B. **Incorporation.** The municipal corporation now existing and known as the City of Santa Fe shall remain and continue to be a body politic and corporate with the same name and boundaries as existed prior to the effective date of this Charter. The boundaries of the city may be changed as provided by law.

### 1.02. Powers.

- A. **Powers.** The city shall have all powers possible for a city to have under the constitution and laws of New Mexico.
- B. **Acceptance of devolution of powers.** By enacting this Charter pursuant to the provisions of Article X, Section 6 of the New Mexico Constitution, and pursuant to the New Mexico Municipal Charter Act, the City of Santa Fe accepts the full and complete devolution of home rule powers granted in the constitution and the laws of the State of New Mexico to each municipality that adopts a municipal charter. Accordingly, the city shall have all powers possible for a home rule municipality to possess under the New Mexico Constitution and the laws of the State of New Mexico, including all implied powers and all powers necessary to implement all express powers of the city, as if each and every one of the city's implied powers were fully, completely and expressly enumerated in this Charter.

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- C. **Powers of general law municipal corporations.** The city shall be entitled to exercise any and all powers granted by law or the New Mexico Constitution to municipal corporations, except to the extent there may be a conflict between the exercise of the powers and the provisions of this Charter, in which case, this Charter shall operate to limit the city's ability to exercise such powers.

### 1.03. Construction.

The powers of the city under this Charter shall be construed liberally in favor of the city, and shall be interpreted to favor maximum local self-government.

### 1.04. Intergovernmental relations.

The city may exercise any of its powers jointly or in cooperation with any other government entity.

### 1.05. State and municipal laws.

- A. **Repeal.** All city ordinances, resolutions, orders and regulations that are in force when this Charter becomes effective are repealed only to the extent that they are inconsistent or interfere with the effective operation of this Charter.
- B. **Supersedes.** To the extent that the New Mexico Constitution and laws of the State of New Mexico permit, all laws relating to or affecting the city or its agencies, officers or employees that are in force when this Charter becomes effective are superseded to the extent that they are inconsistent with or interfere with the effective operation of the Charter.
- C. **Status of consistent state law.** Any provision of the New Mexico Municipal Code or any other state law relating to municipalities shall apply to the city only to the extent that such code or law is not inconsistent with the provisions of this Charter. To the extent that any state law relating to municipalities is consistent with this Charter, the city may avail itself of the rights, privileges and powers conferred by such law, regardless of whether the law vests power in home rule municipalities, non-home rule municipalities or both.

### 1.06. Rights and property.

- A. **Property rights.** All rights and property that were vested in the city prior to the effective date of this Charter shall remain so vested once the Charter is effective. No existing right or liability and no pending litigation shall be affected by adoption of this Charter. No action or proceeding, civil or criminal, pending at the time that this Charter becomes effective shall be affected by operation of this Charter.
- B. **Contract rights.** All contracts, agreements and franchises entered into by the city or for its benefit prior to the effective date of this Charter shall remain in full force and effect, in accordance with their respective terms. Public improvement for which legislative action has been taken under laws, ordinances or resolutions existing at the time this Charter takes effect may be carried to completion in a manner that is in full compliance with this Charter as is possible in accordance with the provisions of existing laws, ordinances and resolutions.

## ARTICLE II. POLICY STATEMENTS

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## **2.01. Code of ethics.**

The proper administration of democratic government requires public officials to exercise a high degree of integrity and honesty, free from undue and inappropriate influence and further requires that government decisions and policy be made in a fair manner, guided by the best interests of the people and the community, so that the public may have confidence in its government. To effect these ends, the governing body shall by ordinance establish standards for the ethical conduct of all elected and appointed officials and all employees of the city, and provide consequences for violating such ethical standards.

## **2.02. Human and civil rights.**

The human and civil rights of the residents of Santa Fe are inviolate and shall not be diminished or otherwise infringed. To that end, no city ordinance, resolution or policy shall be enacted or adopted nor shall any action be condoned which discriminates on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition or citizenship status; nor shall any ordinance enacted or policy adopted protecting or enhancing these rights be subject to the right of referendum or initiative. The governing body shall preserve, protect and promote human rights and human dignity, and shall, through all of its activities, including but not limited to employment, awarding of contracts, housing accommodation, and the provision of city services, prohibit and discourage such discrimination. To effect these ends, the governing body may enact ordinances and establish appropriate commissions with jurisdiction, authority, and staff sufficient to effectively administer this policy.

## **2.03. Environmental protection.**

The natural beauty of Santa Fe, its historical heritage, and its unique architectural style are among the city's most valued and important assets. In order to enhance the beauty and quality of both the natural and built environment within and around the city, the governing body shall protect, preserve and enhance the city's natural endowments, plan for and regulate land use and development, manage the city's growth, encourage source reduction, re-use and recycling of materials, and promote and maintain an aesthetic and humane urban environment. To effect these ends, the governing body may take whatever action is necessary and may enact ordinances and may establish appropriate commissions with jurisdiction, authority, and staff sufficient to effectively administer this policy. Because water quality and availability are extremely important to the citizens of Santa Fe, the governing body shall protect, preserve, and enhance the city's water resources through regulation, conservation and relating development to water availability.

**History:** An Amendment to Section 2.03 was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election.

This section was amended to include the last sentence that mandates the governing body to protect, preserve and enhance the city's water resources through regulation, conservation and relating development to water availability.

**Effective Date:** May 5, 2014

## **2.04. Cultural and neighborhood preservation.**

The people of Santa Fe derive invaluable benefits from our multi-cultural heritage. The multi-ethnic and multi-racial residents who have made their homes here over the centuries have each left their unique cultural mark on our city, producing a rich blend of stories, traditions and neighborhoods. The result is a community that treasures a variety of artistic, literary and musical forms, that symbolizes an architectural style, and that celebrates the diversity of those who have chosen to live here. We therefore declare that the multi-cultural heritage and

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neighborhoods of Santa Fe are essential to the people of this community and that public officials shall at all times exercise their powers with sensitivity to and respect for that cultural and neighborhood heritage.

**History:** An Amendment to Section 2.04 was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election.

This section was amended to add neighborhood preservation to the existing policy.

**Effective Date:** May 5, 2014

## **2.05. Campaign finance and campaign practices.**

The escalating cost of campaigning for elective office provides an opportunity for monied interests to control the electoral process of city government. Candidates may be encouraged to put the interests of their campaign contributors ahead of the needs and concerns of their constituents, and the passage or defeat of a measure may be skewed by monied interests to the detriment of the public interest. In order to eliminate financing inequities, conflicts of interest, and the potential for corruption inherent in this situation, the governing body shall enact such ordinances, and may appoint such commissions and take such other actions as may be necessary to make campaigns for elective office more democratic. To this end, the governing body shall facilitate voting, establish ethical standards for the conduct of campaigns, regulate lobbying of city officers and employees, provide methods of voter education that will enhance the possibility for an open, accountable and responsive campaign process, encourage broad-based contributions from the public, and require that each candidate and campaign committee for issues appoint one central committee to coordinate, control and report all financial transactions and make full and timely disclosure of all campaign contributions and expenditures. The governing body shall provide for meaningful public financing of campaigns.

**History:** An Amendment to Section 2.05 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The last sentence of this section was amended from "consider the issue of financing campaigns, including public financing" to "provide for meaningful public financing of campaigns".

**Effective Date:** May 5, 2008

## **2.06. General plan.**

The governing body shall establish and adopt by ordinance or resolution the policies, goals and objectives outlined in the city General Plan. Such policies, goals and objectives shall not be revised or amended without one or more public hearings by the governing body.

## **2.07. Support for local business and an enduring local economy.**

A local economy is critical to a healthy and prosperous community. The governing body shall, as guiding principles, strive to support local business, a strong local entrepreneurial spirit, and an enduring local economy that recognizes the rights of all to earn a living wage.

**History:** An Amendment to Article II was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election adding this new Section 2.07.

**Effective Date:** May 5, 2014

# **ARTICLE III. CITIZEN RIGHTS**

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### 3.01. Referendum.

- A. **Right of referendum.** Registered voters who are residents of the city shall have the power to repeal any adopted ordinance, except as prohibited by law or this Charter.
- B. **Prohibited use of referendum power.** The power of referendum shall not extend to: the budget; the capital program; any ordinance appropriating money; the levy of taxes, unless a referendum is specifically authorized by state law; salaries of city officers or employees; zone map amendments; ordinances authorizing bonds or other obligations when such ordinances, bonds, or other obligations are revenue bonds or have previously been approved at a city election; or any ordinance adopted in furtherance of the human and civil rights policy of this Charter; and any ordinance mandated by this Charter.
- C. **Approval as to form.** The city clerk shall not accept for filing any referendum petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:
  - [1] A heading which states that the petition is for the purpose of referendum to repeal an ordinance, specifying the title, number and a brief description of the ordinance;
  - [2] A place for the person signing the petition to write the date, name (printed), address, and signature; and
  - [3] A statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.
- D. **Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.
- E. **Number of signatures.** A referendum petition shall be deemed sufficient if signed by qualified electors in an amount equal to fifteen percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least ten percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district.
- F. **Time for filing of petition.** A referendum petition shall be filed with the city clerk not more than ninety days following the date on which the city clerk approved the petition as to form.
- G. **Verification of petition.** Upon receipt of a referendum petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and governing body shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the Charter.
- H. **Governing body review.** After a petition has been verified, the city clerk shall promptly present the referred ordinance to the governing body at its next scheduled session. The governing body shall within thirty days consider the ordinance in accordance with its established procedures for repealing ordinances. If the governing body fails to repeal the ordinance within thirty days, the governing body shall enact an election resolution for the purpose of submitting the ordinance to a vote. The governing body shall enact such election resolution at the meeting at which it fails to repeal the ordinance.
- I. **Ballot presentation.** The ballot shall contain the full text of the ordinance as adopted by the governing body. Below the text of the ordinance shall be the words "for the ordinance" and "against the ordinance" with spaces for crosses after each phrase.

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J. **Results of election.** In order to have a valid election, at least twenty percent of the qualified electors of the city must cast ballots. If a majority of the votes cast are in favor of the ordinance, then the ordinance shall continue in effect. If a majority of the votes cast are against the ordinance, then it shall be deemed repealed upon certification of the election results.

**History:** Amendments to Section 3.01 were approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election; November 7, 2023 Regular Municipal Election.

Amendments to this section include: at the end of Subsection B., adding "and any ordinance mandated by this Charter" as a prohibited use of referendum power; in Subsection C.[1], changing the style of the heading for a referendum petition; in Subsection E., changing the method used to determine the number of petition signatures required from 20% of registered voters to 33% of actual voters voting for mayor in the last mayoral election, including at least 10% of the actual voters, instead of registered voters, for mayor in each council district; in Subsection F., extending the time period for collecting petition signatures from 60 days to 90 days and changing the trigger date starting this time period from "the date on which the governing body voted to enact the ordinance" to "the date the city clerk approved the petition as to form" which has the effect of permitting referendums on any ordinance instead of only those ordinances that were enacted within the previous 60 days; and deleting the previous Subsection H., which was captioned "Effect of a Verified Petition."

Amendments to this section include: replace Subsection E., with "Number of signatures. A referendum petition shall be deemed sufficient if signed by qualified electors in an amount equal to fifteen percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least ten percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district."

**Effective Date:** May 5, 2008; November 7, 2023

### 3.02. Initiative.

- A. **Right of initiative.** Registered voters who are residents of the city shall have the power to propose ordinances to the governing body, except as prohibited by law or this Charter.
- B. **Prohibited use of initiative power.** The power of initiative shall not extend to: the budget; the capital program; any ordinance appropriating money; the levy of taxes; salaries of city officers or employees; zone map amendments; ordinances authorizing bonds or other obligations when such ordinances, bonds, or other obligations are revenue bonds or have previously been approved at a city election; or any ordinance that would violate the human and civil rights policy of this Charter.
- C. **City attorney's opinion required.** The city attorney shall review and render and publish a public opinion as to the legality and form of any proposed ordinance before it is submitted to the governing body for consideration.
- D. **Approval as to form.** The city clerk shall not accept for filing any initiative petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:
- [1] A heading which states that the petition is for the purpose of enacting an ordinance by initiative, and which sets forth in full the text of the proposed ordinance;
  - [2] A place for the person signing the petition to write the date, name (printed), address and signature; and
  - [3] A statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.
- E. **Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.
- F. **Number of signatures.** An initiative petition shall be deemed sufficient if signed by qualified electors in an amount equal to fifteen percent or more of number of voters who voted in the most recent election that

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included the election of the office of mayor, including at least ten percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district.

- G. **Time for filing of petition.** An initiative petition shall be filed with the city clerk not more than ninety days following the date on which the city clerk approved the petition as to form.
- H. **Verification of petition.** Upon receipt of an initiative petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and council shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the Charter.
- I. **Governing body review.** After a petition has been verified, the city clerk shall promptly present the proposed ordinance to the governing body at its next scheduled session. The governing body shall within thirty days consider the proposed ordinance in accordance with its established procedures for enacting ordinances. If the governing body fails to adopt the initiated ordinance as proposed within said thirty days, the governing body shall enact an election resolution for the purpose of submitting the initiated ordinance to a vote. The governing body shall enact such election resolution at the meeting at which it fails to adopt the initiated ordinance.
- J. **Ballot presentation.** The ballot shall contain the full text of the initiated ordinance. Below the text of the initiated ordinance shall be the words "for the ordinance" and "against the ordinance" with spaces for crosses after each phrase.
- K. **Results of election.** In order for an initiative to be approved at least twenty percent of the qualified electors of the city must cast ballots. If the initiated ordinance receives a majority of the votes cast, then the ordinance is adopted. An adopted initiated ordinance shall be deemed effective upon certification of the election results, unless a later date is specified in the ordinance.

**History:** Amendments to Section 3.02 were approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election; November 7, 2023 Regular Municipal Election.

Amendments to this section include: in Subsection F., changing the method used to determine the number of petition signatures required from 20% of registered voters to 33¼% of actual voters voting for mayor in the last mayoral election, including at least 10% of the actual voters, instead of registered voters, for mayor in each council district; and in Subsection G., extending the time period for collecting petition signatures from 60 days to 90 days.

Amendments to this section include: in amending Subsection F., with "An initiative petition shall be deemed sufficient if signed by qualified electors in an amount equal to fifteen percent or more of number of voters who voted in the most recent election that included the election of the office of mayor, including at least ten percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district."

**Effective Date:** May 5, 2008; November 7, 2023

### 3.03. Recall.

- A. **Right of recall.** Registered voters who are residents of the city or residents of the district from which a councilor was elected shall have the right to recall certain elected officials in accordance with the procedures set forth in this section.
- B. **Officials subject to recall.** The mayor and city councilors shall be subject to recall.
- C. **Prohibited use of recall power.** No elected official shall be subject to a recall election within the first year of each term of office or within the last year of each term of office.
- D. **Number of recall elections.** No elected official shall be subject to a recall election more than one time during each term of office.

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- E. **Approval as to form.** The city clerk shall not accept for filing any recall petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:
- [1] A heading which states that the petition is for the purpose of recall, which sets forth in full the name of the official recall is sought against and the reasons for the recall;
  - [2] A place for the person signing the petition to write the date, name (printed), address and signature; and
  - [3] A statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.
- F. **Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.
- G. **Number of signatures.**
- [1] For mayor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one-third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least fifteen percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district.
  - [2] For councilor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one-third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor in the district from which the councilor was elected. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor in the district from which the councilor was elected.
- H. **Time for filing of petition.** A recall petition shall be filed with the city clerk not more than ninety days following the date on which the city clerk approved the petition as to form.
- I. **Verification of petition.** Upon receipt of a recall petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and council shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the Charter.
- J. **Governing body review.** After a petition has been verified, the city clerk shall promptly present the recall petition to the council at its next scheduled session. The council shall enact an election resolution for the purpose of submitting the recall to a vote.
- K. **Ballot presentation.** The ballot shall contain the full name of the elected official subject to recall. Below the name shall be the words "for the recall" and "against the recall" with spaces for crosses after each phrase.
- L. **Results of election.** In order for a recall of the mayor to be approved, at least twenty percent of the qualified electors of the city must cast ballots. In order for a recall of a councilor to be approved, at least twenty percent of the qualified electors of that councilor's district must cast ballots. Additionally, the number of persons voting for the recall of the mayor or councilor must exceed the number of votes the official received when elected. If a majority of the votes cast are in favor of recall, and the number of votes cast meets the foregoing criteria, the official shall be recalled.

**History:** Amendments to Section 3.03 were approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election; November 7, 2023 Regular Municipal Election.

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Amendments to this section include: in Subsection G.[1] changing the method used to determine the number of petition signatures required for an election to recall the mayor from 20% of registered voters to 33% of the number of actual voters voting for mayor in the last mayoral election, including at least 15% of the actual voters, rather than registered voters, for mayor in each council district; in Subsection G.[2] changing the method used to determine the number of petition signatures required for an election to recall a councilor from 20% of registered voters to 33% of the number of actual voters, voting for mayor, at the last mayoral election in the district from which the councilor was elected; and in Subsection H. extending the time period for collecting petition signatures for recall of mayor and councilors from 60 days to 90 days.

Amendments to this section include: amending Subsection G.[1], [2] as "[1] For mayor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least fifteen percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district. [2] For councilor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor in the district from which the councilor was elected. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor in the district from which the councilor was elected."

**Effective Date:** May 5, 2008; November 7, 2023

### 3.04. Citizen complaints.

The governing body shall provide a procedure for receiving, acknowledging, and responding to complaints or grievances concerning the city or its operations.

## ARTICLE IV. ELECTIONS

### 4.01. Elections.

- A. **Regular elections.** Regular city elections shall be held as provided by law.
- B. **Non-partisan elections.** Elections for city officers shall be non-partisan. The party affiliation of candidates shall not appear on the ballot nor on any official document relating to the candidate or to the election.

**History:** Amendment to Section 4.10 were approved by the voters of the City of Santa Fe at the November 6, 2018 General Election.

Amendments to this section include:

In subsection A after "held" deleting "on the first Tuesday in March of each even number year" and inserting "as provided by law" in its place. The election date is now specified in 9-1.2 SFCC 1987.

**Effective Date:** November 6, 2018

### 4.02. Qualified voters.

- A. **For mayor and municipal judge.** All registered voters resident in the city shall be qualified to vote for mayor and municipal judge.
- B. **For councilors.** All registered voters resident in a district shall be qualified to vote for a councilor from that district.

### 4.03. Nominating petitions.

- A. **For mayor and municipal judge.** Any person wishing to be a candidate for the office of mayor or municipal judge shall file with the city clerk a nominating petition containing the signatures of at least one-half of one percent of the registered voters of the city.

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- B. **For councilor.** Any person wishing to be a candidate for the office of councilor shall file with the city clerk a nominating petition containing the signatures of at least one-half of one percent of the registered voters of the district, which the candidate seeks to represent.
- C. **Number of registered voters.** The city clerk shall determine the number of registered voters of the city and of each council district as of the date of the election proclamation.

#### **4.04. Election code.**

Unless inconsistent with this Charter or city ordinances, the Local Election Act, NMSA 1978, Sections 1-22-1 to 1-22-20, as may be amended from time to time, shall govern all municipal elections. The forms and procedures for the conduct of all city elections shall be provided by the city clerk in accordance with state law and city ordinances. The governing body may provide for the use of electronic, mechanical or other devices for voting and counting the votes not inconsistent with law.

**History:** Amendments to Section 4.04 were approved by Ordinance No. 2020-9 on March 11, 2020.

The reference to the "Municipal Election Code" was deleted and replaced with "Local Election Act" and the reference to "NMSA 1978, Section 3-1-5" was deleted and replaced with "NMSA 1978, Sections 1-22-1 to 1-22-20.

**Effective Date:** March 11, 2020

#### **4.05. Public campaign financing.**

The governing body shall adopt an ordinance or ordinances to provide for meaningful public financing of campaigns for all municipal elected officials within two years after the effective date of the amendment to the Charter that includes this requirement. Prior to such adoption, the governing body shall take such action as is reasonable and necessary to provide for a well-informed consideration and review of the issue of public campaign financing and to solicit public input on the substance that may be included in such an ordinance or ordinances, including, but not limited to the creation of a subcommittee, task force or similar body that will conduct public meetings, study alternative methods of public campaign financing and make recommendations to the governing body on a form of ordinance for consideration by the governing body.

**History:** An Amendment to Section 4.05 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The former Section 4.05 captioned "Campaign finance and campaign practices" and reading "The governing body shall by ordinance adopt a campaign finance and practices code within one year of the adoption of this Charter." was deleted and this new Section 4.05 is substituted.

**Effective Date:** May 5, 2008

#### **4.06. Ranked-choice voting.**

Commencing with the general municipal election in March 2010, or as soon thereafter as equipment and software for tabulation of votes and the ability to correct incorrectly marked, in-person ballots, is available at a reasonable price and at all subsequent elections, the mayor, city councilors and municipal judge shall be elected using a ranked choice (sometimes called instant runoff) voting system allowing voters to rank in order of their preference the candidates for each office appearing on the ballot. If, after counting all voters' first choice listed on their ballots for an office, no candidate receives a majority of votes cast, the candidate with the fewest votes shall be eliminated. Each ballot shall be tallied again for that office counting the vote from each ballot for the highest ranked candidate who has not been eliminated. If still no candidate for that office receives a majority, the process shall be repeated until a candidate receives a majority of the votes for that office.

**History:** An Amendment to Article IV was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election adding this new Section 4.06.

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**Effective Date:** Ranked choice voting will go into effect commencing with the regular municipal election in March 2010 or as soon thereafter when equipment and software for tabulating the votes and allowing correction of incorrectly marked, in-person ballots are available at a reasonable price. Update: Ranked choice voting was implemented beginning with the March 6, 2018 elections.

#### **4.07. Campaign contribution limits.**

The governing body shall have an ordinance that limits the amount of campaign contributions that can be accepted by all candidates.

**History:** An Amendment to Article IV was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election adding this new Section 4.07.

**Effective Date:** May 5, 2014

#### **4.08. Timely disclosure of the purposes of tax increases and bond measures.**

The governing body shall adopt an ordinance that ensures that the City shall provide and disseminate in a timely manner the purposes of proposed expenditures for any tax increase or bond measure that requires ratification by the voters.

**History:** An Amendment to Article IV was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election adding this new Section 4.08.

**Effective Date:** May 5, 2014

### **ARTICLE V. THE MAYOR**

#### **5.01. Powers and duties.**

The city shall have a mayor who shall:

- A. Be elected at large by the voters of the city;
- B. **Vote only on an issue before the governing body in the case of a tie or when the vote will provide the necessary number of votes required by law for taking action;**
- C. Be the chief executive officer of the city whose position shall be full-time;
- D. Earn an initial salary of \$74,000.00 until such time that an independent salary commission is established by city ordinance and such commission sets the salary for mayor;
- E. Appoint with the consent of the governing body, the city manager, city attorney, city clerk, and members of advisory commissions;
- F. Exercise supervisory authority over the city manager, city attorney and city clerk;
- G. Have the authority to remove the city manager, city attorney and city clerk without council approval;
- H. Cause the ordinances and regulations of the city to be faithfully and constantly obeyed;
- I. Have, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;
- J. Propose programs and policies to the governing body;
- K. Represent the city in intergovernmental relationships;
- L. Present an annual state of the city message which shall identify, among other matters, the mayor's legislative agenda for the upcoming year;

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- M. Work with city personnel and timely prepare an annual budget and proposed spending priority for review and approval by the finance committee and the governing body;
  - N. Be recognized as head of the city government for all ceremonial purposes; and
  - O. Be recognized by the governor for purposes of military law.

**History:** An amendment to Section 5.01(B) was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election. The amendment added the phrase "or when his or her vote will provide the necessary number of votes required by law for taking action on an issue before the governing body."

**Effective Date:** May 5, 2008

An amendment to Section 5.01(B) was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election. The amendment changed the language to read that the mayor shall "have a vote on all matters that come before the governing body."

**Effective Date:** May 5, 2014

Amendments to Section 5.01 were approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election. The amendments:

- Changed paragraph C. to establish the position of mayor as full-time;
- Created a new paragraph D., to establish a salary for the mayor until an independent salary review commission is established;
- Changed paragraph E. (formerly Paragraph D) to establish that the mayor appoints the city manager, city attorney, city clerk, and members of advisory committees "with the consent" of the governing body;
- Created a new Paragraph F., to establish that the mayor shall "exercise administrative control and supervision over the city manager, city attorney and city clerk";
- Created a new paragraph G., to establish that the mayor shall "have the sole authority to remove the city manager, city attorney and city clerk";
- Changed paragraph L. (formerly paragraph I.) to include that the mayor "shall identify among other matters the mayor's legislative agenda for the upcoming year";
- Deleted former paragraph J. that stated that the mayor shall "perform other duties compatible with the nature of the office as the governing body may from time to time require"; and
- Created a new paragraph M., to establish that the mayor shall "work with city personnel" to establish the annual budget.

**Effective Date:** March 12, 2018

## 5.02. Eligibility.

Registered voters who reside in the city shall be eligible to run for the office of mayor.

## 5.03. Term of office.

The mayor shall be elected for a term of four years.

**History:** An amendment to Section 5.03 were approved by the voters of the City of Santa Fe at the November 6, 2018 General Election.

Amendments to this section include: after "years" deleting the rest of the sentence which said ", which shall begin on the sixth day after the election and continue until a successor has been duly elected and has taken office." The expiration of the mayor's term is now set out in Section 9-1.18 SFCC 1987.

**Effective Date:** November 6, 2018

## 5.04. Mayor pro tempore.

At the first meeting of the council following a regular city election, the mayor shall appoint, subject to the approval of the council, a councilor to serve as mayor pro tempore until the next regular city election. The mayor pro tempore shall perform the duties of the mayor in the absence or temporary incapacity of the mayor.

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### 5.05. Vacancy in office.

The office of mayor shall become vacant upon the mayor's death, resignation, termination of residency in the city, or removal from office in any manner authorized by law or this Charter. When such a vacancy occurs, the mayor pro tempore shall serve as mayor until the next regular city election. If the offices of both the mayor and the mayor pro tempore are vacant, then a councilor shall be elected by the remaining members of the governing body to serve as mayor until a special election can be held.

### 5.06. Grounds for removal from office.

A mayor may be removed from office in accordance with applicable state law or this Charter.

## ARTICLE VI. THE GOVERNING BODY

### 6.01. Composition.

The members of the governing body, exclusive of the mayor shall be known and designated as councilors. The mayor and the councilors together are the governing body of the city.

### 6.02. Powers and duties.

- A. The governing body shall serve as the principal policy maker of the city, and shall, as necessary, amend existing policies that are consistent with other provisions of the Charter. The governing body shall consider the legislative agenda put forth by the mayor and propose amendments to existing policies and propose new policies.
- B. All legislative powers of the city shall be vested in the governing body, except as otherwise required by law or this Charter. The governing body shall provide for the exercise of its powers and for the performance of all 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 six councilors during a regularly scheduled meeting.

**History:** Amendments to Section 6.02 were approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election. The amendments:

- Changed paragraph A, to include that the governing body shall "as necessary, amend existing policies" and "consider the legislative agenda put forth by the mayor"; and
- Created a new paragraph D. to establish an independent salary review commission to review and set the mayor's salary no less than every four years.

**Effective Date:** March 12, 2018

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### 6.03. Districts.

The city shall be divided into four dual-member districts numbered one through four. District boundaries shall be reviewed and revised at least every ten years following the decennial census by an independent citizens' redistricting commission. The governing body shall, by ordinance, establish a procedure for the appointment and deliberations of the commission which will, to the maximum practicable extent, ensure that the commission's decisions will be based exclusively on the following principles in the following order of priority:

- A. Each district shall contain as nearly as possible substantially the same population based upon the most recent federal census;
- B. Districting plans must avoid dilution of minority voting strength;
- C. Communities of interest, including those based upon ethnic and economic factors, shall be preserved within a single district whenever reasonable;
- D. Each district shall be formed of compact, contiguous territories. The total length of all district boundary lines shall be as short as possible;
- E. Districting plans shall compensate for U.S. census undercount of minorities.

**History:** An Amendment to Section 6.03 was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election to establish the "independent citizens' redistricting commission."

**Effective Date:** May 5, 2014

### 6.04. Eligibility.

Registered voters who reside in the district shall be eligible to run for the office of councilor from that district.

### 6.05. Term of office.

Councilors shall be elected for a term of four years. The terms of office of the two councilors from each district shall be staggered so that one councilor shall be elected from each district at each regular municipal election.

**History:** An amendment to Section 6.05 were approved by the voters of the City of Santa Fe at the November 6, 2018 General Election.

Amendments to this section include: after "years" deleting the rest of the sentence which said ", which shall begin on the sixth day after the election and continue until a successor has been duly elected and has taken office." The expiration of councilor's terms is now set out in Section 9-1.18 SFCC 1987.

**Effective Date:** November 6, 2018

### 6.06. Vacancies in office.

The office of a councilor shall become vacant upon the member's death, resignation, termination of residency in the district from which elected, or removal from office in any manner authorized by law or this Charter. When such a vacancy occurs, the mayor shall within thirty days appoint a qualified elector from the district in which the vacancy has occurred to serve until the next regular city election, at which time a qualified elector shall be elected to fill the remaining unexpired term, if any. The governing body shall approve or disapprove the mayor's appointment not later than its second regularly scheduled meeting after the appointment.

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## 6.07. Grounds for removal from office.

A councilor may be removed from office in accordance with applicable state law or this Charter.

# ARTICLE VII. MUNICIPAL COURT

## 7.01. Establishment.

There shall be a municipal court for the city, which shall be presided over by a full-time municipal judge. The governing body may by ordinance authorize the election of additional municipal judges.

## 7.02. Jurisdiction.

The municipal court shall have all jurisdiction provided under state law and city ordinances.

## 7.03. Eligibility.

Registered voters who reside in the city and are licensed members of the New Mexico Bar shall be eligible to run for the office of municipal judge.

**History:** An Amendment to Section 7.03 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The amendment added the phrase "and are licensed members of the New Mexico Bar" to the eligibility requirements.

**Effective Date:** May 5, 2008

## 7.04. Term of office.

The municipal judge shall be elected for a four-year term.

**History:** An amendment to Section 7.04 was approved by the voters of the City of Santa Fe at the November 6, 2018 General Election.

Amendments to this section include: after "term" deleting the rest of the sentence which said ", which shall begin on the sixth day after the election and continue until a successor has been duly elected and has taken office." The expiration of councilor's terms is now set out in Section 9-1.18 SFCC 1987.

**Effective Date:** November 6, 2018

## 7.05. Vacancy in office.

The office of a municipal judge shall become vacant upon the judge's death, resignation, termination of residency in the city or membership in the New Mexico Bar, or removal from office in any manner authorized by law. In case of such vacancy, the mayor with the consent of the governing body shall within thirty days appoint a person who meets the eligibility requirements for the office of municipal judge to serve until the end of the unexpired term of that municipal judge.

**History:** An Amendment to Section 7.05 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The amendment added the phrase "or membership in the state bar" as a circumstance under which the office of municipal judge shall become vacant.

**Effective Date:** May 5, 2008

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### 7.06. Grounds for removal from office.

The municipal judge may be removed from office in accordance with applicable state law.

### 7.07. Salary.

The governing body shall review and set the salary for the municipal judge at least every four years.

## ARTICLE VIII. CITY MANAGER

### 8.01. Appointment.

The city manager shall be appointed by the mayor with the consent of the governing body.

**History:** An Amendment to Section 8.01 was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election.

This section was amended to delete "advice and" before "consent".

**Effective Date:** March 12, 2018

### 8.02. Qualifications.

The city manager should be professionally trained and have the necessary administrative and managerial skills to manage the municipality.

**History:** An Amendment to Section 8.02 was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election.

This section was amended to delete "manage the municipality" and insert "carry out the duties and responsibilities of the city manager".

**Effective Date:** March 12, 2018

### 8.03. Powers and duties.

The city manager shall:

- A. Be the chief administrative officer of the city;
- B. Have the authority to hire and fire all city employees, except for the city attorney and city clerk; and
- C. Have such other powers as are provided for in city ordinances and state law.

**History:** An Amendment to Section 8.03 was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election.

This section was amended to insert in paragraph B., "except for the city attorney and city clerk".

**Effective Date:** March 12, 2018

### 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.~~

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**History:** An Amendment to Section 8.04 was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election.

This section was amended to state that the city manager may be suspended or removed by "the mayor" or "a vote of six councilors".

**Effective Date:** March 12, 2018

## **ARTICLE IX. MISCELLANEOUS GOVERNMENTAL ISSUES**

### **9.01. Investments.**

The city shall follow the laws and policies of the State of New Mexico regarding investment of public funds.

### **9.02. Procurement.**

The governing body shall, by ordinance, adopt a fair and equitable procurement code for the city within one year of the adoption of this Charter.

### **9.03. Personnel system.**

The hiring, supervision, promotion, and discharge of all city employees shall be governed by a personnel system based on principles of efficiency, ability, and non-discrimination. The governing body shall by ordinance adopt a merit personnel system consistent with these principles, and any duly adopted collective bargaining agreements.

### **9.04. Independent audit committee.**

The governing body shall, by ordinance, adopt an independent audit committee for the city.

**History:** An Amendment to Article IX was approved by the voters of the City of Santa Fe at the March 4, 2014 Regular Municipal Election adding this new Section 9.04.

**Effective Date:** May 5, 2014

## **ARTICLE X. CHARTER REVIEW AND AMENDMENT**

### **10.01. Charter review.**

A charter review commission shall be appointed as needed, but not less frequently than every ten years. The charter review commission shall consist of nine members, one selected by each member of the governing body. The commissioners shall elect one member to be chair and one member to be vice-chair. The commission shall be appointed by the first week of the April the year before a regular local election at which the governing body would like the opportunity to present ballot questions to the voters. The governing body shall fund a budget adequate for the commission to perform its functions and the city attorney or the city attorney's designee, and no fewer than two additional employees identified by the City Manager, shall assist the commission to perform research and drafting functions for the commission. The creation of the commission and its function shall be advertised on a separate page of the city's web site and the page shall allow for the public to submit proposed amendments. The commission shall hold no less than two meetings in each of the city's council districts, for the purpose of taking input from the public. The commission shall recommend Charter amendments to the governing body on or before the first week of April, prior to the election when any such amendments are to be considered. The governing body shall consider and vote upon proposing the commission's recommended ballot questions.

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**History:** Amendments to Section 10.01 was approved by the voters of the City of Santa Fe at the November 7, 2023 Regular Municipal Election.

Amendments to this section include: "A charter review commission shall be appointed as needed, but not less frequently than every ten years. The charter review commission shall consist of nine members, one selected by each member of the governing body. The commissioners shall elect one member to be chair and one member to be vice-chair. The commission shall be appointed by the first week of the April the year before a regular local election at which the governing body would like the opportunity to present ballot questions to the voters. The governing body shall fund a budget adequate for the commission to perform its functions and the city attorney or the city attorney's designee, and no fewer than two additional employees identified by the City Manager, shall assist the commission to perform research and drafting functions for the commission. The creation of the commission and its function shall be advertised on a separate page of the city's web site and the page shall allow for the public to submit proposed amendments. The commission shall hold no less than two meetings in each of the city's council districts, for the purpose of taking input from the public. The commission shall recommend Charter amendments to the governing body on or before the first week of April, prior to the election when any such amendments are to be considered. The governing body shall consider and vote upon proposing the commission's recommended ballot questions."

**Effective date:** November 7, 2023

**Effective Date:** May 5, 2014

## **10.02. Charter amendment or repeal.**

This Charter may be amended or repealed as provided by law. The city attorney shall review and render and publish a public opinion as to the legality and form of any proposed charter amendment before it is submitted to the voters.

# **ARTICLE XI. GENERAL PROVISIONS**

## **11.01. Transition.**

- A. **Elected officials.** City officials who are incumbent on the effective date of this Charter shall serve out their elected terms unless recalled under the provisions of this Charter.
- B. **Appointed officials.** All incumbent appointed officials and commissioners shall serve out their appointed terms unless removed in accordance with city ordinances, resolutions or state law.

## **11.02. Mandated ordinances.**

The governing body shall enact all ordinances required by this Charter within one year of the effective date of the Charter. Where an ordinance exists on a required subject, the governing body shall review, revise as necessary, and re-enact such ordinance within one year from the effective date of the Charter.

## **11.03. Severability.**

The provisions of this Charter are severable, and if any provision or part of a provision is held to be unlawful or unconstitutional, the remainder of this Charter shall not be affected.

## **11.04. Effective date of charter.**

This Charter shall become effective on March 15, 1998.

THE CHARTER OF THE CITY OF SANTA FE WAS ADOPTED BY THE VOTERS OF THE CITY OF SANTA FE, NEW MEXICO, AT A SPECIAL MUNICIPAL ELECTION HELD ON DECEMBER 9, 1997; AMENDED BY THE VOTERS OF THE CITY OF SANTA FE AT A REGULAR MUNICIPAL ELECTION HELD ON MARCH 4, 2008; AMENDED BY THE VOTERS OF THE CITY OF SANTA FE AT A REGULAR MUNICIPAL ELECTION HELD ON MARCH 4, 2014; AMENDED BY THE VOTERS OF THE

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CITY OF SANTA FE AT A GENERAL ELECTION HELD ON NOVEMBER 6, 2018; AND AMENDED BY THE GOVERNING BODY ON MARCH 11, 2020 (Ord. No. 2020-9); AND AMENDED BY THE VOTERS OF THE CITY OF SANTA FE AT A REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2023.

  
ALAN WEBBER, MAYOR

ATTEST:

  
ANDRÉA SALAZAR, CITY CLERK

(SEAL)