



Agenda

Regular Meeting of the Charter
Review Commission
April 30, 2026 at 5:00 PM
Council Chambers, City Hall
200 Lincoln Avenue

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. Approval of Minutes
 - a. Request for Approval of the April 13, 2026 Charter Review Commission Meeting Minutes. (Xavier Vigil, Assistant City Clerk; xivigil@santafenm.gov)
5. Presentations
6. Discussion and Possible Action Items
 - a. Election of Chair and Vice Chair
 - b. Public Input Session Planning
 - c. Formation of Possible Subcommittees
 - d. Review and Discussion of the Charter Review Commission's Previous Recommendations.
7. Matters from Staff
8. Matters from the Committee

9. Matters from the Chair
10. Next Meeting: May 28, 2026
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.



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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)
 - b. What Does it Mean to be a Home Rule City? (Marcos Martinez, City Attorney; mdmartinez@santafenm.gov)
 - c. Charter Review Commission Resolution: Process and Timeline. (Marci Eannarino, Legislation Policy and Innovation Manager; 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)

- c. Virtual, Hybrid, or In-Person Meeting Options for Future Meetings. (Xavier Vigil, Assistant City Clerk; 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.

**REGULAR MEETING OF THE CHARTER REVIEW COMMISSION
APRIL 13, 2026, 5:00 PM
COUNCIL CHAMBERS, CITY HALL, 200 LINCOLN AVENUE
SANTA FE, NEW MEXICO**

1. CALL TO ORDER

A regular meeting of the Charter Review Commission was called to order on April 13, 2025, at 5:03 pm, by Xavier Vigil, in the City Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT

Commissioner Brandon Vella
Commissioner John Paul Granillo
Commissioner Maria Perez
Commissioner Kendal Chavez
Commissioner Pamela Ray
Commissioner Renee Villarreal
Commissioner Roberta Duran
Commissioner Rod Gould

MEMBERS ABSENT

Commissioner Lillie Mae Ortiz

OTHERS PRESENT

Xavier Vigil, Assistant City Clerk
Marci Eannarino, Legislative Policy and Innovation Manager
Jerica Simmons, Project Administrator
Marcos Martinez, City Attorney
Geraldyn Cardenas, City Clerk
Elizabeth Martin, Stenographer

3. APPROVAL OF AGENDA

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

VOTE The motion passed on a voice vote.

4. INTRODUCTIONS OF MEMBERS AND STAFF

Commissioners and staff introduced themselves.

5. PRESENTATIONS

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

Mr. Martinez gave a PowerPoint presentation on the Open Meetings Act as applied to the Charter Review Commission. The presentation was included in the meeting packet.

Mr. Martinez said it is the basics that are important. The charge for this Commission comes from the City Charter. It is a policy making role.

Mr. Martinez spoke about the votes being decided by the majority of the members present, the definition of a rolling quorum, the public's right to attend and listen, notice requirements, the requirement for minutes, the use of virtual attendance when it is difficult or impossible to attend and other points in the Open Meetings Act.

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

Mr. Martinez gave a PowerPoint presentation on what it means to be a home rule city including, that the Charter Municipality is in the New Mexico Constitution, Santa Fe has been home ruled since 1997, the Charter Act also governs charter municipalities, amending a charter, the Chart Act specifies that amendments to the charter go to the voters in an election for a vote and other specifics.

This presentation was included in the meeting packet.

C. CHARTER REVIEW COMMISSION RESOLUTION : PROCESS AND TIME LINE

Ms. Eannarino gave a presentation on the Charter Review Commission Resolution including the process and time line. The presentation highlights were included in the meeting packet. .

Ms. Eannarino stated that a Resolution passed in 2025 outlining the task before the Commission. Page 2 of the Resolution contains good information of how to organize yourselves and the task before you. The specific purpose for the convening of this Commission is to take a deep dive into the separation of powers of the Governing Body and the Mayor. This will be a year-long process - April to April. There will be multiple

meetings in districts, two per district, as prescribed in the Charter. The clock began on April 1, 2026 and ends in April 2027. Then the clock starts for her office to put together ballot measures for consideration by the Council. The Council will vote yes or no regarding the inclusion of the measures on the ballot. Measures agreed upon will be on the ballot in the November 2027 election for public vote. Your report is due to her office in April 2027. The final ballot measures will go to the Clerk's office in August. Items A through F in your packet are the ideas that the Governing Body is interested in you looking at. You are not limited to that list. Your term is April to April.

Ms. Eannarino reviewed a work plan time line.

There was discussion regarding the district meetings, ensuring there is a meaningful process for the meetings with the public, educating people regarding the purpose of the Commission and the importance of public input, the suggestion of altering the proposed work plan time line to start the public meetings in July to allow the Commission to hold two meetings for discussion with the Commissioners prior to the district meetings, staff providing assistance with research, providing snacks and drinks for public meetings and the budget.

Ms. Cardenas said there is a budget for the Commission. She will look into making those accommodations for you. Jerica proposed a calendar of public meetings for you, but we will work with your schedule. We appreciate that you want to give us guidance on how to do the input sessions.

Commissioner Villarreal said it would be helpful to know what the last Commission recommendations were. Many did not make it to the ballot.

Ms. Eannarino said we have the report. We did draft resolutions for each and every one of the Commission's recommendations. Some were approved by City Council and some were not.

There was discussion regarding why the Charter Commission is running again so soon, an overview of what transpired during the previous Commission, looking at other forms of government, looking at a possible budget process refresh, looking at adopting a strategic plan and how often that would be done, and clarification as to the purpose of the Commission - to clarify the powers of the Mayor and Council.

Commissioner Perez said as a summary, for the meeting next time, we would like to see the time line with the changes and what actually went out to the voters after the last Commission.

6. DISCUSSION AND POSSIBLE ACTION ITEMS

A. APPOINTMENT OF CHAIR AND VICE CHAIR

After discussion, it was agreed that the election of a Chair and Vice Chair would be postponed to the next meeting so that all of the Commissioners would be present.

MOTION A motion was made by Commissioner Gould, seconded by Commissioner Villarreal, to postpone the decision regarding the Chair and Vice Chair to the next meeting of the Commission.

VOTE The motion passed on a voice vote.

Ms. Cardenas said she will send more details about the roles of the Chair and Vice Chair to the Commissioners.

B. PUBLIC INPUT SESSION PLANNING

Ms. Simmons gave a presentation including an initial proposal for public engagement. The proposal was included in the meeting packet.

Ms. Simmons stated that her function is to provide as much structure on the front end as possible.

There was discussion regarding looking at options for the time line and where the meetings will be held, the regular Commission meetings will be at least once a month for the next year, the process within the public meetings, education of the public on the process, development of social media clips of what the Commission is and supplemental education material, the blocked out working time on the time line, working with nonprofits, the Portland plan, attendance of Commissioners at the public input meetings, holding input meetings between working sessions, locations of public input meetings, the suggestion of forming a working group to look at the process for the public meetings, and a schedule.

The following schedule was agreed upon:

The Commission will meet in May and June as a Commission. There will be District 1 and 2 public meetings in July and August, The Commission will meet in September and October as a Commission and District 3 and 4 public meetings in November and December.

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

Mr. Vigil reviewed the meeting options for future meetings.

There was discussion regarding the hybrid option with members committing to be in person with the option if necessary.

It was decided to go with the hybrid option for future meetings.

There was a discussion about the next meetings.

It was decided that the next meeting of the Charter Commission will be on April 30th in the City Council Chambers. The first order of business will be the election of Chair and Vice Chair.

Commissioner Villarreal asked that the Commissioners receive the historical information regarding the prior Commission prior to the meeting.

Commissioner Vella asked that the information regarding the Portland example and the Gould information regarding other forms of government and some context as to strategic plans as mentioned by a Commissioner be provided at the next meeting.
discussion about next meetings

D. AGENDA ITEMS FOR NEXT MEETING

The following items were discussed for inclusion on the next agenda:

- Election of Chair and Vice Chair
- Subcommittee discussion and formation
- items the Council asked the Commission to look at
- Ideas Commissioners may want to look at and further clarification - such as the budgeting process item, strategic plans, the Portland example, looking at other forms of government and other items.

7. MATTERS FROM STAFF

None.

8. MATTERS FROM THE COMMITTEE

Commissioner Gould suggested that the Commissioners not assume staff has the resources and time to research every thought we have. Be specific.

Commissioner Perez said she looks forward to working with all of the Commissioners and appreciates staff and their support of our work.

9. MATTERS FROM THE CHAIR

None.

10. NEXT MEETING: APRIL 30, 2026, 5:00 PM, CITY HALL, COUNCIL CHAMBERS

11. ADJOURN

There being no further business before the Commission, the meeting adjourned at 6:48 pm.

Xavier Vigil, Assistant City Clerk

Elizabeth Martin, Stenographer

Proposed Cadence by Month:

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

Proposed Cadence by District:

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

CITY OF SANTA FE
CHARTER REVIEW COMMISSION
FINAL REPORT AND RECOMMENDATIONS
TO THE GOVERNING BODY

INTRODUCTION

The Charter Review Commission was created by Ordinance 2005-46 and adopted by the Governing Body on May 11, 2005. Pursuant to Section 10.01 of the Municipal Charter, which requires appointment of a commission at least every ten years, this Commission was appointed pursuant to Resolution 2022-40 (“Resolution”), adopted by the Governing Body on July 27, 2022. The members of the Commission were appointed by the Governing Body and held their first meeting on November 14, 2022. Since that time, the Commission has held twelve meetings. In addition to the regular Commission meetings held twice monthly beginning in January, two subcommittees were appointed to review and evaluate proposals and make recommendations to the entire Commission. The subcommittees met frequently, in conjunction with an appointed member of the City Attorney’s Office, putting in numerous hours between the regular Commission meetings. The Commission received public comment in person, by videoconferencing, in writing and through the Commission’s webpage. In all, the Commission received approximately 50 comments.

In the course of its deliberations, the Commission considered more than fifteen proposals to amend the Charter, including the nine topics sent to the Commission by the Governing Body in the Resolution. Of these, the Commission recommends six substantive amendments to be placed on the ballot for the November election. In this report, the Commission presents a description and, where appropriate, justification for the recommended amendments. There is also a section with four recommendations for Governing Body consideration but not as Charter amendments. Lastly, there is a section with five proposals that the Commission considered but neither recommends them as changes to the Charter nor otherwise for Governing Body consideration.

CHARTER AMENDMENTS RECOMMENDED TO THE GOVERNING BODY

ROLES OF COUNCIL, MAYOR, AND MANAGER: CURRENT ARTICLES 5, 7, 8 OF THE CHARTER

Topic Referred by the Council: The Commission considered these two referrals from the Council together:

- Whether the City's mayor should have a purely executive role rather than both executive and legislative roles and, if so, what new rights and limitations should be adopted along with such a separation of powers.
- Whether the roles of the mayor, councilors, and city manager should be better defined and, if so, how.

Recommendation: Provide for a separation of powers between the executive and legislative branches of City government. Create a new Article V to replace current Articles V—VIII, entitled GOVERNANCE with these sections: The Legislative Branch, The Executive Branch, as follows:

ARTICLE V. GOVERNANCE

Balance and Separation of Powers: City government in Santa Fe shall be defined by this Charter, and specifically by the separated and balanced powers of its branches, legislative and executive.

5.01 The Legislative Branch

THE CITY COUNCIL

5.01 The Legislative Branch, Composition

There shall be a city council composed of elected councilors representing districts as provided herein. The members of the city council shall be known and designated as councilors. The mayor and the councilors when acting together may be referred to as the governing body of the city.

The Legislative Branch, Powers, and Duties

- A. The city council shall serve as the principal policy maker of the city, and shall, as necessary, amend existing policies that are consistent with other provisions of the charter. The council shall consider the-agenda put forth by the mayor and propose amendments to existing policies and propose new policies.

- B. All legislative powers of the city shall be vested in the city council except as otherwise required by law or this charter. The city council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the city by law.
- C. The city council shall select from among its members a presiding officer, who may or may not also be the mayor *pro-tempore*.
- D. The city council shall select from among its members a finance committee and may select from among its members other committees to facilitate its work.
- E. The city council may override a mayoral veto by a super-majority of the total possible members voting to do so.
- F. *Mayor pro tempore*.

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

- G. The city council shall by ordinance fix the annual salaries of the municipal judge and councilors and shall review those salaries not less than every four years.
- H. The city council shall by ordinance establish an independent salary review commission whose sole purpose shall be to review and set the mayor's salary. The independent salary review commission shall review the mayor's salary no less than every four years.
- I. The city council shall by ordinance set a policy for reimbursement of the actual and necessary expenses incurred by the mayor, the municipal judge and city councilors.
- J. The city council shall consider and take action throughout the year on the mayor's legislative agenda.

The Legislative Branch, City Council Districts

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

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

Legislative Branch, Conditions of Service

A. Eligibility.

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

B. Term of office.

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

C. Vacancies in office.

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

D. Grounds for removal from office.

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

5.02 The Executive Branch

THE MAYOR

Powers and Duties of the Mayor

The city shall have a mayor who shall:

- A. Be elected at large by the voters of the city.
- B. Provide the city council, in person or by other means, with mayoral messages on major matters under consideration by the council and be free to amend any of the mayoral messages in light of the council's debate on the matters.
- C. Be the chief executive officer of the city whose position shall be full-time. The mayor shall function as the political leader, public convenor, and head of city government for all purposes, including, but not be limited to:
 - facilitating, as may be possible, cooperation among all stakeholders in government and the private sector to solve the major challenges facing the city, and
 - enlisting the support of the council to add legislative framework as may be necessary.
- D. Earn a salary set by an independent commission as created by ordinance.
- E. Appoint, with the consent of a majority of the total possible membership of city council: the city manager, city attorney, city clerk, and members of advisory commissions, except as otherwise provided in the charter.
- F. Supervise the city manager, city attorney and city clerk.
- G. Have the sole authority to remove the city clerk, the authority to remove the city manager with consent of a majority of the total possible membership of the city council at a regularly scheduled meeting and may remove the city attorney with the consent of six members of the city council.
- H. Shall join the city council as the governing body, with voice and vote, to break tie votes.
- I. Shall sign, veto, or allow to become law without signature, each ordinance adopted by the council. Signature or veto shall be exercised within 30 days of the ordinance adoption.

- J. Cause the ordinances and regulations of the city to be faithfully and constantly obeyed.
- K. Have, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace.
- L. Propose programs and policies to city council.
- M. Represent the city in intergovernmental relationships.
- N. Present an annual state of the city message which shall identify among other matters the mayor's legislative agenda for the upcoming year.
- O. Be recognized by the governor for purposes of military law.

Conditions of Service by the Mayor

A. Eligibility.

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

B. Term of office.

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

C. Vacancy in office.

The office of mayor shall become vacant upon the mayor's death, resignation, termination of residency in the city, or removal from office in any manner authorized by law or this charter.

When such a vacancy occurs, the mayor pro tempore shall serve as mayor until the next regular city election. If the offices of both the mayor and the mayor pro tempore are vacant, then a councilor shall be elected by the remaining members of the governing body to serve as mayor until a special election can be held.

D. Grounds for removal from office.

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

THE CITY MANAGER

Appointment.

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

Qualifications.

The city manager should be professionally trained and have the necessary operational and managerial skills to carry out the duties and responsibilities of the city manager. The council shall adopt minimum and preferred demonstrated experience that shall be required for the position.

Powers and duties.

The city manager shall:

- A. Be the chief operations officer of the city.
- B. Have the power to hire and fire all city employees, except for the city attorney and city clerk.
- C. Work with city personnel and timely prepare an annual budget and proposed spending priority for review and approval by the finance committee and the city council.
- D. Provide for a program of public communication on behalf of the city, informing the public of the on-going work of departments, including city-owned enterprises, their successes, and outstanding challenges as well as the public's interaction with the departments.
- E. Have such other powers as are provided for in city ordinances and state law.

Removal

The city manager may be suspended or removed:

- A. By the mayor with consent of a majority of the total possible membership of city council at a regularly scheduled meeting, or
- B. by a vote of six councilors at a regularly scheduled meeting.

5.03 THE MUNICIPAL COURT

A. Establishment.

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

B. Jurisdiction.

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

C. Eligibility.

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

D. Term of office.

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

E. Vacancy in office.

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

F. Grounds for removal from office.

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

G. Salary.

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

COMMENTARY:

Our recommendation features the following:

- The sections of the current charter have been reordered to conform to the recognizable governance structure of branches: legislative, executive.
- The Article begins with a declarative statement that the branches both balance and separate the powers of government.
- The mayor is not a member of the council except as noted in Powers and Duties 5.02(H) but has the opportunity to make or send statements declaring positions on the major

legislative matters that the council has under consideration, as determined by the mayor.

- One of the duties proposed for the mayor (5.02(B)), calls for leadership on “major matters”. The Charter should not define “major” because that definition is not a constitutional issue, it is exactly the political issue for which the mayor is expressly elected by the people. We elect one mayor rather than another candidate in large part because one appears to the electors to grasp the “major” determinants of the city’s future with greater comprehension, insight, and appreciation than another. The proposal also calls for “mayoral messages”. (5.02(B)) They are advisory and reveal the mayor’s position on the issue under consideration. The messages are not meant to be legislative, so in no sense are they to be adopted or rejected in or of themselves.
- Another of the mayoral duties is to break tie votes on the council 5.02(H). How might that actually occur in practical terms? There are several means:
 - The council or its presiding officer might on certain occasions anticipate a tie and ask the mayor to attend at least for that agenda item.
 - The councilors who vote in the affirmative, may be ready to move to reconsider so as to allow one or more of them to change the vote exactly to avoid a tied outcome.
 - The matter may be automatically tabled, or tabled by vote, to be brought off the table so as to include the mayor’s tie-breaking vote, either for or against.
- The deliberations on the distinct roles of the mayor and the manager were informed by several passages in the Model City Charter, 9th edition (MCC9), such as:

*“The mayor is a comprehensive leader who draws on the features of the council-manager form of government to make it even more effective. The mayor is a community leader who interacts extensively with the public. The mayor strives to create a shared vision for the city with the support of the entire council. **The facilitative mayor helps to assure that there is extensive and positive communication between the council and the manager. The mayor also focuses on communicating with the public and ensuring that their views are being incorporated in the decision made by the council and the priorities being pursued by staff.** (emphasis added.) The leadership role of the mayor is supported by direct election. Candidates speak to the full population about citywide issues and the proposals they are advancing, and residents are able to indicate which candidate and proposals they support.” P 7.*

The theory, here, is that both the Mayor and the City Manager are officers whose roles supply overview and a detail-view of the city’s work. MCC9 observes persuasively (*) that the reason to have both is that a Mayor who leads the city and manages it is a mayor who is either overextended or who defaults on behalf of the public’s need. So,

we have two officers, but each has a separate, cooperative, leadership task within the Executive Branch of government.

() "It is difficult to find candidates for mayors who are equally adept at providing both political and administrative leadership... [It] is important for the mayor to devote a substantial amount of time to interacting with the public, making it difficult to devote sufficient attention to policy development, administration, and management. So-called "strong" mayors may actually be overextended mayors." (MCC9, p. 71)*

- MCC9 also informed the discussion of the role of the city attorney as experienced by a range of cities. The city attorney is to be the sole legal representative of city units and enterprises on matters of compliance as well as litigation and discharging disputes. Therefore, if the city attorney is both hired and fired by the mayor and if a difference of opinion occurs between the mayor and the council, it is often alleged that the city attorney has a natural preference for the opinion of the mayor. Cities have cured the matter by requiring that the mayor both hire and fire with the consent of the council, thereby institutionalizing the fact that the city attorney works for both equally. The current Charter requires council consent only on the occasion of hiring.

(MCC9, pp. 31- 33, esp. 33.a. Note also: it is entirely the city's option as to whether this role is exercised by the Mayor or the Manager on behalf of the executive branch. The pattern in Santa Fe has been to assign this responsibility to the Mayor and we see no reason to change it.)

- We added an explicit duty under Powers and Duties of the manager (D) to raise the level of emphasis that the public may expect the city to communicate more fully both its successes and its challenges, and that the importance of this matter is constitutional in nature.

CHARTER SECTION ON FINANCE: NEW PROPOSED SECTION TO THE CHARTER

Topic Raised by the Commission: Whether the Charter should address additional financial management matters.

Recommendation: add the following: **"Financial management"** section in the Santa Fe Charter.

FINANCIAL MANAGEMENT – Section ____
PROPOSED NEW SECTION TO THE CITY CHARTER

Section ____ Submission of Budget and Budget Message.

The city manager shall submit to the city council, a budget for the ensuing fiscal year and an accompanying message.

Section ____ Budget Message.

Consistent with the form required in New Mexico law, the city manager’s message shall explain the budget both in fiscal terms and in terms of the work programs, linking those programs to organizational goals and community priorities. It shall outline the proposed financial policies of the city for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city’s debt position, including factors affecting the ability to raise resources through debt issues, and include such other material as the city manager deems desirable. The council shall provide in ordinance the budget summaries that will facilitate its work.

Section ____ . Budget.

The budget shall provide a financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require for effective management and an understanding of the relationship between the budget and the city’s strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the anticipated tax revenues, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization unit, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;
- (2) Proposed longer-term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when

practical, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expense, profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the city, and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of appropriated funds.

Section ____ . City Council Action on Budget.

(a) **Notice and Hearing.** The city manager shall publish the general summary of the budget and a notice stating:

(1) The times and places where copies of the message and budget are available for inspection by the public, and

(2) The time and place, not less than two weeks after such publication, for a public hearing(s) on the budget.

(b) **Amendment Before Adoption.** After the public hearing, the city council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than total estimated income.

(c) **Adoption.** The city council shall adopt the budget on or before the city's budget is due to the state. If it fails to adopt the budget by this date, the budget proposed by the city manager shall go into effect.

(d) **"Publish" defined.** As used in this article, the term "publish" means to print in the form of publication recognized in New Mexico law for government entities, plus any electronic media that the council deems accessible to the public.

Section ____ . Administration and Fiduciary Oversight of the Budget.

The governing body shall provide by ordinance the procedures for administration and fiduciary oversight of the budget.

Section ____ . City Council Action on Capital Program.

(a) **Notice and Hearing.** The city manager shall publish the general summary of the capital program consistent with the requirements in New Mexico law for public notice.

- (1) The times and places where copies of the general summary of the capital program are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing(s) on the general summary of the capital program.

(b) Adoption. The city council by resolution shall adopt the capital program with or without amendment after the public hearing and before the capital program is due to the state.

Section ___ Independent Audit.

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. The council shall by ordinance update its financial processes and accounting systems, and prioritize budgetary resources to staff its financial services so as to facilitate timely completion of audits.

Section ___ Additional provisions

Investments

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

Procurement

The governing body shall, by ordinance, adopt a fair and equitable procurement code for the city.

Independent audit committee

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

**SIGNATURE THRESHOLDS FOR INITIATIVES, REFERENDA AND RECALL:
CURRENT SECTIONS 3.01, 3.02, 3.03 OF THE CITY CHARTER**

Topics Proposed by the Public:

- Whether the Charter's requirements for the public rights of referendum and initiative should be modified.
- Whether the Charter's requirements for recall should be modified.

Recommendation: Reduce the signature requirements for referenda and initiatives to 15% from 33.3%; keep the recall signature requirement at 33.3% but clarify the Charter language. Note the proposed deletions and additions to the Charter in the text below.

3.01. Referendum

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

3.02. Initiatives

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

3.03. Recall.

G. Number of signatures.

[1] For mayor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least fifteen percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district.

[2] For councilor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor in the district from which the councilor was elected. -The city clerk shall determine the number of voters who voted

in the most recent election that included the election of the office of mayor in the district from which the councilor was elected.

COMMENTARY:

On Initiatives and Referenda

Having access to initiative and referendum rights allows voters to own the ballot's provisions upon which they may vote, in cases where their representatives are not responsive in prioritizing specific voter priorities or have acted despite the voters and their priorities.

The National Civic League's Model City Charter, 9th Edition states that the percentage of signatures required for voters to be able to put a Ballot Initiative or a Referendum on the ballot "should not be too easy nor too burdensome". The document recommends the signature requirement for Initiatives and Referenda to be equal in number to at least 5% to 10% of the total number of registered voters who voted in the last regular election. The City of Albuquerque's signature requirement for initiatives and referenda is 20%, whereas the City of Las Cruces' is 15%. A study of initiative and referenda signature requirement thresholds shows a range most commonly occurring between 2% and 15%.*

The Commission recommends changing the signature requirement threshold for initiatives and referenda from 33.3% to 15%. We also recommend keeping the signature requirement threshold per district at 10%.

*http://www.iandrinstute.org/docs/A_Comparison_of_Statewide_landR_Processes.pdf

On Recalls

The Model City Charter report recommends the signature requirement threshold be higher for recalls than for initiatives or referenda. When an elected official is not responsive to the voters and their priorities, the voters do have a recourse to address this issue, and that is electing a different representative the next time that representative is up for re-election. Therefore, the Commission does not recommend changing the signature requirement threshold for recalls.

The Commission recommends keeping the signature requirement threshold for recalls at 33.3%, as well as keeping the signature requirement threshold per district at 15%.

DUE PROCESS WHEN FUNCTIONING IN QUASI-JUDICIAL FORM: PROPOSED NEW SECTION TO THE CITY CHARTER

Topic Proposed by the Public: Whether the City shall commit to assuring that all quasi-judicial proceedings shall adhere to the concepts of due process of law and fundamental fairness, as applied to both applicants and members of the community.

Recommendation: Include the following text as a new section in the Santa Fe Charter:

Recognizing the importance to the Santa Fe community of procedural due process of law and fairness in proceedings addressing land use and other matters that require City decision-makers to act in a quasi-judicial manner, the City shall adopt procedural rules that ensure that all quasi-judicial proceedings conducted by the Governing Body and City commissions and boards adhere to established principles of procedural due process of law and fundamental fairness and apply these principles in an impartial manner to applicants and members of the community who participate in those proceedings.

CHARTER REVIEW: AMEND SECTION 10.01 TO THE CITY CHARTER

Topic Raised by the Commission: Improve Charter Commission proceedings.

Recommendation: Amend Section 10.01 to the following.

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; each city councilor shall select one member of the Commission and the Mayor shall select the ninth member. The selected commissioners shall elect one of their members to be the chair and a second one of their members to be the vice-chair of the commission. The commission, once selected, shall serve for a one-year term. The commission shall be selected as set forth above no less than 15 months before the election at which any proposed amendments are to be presented to the voters. The City shall create and fund a budget adequate for the commission to perform its functions. The city shall staff the commission with a designated city attorney and no fewer than two staffers to perform research and drafting functions for the commission. The city shall advertise the creation of the commission and its function, setting up a separate page on the City's web page for the submission of proposed amendments from the public. The City shall hold no less than two meetings in each of the four city council districts after the commission is selected for the purpose of taking input from the public. The commission shall report its recommended amendments to the Charter to the governing body on or before the first week of June prior to the election when any such amendments are to be considered. Any recommendation put forth by the commission, unless prohibited by law, shall be given to the voters at the next election, unless the Governing Body does not approve it by a vote of no less than six members of the Governing Body.

HUMAN AND CIVIL RIGHTS: AMEND SECTION 2.02 TO THE CITY CHARTER

Topic Referred by the Council: Whether the Human and Civil Rights policy statement should be more specific with regards to breadth of required protections and/or the manner in which such rights should be protected.

Recommendation: Amend Section 2.02 to the following language:

Section 2.02 Human and Civil Rights: The human and civil rights of the residents of Santa Fe are inviolate and shall not be diminished or otherwise infringed. Thus, no city ordinance, resolution or policy shall be enacted or adopted, nor shall any action be condoned which discriminates on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition or citizenship status. No ordinance enacted or policy adopted protecting or enhancing these rights shall be subject to the right of referendum or initiative. The governing body shall preserve, protect and promote human rights and human dignity, and shall, through all of its activities, including but not limited to employment, awarding of contracts, housing accommodation, and the provision of city services, prohibit such discrimination. To effect these ends, the governing body may enact ordinances and shall establish an Office of Equity and Inclusion with jurisdiction, authority, and staff sufficient to effectively administer these policies in coordination with the Human Rights Commission. The Human Rights Commission shall have five commissioners, each serving a two-year term, except two commissioners drawn by lot who shall initially serve a one-year term, in order that every two years either two or three commissioners will be appointed to the commission. One commissioner from each council district shall be appointed by the consensus of the two councilors from that district, and one commissioner shall be appointed by the Mayor. Each commissioner shall be limited to two, two-year terms. The commissioners once appointed shall elect a chair and a vice chair from their number.

COMMENTARY:

CASE STATEMENT FOR A CITY HUMAN RIGHTS COMMISSION

Across the United States current efforts by groups of individuals and by state legislatures to limit human and civil rights is occurring. Individual municipalities in some instances are also passing ordinances affecting these rights. Administrations come and go and along with them different priorities for the protection of human and civil rights. Further, offices are formed, funded and later dismantled, often owing to administrative priorities.

We believe that to avoid changes in administrations and in administrative priorities, creation of a City based Human Rights Commission makes sense and is called for. With that, a city administrative office that examines City actions and operations through an equity lens is of paramount importance in our changing society. It is impossible to predict the racial and ethnic diversity yet to be realized in Santa Fe's future. Also impossible to predict is the impact food, housing and city services availability will have on the residents in neighborhoods throughout Santa Fe.

In anticipation of these changes due to time and city growth, an equity foundation must be laid. A mandate for a Human Rights Commission within the City of Santa Fe Charter, is therefore necessary. Further, to bring such a statement before the voting public of Santa Fe gives our citizens the opportunity to declare that a strong commitment to equity exists.

The work of municipalities such as Seattle, WA and Portland, OR offer their assessments and reflections of learned experiences. It is this sub-committees' hope that resources are tapped by an Office of Inclusion, Diversity, Equity and Access (IDEA) or any future office with a different acronym to augment ideas.

The development of an equity checklist for different departments as project decisions are made is one method the city of Seattle, Washington uses that could be reviewed and refined if necessary for the City of Santa Fe.

As noted by Kent Keel, President of the Association of Washington Cities, in its report entitled: "Equity Resource Guide", a copy of which is attached as Appendix 1:

While many may say that racism or lack of equity isn't an issue in their communities, I challenge us all to go a little deeper. Unfortunately, we all share a history where racism has played a role in government's policy decisions. But we are not bound by that history, and we shouldn't fear it. Instead, we can embrace our role as city leaders by facing these challenges and uncomfortable conversations. We can work to ensure that all of our community members, especially those who may feel disenfranchised and underrepresented, know that we hear their voices and are committed to working on their behalf.

And as noted in Portland, Oregon's report entitled "Racial Equity Strategy Guide", a copy of which is attached as Appendix 2:

"EQUITY is when everyone has access to the opportunities necessary to satisfy their essential needs, advance their wellbeing and achieve their full potential. We have a shared fate as individuals within a community and communities within society. All communities need the ability to shape their own present and future. Equity is both the means to healthy communities and an end that benefits all."

– The Portland Plan (adopted by City Council April 2012)
and,

Equity is Portland's key to increasing economic and social opportunity. Through expanding and coordinating how the City practices the value of equity, Portland can realize its potential as both an economic leader and thriving community.

Creating opportunity and achievement for all is essential for the city's future growth and prosperity. By initially focusing on racial equity, we can address Portland's most persistent disparities while developing a permanent shift towards fairer practice and institutions that benefit all.

We are all aware of some of the issues occurring within our community. We have seen protests, which continue to this day; we have seen criminal activity initiated by some in the name redressing historic wrongs; we know of the need for affordable housing in our City; we know of

the need for better means of addressing hunger in our City. These circumstances and others tell us that more needs to be done. A City Human Rights Commission representative of the interests of all of our community, is a strategic place to being to systemically solve these issues.

Several publications, attached as Appendices, identify how other communities have and are tackling these issues. They are attached as:

Appendix 1 - Association of Washington Cities, "Equity Resource Guide"

Appendix 2 - Portland, Oregon, "Racial Equity Strategy Guide"

Appendix 3 - The Nonprofit Association of Oregon, "Equity and Inclusion Lens Guide"

Appendix 4 - ICMA Research Report, Governing for Equity: Implementing an Equity Lens for Local Governments"

Appendix 5 - GARE-Racial Equity Toolkit

ITEMS RECOMMENDED TO BE CONSIDERED BY THE GOVERNING BODY, BUT NOT AS CHANGES TO THE CITY CHARTER

FOOD AND AGRICULTURE

Topic Raised by the Commission: Whether the issue of food availability and local food production should be addressed in the Charter.

Recommendation: The Charter Review Commission recommends that the Governing Body refer the following language to the Human Rights Commission, if formed, or to the appropriate city-appointed body.

Having sufficient and nutritious food readily available to the people of Santa Fe is a key component of the sustainability of our community. It is an essential element of good health at every age, including our school-aged children and our elders, who often do not have sufficient readily available nutritious food. We consider it a basic human right that our citizens have nutritious food readily available and do not experience significant or prolonged hunger. Working to ensure that all Santa Feans are well fed and not experiencing prolonged hunger or lack of nutritious food, our City government should undertake efforts to ensure that our community has adequate food resources made available in a sustainable manner that promotes the local production of food and the wise and conservation-minded use of water and City land.

FULL-TIME COUNCILORS

Topic Referred by the Council: Whether the councilors should be full-time.

Recommendation: Add staff but keep part-time councilors. This action does not require a charter amendment.

Add one staff person assigned to each councilor. Within the confines of city government and the ability to utilize vacant positions, the city may find adequate resources to meet this need. The staff shall provide research and legislative assistance but shall not provide campaign assistance. We do not presently recommend changing Santa Fe's councilors to full-time.

Commentary: Full-time councilors may be warranted when the city population, through annexation or influx, reaches 100,000. Current trends suggest that that may occur in the 2030-2040 decade.

BOARDS AND COMMISSIONS SUNSET

Topic Raised by the Commission: Whether the Charter should dictate the City's Board and Commission organization.

Recommendation: Evaluate city boards and commissions. The Commission recommends that the council determine whether city boards and commissions, not required by law, are functioning and productive.

The Council should determine on-going relevance or effectiveness of boards and commissions unless required by law, and that they be terminated or reauthorized accordingly. This is not properly a Charter topic.

OPEN MEETINGS ACT

Topic Proposed by the Public: Whether all bodies of city government, including those established as advisory in nature, such as committees, commissions, special committees, task forces, etc., should comply with the State's Open Meeting Act.

Recommendation: The Governing Body should consider this as a potential legislative change.

Commentary: All City boards and commissions should follow and comply with the Open Meetings Act unless public participation is increased by holding the meeting virtually.

ITEMS CONSIDERED BY THE CHARTER REVIEW COMMISSION BUT NOT RECOMMENDED FOR CHANGE

NUMBER OF DISTRICTS AND COUNCILORS

Topic Referred by the Council: We considered two referrals together.

- The appropriate number of city council districts.
- The appropriate number of city councilors per district.

Recommendation: Refer the current configuration of 4 dual member districts to the 2030 Charter review and adjust the sequence of Charter and Redistricting Commissions, as follows:

- That the number of districts and councilors be referred to the 2030 Charter Commission as soon as the 2030 census is completed, and
- The next Charter Commission should be convened prior to convening the next Redistricting Commission.

Commentary: The benefits of adding a district and reducing the number of councilors do not outweigh the disruption that these changes would make at this time.

The sequence of Charter and then Redistricting commissions' work is preferred. One recommended possibility would be to spend the census year with a full year of charter review with ample public engagement from beginning to end of that year. The census report and the charter report would then both be available to the redistricting process.

AT-LARGE COUNCIL MEMBER

Topic Referred by the Council: Whether the City should have an "at large" council member.

Recommendation: To apply the legal restriction against this item.

Commentary: Case law in New Mexico does not allow at-large membership. (*Casuse v. City of Gallup*, 1987-NMSC-112, P 8.) Presently, the council approaches the maximum number of members allowed by New Mexico law. An at-large member would only serve to relieve the necessity of all members to act on behalf of the city as a whole as well as to represent their own district.

COUNCILORS WHO LOSE MAYORAL ELECTION

Topic Raised by the Council: Whether a city councilor who has lost a campaign for mayor [should be permitted to] remain in office after the inauguration of a new mayor.

Recommendation: The proposal to remove councilors who lose a mayoral election from service on the council is found to be unnecessary.

Commentary: The Commission did not find that a need to resign to protect against post-election acrimony on the council has been demonstrated. The Commission trusts the voters to express their preferences for councilors at the polls and that that is sufficient incentive for councilors to act in the interests of their constituents.

VOTING AGE

Topic Raised by the Commission: Whether the Charter should allow voting beginning at age 16 in municipal elections.

Recommendation: No change is recommended to the voting age. Developments at the state level should be monitored.

TERM LIMITS

Topic Raised by the Council: Whether, if an amendment to the New Mexico Constitution allowing term limits for city officials were approved, the City's Charter should include such a limitation.

Recommendation: Apply the legal restriction against this item and that the council does not forward this item in the future unless the Legislature acts to allow it.

Commentary: The proposal should not be considered for a Charter amendment until/unless the New Mexico Constitution is amended to allow it. (New Mexico Constitution Article 7, Section 2.)

CONCLUSION

All of the members of the Commission are grateful to the Governing Board for the opportunity they have been given to serve on this important advisory body. The Commissioners hope the Governing Body will give due consideration to their recommendations, all of which are the product of extensive reflection and discussion, despite the short period of time given for our work.

May 8, 2023

City of Santa Fe Charter Review Commission
Nancy Long, Chair
Alba Blondis
Paul Dirdak
Bridget Dixson
John Granillo
Peter Ives
Elicia Montoya
Lilliemae Ortiz
Maria Perez

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2023-34

INTRODUCED BY:

Councilor Michael Garcia

A RESOLUTION

PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY’S VOTERS DURING THE NOVEMBER 7, 2023, REGULAR LOCAL ELECTION REGARDING AMENDING ARTICLE X OF THE CITY’S CHARTER TO SPECIFY THE SANTA FE MUNICIPAL CHARTER COMMISSION’S APPOINTMENT, TERMS, AND FUNCTIONS.

WHEREAS, pursuant to Section 10.01 of the City of Santa Fe’s Charter (“Charter”) requires the appointment of a Charter Review Commission (“Commission”) at least every ten years; and

WHEREAS, the Governing Body adopted Resolution 2022-40 on July 27, 2022, identifying nine topics the Commission should consider; and

WHEREAS, one of the nine topics the Governing Body asked the Commission to consider was “ideas suggested by the commissioners and members of the community”; and

WHEREAS, the Governing Body appointed members to the Commission in October, 2022; and

WHEREAS, the Commission met from November of 2022 through May of 2023, to

1 deliberate about and consider the details of more than fifteen proposals to amend the Charter; and

2 **WHEREAS**, the Commission received public comment in person, by videoconferencing,
3 in writing, and through the Commission’s webpage; and

4 **WHEREAS**, the Commission produced a final report detailing its recommendations and
5 presented the report to the Governing Body on May 10, 2023 (“Final Report”); and

6 **WHEREAS**, according to the Charter Commission’s Final Report, “the Commission
7 recommends six substantive amendments be placed on the ballot for the November 2023 election”;
8 and

9 **WHEREAS**, one of the Commission’s recommendations is including more specific
10 guidelines for the appointment and function of a Charter Review Commission; and

11 **WHEREAS**, specifically, the Commission’s Final Report recommends that Section 10.01
12 of the City of Santa Fe Municipal Charter be amended to read as follows:

13 **Article X. – Charter Review and Amendment**

14 **10.01. – Charter review.**

15 A charter review commission shall be appointed as needed, but not less
16 frequently than every ten years. [~~The governing body shall by resolution determine~~
17 ~~the manner of appointment of the commission, provided that there shall be an odd~~
18 ~~number of commissioners.] The charter review commission shall consist of nine
19 members; each city councilor shall select one member of the commission and the
20 mayor shall select the ninth member. The selected commissioners shall elect one
21 of their members to be the chair and a second one of their members to be the vice-
22 chair of the commission. The commission, once selected, shall serve for a one-year
23 term. The commission shall be selected as set forth above no less than 15 months
24 before the election at which any proposed amendments are to be presented to the
25 voters. The city shall create and fund a budget adequate for the commission to~~

1 perform its functions. The city shall staff the commission with a designated city
2 attorney and no fewer than two staffers to perform research and drafting functions
3 for the commission. The city shall advertise the creation of the commission and its
4 function, setting up a separate page on the city's web page for the submission of
5 proposed amendments from the public. The city shall hold no less than two
6 meetings in each of the four city council districts after the commission is selected
7 for the purpose of taking input from the public. The commission shall report its
8 recommended amendments to the Charter to the governing body on or before the
9 first week of June prior to the election when any such amendments are to be
10 considered. Any recommendation put forth by the commission, unless prohibited
11 by law, shall be given to the voters at the next election, unless the governing body
12 does not approve it by a vote of no less than six members of the governing body.

13 ; and

14 **WHEREAS**, the language “The commission shall be selected as set forth above no less
15 than 15 months before the election at which any proposed amendments are to be presented to the
16 voters” is unclear, because ballot questions can be presented during a number of elections, and the
17 Governing Body would not know if proposed amendments will be “presented to the voters” as a
18 result of input from the Charter Commission before the Charter Commission had been convened in
19 the first place; and

20 **WHEREAS**, assuming that “the election at which any proposed amendments are to be
21 presented to the voters” means a regular local election, the portions of the Commission’s
22 recommendations that state

- 23 a. “The commission, once selected, shall serve for a one-year term”;
- 24 b. The commission shall be selected as set forth above no less than 15 months before the
25 election at which any proposed amendments are to be presented to the voters”; and

1 c. “The commission shall report its recommended amendments to the Charter to the
2 governing body on or before the first week of June prior to the election when any such
3 amendments are to be considered”

4 are not consistent, because 15 months before the regular local election would be August 7, a year
5 and three months prior to an election; a year later would be August 7, three months before the
6 regular local election, and the first week of June would be only 10 months after the commission
7 was named; and

8 **WHEREAS**, the idea of “a designated city attorney” should be restated as “the city
9 attorney or the city attorney’s designee”, because there is only one city attorney; and

10 **WHEREAS**, the idea that “The city shall staff the commission with a designated city
11 attorney and no fewer than two staffers to perform research and drafting functions for the
12 commission” should be reframed to avoid assigning responsibility for staffing to “the city”, which
13 is unclear; and

14 **WHEREAS**, the sentence “The city shall hold no less than two meetings in each of the
15 four city council districts after the commission is selected for the purpose of taking input from the
16 public” should be reframed as an obligation of the Charter Commission; and

17 **WHEREAS**, if the voters support the Charter amendment, then the paragraph should be
18 re-ordered, to list obligations in the order in which they would arise; and

19 **WHEREAS**, the deadline of the Commission’s report by the first week of June, if the
20 regular local election is the election during which the recommendations would be considered,
21 would provide less time to consider the recommendations than was available in 2023, when the
22 Commission’s report was due the first week of May; and

23 **WHEREAS**, given the City’s deadline to submit ballot questions to the County Clerk at
24 least 70 days prior to a regular local election, a more reasonable timeline for the Governing Body
25 to receive the Commission’s recommendations would be April prior to a regular local election; and

1 **WHEREAS**, the proposal that “Any recommendation put forth by the commission, unless
2 prohibited by law, shall be given to the voters at the next election, unless the governing body does
3 not approve it by a vote of no less than six members of the governing body” would give the charter
4 commission authority in relation to ballot questions that exceeds the authority of the governing
5 body, in that a simple majority of the Charter Commission would have greater weight than a simple
6 majority of the Governing Body; and

7 **WHEREAS**, the recommended requirement to place recommendations on ballots
8 could also result in an unwieldy number of ballot questions that would be expensive for
9 the City; and

10 **WHEREAS**, a variation to requiring all Charter recommendations to be submitted as ballot
11 questions is requiring the Governing Body to consider and review all Commission proposals; and

12 **WHEREAS**, the Governing Body wishes to submit the Commission’s above
13 recommended amendment, with modifications to address the concerns identified herein, to the
14 City’s voters for approval; and

15 **WHEREAS**, the Charter, Article X, Section 10.02, states that “[t]his Charter may be
16 amended or repealed as provided by law”; and

17 **WHEREAS**, state law, NMSA 1978, Section 3-15-16, states that a home rule municipality
18 may amend its Charter “by a proposal submitted by the governing body of the municipality to the
19 qualified electors”; and

20 **WHEREAS**, a resolution is the formal expression of the will of the Governing Body, and
21 is used by the City to describe a proposed ballot question and submit it to the electors; and

22 **WHEREAS**, NMSA 1978, Section 1-16-3, requires the City to “file a resolution proposing
23 the ballot question” with the county clerk, not less than seventy (70) days before the election at
24 which the ballot question is proposed to be submitted to the voters.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

1 **CITY OF SANTA FE** that the Governing Body hereby proposes to submit the following question
2 on the ballot of the regular local election on November 7, 2023:

3 **GUIDELINES FOR CHARTER REVIEW COMMISSION**

4 Should the Santa Fe Municipal Charter Article X, Section 10.01,
5 be amended to require that the City’s Charter review commission
6 ("commission"):

- 7 (1) Consist of nine members, each appointed by a member
8 of the governing body;
- 9 (2) Elect its own leadership;
- 10 (3) Serve for one-year;
- 11 (4) Have a budget and staff adequate for its functions;
- 12 (5) Be advertised and receive public submissions on a
13 dedicated web page;
- 14 (6) Hold at least two meetings in each city council district to
15 receive public input; and
- 16 (7) Recommend proposals that the mayor and city
17 councilors must consider as proposed ballot questions?

18 For Against

19 **BE IT FURTHER RESOLVED** that the City Clerk shall present this ballot question to
20 the Santa Fe County Clerk no later than August 29, 2023.

21 **BE IT FURTHER RESOLVED** that, if the voters approve the above ballot question, then
22 the following amendments shall be made to the City’s Charter:

23 **Article X. – Charter Review and Amendment**

24 **10.01. – Charter review.**

25 A charter review commission shall be appointed as needed, but not less

1 frequently than every ten years. [~~The governing body shall by resolution determine~~
2 ~~the manner of appointment of the commission, provided that there shall be an odd~~
3 ~~number of commissioners.] The charter review commission shall consist of nine
4 members, one selected by each member of the governing body. The commissioners
5 shall elect one member to be chair and one member to be vice-chair. The
6 commission shall be appointed by the first week of the April the year before a
7 regular local election at which the governing body would like the opportunity to
8 present ballot questions to the voters. The governing body shall fund a budget
9 adequate for the commission to perform its functions and the city attorney or the
10 city attorney's designee, and no fewer than two additional employees identified by
11 the City Manager, shall assist the commission to perform research and drafting
12 functions for the commission. The creation of the commission and its function shall
13 be advertised on a separate page of the city's web site and the page shall allow for
14 the public to submit proposed amendments. The commission shall hold no less
15 than two meetings in each of the city's council districts, for the purpose of taking
16 input from the public. The commission shall recommend Charter amendments to
17 the governing body on or before the first week of April, prior to the election when
18 any such amendments are to be considered. The governing body shall consider and
19 vote upon proposing the commission's recommended ballot questions.~~

20 PASSED, APPROVED, and ADOPTED this 22nd day of August, 2023.

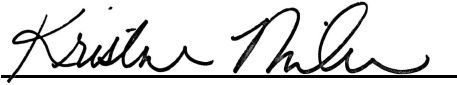
21 
22 _____

23 ALAN WEBBER, MAYOR
24
25

1 ATTEST:

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4 KRISTINE MIHELIC, CITY CLERK

5 APPROVED AS TO FORM:

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[Erin McSherry \(Aug 28, 2023 17:09 MDT\)](#)

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ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2023/Resolutions/2023-34 (R) Amend Section 10.01 of the City Charter

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2023-35

INTRODUCED BY:

Councilor Michael Garcia

Councilor Renee Villarreal

A RESOLUTION

PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY’S VOTERS DURING THE NOVEMBER 7, 2023 REGULAR LOCAL ELECTION REGARDING AMENDING THE CITY’S CHARTER TO REDUCE THE SIGNATURE REQUIREMENTS FOR REFERENDA AND INITIATIVES FROM 33.3 PERCENT TO 15 PERCENT, PROVIDE THAT THE DENOMINATOR USED TO CALCULATE THE PERCENTAGES IS THE TOTAL NUMBER OF VOTERS WHO VOTED IN THE MOST RECENT ELECTION THAT INCLUDED THE ELECTION OF THE OFFICE OF THE MAYOR, AND MAKE APPROPRIATE TECHNICAL CHANGES TO SECTIONS 3.01, 3.02 AND 3.03, CONSISTENT WITH ORDINANCE NO. 2018-24 REGARDING THE CITY’S ADOPTION OF THE LOCAL ELECTION ACT.

WHEREAS, pursuant to Section 10.01, the City of Santa Fe’s Charter (“Charter”) requires the appointment of a Charter Review Commission (“Commission”) at least every ten years; and

WHEREAS, the Governing Body adopted Resolution 2022-40 on July 27, 2022, identifying nine topics the Commission should consider; and

1 **WHEREAS**, one of the nine topics the Governing Body asked the Commission to consider
2 was “ideas suggested by the commissioners and members of the community”; and

3 **WHEREAS**, the Governing Body appointed members to the Commission in October
4 2022; and

5 **WHEREAS**, the Commission met from November of 2022 through May of 2023, to
6 deliberate about and consider the details of more than fifteen proposals to amend the Charter; and

7 **WHEREAS**, the Commission received public comment in person, by videoconferencing,
8 in writing, and through the Commission’s webpage; and

9 **WHEREAS**, the Commission produced a final report detailing its recommendations and
10 presented the report to the Governing Body on May 10, 2023 (“Final Report”); and

11 **WHEREAS**, according to the Charter Commission’s Final Report, “the Commission
12 recommends six substantive amendments be placed on the ballot for the November 2023 election”;
13 and

14 **WHEREAS**, a topic recommended by the Commission was to reduce the Charter’s
15 signature thresholds for petitions for referenda and initiatives; and

16 **WHEREAS**, resulting from the above proposal, the Commission recommended an
17 amendment to Article III, Sections 3.01, 3.02, and 3.01 to “reduce the signature requirements for
18 referenda and initiatives to fifteen percent (15%) from thirty-three and three tenths’ percent (33.3%)
19 and to clarify Charter language”; and

20 **WHEREAS**, specifically, the Final Report recommends that Sections 3.01, 3.02, and 3.03
21 of the Charter be amended to read as follows:

22 **Article III – Citizen Rights**

23 **3.01. – Referendum.**

24 **E. Number of signatures.**

25 A referendum petition shall be deemed sufficient if signed by

1 qualified electors in an amount equal to [~~thirty-three and one-third percent~~
2 fifteen percent or more of the [~~actual voters at the last mayoral election~~
3 number of voters who voted in the most recent election that included the
4 election of the office of mayor, including at least ten percent of [~~the voters~~
5 ~~for mayor in each council district at the last mayoral election~~]the number
6 of voters in each council district who voted in the most recent election that
7 included the election of the office of mayor. The city clerk shall determine
8 the number of [~~actual voters at the last mayoral election~~] voters who voted
9 in the most recent election that included the election of the office of mayor
10 both city-wide and per district.

11 **3.02. – Initiative.**

12 **F. Number of signatures.** An initiative petition shall be deemed
13 sufficient if signed by qualified electors in an amount equal to [~~thirty-three~~
14 ~~and one-third percent~~] fifteen percent or more of the [~~actual voters at the~~
15 ~~last mayoral election~~] number of voters who voted in the most recent
16 election that included the election of the office of mayor, including at least
17 ten percent of the [~~actual voters for mayor in each council district at the~~
18 ~~last mayoral election~~] number of voters in each council district who voted
19 in the most recent election that included the election of the office of mayor.
20 The city clerk shall determine the number of [~~actual voters at the last~~
21 ~~mayoral election~~] voters who voted in the most recent election that
22 included the election of the office of mayor both city-wide and per district.

23 **3.03. – Recall.**

24 **G. Number of signatures.**

25 [1] For mayor. A recall petition shall be deemed sufficient if

1 signed by qualified electors in an amount equal to thirty-three and one-
2 third percent or more of the ~~[actual voters at the last mayoral election]~~
3 number of voters who voted in the most recent election that included the
4 election of the office of mayor, including at least fifteen percent of the
5 ~~[actual voters for mayor from each council district]~~ number of voters in
6 each council district who voted in the most recent election that included
7 the election of the office of mayor. The city clerk shall determine the
8 number of ~~[actual voters for mayor from each council district]~~ voters who
9 voted in the most recent election that included the election of the office of
10 mayor both city-wide and per district.

11 [2] For councilor. A recall petition shall be deemed sufficient
12 if signed by qualified electors in an amount equal to thirty-three and one-
13 third percent or more of the ~~[actual voters at the last mayoral election]~~
14 number of voters who voted in the most recent election that included the
15 election of the office of mayor in the district from which the councilor was
16 elected. The city clerk shall determine the number of ~~[actual voters in the~~
17 ~~district at the last mayoral election]~~ voters who voted in the most recent
18 election that included the election of the office of mayor in the district
19 from which the councilor was elected.; and

20 **WHEREAS**, because the City passed Ordinance No. 2018-24, adopting the Local Election
21 Act, the Charter should reflect that the County Clerk, rather than the City Clerk is the public official
22 with direct access to the number of voters who voted in elections; and

23 **WHEREAS**, the Governing Body wishes to submit the above recommended amendments
24 to the City's voters for approval, including the technical amendment that the County Clerk, rather
25 than the City Clerk, identifies the number of voters who have voted in local elections; and

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number of signatures required to place referenda on the ballot
from thirty-three percent (33.3%) to fifteen percent (15%) and
make technical changes consistent with the Local Election Act?

For Against

REDUCING

SIGNATURE REQUIREMENT FOR INITIATIVES


Should the Santa Fe Municipal Charter be amended to reduce the
number of signatures required on a petition to place initiatives on
the ballot from thirty-three percent (33.3%) to fifteen percent
(15%) and to make technical changes consistent with the Local
Election Act?

For Against

BE IT FURTHER RESOLVED that the technical change consistent with the Local
Election Act described in each of the questions, above, is substituting the words “City Clerk” with
“Santa Fe County Clerk”.

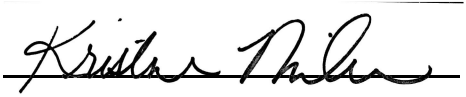
BE IT FURTHER RESOLVED that the City Clerk shall submit this ballot question to
the Santa Fe County Clerk no later than August 29, 2023.

PASSED, APPROVED, and ADOPTED this 22nd day of August, 2023.



ALAN WEBBER, MAYOR

ATTEST:



KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

2 Erin McSherry

3 [Erin McSherry \(Aug 28, 2023 16:58 MDT\)](#)

4 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2023/Resolutions/2023-35 (R) Signature Thresholds for Initiatives, Referenda and Recall*

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2023-33

INTRODUCED BY:

Councilor Jamie Cassutt

Councilor Renee Villarreal

A RESOLUTION

PROPOSING A BALLOT QUESTION TO BE SUBMITTED TO THE CITY OF SANTA FE'S VOTERS DURING THE NOVEMBER 7, 2023, REGULAR LOCAL ELECTION REGARDING APPROVAL OF THE CITY ORDINANCE ESTABLISHING A HIGH-END EXCISE TAX FOR AFFORDABLE HOUSING.

WHEREAS, pursuant to NMSA 1978, Section 3-18-2, municipalities may impose an excise tax on certain services and products if the products or services taxed are named specifically in an ordinance imposing the tax and if the ordinance is approved by a majority vote in the municipality ("Excise Tax Authority"); and

WHEREAS, pursuant to the Excise Tax Authority, the Governing Body adopted Ordinance 2023-22, Creating Article 18-18, the High-End Excise Tax for Affordable Housing Ordinance; Establishing an Excise Tax on the Transfer of Certain Residential Property and Dedicating the Revenues to Affordable Housing; and

WHEREAS, Ordinance 2023-22 makes the following legislative findings regarding the need for the High-End Excise Tax for Affordable Housing:

1 A. Lower income renters are leaving the city and are being replaced with
2 higher income renters. Between 2015 and 2021, the share of renters with income
3 below \$25,000 decreased from 37% to 24%, while the share of renters with income
4 over \$75,000 increased from 18% to 30%.

5 B. A large percentage of the community's workforce who are renting cannot
6 afford to buy: Using data on home sales from the Home Mortgage Disclosure Act,
7 an analysis of renters' ability to buy relative to the price of units for sale estimates
8 that in 2021, 66% of the city's renters earned less than 120% of the 2-person area
9 median income and only 10% of home sales financed with a mortgage were priced
10 affordably for such households. It is likely that even higher income residents are
11 not transitioning into homeownership because of high housing sales prices and
12 other market conditions.

13 C. To accommodate population growth, an estimated 4,668 new units (1,399
14 rental and 3,269 ownership) need to be added in Santa Fe County by 2030.

15 D. The shortage of affordable rental home purchase opportunities has
16 significant negative effects on Santa Fe's economy, as well as for families and
17 businesses. The effects include:

18 1. The local economy loses revenue when employees live elsewhere
19 and commute to work rather than living in Santa Fe, because people tend
20 to shop in the community where they live.

21 2. Experience in other high-cost housing markets nationally has
22 shown that, over the long term, jobs follow employees who move away in
23 search of housing they can afford to buy.

24 3. Employers struggle to recruit and retain employees and must pay
25 higher wages to compensate for high housing or commuting costs.

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- 4. A significant percentage of the Santa Fe workforce commutes from outside of Santa Fe.
- 5. Productivity suffers when employees face commutes of two to three hours on top of their workday.
- 6. Employers note that the availability of workforce housing is one of the more serious or critical problems in the city of Santa Fe.
- E. The city has adopted a five-year housing plan, identifying the city’s housing needs, priorities, goals, and strategies.
- F. Pursuant to the New Mexico constitution’s affordable housing exemption to the “anti-donation clause” and state enabling statutes governing the use of public funds for affordable housing, the city established its affordable housing trust fund in Article 26-3 SFCC 1987 to provide or pay all or a portion of the costs of acquisition, development, construction, renovation or conversion, financing, operation or owning affordable housing or infrastructure to support affordable housing.
- G. The affordable housing trust fund requires, but currently lacks, a meaningful dedicated source of revenue, which means
 - 1. Current requests for affordable housing funding far exceed the amount of funding available in the Affordable Housing Trust Fund in any given year.
 - 2. There is a significant need for additional affordable housing that is more flexible than available through federal funds and that can better address unique local needs.
 - 3. Multi-year strategic funding is challenging.
- H. The community development commission and City’s public review

1 process involving committees and governing body review provide oversight for
2 the Affordable Housing Trust Fund.

3 I. It is in the public interest to impose a duly approved high-end excise tax
4 to fund the affordable housing trust fund.

5 **WHEREAS**, the Governing Body wishes to submit Ordinance 2023-22 to the City’s voters
6 for approval; and

7 **WHEREAS**, a resolution is the formal expression of the will of the Governing Body, and
8 is used by the City to describe a proposed ballot question and submit it to the electors; and

9 **WHEREAS**, NMSA 1978, Section 1-16-3, requires the City to “file a resolution proposing
10 the ballot question” with the county clerk, not less than seventy (70) days before the election at
11 which the ballot question is proposed to be submitted to the voters.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
13 **CITY OF SANTA FE** that the Governing Body hereby proposes to submit the following question
14 to the City’s voters on the ballot of the regular local election on November 7, 2023:

15 **PERMANENT FUNDING FOR AFFORDABLE HOUSING THROUGH EXCISE**
16 **TAX ON RESIDENTIAL PROPERTY PURCHASES OVER ONE MILLION**
17 **DOLLARS**

18 Should the City of Santa Fe create a new dedicated funding source for the City’s
19 Affordable Housing Trust Fund for affordable housing by imposing a three percent
20 (3%) excise tax on the transfer of high-end residential property, imposed on the
21 portion of the purchase price exceeding one million dollars (\$1,000,000), with the
22 amount above which the tax is imposed increased annually by an amount
23 corresponding to the previous year’s increase, if any, in the consumer price index
24 for the western region for urban workers?

25 For the High-End Excise Tax for Affordable Housing

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Against the High-End Excise Tax for Affordable Housing

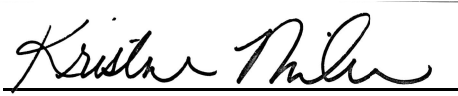
BE IT FURTHER RESOLVED that the City Clerk shall present this ballot question to the Santa Fe County Clerk no later than August 29, 2023.

PASSED, APPROVED, and ADOPTED this 22nd day of August, 2023.



ALAN WEBBER, MAYOR

ATTEST:



KRISTINE MIHELIC, CITY CLERK

APPROVED AS TO FORM:


[Erin McSherry \(Aug 29, 2023 10:24 MDT\)](#)

ERIN K. McSHERRY, CITY ATTORNEY