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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2023-\_\_**

**INTRODUCED BY:**

Councilor Michael Garcia

**A RESOLUTION**

**PROPOSING TWO BALLOT QUESTIONS TO BE SUBMITTED TO THE CITY’S  
VOTERS DURING THE NOVEMBER 7, 2023, REGULAR LOCAL ELECTION TO  
AMEND THE CITY’S CHARTER TO REQUIRE THE GOVERNING BODY TO  
ESTABLISH AN OFFICE OF EQUITY AND INCLUSION AND A HUMAN RIGHTS  
COMMISSION IN ORDINANCE.**

**WHEREAS**, 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 “[w]hether the Human and Civil Rights policy statement should be more specific with regards  
to breadth of required protections and/or the manner in which rights should be protected”; and

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



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

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

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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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 terms. The commissioners shall elect a chair and a vice chair from their number.

**BE IT FURTHER RESOLVED** that should the electorate vote in favor of the second ballot question, the following Section shall be added to Article IX of the City of Santa Fe Charter as follows:

**Article IX. – Miscellaneous Governmental Issues**

**Section X.XX: Office of Equity and Inclusion**

The Governing Body shall establish in ordinance an Office of Equity and Inclusion dedicated to the principles of equity and inclusion, which, in coordination with the Human Rights Commission, has the jurisdiction, authority, and staff sufficient to administer the policies of Article II, Section 2.02, “Human and Civil Rights”.

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

PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
ALAN WEBBER, MAYOR

1 ATTEST:

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4 KRISTINE MIHELICIC, CITY CLERK

5 APPROVED AS TO FORM:

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*Erin McSherry*  
7 [Erin McSherry \(Aug 11, 2023 16:33 MDT\)](#)

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ERIN K. McSHERRY, CITY ATTORNEY

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*Legislation/2023/Resolutions/Amend Section 2.02 of the City Charter*