



# AGENDA

SPECIAL MEETING OF  
THE GOVERNING BODY  
JANUARY 04, 2021  
5:00 PM  
ATTEND VIRTUALLY

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## SPECIAL PROCEDURES FOR SPECIAL GOVERNING BODY MEETING

**Attendance:** In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Special Governing Body meeting will be conducted virtually.

**Viewing:** Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

**Agenda:** The agenda for the meeting will be posted at <https://www.santafenm.gov>.

To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm.gov.zoom.us/j/93248571567?pwd=d1pBbIXQzhHTDFCc3JHc3VUNncwQT09>.

**Passcode: 345340**

To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 932 4857 1567 - Passcode: 345340**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL



City of Santa Fe

# AGENDA

SPECIAL MEETING OF  
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6. APPROVAL OF AGENDA

7. EXECUTIVE SESSION

a. EXECUTIVE SESSION

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(2), Discussion of Limited Personnel Matters, In Particular Mayor Webber's Appointment of Kristine Bustos-Mihelcic as City Clerk. (Erin K. McSherry, City Attorney, [ekmsherry@santafenm.gov](mailto:ekmsherry@santafenm.gov), 955-6512)

8. EXECUTIVE SESSION ACTION ITEMS

- a. Consent to the Appointment of, and Approval of a Contract with, Kristine Bustos-Mihelcic as City Clerk. (Alan Webber, Mayor and Erin K. McSherry, City Attorney, [ekmsherry@santafenm.gov](mailto:ekmsherry@santafenm.gov), 955-6512)

9. ADJOURN

**Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been considered prior to 11:30 p.m. and the Governing Body does not vote to extend the meeting, such items shall be postponed to a subsequent meeting, provided that the date, time and place of such meeting is specified at the time of postponement.**

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

SPECIAL GOV  
Mon

RECEIVED AT THE CITY CLERK'S OFFICE  
DATE: December 31, 2020  
TIME: 11:15 AM

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**Governing Body**  
**January 4, 2021**

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**Minutes of the  
Special Meeting of the Governing Body  
Monday, January 4, 2021  
Virtual Meeting**

**1. CALL TO ORDER**

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Alan Webber, on Monday, January 4, 2021, at approximately 5:02 p.m., at the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico as a virtual meeting.

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Councilor Cassutt-Sanchez.

**3. SALUTE TO THE NEW MEXICO FLAG**

The Salute to the New Mexico Flag was led by Councilor Lindell.

**4. INVOCATION**

The Invocation was led by Councilor Garcia.

Councilor Romero-Wirth remembered Claire Weiner who was a friend and cared deeply about the community's wellbeing. She gave condolences to her family. Her death came too soon.

Mayor Webber noted two more were lost to COVID in our community.

The Governing Body observed a moment of silence for those who have recently died and their grieving families.

**5. ROLL CALL**

Roll call indicated the presence of a quorum remotely, as follows:

Members Present Remotely  
Mayor Alan Webber  
Councilor Roman "Tiger" Abeyta  
Councilor Jamie Cassutt-Sanchez

Councilor Michael J. Garcia  
Councilor Signe Lindell  
Councilor Christopher M. Rivera  
Councilor Carol Romero-Wirth  
Councilor JoAnne Vigil Coppler  
Councilor Renee D. Villarreal

Members Excused

Other Participants Attending Remotely

Jarel LaPan Hill, City Manager  
Erin McSherry, City Attorney  
Kristine Bustos-Mihelcic, Public Engagement Division Director  
Bernadette Salazar, Human Resources Director  
Geraldyn F. Cardenas, Assistant City Clerk  
Carl Boaz, Council Stenographer

**6. APPROVAL OF AGENDA**

**MOTION:** Councilor Lindell moved, seconded by Councilor Vigil Coppler, to approve the agenda as published.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** None.

**7. EXECUTIVE SESSION**

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(2), Discussion of Limited Personnel Matters, In Particular Mayor Webber's Appointment of Kristine Bustos-Mihelcic as City Clerk. (Erin K. McSherry, City Attorney, [ekmcsberry@santafenm.gov](mailto:ekmcsberry@santafenm.gov), 955-6512)

Ms. McSherry recommended going into executive session to discuss the Mayor's appointment of Ms. Bustos-Mihelcic as City Clerk.

**MOTION:** Councilor Rivera moved, seconded by Councilor Romero-Wirth, to go into executive session to discuss the matters listed on the agenda as recommended by the City Attorney.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** None.

The Governing Body went into executive session at 5:09 pm.

The executive session ended at 7:42 pm.

**MOTION:** Councilor Rivera moved, seconded by Councilor Romero-Wirth, to return to open session, stating for the record that the only matters discussed were those listed on the agenda as recommended by the City Attorney.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** None.

The Governing Body returned to open session at 7:46 pm.

## 8. EXECUTIVE SESSION ACTION ITEMS

- a. Consent to the Appointment of, and Approval of a Contract with Kristine Bustos-Mihelcic as City Clerk. (Alan Webber, Mayor, and Erin K. McSherry, City Attorney, [ekmcsberry@santafenm.gov](mailto:ekmcsberry@santafenm.gov), 955-6512)

**MOTION:** Councilor Romero-Wirth moved, seconded by Councilor Lindell, to consent to the appointment of Kristine Bustos-Mihelcic as City Clerk and to approve a contract with her.

Ms. McSherry clarified the item on the agenda was the motion. Councilor Romero-Wirth and Councilor Lindell agreed.

### Discussion of the Motion

Councilor Vigil Coppler had several (4-5) amendments to consider.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Garcia, to amend Item 2-A, to read, “A salary of \$111,320 per annum, effective February 4.”

**Discussion on the Amendment:**

Councilor Vigil Coppler said this amendment would be offering a 15% increase.

Councilor Villarreal noted this change is based on a 15% increase which in the past has been the norm. She asked Director Salazar if that was correct and typical.

Director Salazar explained that the appointed positions don't necessarily fall under the personnel rules and regulations. But usually, when there is a promotion, a 10% salary increase would be given for non-exempt or non-appointed positions.

Mayor Webber asked if there were other comments or questions. He pointed out that, since this was obviously negotiated previously with a different number, if a change was made to the proposed contract, if Ms. Bustos-Mihelcic was willing to accept that salary. She might say yes or might say no. But it deviates from what was previously negotiated. Councilor Villarreal asked a very good question – Is there a norm or standard statistic? He understood there is not a specified percentage as a basis for pay increases but usually was a matter of negotiation and situation, depending on length of time. This one is for one year. And usually shorter contracts would start higher. Situations change, circumstances and other factors weigh in.

Councilor Vigil Coppler clarified that she was not relating this to 15% but felt it is a significant increase over what the former City Clerk was making, who had lots of experience. She was a Certified Municipal Clerk. This amendment is just in comparison to that position and is less than \$4,000 in this contract which was written at \$115,000. It is a significant increase from not only the current salary and certainly more than what the City Clerk was making now. She thought it is a fair amount.

Mayor Webber countered by saying first, that it is not good HR practice to compare apples and successors. It is not the same person, not the same job or circumstance and has little to do with what the former compensations were. It is exactly the average of department heads so it doesn't expand our pay band for managers, and the City will not fill the position she now holds. So there will be salary savings as an offset for what she asked for with significantly increased responsibilities and brings her experience of several years in her previous responsibilities of

constituent services. It is reimagining the clerk positions with innovation of constituent services and Council services into being the important front door of Community Involvement for City government. It is the average for what we pay our department heads and has enormous responsibilities.

Councilor Cassutt-Sanchez asked about the increase over her current salary.

Mayor Webber had not done that calculation.

Director Salazar said she could do that calculation. She clarified that HR has stopped asking applicants about previous salary. It is not a good practice to ask applicants about previous salary. We no longer ask it of recruits.

Councilor Romero-Wirth asked if someone could speak to surrounding regional pay of city clerk's comparisons.

Director Salazar replied that she did reach out to surrounding areas. Santa Fe County Clerk is a salary of \$66,000 per year which was set by statute and the Deputy County Clerk salary is around \$90,000. They usually have one or two deputy clerks. Bernalillo County has a deputy clerk but also a Communications Department and an Office of Community Engagement. We are rolling all of those up into the Clerk's Office. Rio Rancho is \$106,000 for the City Clerk and have a deputy clerk and their office is not responsible for communications. They also have two department managers. The Albuquerque portal was down but in her last research in 2018 the Clerk's salary was \$122,000.

Councilor Romero-Wirth added that we are asking more than the normal responsibilities of a city clerk.

Mayor Webber agreed. The City Clerk's job has changed with no election vote counting or running election reporting which was moved to the County and instead, the Clerk's Office has become a place for a new set of activities of information, access to data and ability to search the web site for committee minutes or Governing Body minutes, contracts, etc. It is the front door to City Government – a place to get answers to questions and still has the requirements in City Code such as reports, notices, agenda, packets, records retention, support for elections and public financing, liquor licenses, and other Council services that help operate day-to-day business of City government. On top of those Code-specified responsibilities, City government is more technologically sophisticated part of the community, such as engaging in public surveys of residents, creating a dashboard for constituents' complaints and concerns of neighborhoods where they can track what they are most concerned about.

It is all work under the Clerk's Office. So it is a different dimension. It is in transition on what is changing with the ERT system and the recognition of technology changes for how the City functions. And with COVID, how essential it is to make user-friendly operations under challenging circumstances. We were able to transition to electronic signatures and move forward and can anticipate more of such technological advances in the Clerk's Office for City workers and for residents.

Councilor Garcia commented that with Mayor Webber having listed off the new responsibilities under restructuring, he asked if we have a City clerk job description for all these duties. The current job description is in Code. If written out, no matter who it is, we can hold them accountable to the duties, but can't without that. Are they written anywhere?

Mayor Webber asked Director Salazar is there was a new job description for the Clerk's position as approved by the Governing Body.

Director Salazar said there is not one with the added duties, but she does have a draft that include them.

Councilor Garcia asked why that was not shared with the Governing Body prior to this meeting. Councilors have requested it. This is something that is critical. He asked why they didn't even have a copy of the draft tonight since it is being voted on and is critical to the nature of this position.

Director Salazar offered to get the draft sent to the Governing Body. She apologized for not doing that sooner.

Mayor Webber observed that we have not had a job description for the City Clerk since he became Mayor. We let the status quo be enough. Now that the Governing Body is looking seriously at changes over time, having more clarity regarding goals of this appointment was a prudent thing to do.

Councilor Garcia thanked him but disagreed. We have had a job description with what was written in City Code and the City Clerk could be held accountable for that. With the additional duties, Councilors don't know what we are agreeing to. When we asked for a job description, we were told there was none. And now we hear there is a draft that was not shared with us. He was highly disappointed to hear that.

He understood the City, when hiring employees, does not look at prior salary ranges but asked if HR considers their experience for the position in determining a salary. He used a hypothetical when hiring an engineer with no experience compared with one who had twenty years' experience and if the City would offer the same salary to each applicant.

Director Salazar explained that many factors go into it. Some of them are the budget, recruitment difficulty, duration if appointed, education and experience.

Councilor Garcia asked again if the City would offer the same salary to one with 20 years' experience vs. one with no experience. Ultimately, he thought the answer was no. He wanted to learn more about how we determine salaries. He wanted to make sure experience played into it. What is proposed now is a 10% increase roughly from what the prior Clerk was making. He thought that was a fair increase but there is no clear description on job duties other than what is written in City Code.

Mayor Webber said it was not fair to say we don't know what the other duties are. He pointed out the Governing Body has talked about them for three hours and he listed them again. He added that in the Code, the description includes "and other such items as may be stipulated." He pointed out there are about 130 disparate mentions of City Clerk and we have not had a job description. There is no description for Mayor or Councilors either. We are serving to the best of our ability for the City.

Councilor Cassutt-Sanchez agreed with Councilor Garcia here. The position has changed and in understanding how that impacts salary, it would be good to have the job description written down. We discussed it but she would like to see a document and had been asking for one for a couple of weeks. She was grateful for Ms. Bustos-Mihelcic bringing bullet points.

She pointed out that we are in the middle of a pandemic with economic impacts unforeseen that often overshadow every conversation we have about City government and this is another piece to consider regarding the salary. She asked if Director Salazar had completed her calculations.

Director Salazar said she believed it is a little over \$111,000.

Councilor Cassutt-Sanchez said it is important for the Governing Body to get the information on paper as we move forward toward the budget making season on how to make these decisions. She requested having that information for making the decision.

Councilor Vigil Coppler repeated that \$111,320 is approximately a 15% increase. It recognizes the increased responsibilities and is \$14,520 more from what this employee is making now. We did not get a résumé and it has already been acknowledged there is no city clerk experience. She believed Ms. Mihelcic will fulfill the terms of the contract and she has lots of help available. But it is still \$11,000 more than the previous City Clerk. Mayor Webber did mention increased duties. But it was also mentioned

there are things that are not part of the Clerk's duties anymore – such as election responsibilities. So a lot of clerk duties are no longer there and kind of evens out in a way.

She pointed out there is a distinction between Constituent Services duties, which are not in the realm of legal responsibilities. Speaking as a former District Court Clerk, if the Clerk messes up on a legal document, it could put the City in a world of issues. Mistakes in this position are more significant.

She indicated there is a City Clerk job description at 218-2-77 in the Code. Evidently, 2018 was when it was developed. She had not read it yet but want to dispel the notion that there is no job description. She recalled, when she was HR Director, the City had a job description for every single position and didn't know why the City would get rid of them all.

Director Salazar asked if it was a resolution. She was not aware of it.

Councilor Vigil Coppler said no. It is the HR format and is in the same place as other job descriptions. It was not an ordinance or a resolution but a bonafide job description and it was not labeled as a draft.

She opined this is a very generous increase for an employee that has all good intentions, and no doubt, ambition, and motivation to make it a success this year. It is a good salary and, outside of City Manager, it is \$111,000 average. That is fair. It sounds like a put down, but it is not.

Councilor Abeyta supported the \$115,000 as Finance Chair. There is no guarantee after December 31. The contract ends mid-year. If it was a multi-year contract, he would look more closely with the \$115,000 contract. We are not filling her current position, so the City will be saving money as a result.

Councilor Rivera asked Ms. McSherry if Ms. Mihelcic would have to approve the salary change and noted she is present.

Ms. McSherry replied that she has no obligation to answer tonight.

Councilor Rivera wanted to ask her if she felt it was fair.

Councilor Romero-Wirth thought that was out of line and inappropriate.

Councilor Rivera accepted that.

Councilor Garcia commented that at the end of the day, we must have her answer that.

Councilor Romero-Wirth agreed but it needs to be in a private setting, and she was not comfortable doing it here in the public environment.

Mayor Webber agreed. It is sensitive to negotiate a salary in public. We should vote and live with whatever fallout comes from it.

No other discussion.

**VOTE:** The amendment was approved on the following 5-4 Roll Call vote:

**For:** Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Rivera, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** Councilor Romero-Wirth, Councilor Abeyta, Councilor Lindell, Mayor Webber.

The motion was approved 5-4 and the contract would be amended with \$111,320 as the salary.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Garcia, to amend the motion under Section 2-C to strike the language in its entirety.

**Discussion on the Amendment:**

Councilor Vigil Coppler said this section is a moot point because the contract cannot be extended, and it would have to be redeveloped.

Ms. McSherry said it is possible to extend the contract before it expires. This was a requested modification and not in the original contract.

Councilor Vigil Coppler asked how it can be extended. Extending it would be binding a future Governing Body.

Ms. McSherry explained that if this Mayor won reelection and wanted to extend it, an amendment could be introduced to extend it.

Councilor Vigil Coppler pointed out that we are in a hearing now and there are too many if's now. There is a term to this contract. Putting increases to the contract length is making it go into the future. She thought Item C is a moot point. The contract is a set amount of time.

Councilor Cassutt-Sanchez observed we have had a lot of discussion on this and on the average department head salary. She was not in favor of this amendment for that reason.

Councilor Vigil Coppler responded on that point that the prior City Clerk did not get increases that were afforded to other employees. That wasn't the philosophy last month.

Mayor Webber noted, to be fair, that other employees with contracts don't have all these provisions.

Councilor Garcia, to clarify for the public, noted Ms. McSherry said the appointee asked for this to be in the contract. This meeting is not the negotiation. But just because she requested it doesn't mean we have to incorporate it. We discuss and either approve or deny. Do we have any other contracts that have a future increase included? Maybe with multi-year contracts. But not for a one-year contract. It could be usable in the future. What is prohibiting us from adding this in the future? Why does it have to be now, or could it wait until negotiation at a future date? This section does nothing for the contract. It does not impact anything. If we withdrew it, we could include it at a future date.

Ms. McSherry said it does add something to the contract. It is a contingency as it provides the Governing Body chance to do extend or not. If the Governing Body allowed it to expire and negotiated a new contract, it would apply.

Councilor Garcia asked if this employee would be entitled to any increase made for other employees.

Mayor Webber pointed out that we are in a legal debate here. What we are attempting in this contract, or others with contracts, are not just the conditions of employment but the philosophy of employment. Section 2-C will not be operative in this year at all. The condition was included out of respect for the individual, the enormity of work to be done and our confidence this person could achieve them. It is a working relationship with someone who has spent 17 years working in city government and has done many of a clerk's duties while working for county government. She is worthy of our respect and confidence whether that is implemented in a year or not. Those signs of respect and investment make City government a place for talented people that many want to work in. But if read only as a narrow compensation clause, you are correct that it won't happen this year.

Councilor Garcia didn't believe it was a context matter. It is forecasting and the contract is for one year. The opportunity for forecasting will occur. He believed he was not being disrespectful. We all highly respect Mr. Bustos-Mihelcic. He asked if we should look at other contracts to add incentives for the future. Not normally. Let's look at the expectations for

this year and at the appropriate time. We can facilitate that. There is no need to add that. It just muddies the water.

Councilor Vigil Coppler explained her point was that it is impossible to implement in this one-year contract. It is a moot point and doesn't apply. Deleting that just makes it a better document and just cleans it up.

**VOTE:** The amendment failed on the following Roll Call vote:

**For:** Councilor Garcia, and Councilor Vigil Coppler.

**Against:** Councilor Romero-Wirth, Councilor Villarreal, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Lindell, Councilor Rivera, and Mayor Webber.

Councilor Vigil Coppler said her last amendment was to clarify the term of the contract. It now ends at end of the current administration.

**MOTION:** Councilor Vigil Coppler moved, seconded by Councilor Villarreal, to strike the language in its entirety on page two, #3 – Term, and insert “This agreement shall terminate December 31, 2021.”

**Discussion on the Amendment:**

Ms. McSherry suggested the Governing Body might want to consider adding “or pursuant to Paragraph Four,” alternate termination. She proposed the addition to the amendment to read “unless otherwise terminated pursuant to Section 4 of this agreement.”

**Councilor Vigil Coppler amended her motion and Councilor Villarreal agreed to second her amended motion to read “This agreement shall be terminated on December 31, 2021, unless otherwise terminated by Section 4 of this agreement.”**

Councilor Cassutt-Sanchez asked, if for some reason, Mayor Webber decided to move to a tropical island on October 1, whether the contract would still end on December 31.

Ms. McSherry responded that if Councilor Lindell became mayor at his moving away, she could appoint whomever she wanted. The Governing Body cannot take that privilege away. But that situation seems very hypothetical.

Councilor Garcia pointed out that the term of the contract would still expire December 31, no matter who the mayor is.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** None.

**Further Discussion on the amended original motion:**

Councilor Garcia referred to Section 4 – Separation, Part A, and to be fair with other City employees, asked which employees are offered severance. If a park worker is fired, is that employee offered severance?

Director Salazar said the City Clerk, City Manager and City Attorney have severance sections in their contracts. For others, severance does not exist.

Ms. McSherry clarified that the Mayor would not ask a park worker to resign.

Councilor Garcia thought that would not be best practice. But if they are asked to resign or fired, it would mean they were not doing their job, so they should not be offered further compensation. So he asked why the Mayor felt that was best practice.

Mayor Webber added that, notwithstanding the fact that you don't like the answer, it is best practice.

Councilor Garcia said it was not best practice by the Federal Government. The only example given was that it was best practice for Santa Fe County.

Mayor Webber said that is not accurate. There are many examples not only in government but the private sector. It is best practice to provide in this case, three months as part of their compensation. You hypothesized only one reason for firing - for not doing their job. People are fired for all kinds of reasons at the federal government. We watched one on television who was fired for their testimony. It is reprehensible behavior, but it happens in some circumstances. Such decisions are not always based on poor performance. And sometimes not given a chance to state their case.

This part of a contract is more often the rule and not the exception. We are not carving out new territory. Some people in City government here were

offered reversions to their previous job. Three months is far from excessive. We just disagree on this with respect.

Mayor Webber said the City is investing in a management team to grow the capability of this government with competency and respect. Contracts are living documents, agreements between people of good will. This is part of the good will.

Councilor Garcia said he would love to hear of other examples. In his experience, it is pretty rare for severance to be paid out to an employee, and it is a risk taken to accept a political appointment. With At-Will positions, it could be for cause or not. There are other legal means for a cushion besides severance. He didn't believe a golden parachute is a best practice for a political appointment.

**MOTION:** Councilor Garcia moved, seconded by Councilor Vigil Coppler for discussion, to strike Section 4 A on separation.

**Discussion on the Amendment:**

Councilor Vigil Coppler agreed the City has placed itself in a strange predicament with offering severances or reversion contracts. In her day, the only one who got that was the Police Chief. That was important to the City. Severance pay and reversion contracts deserve more study.

She knew this language was in the previous Clerk's contract and the only problem she had with it now is having it in a one-year contract. She understood Councilor Garcia's point. It is "a whole other animal" this Governing Body is undertaking. She pointed out that the former City Clerk had many years of service and still, the severance was only three months. She would support one month but not three months of a one-year job. This is a big policy issue and needs more study than at this time.

Councilor Villarreal asked how Legal thought about this provision and the issues raised if the Mayor asked for resignation right before the end of his term.

Ms. McSherry said she would need to think about it. It is a possibility, but she would have to look at that circumstance. If that was a concern, the Governing Body could add language prohibiting that being done in that specific period of time.

Councilor Villarreal wished we had it in place, so we didn't have to consider it now. She wanted language to prevent it. It might be whether the Clerk is doing her job and is asked to do something unethical and

refuses. It could go either way. She agreed with Councilor Vigil Coppler that this is a policy issue and not the norm when she started.

Ms. McSherry pointed out there are two sides to that and asked how the Governing Body would assess the sincerity. That is the difficulty here. It is a security offered to the employee. There are no reversionary clauses left after Fire Chief Litzenberg was given that to avoid losing his retirement. It is not part of her contract or Manager LaPan Hill's contract.

Councilor Rivera asked Ms. McSherry if the Deputy Chief's contract has reversionary language.

Ms. McSherry was not aware of it. It was not her understanding.

Director Salazar was unaware of it.

Councilor Rivera noted it has been traditional to have one for the deputy chiefs. Some of this language may be dependent on whether Mr. Mihelcic accepts the salary amendment. He was struggling with that to know if it would be acceptable to her.

Ms. McSherry clarified that the salary could be set by the Mayor if it was not before the Governing Body.

Councilor Vigil Coppler was curious about that. If there was no contract, it would be a loophole for Mayor Webber to be able to offer what he wanted to offer for salary. The other contracts were for four years, not one year. She considered it illogical.

Ms. McSherry said her own contract was not for four years. Manager LaPan Hill's was for six months and the City Clerk's was for one year.

Councilor Vigil Coppler asked whatever happened to the honor of public service. Everyone knows you don't get paid what you would get from private jobs. We need policy on these items and to examine our at-will employees' compensation. It was an honor for her to work both here for the City and for Los Alamos county. She City salaries are generous and exempt employees get many more benefits than classified employees do.

Mayor Webber agreed that public service is an honor, including all who are on the Council. It is a noble and honorable undertaking. People do it because they believe in our community and our people.

Councilor Garcia didn't disagree that we need to invest in our employees. It is critical. What we disagree on is what we see as investment. That philosophy should also be equitable among all Staff and it was the reason

for his amendment. He understood these three are the only ones with severance. The rest are not treated in the same manner. So why should these political appointees be getting a golden parachute? Appointed people are treated differently and that brings division.

Mayor Webber said there are only three positions in the City Charter treated this way. All other employees are treated differently. The others are not in the same category in the City Charter.

Councilor Garcia felt that was not the best use of taxpayers' dollars and that was not required by the City Charter. He pointed out that could add up to \$100,000. There are other ways to invest in our employees than golden parachutes.

Councilor Garcia thought Councilor Vigil Coppler's one-month severance was good. He suggested adding language to say, "If the person is fired or terminated before November 2, the election day, let them receive their severance, but not if fired after election day when the administration knows they are going out the door."

We are seeing how that works at the national level know. We need to protect our City's investment of taxpayers' dollars. He asked Mayor Webber if that would suffice.

Ms. McSherry asked him to clarify.

He read how it would read – "If a separation occurs upon the Mayor's initiative or if the employee resigned at the request of the Mayor before November 2, ... (the rest would read the same). He believed that way, the City would be protected, and the employee was be protected.

Councilor Romero-Wirth raised a point of order since an amendment was already on the floor. She said the Governing Body needs to deal with his amendment already on the floor first.

Councilor Garcia found that inappropriate when he was just trying to find a solution to the issue that was raised.

Ms. McSherry disagreed that it gave protection to the employee. She believed this would be a separate motion.

**Councilor Garcia withdrew his motion in order to make a new amendment**

He said his new amendment would introduce the language.

**MOTION:** Councilor Garcia moved, seconded by Councilor Vigil Coppler, to amend the original motion after the word “Mayor” in the second sentence of Section A, to insert “prior to November second, 2021.”

**Discussion on the new Amendment:**

Councilor Garcia said this motion would not change the 3-month severance portion.

Mayor Webber clarified that the motion was to insert that date in Section 4 A on the second line.

Councilor Rivera raised issue with Ms. McSherry’s statement that the Mayor can offer what he wants.

Ms. McSherry clarified that the Governing Body is not required to approve the contract, and nothing requires a salary amount be included in a contract, but the appointment must have consent of the Governing Body.

**Call for the Question:**

Councilor Lindell called the question.

**VOTE:** The call for the Question was approved on the following Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** None.

**VOTE:** The amendment was approved 5-4 on the following Roll Call vote:

**For:** Councilor Abeyta, Councilor Garcia, Councilor Rivera, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** Councilor Cassutt-Sanchez, Councilor Lindell, Councilor Romero-Wirth, and Mayor Webber.

**Further Discussion on the Amended Motion:**

Councilor Rivera asked how the amended motion could be voted on when it has not been accepted by the contractor.

Mayor Webber guessed the Governing Body would vote on it as an offer to her for her acceptance or rejection. The Governing Body decided to change the agreement that was negotiated. The vote would be on the contract we want to offer and another step to present it to Ms. Bustos-Mihelcic for her acceptance or rejection.

Ms. McSherry understood the appointment is dependent on having a contract and if rejected, we would have to come back to the Governing Body with a different one.

**VOTE:** The motion as amended was approved on the following Roll Call vote:

**For:** Mayor Webber, Councilor Abeyta, Councilor Cassutt-Sanchez, Councilor Garcia, Councilor Lindell, Councilor Rivera, Councilor Romero-Wirth, Councilor Vigil Coppler, and Councilor Villarreal.

**Against:** None.

Councilor Garcia explained his vote. He hoped Ms. Bustos-Mihelcic would accept the contract as offered. He looked forward to her success if she agrees to the contract and believed she will be a strong City Clerk.

Mayor Webber added his vote of confidence for Ms. Bustos-Mihelcic. He is very happy to have appointed her to this position and she has an outstanding record of public service and we are fortunate to have attracted a person of her character and capability to this job.

He disagreed with some of the amendments. They don't reflect our respect for her, and they diminish the honor of public service by haggling with her over something that was earned by her performance. We are trying to improve performance across the board and increase trust in our City Staff. In our nation, there is an increasing lack of trust in public service.

When it is suggested the Mayor would fire an employee in the last month of his term to financially reward them, it reinforces that cynical view of public service and elected officials.

He believed we are building a fine City government together, and the managers we have now have done an incredible job under COVID and recession. They have held it together and worked tirelessly as a team. The

kind of contracts we offer need to reflect the honor and integrity of Santa Fe. The changes made do not send the right signal either to Ms. Bustos-Mihelcic or to others who try to step up to these critical and, in some ways, thankless jobs. Those actions send signals far beyond a single contract to others.

As we move toward a new budget we look forward to lofty aspirations of our City's government and not to undermine it in any way, shape, or form. "That is my vote."

## 9. ADJOURN

Having completed the agenda and with no further business to come before the Governing Body, the meeting was adjourned at 10:00 p.m.

Approved by:



\_\_\_\_\_  
Mayor Alan Webber

ATTESTED TO:

Geralyn Cardenas

Geralyn Cardenas (Jan 28, 2021 12:14 MST)

\_\_\_\_\_  
Geralyn F. Cardenas, Assistant City Clerk

Respectfully submitted by:

  
\_\_\_\_\_  
Carl G. Boaz, Council Stenographer

**GOVERNING BODY MEETING  
EXECUTIVE SESSION  
January 4, 2021**

The Governing Body of the City of Santa Fe met in an executive session duly called on January 4, 2020 beginning at 5:09m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act, Specifically NMSA 1978, Section 10-15-1, Part (H)(2), Discussion of Limited Personnel Matters, In Particular Mayor Webber's Appointment of Kristine Bustos-Mihelcic as City Clerk. (Erin K. McSherry, City Attorney, [ekmsherry@santafenm.gov](mailto:ekmsherry@santafenm.gov), 955-6512)

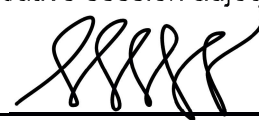
**PRESENT**

Mayor Webber (Attended Virtually)  
Councilor Abeyta (Attended Virtually)  
Councilor Cassutt-Sanchez (Attended Virtually)  
Councilor Garcia (Attended Virtually)  
Councilor Lindell (Attended Virtually)  
Councilor Rivera (Attended Virtually)  
Councilor Romero-Wirth (Attended Virtually)  
Councilor Vigil Coppler (Attended Virtually)  
Councilor Villarreal (Attended Virtually)

**STAFF PRESENT**

Jarel LaPan Hill, City Manager (Attended Virtually)  
Erin K. McSherry, City Attorney (Attended Virtually)  
Kristine M. Mihelcic, Constituent Services Director (Attended Virtually) (left at 6:00 p.m.)

There being no further business to discuss, the executive session adjourned at 7:42 p.m.



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Geralyn F. Cardenas, Assistant City Clerk









# 01-04-21 Special Governing Body Meeting Minutes

Final Audit Report

2021-01-28

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