1	CITY OF SANTA FE, NEW MEXICO
2	RESOLUTION NO. 2023
3	INTRODUCED BY:
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5	Councilor Michael Garcia
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10	A RESOLUTION
11	PROPOSING TWO BALLOT QUESTIONS TO BE SUBMITTED TO THE CITY'S
12	VOTERS DURING THE NOVEMBER 7, 2023, REGULAR LOCAL ELECTION TO
13	AMEND THE CITY'S CHARTER TO REQUIRE THE GOVERNING BODY TO
14	ESTABLISH AN OFFICE OF EQUITY AND INCLUSION AND A HUMAN RIGHTS
15	COMMISSION IN ORDINANCE.
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17	WHEREAS, Section 10.01 of the City of Santa Fe's Charter ("Charter") requires the
18	appointment of a Charter Review Commission ("Commission") at least every ten years; and
19	WHEREAS, the Governing Body adopted Resolution 2022-40 on July 27, 2022,
20	identifying nine topics the Commission should consider; and
21	WHEREAS, one of the nine topics the Governing Body asked the Commission to consider
22	was "[w]hether the Human and Civil Rights policy statement should be more specific with regards
23	to breadth of required protections and/or the manner in which rights should be protected"; and
24	WHEREAS, the Governing Body appointed members to the Commission in October,
25	2022; and

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1 WHEREAS, the Commission met from November of 2022 through May of 2023, to 2 deliberate about and consider the details of more than fifteen proposals to amend the Charter; and 3 WHEREAS, the Commission received public comment in person, by videoconferencing, 4 in writing, and through the Commission's webpage; and 5 WHEREAS, the Commission produced a final report detailing its recommendations and 6 presented the report to the Governing Body on May 10, 2023 ("Final Report"); and 7 WHEREAS, according to the Commission's Final Report, "the Commission recommends 8 six substantive amendments be placed on the ballot for the November 2023 election"; and 9 WHEREAS, one of the Commission's recommendations is including a provision in the 10 Charter to establish a "Human Rights Commission" to "administer" the policies of Article II, 11 Section 2.02, "Human and Civil Rights" and to create "an Office of Equity and Inclusion" which 12 would, "in coordination with the Human Rights Commission" have the jurisdiction, authority, and 13 staff "to administer" the policies of Article II, Section 2.02, "Human and Civil Rights"; and 14 WHEREAS, the Final Report notes that "across the United States, current efforts by 15 groups of individuals and by state legislatures to limit human and civil rights is occurring"; and 16 WHEREAS, the Final Report also states that "to avoid changes in administrative 17 priorities" that can result in the establishment of, funding of, and then, later, the dissolution of 18 offices and priorities, "the creation of a City based Human rights Commission makes sense and is 19 called for"; and 20 WHEREAS, specifically, the Final Report recommends that Section 2.02 of the City of 21 the Charter be amended to read as follows: 22 23 Section 2.02 Human and Civil Rights: The human and civil rights of the 24 residents of Santa Fe are inviolate and shall not be diminished or otherwise 25 infringed. Thus, no city ordinance, resolution, or policy shall be enacted or adopted

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Article II – Policy Statements

1 nor shall any action be condoned which discriminates on the basis of ethnicity, 2 race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual 3 orientation, physical or mental disability, medical condition or citizenship status [; 4 nor shall any]. No ordinance enacted or policy adopted protecting or enhancing 5 these rights shall be subject to the right of referendum or initiative. The governing 6 body shall preserve, protect and promote human rights and human dignity, and 7 shall, through all of its activities, including but not limited to employment, 8 awarding of contracts, housing accommodation, and the provision of city services, 9 prohibit [and discourage] such discrimination. To effect these ends, the governing 10 body may enact ordinances and establish appropriate commissions and shall 11 establish an Office of Equity and Inclusion with jurisdiction, authority, and staff 12 sufficient to effectively administer [this policy.] these policies in coordination with 13 the Human Rights Commission. The Human Rights Commission shall have five 14 commissioners, each serving a two-year term, except two commissioners drawn 15 by lot who shall initially serve a one-year term, in order that every two years either 16 two or three commissioners will be appointed to the commission. One 17 commissioner from each council district shall be appointed by the consensus of the 18 two councilors from that district, and one commissioner shall be appointed by the 19 Mayor. Each commissioner shall be limited to two, two-year terms. The 20 commissioners, once appointed, shall elect a chair and a vice chair from their 21 number. 22 WHEREAS, current language in the City's Charter, Article II, Section 2.02 says that in 23 order to affect the policy statement of the section "... the governing body may enact ordinances and 24 establish appropriate commissions with jurisdiction, authority, and staff sufficient to effectively

25 administer this policy"; and

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1	WHEREAS, the Governing Body believes that the Charter should discourage
2	discrimination; and
3	WHEREAS, the Governing Body agrees that the Charter should require establishing a
4	Human Rights Commission and Office of Equity and Inclusion; and
5	WHEREAS, the creation of an Office of Equity and Inclusion and establishing the
6	membership and terms for the described Human Rights Commission are not policy statements and
7	there is another article, Article IX, Miscellaneous Governmental Issues, that addresses topics not
8	covered in other articles, including the Independent Audit Committee, Investments, Procurement,
9	and a Personnel System; and
10	WHEREAS, the City, in its approved budget for Fiscal Year 2023/2024 (being Resolution
11	No. 2023-18), dedicated funds to Culture History Art Reconciliation and Truth (CHART)
12	recommendations, one of which was to establish an office of "Diversity, Equity, and Inclusion";
13	and
14	WHEREAS, the Charter, Article X, Section 10.02, states that "[t]his Charter may be
15	amended or repealed as provided by law"; and
16	WHEREAS, state law, NMSA 1978, Section 3-15-16, states that a home rule municipality
17	may amend its Charter "by a proposal submitted by the governing body of the municipality to the
18	qualified electors"; and
19	WHEREAS, a resolution is the formal expression of the will of the Governing Body, and
20	is used by the City to describe a proposed ballot question and submit it to the electors; and
21	WHEREAS, NMSA 1978, Section 1-16-3, requires the City to "file a resolution proposing
22	the ballot question" with the county clerk, not less than seventy (70) days before the election at
23	which the ballot question is proposed to be submitted to the voters.
24	NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
25	CITY OF SANTA FE that the Governing Body hereby proposes to submit the following questions
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1	on the ballot of the regular local election on November 7, 2023:
2	ESTABLISHING A CITY OF SANTA FE HUMAN RIGHTS
3	COMMISSION
4	Should Article IX of the City's Charter require the City's Governing Body to create
5	a Human Rights Commission in ordinance and to specify that the Commission
6	have five commissioners, one commissioner from each council district appointed
7	by the consensus of the two councilors from that district, and one commissioner
8	appointed by the Mayor; that each commissioner serving a two-year term, with
9	term limits of two terms; and that the Commission elects its own chair and vice
10	chair?
11	For Against
12	ESTABLISHING A CITY OFFICE OF EQUITY AND INCLUSION
13	Should Article IX of the City's Charter require the City's Governing Body to create
14	an Office of Equity and Inclusion in ordinance that, in coordination with a "Human
15	Rights Commission", would have the jurisdiction, authority, and staff sufficient to
16	effectively administer the policies of the City Charter's Policy Statements on
17	"Human and Civil Rights"?
18	For Against
19	BE IT FURTHER RESOLVED that, if the voters vote in favor of the first ballot question
20	described above, then a Section of Article IX of the City of Santa Fe Charter, entitled "Human
21	Rights Commission" would be added to the Charter as follows:
22	Article IX. – Miscellaneous Governmental Issues
23	Section X.XX: Human Rights Commission
24	The governing body shall create and establish in ordinance a Human
25	Rights Commission. The Human Rights Commission shall have five
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1	commissioners, each serving a two-year term, except two commissioners drawn
2	by lot who shall initially serve a one-year term, in order that every two years either
3	two or three commissioners will be appointed to the commission. One
4	commissioner from each council district shall be appointed by the consensus of the
5	two councilors from that district, and one commissioner shall be appointed by the
6	Mayor. Each commissioner shall be limited to two terms. The commissioners shall
7	elect a chair and a vice chair from their number.
8	BE IT FURTHER RESOLVED that should the electorate vote in favor of the second
9	ballot question, the following Section shall be added to Article IX of the City of Santa Fe Charter
10	as follows:
11	Article IX. – Miscellaneous Governmental Issues
12	Section X.XX: Office of Equity and Inclusion
13	The Governing Body shall establish in ordinance an Office of Equity and
14	Inclusion dedicated to the principles of equity and inclusion, which, in coordination
15	with the Human Rights Commission, has the jurisdiction, authority, and staff
16	sufficient to administer the policies of Article II, Section 2.02, "Human and Civil
17	Rights".
18	BE IT FURTHER RESOLVED that the City Clerk shall submit these ballot questions to
19	the Santa Fe County Clerk no later than August 29, 2023.
20	PASSED, APPROVED, and ADOPTED thisday of, 2023.
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23	ALAN WEBBER, MAYOR
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1	ATTEST:
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4	KRISTINE MIHELCIC, CITY CLERK
5	APPROVED AS TO FORM:
6	Erin McSherry
7	Erin McSherry (Aug 11, 2023 16:33 MDT)
8	ERIN K. McSHERRY, CITY ATTORNEY
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25	Legislation/2023/Resolutions/Amend Section 2.02 of the City Charter
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