



## Agenda

Regular Meeting of the Charter  
Review Commission  
April 13, 2026 at 5:00 PM  
Council Chambers, City Hall  
200 Lincoln Avenue

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### Procedures for Charter Review Commission Meeting

**Viewing:** *If the relevant technology is available to record the meeting in City Hall,* members of the public may stream the meeting live on the [City of Santa Fe's YouTube channel](#). The YouTube live stream can be accessed from most smartphones, tablets, or computers.

The video recording, *if created*, 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](#). Staff is available to help members of the public access pre-recorded Governing Body meetings online at any time during normal business hours. Please call 955-6521 for assistance.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Introduction of Members and Staff
5. Presentations
  - a. Open Meetings Act as Applied to the Charter Review Commission. (Marcos Martinez, City Attorney; [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov))
  - b. What Does it Mean to be a Home Rule City? (Marcos Martinez, City Attorney; [mdmartinez@santafenm.gov](mailto:mdmartinez@santafenm.gov))
  - c. Charter Review Commission Resolution: Process and Timeline. (Marci Eannarino, Legislation Policy and Innovation Manager; [maeannarino@santafenm.gov](mailto:maeannarino@santafenm.gov))
6. Discussion and Possible Action Items
  - a. Appointment of Chair and Vice Chair
  - b. Public Input Session Planning. (Jerica Simmons, Project Administrator; [jjsimmons@santafenm.gov](mailto:jjsimmons@santafenm.gov))

- c. Virtual, Hybrid, or In-Person Meeting Options for Future Meetings. (Xavier Vigil, Assistant City Clerk; [xivigil@santafenm.gov](mailto:xivigil@santafenm.gov))
  - d. Agenda Items for Next Meeting.
7. Matters from Staff
  8. Matters from the Committee
  9. Matters from the Chair
  10. Next Meeting: To Be Determined
  11. Adjourn

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

# *The Open Meetings Act*

*NMSA 1978, Chapter 10, Article 15*



CITY OF SANTA FE  
CITY ATTORNEY

# *The Charter Commission as a Public Body*

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- *Any “administrative adjudicatory body or other policymaking body” of any state or local government agency, including municipalities*

*See NMSA 1978, Section 10-15-1(B)*

- "A charter review commission shall be appointed as needed, but not less frequently than every ten years... 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 Open Meetings Act (OMA): Public business is to be conducted in public.*

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- *The purpose of the OMA is to provide rules that public bodies follow to ensure that public business is conducted in public.*
- *To accomplish this goal, the OMA requires that:*
  - *Public business be conducted in full public view,*
  - *Actions of public bodies be taken openly, and*
  - *Deliberations of public bodies be open to the public.*

# *Public Meetings Subject to the Act: Quorum*

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- *All meetings of a **quorum** of the Commission members are to be **public meetings open to the public at all times, unless the meeting qualifies for an exception***
- "A majority of the members of the governing body currently serving is a quorum for the purpose of transacting business. All members of the governing body present at a meeting are counted toward a quorum."
- "Unless otherwise provided by law, a question before the governing body shall be decided by a majority vote of the members present."
- NMSA 1978 § 3-12-2

# *“Rolling” or “Walking” Quorums*

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*Decisions among public body members are subject to OMA requirements any time a decision includes a quorum of public body members.*

# Rolling Quorums

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- *Five councilors, including the mayor pro tempore, all volunteer for the same organization that provides free meals during the holidays. These five councilors are part of a text message chain in which they discuss schedules for the volunteer organization and share recipes. Does this violate the OMA?*
  - *No, as long as the five councilors do not discuss public business in the text chain.*

# *Public's Right to "Attend and Listen"*

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- ... **“all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.”**

*New Mexico Open Meetings Act NMSA 1978, § 10-15-1 (A)*

- *Reasonable public access required*
- *OMA not intended to be so strictly construed as to impair or impede the effective workings of government*

# *Remote Appearance*

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- *Remote appearance at public meetings not prohibited under OMA, public body just must have own authority allowing it. NMSA 1978, § 10-15-1(C)*
- *The City of Santa Fe does allow remote appearance under City Code Section 1-9, when it is “difficult or impossible” to attend a public meeting in person*
- **Advisory committees** *are permitted to meet remotely when the advisory committee determines it is in the best interests of the public to do so, in person appearance does not have to be difficult or impossible. Resolution 2022-38*

# Notice Requirements

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- *A public body must give notice of all public meetings of a quorum of the public body.*
- *Notice must include licensed broadcast stations and newspapers of general circulation that have made a written request for notice of the public body's meetings.*
- *Body to determine "reasonable notice" annually*

*NMSA 1978, § 10-15-1 (D)*

# 72-Hour Requirement

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- *A public body must make the agenda available to the public at least 72 hours before a meeting.*
- *The 72-hour requirement applies regardless of whether it includes a Saturday, Sunday or holiday. For example, a public body holding a meeting on a Monday at 9:00 a.m. would meet the 72-hour requirement if it made the agenda available on Friday by 9:00 a.m.*

*NMSA, 1978 § 10-15-1(F)*

# Minutes

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- *All public bodies are required to keep written minutes of all open meetings.*
- *Minutes of open meetings shall record at least the following information:*
  - *(a) the date, time and place of the meeting;*
  - *(b) the names of all members of the public body in attendance and a list of those members absent;*
  - *(c) a statement of what proposals were considered; and*
  - *(d) a record of any decisions made by the public body and of how each member voted.*

# Minutes

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- *Must contain a description of the subject of all discussions had by the body, even if no action is taken*
- *A draft copy of the minutes to be prepared within ten working days of the meeting.*
- *Draft copies of minutes must be available for public inspection*
- *The public body must approve, amend or disapprove draft minutes at the next meeting of a quorum, and the minutes are not official until they are approved.*

# *Exceptions to the OMA*

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- *Certain types of discussions by a quorum of public body members are not subject to the open meetings and minute-taking requirements of the Open Meetings Act.*

# Exceptions to the OMA

## Likely to come up:

1. *Certain personnel matters*
2. *Deliberations in connection with an administrative adjudicatory proceeding*
3. *Meeting with the public body's attorney pertaining to threatened or pending litigation in which the public body is or may become a participant*
4. *Negotiations and discussions related to collective bargaining with employee unions*
5. *Discussion of a sole source purchase that exceeds \$2,500 or of the contents of competitive sealed proposals during the contract negotiation process*
6. *Discussion of the purchase, acquisition or disposal of real property or water rights*

## Unlikely to come up or will not come up:

1. *Deliberations related to licensure for an individual*
2. *For boards of public hospitals only, discussion of strategic or long-range business plans or trade secrets*
3. *Personally identifiable information about an individual student*
4. *Information made confidential by the Gaming Control Act*

## *Exceptions to the OMA: Deliberations related to administrative adjudicatory proceedings*

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- *Ok to go into executive session to discuss the evidence that you heard at an adjudicatory proceeding, how to apply the law, or anything else related to your decision on one of these hearings*
- *Actual hearing and final action must be public*

## *Exceptions to the OMA: Attorney/Client Privilege*

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- *Meetings subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant.*

*Questions?*

# *Charter (Home Rule) Municipalities*

*NM Constitution, Article X, Section 6*



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CITY ATTORNEY

# *Santa Fe, A Charter Municipality Since 1997*

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- A municipality which adopts a charter may exercise all legislative powers and perform all functions not expressly denied by general law or charter. This grant of powers shall not include the power to enact private or civil laws governing civil relationships except as incident to the exercise of an independent municipal power, nor shall it include the power to provide for a penalty greater than the penalty provided for a petty misdemeanor. No tax imposed by the governing body of a charter municipality, except a tax authorized by general law, shall become effective until approved by a majority vote in the charter municipality.
- The purpose of this section is to provide for maximum local self-government. A liberal construction shall be given to the powers of municipalities.
- N.M. Const. art. X, § 6

# *In Addition to the Constitution, the Charter Act Governs Charter Municipalities*

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- A municipality organized under the provisions of the Municipal Charter Act shall be governed by the provisions of the charter adopted pursuant to that act, and no law relating to municipalities inconsistent with the provisions of the charter shall apply to any such municipality.
- A municipality which adopts a charter may exercise all legislative powers and perform all functions not expressly denied charter municipalities by general law or charter. A liberal construction shall be given to the powers of municipalities to provide for maximum local self-government.
- NMSA 1978, § 3-15-13

# *Amending A Charter*

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The charter of any municipality adopted under the provisions of Article 10, Section 6 of the constitution of New Mexico, by law of the territorial legislature of New Mexico or under the provisions of the Municipal Charter Act may be amended or repealed either by a proposal submitted by the governing body of the municipality to the qualified electors or by petition as provided for in Section 3-15-4 NMSA 1978 for the adoption of an original charter at a general or special election and ratified by a majority of the qualified electors voting on the amendment or repeal.

NMSA 1978, § 3-15-16

# *What Can a Charter Municipality Do*

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In 1970, New Mexico adopted a state constitutional amendment that establishes the right of the citizens of a municipality to adopt a home rule charter. (citing Article X, Section 6). Municipalities that adopt home rule charters “may exercise all legislative powers and perform all functions not expressly denied by general law or charter.” N.M. Const. art. X, § 6(D). Thus, home rule municipalities do not look to the legislature for a grant of power to legislate, but only look to statutes to determine if any express limitations have been placed on that power.

*Kane v. City of Albuquerque*, 2015-NMSC-027, ¶ 48.

# *What a Charter Municipality Cannot Do*

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• Limitations on home rule authority are evaluated in a two-step process. In the first step, a court asks whether a state law is a “general law,” that is, a law that applies generally throughout the state, relates to a matter of statewide concern, and impacts inhabitants across the entire state. ... In the second step, we determine whether the general law “expressly denies” the City's power... The Court must consider (a) whether the statute “evinces any intent to negate such municipal power” ; (b) whether the effect of the statute implies “a clear intent to preempt that governmental area from municipal policymaking”; and (c) whether the grant of authority to another governmental body “makes its exercise by [the City] so inconsistent with the [statute] that it is equivalent to an express denial.”

• *Smith v. City of Santa Fe*, 2006-NMCA-048, ¶¶ 9-10.

*Questions?*

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2025-59**

3 **INTRODUCED BY:**

4  
5 Councilor Jamie Cassutt

6 Councilor Pilar Faulkner

7 Councilor Alma Castro

8  
9  
10 **A RESOLUTION**

11 **CONVENING A CHARTER REVIEW COMMISSION NO LATER THAN APRIL OF 2026**  
12 **TO CONSIDER MAYOR AND CITY COUNCILOR POWERS.**

13 **WHEREAS**, the voters of the city of Santa Fe adopted the City of Santa Fe’s Municipal  
14 Charter (“Chater”), at a special municipal election held on December 9, 1997; and

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

18 **WHEREAS**, the voters of the City of Santa Fe (“City”) amended the Charter in elections  
19 in 2008, 2014, 2018, and 2023; and

20 **WHEREAS**, Section 10.01 of the Charter calls for the Governing Body to appoint a charter  
21 review commission (“Commission”) “as needed, but not less frequently than every ten years”; and

22 **WHEREAS**, a Commission may review and recommend to the Governing Body the  
23 adoption of ballot questions regarding proposed Charter amendments for the electorate of the city  
24 of Santa Fe to consider; and

25 **WHEREAS**, it is important that members of the Commission be residents of the city of

1 Santa Fe; that, to the extent possible, they have either an interest, knowledge, or training in local  
2 government or law or a personal knowledge of the government of the City of Santa Fe; and that  
3 they represent a variety of backgrounds and perspectives; and

4 **WHEREAS**, the 2023 Charter Commission Report included a recommendation to  
5 “provide for a separation of powers between the executive and the legislative branches of City  
6 government” and to “[c]reate a new Article V to replace current Articles V-VIII, entitled  
7 GOVERNANCE with these sections: The Legislative Branch, [and] The Executive Branch”, and  
8 the Governing Body wishes to renew the conversation on the topic; and

9 **WHEREAS**, the 2023 Charter Commission Report states that there was a “short period  
10 of time” to make recommendations; and

11 **WHEREAS**, a resolution about the commission’s recommendation to “provide for a  
12 separation of powers” was item 9g at the Special Governing Body meeting on Tuesday, August 22,  
13 2023, and the Resolution that described the recommendation noted that the Charter Commission’s  
14 recommendation presented changes that required “additional time for review and consideration”;  
15 and

16 **WHEREAS**, the Governing Body wishes to dedicate additional time to the topic of  
17 separation of powers, and to consider a balance of powers, by convening a Commission to review  
18 the separation and balance of powers between the mayor and city councilors.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
20 **CITY OF SANTA FE** that a Charter Review Commission shall be convened consistent with  
21 Section 10.1 of the City’s Charter, including the following parameters:

22 **Section 1. NAME:** The commission shall be called the Charter Review Commission  
23 (“Commission”).

24 **Section 2. PURPOSE:** The purpose of the Commission is to review the City’s  
25 Charter and determine whether to recommend changes to Charter modify the Mayor’s and the City

1 Councilors' powers and duties.

2           **Section 3. DUTIES AND RESPONSIBILITIES:** The Commission shall review the  
3 Mayor's and Councilors' duties and powers established in the Charter any amendments proposed  
4 by members of the Governing Body and the public on those topics, focusing on separation of  
5 powers and balance of powers between the mayor and city councilors. The Commission shall  
6 complete its review and prepare a report of the Commission's recommendations regarding  
7 proposed Charter amendments no later than April 1, 2027, such that the Governing Body may  
8 consider and adopt the recommendations for consideration during the November 2027 election.  
9 After receiving the report, the Governing Body shall consider the proposals and vote on resolutions  
10 regarding placing the proposed amendments on the ballot for vote by its electorate. The  
11 Commission recommendations shall include, but not be limited to, the powers and duties of the  
12 mayor and city councilors, including the following:

- 13           A. Whether there should be separation of powers or balance of powers as between the  
14 mayor and city councilors;
- 15           B. Whether the City's mayor should have a purely executive role, rather than both a  
16 legislative and executive role and, if so, what new powers and limitations should  
17 be adopted along with such a separation of powers;
- 18           C. Whether the mayor, city manager, or the city councilors should propose the City  
19 budget and what should be required in the budget's development;
- 20           D. Whether the City should adopt a strategic plan, and, if so, who should put it forward  
21 for review, and how often should it be updated;
- 22           E. Whether a city councilor who is running for mayor should be required to give up  
23 their city council seat; How to fill vacant council seats; and
- 24           F. Who has the power to appoint, dismiss, and supervise the city manager, city  
25 attorney, and city clerk.

1           **Section 4.       MEMBERSHIP; OFFICERS; TERM:**

2           **MEMBERSHIP:** As is consistent with Section 10.01 of the Charter, the Commission  
3 “shall consist of nine members, one selected by each member of the governing body.” The  
4 appointees shall be residents of the city of Santa Fe, and, to the extent possible, either have an  
5 interest, knowledge, or training in local government or law or have personal knowledge of the City  
6 government.

7           **OFFICERS:** The commissioners shall elect one member to be their chair and one member  
8 to be vice-chair.

9           **TERM:** The members of the Governing Body shall appoint commissioners no later than  
10 April 1, 2026, and the commissioners shall conclude their term by April 1, 2027.

11           **Section 5.       ABSENCES:** Failure to attend three consecutive regular meetings or  
12 thirty-three percent (33%) or more of the Commission’s regular meetings shall constitute an  
13 automatic tender of resignation by such member, which the Governing Body may accept or reject  
14 at its discretion.

15           **Section 6.       VACANCIES:** Vacancies on the Commission shall be filled by the  
16 member of the Governing Body who appointed the commissioner who held the vacated position.

17           **Section 7.       MEETINGS; DURATION; QUORUM:** The Commission shall meet at  
18 least once per month, in accordance with the Open Meetings Act and any other applicable City  
19 policies and procedures and “hall hold no less than two meetings in each of the city’s council  
20 districts, for the purpose of taking input from the public.


21           **Section 8.       STAFF LIAISON:** The City Manager shall identify no fewer than two employees  
22 to work alongside the City Attorney or City Attorney’s designee to assist the Commission to  
23 perform research and drafting functions for the commission.

24           **BE IT FURTHER RESOLVED** that the City shall advertise the creation of the  
25 Commission and its functions on a dedicated page of the City’s web site, and the page shall allow

1 for the public to submit proposed amendments.

2 **BE IT FURTHER RESOLVED** that as is consistent with Section 10.01 of the Charter,  
3 the “governing body shall consider and vote upon proposing the commission’s recommended ballot  
4 questions.”

5  
6 PASSED, APPROVED, and ADOPTED this 24<sup>th</sup> day of September, 2025.

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9   
10 Alan Webber (Sep 28, 2025 14:20:03 MDT)  
11 ALAN WEBBER, MAYOR

12 ATTEST:

13  
14   
ANDREA SALAZAR (Sep 25, 2025 09:23:32 MDT)

15 ANDRÉA SALAZAR, CITY CLERK

16 APPROVED AS TO FORM:

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18   
Erin McSherry (Sep 26, 2025 18:28:13 MDT)

19 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2025/Resolutions/ 2025-59 (R)/Call for Charter Review Committee to Review Mayor & Councilor powers*

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**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2025-\_\_**  
**Call for Charter Review Commission**

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**Mayor and Members of the City Council:**

**In relation to Resolution No. 2025-\_\_.**

**This amendment WILL change the caption.   X**

**This amendment WILL NOT change the caption.**

**I intend to propose the following amendment(s),**

**CITY OF SANTA FE, NEW MEXICO**  
**RESOLUTION NO. 2025-\_\_**  
**INTRODUCED BY:**

- Councilor Jamie Cassutt
- Councilor Pilar Faulkner
- Councilor Alma Castro

**RED – AMENDMENT A – Councilor Michael Garcia**

**A RESOLUTION**  
**CONVENING A CHARTER REVIEW COMMISSION NO LATER THAN APRIL OF 2026**  
**TO CONSIDER MAYOR AND CITY COUNCILOR POWERS **AND THE USE OF****

1 **RANKED CHOICE VOTING.**

2  
3 **WHEREAS**, the voters of the city of Santa Fe adopted the City of Santa Fe’s Municipal  
4 Charter (“Chater”), at a special municipal election held on December 9, 1997; and

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

8 **WHEREAS**, the voters of the City of Santa Fe (“City”) amended the Charter in elections  
9 in 2008, 2014, 2018, and 2023; and

10 **WHEREAS**, Section 10.01 of the Charter calls for the Governing Body to appoint a charter  
11 review commission (“Commission”) “as needed, but not less frequently than every ten years”; and

12 **WHEREAS**, a Commission may review and recommend to the Governing Body the  
13 adoption of ballot questions regarding proposed Charter amendments for the electorate of the city  
14 of Santa Fe to consider; and

15 **WHEREAS**, it is important that members of the Commission be residents of the city of  
16 Santa Fe; that, to the extent possible, they have either an interest, knowledge, or training in local  
17 government or law or a personal knowledge of the government of the City of Santa Fe; and that  
18 they represent a variety of backgrounds and perspectives; and

19 **WHEREAS**, Section 10.01 of the Charter addresses community engagement during a  
20 Charter review stating that “[t]he creation of the commission and its function shall be advertised  
21 on a separate page of the city’s web site and the page shall allow for the public to submit  
22 proposed amendments. The commission shall hold no less than two meetings in each of the city’s  
23 council districts, for the purpose of taking input from the public.”; and

24 **WHEREAS**, the Governing Body recognizes that meaningful community engagement is  
25 fundamental to ensuring that the City’s Charter reflects the values, priorities, and voices of Santa

1 Feans; and

2       **WHEREAS**, the 2023 Charter Commission Report included a recommendation to  
3 “provide for a separation of powers between the executive and the legislative branches of City  
4 government” and to “[c]reate a new Article V to replace current Articles V-VIII, entitled  
5 GOVERNANCE with these sections: The Legislative Branch, [and] The Executive Branch”, and  
6 the Governing Body wishes to renew the conversation on the topic; and

7       **WHEREAS**, the 2023 Charter Commission Report states that there was a “short period  
8 of time” to make recommendations; and

9       **WHEREAS**, a resolution about the commission’s recommendation to “provide for a  
10 separation of powers” was item 9g at the Special Governing Body meeting on Tuesday, August 22,  
11 2023, and the Resolution that described the recommendation noted that the Charter Commission’s  
12 recommendation presented changes that required “additional time for review and consideration”;  
13 and

14       **WHEREAS**, the voters of the City approved ranked choice voting during the 2008,  
15 Regular Municipal Election and the City implemented ranked choice voting beginning with the  
16 Regular Municipal Election on March 6, 2018; and

17       **WHEREAS**, Section 4.06 of the Charter outlines the ranked choice voting system stating  
18 “...the mayor, city councilors and municipal judge shall be elected using a ranked choice  
19 (sometimes called instant runoff) voting system allowing voters to rank in order of their preference  
20 the candidates for each office appearing on the ballot.”; and

21       **WHEREAS**, the Governing Body seeks the Commission’s review and evaluation of the  
22 ranked choice voting system to ensure it continues to serve the best interest of voters and to support  
23 fair and representative elections; and

24       **WHEREAS**, the Governing Body wishes to dedicate additional time to the topic of  
25 separation of powers, and to consider a balance of powers as well as review the use of ranked choice

1 **voting**, by convening a Commission to review the separation and balance of powers between the  
2 mayor and city councilors **and the ranked choice voting system**.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
4 **CITY OF SANTA FE** that a Charter Review Commission shall be convened consistent with  
5 Section 10.1 of the City’s Charter, including the following parameters:

6 **Section 1. NAME:** The commission shall be called the Charter Review Commission  
7 (“Commission”).

8 **Section 2. PURPOSE:** The purpose of the Commission is to review the City’s  
9 Charter and determine whether to recommend changes to **the Charter to modify the Mayor’s and**  
10 **the City Councilors’ powers and duties as well as whether to recommend changes to the ranked**  
11 **choice voting system**.

12 **Section 3. DUTIES AND RESPONSIBILITIES:** The Commission shall review the  
13 Mayor’s and Councilors’ duties and powers **as well as the ranked choice voting system** established  
14 in the Charter **and** any amendments proposed by members of the Governing Body and the public  
15 on those topics, focusing on separation of powers and balance of powers between the mayor and  
16 city councilors and **the ranked choice voting system**. The Commission shall complete its review  
17 and prepare a report of the Commission’s recommendations regarding proposed Charter  
18 amendments no later than April 1, 2027, such that the Governing Body may consider and adopt the  
19 recommendations for consideration during the November 2027 election. After receiving the report,  
20 the Governing Body shall consider the proposals and vote on resolutions regarding placing the  
21 proposed amendments on the ballot for vote by its electorate. The Commission recommendations  
22 shall include, but not be limited to, the powers and duties of the mayor and city councilors and **the**  
23 **ranked choice voting system**, including the following:

- 24 A. Whether there should be separation of powers or balance of powers as between the  
25 mayor and city councilors;

- 1 B. Whether the City’s mayor should have a purely executive role, rather than both a
- 2 legislative and executive role and, if so, what new powers and limitations should
- 3 be adopted along with such a separation of powers;
- 4 C. Whether the mayor, city manager, or the city councilors should propose the City
- 5 budget and what should be required in the budget’s development;
- 6 D. Whether the City should adopt a strategic plan, and, if so, who should put it forward
- 7 for review, and how often should it be updated;
- 8 E. Whether a city councilor who is running for mayor should be required to give up
- 9 their city council seat; How to fill vacant council seats; ~~and~~
- 10 F. Who has the power to appoint, dismiss, and supervise the city manager, city
- 11 attorney, and city clerk-; ~~and~~
- 12 G. Whether ranked choice voting continues to serve the best interest of voters and
- 13 whether it supports fair and representative elections.

14 **Section 4. MEMBERSHIP; OFFICERS; TERM:**

15 **MEMBERSHIP:** As is consistent with Section 10.01 of the Charter, the Commission  
16 “shall consist of nine members, one selected by each member of the governing body.” The  
17 appointees shall be residents of the city of Santa Fe, and, to the extent possible, either have an  
18 interest, knowledge, or training in local government or law or have personal knowledge of the City  
19 government.

20 **OFFICERS:** The commissioners shall elect one member to be their chair and one member  
21 to be vice-chair.

22 **TERM:** The members of the Governing Body shall appoint commissioners no later than  
23 April 1, 2026, and the commissioners shall conclude their term by April 1, 2027.

24 **Section 5. ABSENCES:** Failure to attend three consecutive regular meetings or  
25 thirty-three percent (33%) or more of the Commission’s regular meetings shall constitute an

1 automatic tender of resignation by such member, which the Governing Body may accept or reject  
2 at its discretion.

3 **Section 6. VACANCIES:** Vacancies on the Commission shall be filled by the  
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13 Commission and its functions on a dedicated page of the City’s web site, and the page shall allow  
14 for the public to submit proposed amendments.

15 **BE IT FURTHER RESOLVED** that as is consistent with Section 10.01 of the Charter,  
16 the “governing body shall consider and vote upon proposing the commission’s recommended ballot  
17 questions.”

18 Respectfully submitted,

19  
20  \_\_\_\_\_

21 Michael Garcia, Councilor

22  
23   
24 Pilar Faulkner (Sep 24, 2025 14:24:02 MDT)  
25 Pilar Faulkner, Councilor

1 Amendment approved as to Form:

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Erin K. McSherry, City Attorney

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8 ADOPTED: \_\_\_\_\_

9 NOT ADOPTED: \_\_\_\_\_X\_\_\_\_\_

10 DATE: Governing Body 09/24/2025

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ANDREA SALAZAR (Sep 24, 2025 09:23:32 MDT)  
ANDRÉA SALAZAR, City Clerk

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25 *Legislation/2025/ Amendment A/ Call for Charter Review Committee to Review Mayor and City Councilor Powers*

# Charter Commission Timeline

**April 2026:** Convene

**May-December 2026:** Hold no less than two meetings in each of the City's Council districts.

**January-March 2027:** Working block – produce Charter Recommendations report

**First week of April 2027:** Deliver Report

**April-May 2027:** Legislation and Policy Office facilitate review of Charter Commission's recommendations and drafts a resolution(s) to consider each ballot measure.

**June-July 2027:** Governing Body considers resolutions

**July-August 2027:** Ballot measures due to Santa Fe County Clerk

**November 2027:** Regular Local Election

## **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.

## 2026 Charter Review Commission

April 2026—April 2027

### **Proposed Cadence by Month:**

May '26:	District 1 & District 2
June '26	Variable Month
July '26:	District 3 & District 4
August '26	Variable Month
September '26	District 1 & District 2
October '26	Variable Month
November '26	District 3
December '26	District 4
January—March '27	Committee x Legislative Working Block

### **Proposed Cadence by District:**

District 1	May x September	
District 2	May x September	
District 3	July x November	
District 4	July x December	
Variable Months	June, August, October	Study, Virtual, & Make Up Sessions

### **Suggested Venues (capacity): \$\$ Commission Rental Budget—20k**

#### *District 1:*

- Main Library Community Room (80)—Thursday, May 7 (earliest)
- Convention Center (100)—May 7<sup>th</sup>, June 2<sup>nd</sup>, June 24<sup>th</sup>, Sept 2<sup>nd</sup>, Sept 10<sup>th</sup>
- Council Chambers (170)—POC Xavier Vigil

#### *District 2: Suggestions?*

- Santa Fe High
- St. Michaels High

#### *District 3:*

- Southside Library Community Room (60)—Tuesday, May 5 (earliest)
- \$\$ Santa Fe Country Club (150)

#### *District 4:*

- \$\$ Higher Education Center Lobby (80)—Available Wed & Fri to 7pm
- Midtown Campus:
  - Grier Garson Theater (500—POC Carly Vendetti)
  - Smaller Capacities (POC Kyle Morgan)

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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2022-38**

**INTRODUCED BY:**

Mayor Alan Webber

**A RESOLUTION**

**PERMITTING REMOTE MEETINGS FOR ADVISORY COMMITTEES WHETHER OR NOT IT IS DIFFICULT OR IMPOSSIBLE FOR MEMBERS OF THE COMMITTEE TO MEET IN PERSON WHEN THE ADVISORY COMMITTEE DETERMINES IT IS IN THE BEST INTEREST OF THE PUBLIC TO DO SO.**

**WHEREAS**, the rules governing committees, Resolution No. 2009-20, require that all City boards, committees, task forces, and commissions follow the Open Meetings Act, regardless of if they are policy-making bodies; and

**WHEREAS**, the Open Meetings Act only permits remote attendance by committee members when it is difficult or impossible for the member to attend; and

**WHEREAS**, in-person meetings are difficult to attend for certain committee members and certain members of the public; and

**WHEREAS**, facilitating hybrid meetings can require significant staff resources, with a minimum of two staff currently needed to support hybrid meetings in the Council Chambers; and

**WHEREAS**, certain accessibility technology is not easily incorporated into a hybrid

1 meeting; and

2           **WHEREAS**, the existing Committee Rules’ standards and limitations do not maximize  
3 opportunities for participation in City meetings; and

4           **WHEREAS**, a “remote meeting” means a meeting at which all participants participate via  
5 video conferencing, such as Zoom, Microsoft Teams, Google Meet, or other similar platforms,  
6 through which all participants may be heard and identified by each other and by the public.

7           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
8 **CITY OF SANTA FE** that, upon a vote of a committee’s membership that it is in the best interest  
9 of the public for the committee to hold a remote meeting, either for a particular meeting, a set of  
10 meetings, or indefinitely, the advisory committee may hold remote meetings, regardless of whether  
11 it is difficult or impossible for the members of the committee to meet in person.

12           **BE IT FURTHER RESOLVED** that a committee may vote to meet in person again at  
13 any time.

14           **BE IT FURTHER RESOLVED** that an advisory committee shall place a vote to meet  
15 remotely or return to in-person meetings on its published agenda before voting on the issue.

16           **BE IT FURTHER RESOLVED** that this resolution does not modify the requirement that  
17 advisory committees follow other aspects of the Open Meetings Act, such as notice, minutes,  
18 limitations on communications among quorums, etc.

19           PASSED, APPROVED, and ADOPTED this 27<sup>th</sup> day of July, 2022.

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23 ALAN WEBBER, MAYOR  
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1 ATTEST:

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KRISTINE MIHELIC, CITY CLERK

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APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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*Legislation/2022/Resolutions/2022-38 Permitting Remote Meetings for Advisory Committees*

## FISCAL IMPACT REPORT

**General Information:**

(Check)      **Bill:** \_\_\_\_\_      **Resolution:**   X  

**Short Title(s):** Permitting Remote Meetings for Advisory Committees

**Sponsor(s):** Mayor Alan Webber

**Reviewing Department(s):** City Attorney's Office

**Staff Completing FIR:** Erin McSherry      **Date:** 6/22/2022      **Phone:** 505-955-6961

**Reviewed by City Attorney:**       **Date:** Jun 24, 2022

**Reviewed by Finance Director:**       **Date:** Jun 24, 2022  
Alexis Lotero (Jun 24, 2022 09:49 MDT)

**Summary:**

This resolution allows advisory committees to hold remote meetings, whether or not it is difficult or impossible for members of the committee to meet in person, when the advisory committee determines it is in the best interest of the public to do so. Currently, the City's Committee Rules require all committees to follow the Open Meetings Act, which only allows remote participation by members when it is difficult or impossible for members to attend in person and when the technology used to appear remotely is sufficient to allow all members and the public to hear and identify each speaker. Fully remote meetings have certain advantages over hybrid meetings. Hybrid meetings can require significant staff resources, with a minimum of two staff needed to conduct hybrid meetings in the Council Chambers. In addition, certain accessibility technology is not easily incorporated into a hybrid meeting.

**Departments Affected:**

All departments that participate in advisory committees would be affected by this legislation.

**Consequences of Not Enacting Legislation:**

If the legislation is not adopted, advisory committees will not be permitted to meet 100% remotely and some interested parties will be unable to participate in meetings. Committees may not be able to meet in a timely manner or at all if some members are unable to attend in-person meetings.

**Conflict, Duplication, Companionship, or Relationship to Other Legislation:**

This Resolution relates to Resolution 2009-20, establishing rules for committees, including the requirement that they follow the Open Meetings Act.

**Performance and Administrative Implications:**

If a committee votes to hold meetings remotely, staff will need set up and host the virtual meetings.

**Fiscal Implications:**

None identified.

**Fiscal Impact**

    X     Check here if no fiscal impact

**Expenditures**

Expenditure Type	FYE ___	FYE ___	FYE ___	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
<u>Personnel and Benefits*</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	_____
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	_____
<u>Contractual/ Professional Services</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	_____
<u>Operating</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	\$ _____

\* This includes all staff time associated with executing the job functions of the proposed legislation.

**Expenditure Narrative:**

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**Revenue**

Revenue Type	FYE ___	FYE ___	FYE ___	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____	_____	_____

**Revenue Narrative:**

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