

**CHARTER REVIEW COMMISSION
MONDAY, NOVEMBER 14, 2022, 5:00 PM
CITY HALL/CITY COUNCIL CHAMBERS
200 LINCOLN AVENUE, SANTA FE, NM**

1. CALL TO ORDER

The meeting of the Charter Review Commission was called to order by Nancy Long, Chair, at 5:08 pm, on Monday, November 14, 2022, at City Hall in the City Council Chambers, 200 Lincoln Avenue, Santa Fe, NM.

2. ROLL CALL

MEMBERS PRESENT

Nancy Long, Chair
Sarah Amador-Guzman, Vice Chair
Alba Blondis, attended virtually
Paul Dirdak
John Paul Granillo, attended virtually
Peter Ives
Elicia Montoya
Lilliemae Ortiz
Maria Perez

OTHERS PRESENT

Erin McSherry, City Attorney
Jesse Guillen, Legislative and Policy Innovation Manager
Marcos Martinez, Senior Assistant City Attorney
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

MOTION A motion was made by Commissioner Ortiz, seconded by Commissioner Ives, to approve the agenda as presented.

VOTE The motion passed on a voice vote.

4. INTRODUCTION OF MEMBERS AND STAFF

Each Commission member introduced themselves and who nominated them as follows:

Commissioner Dirdak, nominated by Councilor Lindell; Commissioner Perez, nominated by Councilor Villarreal; Commissioner Ives, nominated by Councilor Michael Garcia; Councilor Montoya, nominated by Councilor Romero-Wirth; Councilor Granillo, nominated by Councilor Rivera; Commissioner Blondis, nominated by Councilor Lee Garcia; Commissioner Amador-Guzman, nominated by Councilor Cassutt; Commissioner Ortiz, nominated by Councilor Chavez; Chair Long, Mayors at-large appointee.

Staff introduced themselves as well.

Chair Long said this is our kickoff meeting. We are laying the groundwork and getting started today. This is our launch pad and we will talk about how to stay on track and on issues.

5. PRESENTATION

A. OPEN MEETINGS ACT AS APPLIED TO THE CHARTER REVIEW COMMISSION

Ms. McSherry said this Commission is advisory. The City of Santa Fe takes the Open Meetings Act adherence to a higher level. Participation in discussion with the public has to happen during an open meeting. Outside discussions, including emails, cannot happen with the majority of your members. That includes verbal and in writing communication. We have to have the agenda published in advance with topics on the agenda. The topics must be on the agenda. If there is something this Commission wants to discuss it need to get on the agenda ahead of time. We need to alert the public as to which meetings will have what issues on the agenda. If you receive an email from staff you can reply to all. If the email is from Commission members you need to be careful of who is on the email so as to not create a rolling quorum. You will need to avoid that. The best way to do that is to limit conversations that happen outside these public meetings. You may have subcommittees without a majority of members. We are doing Zoom and YouTube and in-person accessibility. It is not required, but some sort of accessibility to the public to hear members is required. We can do hybrid meetings, but that reduces options of where we can meet due to technology. All virtual is a bit easier for us to administer.

B. WHAT DOES IT MEAN TO BE A HOME RULE CITY?

Mr. Martinez presented and reveiwed a Power Point presentation included in the meeting packet.

Mr. Martinez began with the New Mexico Constitution, Article 10, section 6, subsection D, stating that this is the guiding light for Home Rule.

Mr. Martinez stated that Home Rule provides for maximum self government. Albuquerque was the first municipality to pass a Home Rule Charter in the 70s. Santa Fe passed theirs in the 80s.

Mr. Martinez continued saying the Municipal Charter Act, Subsection B restates some of the language in the Constitution. There are boundaries for some Home Ruled Municipalities.

Mr. Martinez gave examples of some of the boundaries, applications of Home Rule and examples from Santa Fe's Charter.

Chair Long thanked Mr. Martinez, saying this was very helpful in seeing how we fit.

C. CHARTER REVIEW COMMISSION RESOLUTION: PROCESS AND TIMELINE

Mr. Guillen said in your binder you will find the Resolution adopted by the Governing Body. It has 9 specific areas for the Commission to look at over the next 6 months. They are all listed here. These are the suggestions adopted by the Governing Body. The 10th item is for suggestions by Commissioners or the community. The Municipal Charter calls for a Charter Commission as needed, but not less than every ten years. The amendments from the last Charter Commission were put before voters in the 2014 municipal election. Our actions follow the timing of elections. The City opted into the Local Elections Act. That changes the timeline of the previous Charter. November of next year is the next Municipal election. Voters will vote on this Commission's recommendations, as adopted by the Governing Body, in that election.

Mr. Guillen reviewed the 10 topics and said the Chair may appoint subcommittees to research certain topics and report back to the Commission. The Commission will vote on a final report providing recommendations on the Charter to the Governing Body. The deadline to submit the final report is May 10, 2023. It is due on May 10th to the Governing Body. Then the Governing Body may adopt Resolutions regarding the recommendations. If any amendments are approved by the electorate they will become part of the Municipal Charter. Some amendments that pass will require subsequent legislative action by the Governing Body to fully implement.

6. DISCUSSION

A. FUTURE MEETING SCHEDULE DISCUSSION

Chair Long said she thought it would be helpful for everyone to have a set meeting time each month. We need to hear from you about the dates that work for you. Also unless we meet completely virtually there is a need for space for meetings.

Another consideration she discussed with Ms. McSherry and Mr. Guillen was what is the best way to involve the community and hear from the public. When we last had a Charter Commission we did some meetings out in the community. If we go all virtual we cannot do that. She heard from the City that we may get more participation if people can stay home and participate virtually. In terms of in-person or hybrid, what are the restrictions in terms of availability.

Mr. Guillen said a lot of December is booked up in the Council Chambers for training. There are only 3 days that work in December for this Commission to meet in this location. Tuesday, December 13th from 3:00 pm to 5:00 pm, Thursday, December 15th from 3:30 pm to 5:30 pm and December 21st from 3:30 pm to 5:30 pm. He has been talking to the Clerk's Office to find a regular time to meet. There is one opening so far. The opening is for the second and the last Thursdays of the month.

Chair Long asked what is everyone thinking.

Commissioner Dirdak said all of us have been thinking about this. Fortunately midterm elections are behind us. He is wondering if those of you have done this before think monthly meetings will suffice to get the work done. That would be only five meetings.

Chair Long said you raise a good point. We can meet more than once a month. There can be some subcommittees as well. It will be a push.

Commissioner Perez said she was wondering about holding community meetings outside our meetings to have public comments. We could have listening sessions. Would that be something we could do.

Chair Long said we did meet at other sites in the last Charter Commission. There were some outreach efforts asking for ideas and comments on the website as well.

Commissioner Perez said there will be a time commitment.

Commissioner Amador-Guzman asked Ms. McSherry if she said subcommittees did not necessarily have to follow the Open Meetings act.

Ms. McSherry said if it is less than a majority of Commissioners. It would have to be 4 of you or fewer.

Commissioner Ives said the second and last Thursdays at 5:00 pm is a possibility. We could set those as regular meetings. We can have a subcommittees to do outreach if necessary.

Commissioner Montoya said she agrees. It makes sense to set a December

meeting and reserve Thursdays for the regular meetings.

Chair Long said we have the place then and will be on the City Hall agenda.

Commissioner Perez said that sounds like a good process.

Commissioner Ortiz said the idea to have set meetings twice a month makes sense. It lets the community know when we are meeting if they want to join us.

Mr. Guillen said it could be the second and last Thursday of the month at 5:00 pm.

Commissioner Ortiz said she likes that idea.

Commissioner Ives asked Mr. Guillen to check to see if May 8th or 9th would be available so that the Commission could meet before the May 10th deadline.

Mr. Guillen said he would check.

Chair Long asked is it possible to get additional time if we request it.

Ms. McSherry said yes. They would like to start introducing legislation as soon as possible for the recommendations.

Commissioner Ives said it would be helpful to have a schedule backwards from the election for the Charter amendments.

Commissioner Perez asked if it would be possible to meet before December.

Chair Long said with the holidays that might be difficult. We are doing well to get a December meeting in and start with 2 meetings a month in January.

Commissioner Blondis said she has a conflict with meeting on December 13th due to a Housing Trust Board meeting on that day from 3:00 pm to 5:00 pm. Also she thinks hybrid meetings would work best.

Chair Long asked if Commissioner Blondis could meet at 5:00 pm on the 13th.

Commissioner Blondis said she would prefer a different day.

The Commissioners agreed that December 15th at 3:30 pm would be the best option.

MOTION A motion was made by Commissioner Ortiz, seconded by Commissioner Montoya, to meet on December 15th at 3:30 pm in the Council Chambers

and that future meeting will be on the second and last Thursday of the month at 5:pm in the Council Chambers.

Commissioner Amador-Guzman asked if we keep thinking about meetings in the community and check on other locations that could be hybrid.

Mr. Guillen said right now, only other location for hybrid meetings is at Market Station. If the meetings was fully in-person we could do at other locations.

Chair Long said we can take our meetings to other places if we can. This gets us started.

VOTE The motion passed on a voice vote.

B. VIRTUAL, HYBRID, OR IN-PERSON MEETING OPTIONS FOR FUTURE MEETINGS

Ms. McSherry said these are the options for meetings. A vote to meet completely in-person has to be in the best interest of the public and has to be part of the record.

Chair Long asked if we used the hybrid option, like tonight, the public can participate.

Ms. McSherry said yes, we could provide both options.

C. AGENDA ITEMS FOR DECEMBER MEETING

Commissioner Ives said it would be great to figure out what subcommittees we want to have so they can get started right away and any priorities the Governing Body wants us to focus on.

Chair Long said we can have the 10 items on the agenda to see what merits a subcommittee.

Commissioner Ortiz said there are a lot of items on there. Are we planning on addressing all. Can we have some guidance of how to attack this. Are there priorities.

Chair Long said there is not any priority order. Council deserves our look at all of them because they asked us to do that.

Commissioner Ortiz asked will staff give a presentation on each issue as to where we are now and see who wants to work on each one.

Chair Long said it depends on what we want to hear and if we need a survey or legal analysis. It depends on the subject matter.

Ms. McSherry said she does not want us to do huge preparation on something the Commissioner is not interested in recommending. Some basic information on all of them would be good, but if there is any general sense that the Commission does not want to recommend something we need to stop there.

Commissioner Montoya said she agrees it would be great to go through these and see what merits a subcommittee. There are some issues where we would benefit from hearing with staff.

Chair Long said she doesn't know if we can get through all 10 in one meeting, but we can get through what we can and hear if it warrants a subcommittee.

Commissioner Montoya said she suggests that we do not do a deep dive into December, but get through the whole list and wrap our brains around our scope of work.

Commissioner Dirdak said he likes that idea. We can tease out a few summary sentences on each item. When Commissioner Ives spoke, he said the Resolution talks about duties and responsibilities and the notes at bottom with a list of topics the Commission shall make recommendations on. That speaks to us reviewing the amendments proposed by the Governing Body and the public. In December we need to establish a time frame for recommendations and information.

Chair Long said she recommends that this Body not set a deadline for that. The recommendations can come as we hear from the public and get ideas. We have been instructed to make recommendations on all of them. That does not mean it has to be a full recommendation, but we have to consider it. She likes the idea of have discussions about all of the items. It would be good to hear a bit more background or history on the items.

Commissioner Ortiz said it would really cover a lot of ground if we can identify the issue and why it is on list and see if it merits a subcommittee. That would cover a full meeting.

Chair Long said City Councilors may also come to us during this process.

Ms. McSherry said anyone from the City actually. In terms of motivations behind the items on the list, that was not required to be disclosed. She can synthesize the debate on some of the items. Some ideas came from the prior Resolution. We can identify what the existing law is.

Chair Long said just do the best you can.

Commissioner Ortiz asked are we going to have an item on our agenda that allows public comment at each meeting.

Chair Long said yes.

D. PUBLIC ENGAGEMENT AND COMMENT

Ms. McSherry said there are a few different ways we can do this. We take public comments at the meetings. Once we identify a specific proposal we may want to take public comment on that specific topic and notice it in that manner. Discussions back and forth needs to be on the agenda with the specific item. We can start with the open forum option. The limitation is if the topic is not on the agenda. If that is the case, you cannot converse with the public. We are interested in hearing from the Commissioners as to how you want us to engage the public and options.

Commissioner Perez said public engagement is really interesting and important to her. She would love to learn what the possibilities and limitations are for holding listening sessions out in the community and working with community based organizations to survey the community. It would be helpful to know the parameters.

Ms. McSherry said the legal limitations are not many. Survey limitations would be funding and having it done professionally. We don't have someone on staff to do that. We would have to hire someone. We do not have a specific budget for this. We would have to look into the feasibility of that.

Commissioner Ortiz said when she was with the Independent Redistricting Commission she wrote a letter to the editor about what we were doing and the public input we needed and she called the New Mexican for an article. She also got in touch with Richard Eads. That did not cost anything and it was a start.

Chair Long said those are great ideas we could do right away. She is happy to write a letter and contact the New Mexican and radio.

Commissioner Dirdak said there are some matters of huge importance to citizens that may not be appropriate for a Charter. Getting some public understanding of what that task includes and what it does not is important. City business is a potluck of issues and people will talk about what is not in this context. We need to put some guardrails around that.

Chair Long said that is a good suggestion. We want comments appropriate to the Charter.

Commissioner Montoya said your letter to the editor can state those parameters.

Commissioner Ortiz said our attorneys can set the boundaries.

Commissioner Blondis said in relation to wandering discussions, one thing we could do is have a public session where we put each issue on sheet of paper on the wall and hand out sticky notes to the participants who can then write their comments on the notes and put them on the appropriate issue sheet.

Ms. McSherry said something Prime Gov has the capacity for is for written comment to be submitted on topics. They can be done in-person during the meeting or other formats that could be creative. We can document those and include them in the minutes.

Chair Long said they would have to be done ahead of time.

Ms. McSherry said yes. There would have to be a deadline in the agenda to ensure we have enough time to get the comments to you.

Mr. Guillen said for Governing Body the window is closed at 1:00 pm on the day of the meeting. Staff compiles the comments and puts them in the meeting packet.

Chair Long said that seems fair. These are all great ideas. We will keep working on that.

Commissioner Amador-Gomez asked if a comment box at the different libraries with a big poster of what we are focused on be allowed.

Ms. McSherry said that would be allowed. She will look into the feasibility of that. Public comment could happen anyway you want it to happen. The public can contact you via email or in other ways. You can feel free to talk about topics with the public. There are no limitations on that. You can speak among yourselves, but 4 or more Commissioners are not allowed. You don't have to disclose the names of who comments. We encourage you to have them come to you as well if they want to. They can write to the Commission or the Governing Body as well.

Commissioner Perez said we could also utilize social media to get input from the public.

Commissioner Dirdak said he wishes we could look further than our next meeting. Our next agenda is absorbed. He hopes to take a deeper dive into what is a Charter and what is not a Charter. Part of our charge is to look for topics not on the list. He would like to know if some problems are not appropriate for the Charter. Having that discussion of what is a Charter specifically and what rails need to be put around it would be useful to him. He would like to have that during the first couple of months. It can be just 20 to 30 minutes..

Chair Long said that is a good point. We can put it on our January agenda.

Commissioner Ives said it has been a couple months since he looked through the entire Charter. This is the best place to begin that focus. It is extensive and covers a lot of ground. What areas within the Charter, as drafted, need emphasis or reworking. He will engage in that process. We could ask people who have things to propose to have some understanding of what is in the Charter. We can make it available to everyone before they make submissions.

Commissioner Ortiz said in terms of Charters and models of Charters and best practices, unless we have a comparison we would not know what is missing. Is there a model out there.

Ms. McSherry said we are getting off topic. We are on public engagement. Staff will look at items we are asked to look at once they have been prioritized. In terms of what a Charter is, that is the type of thing we can get into.

Commissioner Amador-Guzman said she would like to ask staff to look at other locations possible for meetings and report on that at our next meeting.

7. MATTERS FROM STAFF

None.

8. MATTERS FROM THE COMMITTEE

Commissioner Ives said he enjoyed the discussion and engagement by the Commissioners and staff.

9. MATTERS FROM THE CHAIR

Chair Long thanked everyone for the thoughtful discussion. This is a good start.

10. NEXT MEETING: NO MEETING SCHEDULED

The next meeting of the Commission will be on December 15, 2022, at 3:30 pm and will be hybrid.

11. ADJOURN

There being no further items before the Commission the meeting adjourned at 6:47 pm

Nancy A. Long
~~Nancy Long (Dec 30, 2022 10:10 MST)~~
Nancy Long, Chair

Elizabeth Martin
~~Elizabeth Martin (Dec 30, 2022 10:43 MST)~~
Elizabeth Martin, Stenographer