

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2023-__

INTRODUCED BY:

Councilor Carol Romero-Wirth

Mayor Alan Webber

Councilor Amanda Chavez

Councilor Chris Rivera

Councilor Renee Villarreal

Councilor Jamie Cassutt

Councilor Michael Garcia

A RESOLUTION

**DIRECTING THE CITY MANAGER TO TAKE NEXT STEPS BASED ON SOME OF
THE RECOMMENDATIONS OF THE CHART REPORT.**

WHEREAS, the Governing Body recognizes the community’s need to move forward after the emotional events of October 2020, when the obelisk at the center of the Santa Fe Plaza, also known as the “Soldiers’ Monument” or “Obelisk” was damaged and partially torn down; and

WHEREAS, the community also needs to continue the work of cultural and racial reconciliation and to evolve its understanding of its diverse and multicultural histories and perspectives; and

WHEREAS, on January 13, 2021, the Governing Body unanimously approved and co-sponsored the Substitute CHART Resolution, Resolution 2021-6, and subsequently City staff issued a Request for Proposals (“RFP”) that outlined a scope of the work for a contractor to lead the CHART Process; and

WHEREAS, on July 14, 2021, the Governing Body approved a contract with “Artful Life”, the contractor recommended from the responses to the RFP to lead the CHART Process; and

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WHEREAS, on July 14, 2021, the Governing Body approved a contract with “Artful Life”, the contractor recommended from the responses to the RFP to lead the CHART Process; and

1 **WHEREAS**, beginning in August of 2021, Artful Life engaged in a year-long, grassroots
2 process that invited and facilitated community dialogues, multicultural events, art activations, and
3 a cultural history series that culminated in Artful Life’s delivery of a final, 145-page CHART
4 Report to the Governing Body in August of 2022 (“CHART Report”); and

5 **WHEREAS**, the CHART Report includes 53 recommendations (page 9), including a
6 recommendation that, in relation to the Soldiers’ Monument, the City should immediately begin
7 the process of allocating resources (staff, funds) and implementing a process to:

8 ○ Reach a resolution of the two most favored options revealed by the
9 second survey:

- 10 ▪ Replace what’s left of the monument with something else; and
11 ▪ Restore the monument with its original signage and add
12 language that encourages it to be fully understood and
13 assessed;

14 ○ Promote reconciliation as a significant part of the deliberation and
15 decision-making process;

16 (page 97); and

17 **WHEREAS**, the CHART Report (page 123) also recommends the City “fund, create, and
18 staff an office/department specifically dedicated to dismantling systemic barriers to racial, gender,
19 health, socio-economic and other forms of equality” (i.e., an Office of Equity and Inclusion); and

20 **WHEREAS**, “[t]he CHART team also consistently heard about serious challenges that the
21 community of Santa Fe is facing in terms of equity/inequity and quality of life issues”. *See* Chart
22 Report page 118; and

23 **WHEREAS**, the CHART Report (page 123) recommends the City “address
24 racism/discrimination in the mission/purpose statement” of an Office of Equity and Inclusion; and

1 **WHEREAS**, the CHART Report (page 123) identifies that “feedback data from implicit
2 bias trainings provided to City of Santa Fe Division/Department directors by CHART” suggests
3 that “these kinds of in-person trainings (i.e., implicit bias, anti-racism, etc.) should be standard
4 practice and provided on a periodic and sustained basis for city leadership and staff, including the
5 Governing Body”; and

6 **WHEREAS**, the Governing Body believes that an Office of Equity and Inclusion should
7 be both internally and externally facing; and

8 **WHEREAS**, pursuant to the City’s nomination (“Nomination”), submitted to the federal
9 government in 1975, the Santa Fe Plaza is included on the National Registry of Historic Properties
10 and State Registry of Historic Properties; and

11 **WHEREAS**, the Nomination describes 1609 as the year of the founding of Santa Fe, when
12 the Plaza began as a “feature” of the City, and 1846 as the year that, from the Plaza, General Kearny
13 proclaimed the annexation of New Mexico into the United States; and

14 **WHEREAS**, the Nomination describes the condition of the Plaza as “altered”: having
15 decreased from two city blocks to one and now including landscaping, flagstone, walks, benches,
16 and cottonwood trees”, while “[i]n Spanish times”, the Plaza was once twice as large and “an open
17 expanse of packed dirt”; and

18 **WHEREAS**, the Nomination also describes that, after 1846, “[u]pon the arrival of the
19 Anglo-Americans, the Plaza was fenced in and planted with alfalfa, then reduced to its present size,
20 and finally enclosed by buildings on the three sides confronting the Palace”; and

21 **WHEREAS**, the Nomination classifies the Plaza as a “site”, rather than a “structure” or
22 “object” and lists the “present use” of the nominated property as a “park”; and

23 **WHEREAS**, the Nomination describes the significance of the Plaza as “transportation”:
24 beginning in 1821, the trade route to Santa Fe from the United States was opened and “the Plaza
25 provided the final goal for the caravans on their eight- or ten-week journeys” for traders and

1 travelers on the Santa Fe Trail; and

2 **WHEREAS**, although the Soldiers' Monument is located in the Plaza, the Nomination
3 does not identify the significance categories of "sculpture", "military", "politics/government",
4 "art", "exploration/settlement", or "landscape architecture" as its basis; and

5 **WHEREAS**, a 1992 Archeological Report regarding the Plaza describes a rock sundial at
6 the center of the Plaza in the late 1820s, and a report from City files attributed to Dr. Myra Ellen
7 Jenkins (former State Historian) in 1972 states that the sundial had a nine-foot adobe base with the
8 inscription "'Vita Fugit suit umbra' (life flees like a shadow)";

9 **WHEREAS**, the 1992 Archeological Report also describes a pyramid that replaced the
10 sundial, "fifty feet in height", erected as a "momento" of Mexican independence that came down
11 in 1945 and a bullring that briefly replaced the pyramid; and

12 **WHEREAS**, the Soldiers' Monument/Obelisk and the fence around it are "objects" under
13 the City's code, which is the "term used to distinguish from structures those constructions that are
14 *primarily artistic in nature* or are *relatively small in scale and simply constructed*, for example,
15 *sculpture, monuments, boundary markers, statuary* and fountains." See SFCC 1987, Section 14-
16 12.1 (definition of "object") (emphasis added); and

17 **WHEREAS**, the Historic District Code provisions that regulate construction, demolition,
18 repair, modification, etc., apply to structures other than "objects". See SFCC 1987, Section 14-5.2;
19 and

20 **WHEREAS**, the New Mexico Prehistoric and Historic Sites Preservation Act, NMSA
21 1978, Sections 18-8-1 to -8 ("PHSPA") requires that City funds not be spent on "any program or
22 project that requires the use of any portion of land from a significant prehistoric or historic site
23 unless there is no feasible and prudent alternative to such use, and unless the program or project
24 includes all possible planning to preserve and protect and to minimize harm to the significant
25 prehistoric or historic site resulting from such use." See Section 18-8-7; and

1 **WHEREAS**, the PHSPA defines “significant prehistoric or historic sites” as “properties
2 listed in the state register of cultural properties or national register of historic places.” NMSA 1978,
3 § 18-8-3(C); and

4 **WHEREAS**, the State’s Historic Preservation Division (“HPD”) regulations
5 implementing the PHSPA define “historic site” as “a historic or prehistoric property, district, site,
6 structure or object listed in the state register of cultural properties or national register of historic
7 places, or property contributing to a historic district, and includes those lands within the boundaries
8 of the property, site or district,” but the definition does not state that objects or structures located
9 within the site are included as part of the site. *See* NMAC 4.10.12.7(E); and

10 **WHEREAS**, HPD regulations define a “use” of a prehistoric or historic site as “an adverse
11 effect” on a significant historic or prehistoric site or lands of that site, including but not limited to
12 “partial or complete physical alteration or destruction; isolation of the site from its historic setting;
13 the introduction of physical, audible, visual or atmospheric elements that substantially impair the
14 historic character or significance of the site or substantially diminish the aesthetic value of the site;
15 or the acquisition or taking of a historic or prehistoric site resulting in or designed to result in such
16 alteration, destruction, isolation or introduction of elements that may alter the site” *See* NMAC
17 4.10.12.7(O); and

18 **WHEREAS**, the HPD definition of “use” further provides that “[o]rdinary maintenance or
19 repair, including code work, which makes no visible alteration to the site and results in no
20 substantially loss of the historic fabric; installation or upgrade of services, such as electricity and
21 water, which makes no visible alteration to the site and results in no substantial loss of the historic
22 fabric; or emergency repair or stabilization of a significant site, shall not be considered a use within
23 the scope of this definition.” *See* NMAC 4.10.12.7 (O); and

24 **WHEREAS**, in ongoing litigation regarding the Soldiers’ Monument, the City’s position
25 has been two-fold:

1 1. The PHSPA is not implicated because there is no program or project that requires the
2 “use” of any portion of or any land from the plaza; and

3 2. The PHSPA is not implicated because the Soldiers’ Monument is not listed in the state
4 register of cultural properties or national register of historic places, and because it was not
5 included in those items that made the Plaza significant for listing in the City’s nomination;
6 and

7 **WHEREAS**, New Mexico courts have concluded that obtaining State Historic
8 Preservation Officer (“SHPO”) approval is not required for compliance with the PHSPA. *See, e.g.,*
9 *Nat’l Trust for Historic Preservation v. City of Albuquerque*, 1994-NMCA-057, ¶ 18 (“The
10 [PHSPA] does not contemplate that the SHPO will issue permits or licenses or must otherwise
11 grant permission to a project before it can be undertaken.”); *id.*, ¶ 19 (“Regulations issued by the
12 SHPO cannot transform [the PHSPA] statutory scheme The SHPO cannot by regulation
13 contradict the Act.”); and

14 **WHEREAS**, none of the recommendations in the CHART Report regarding the Obelisk
15 constitute a use of the Plaza pursuant to the PHSPA; and

16 **WHEREAS**, even though SHPO involvement is not required by law, conversations with
17 State experts could enhance the City’s next steps involving the Soldiers’ Monument.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that, while engaging in voluntary conversation with the SHPO, the City
20 Manager shall hire conservators, designers, and/or historians to determine specific proposals to
21 mend, redesign, and/or reframe the Obelisk (the “Obelisk Proposals”) as follows:

22 1. Use original pieces to show the lines where the Obelisk fractured, by bonding it together
23 with a modern, contrasting material that delineates the fractured lines caused by the toppling of the
24 Obelisk on October 14, 2020;

25 2. Display an interactive interface, such as a QR Code, where the public may access more

1 information and learn about the varied perspectives about the community's complex history and
2 contribute their own perspectives; and

3 3. Contemplate updates to the four plaques as described later in this Resolution.

4 **BE IT FURTHER RESOLVED** that the City Manager shall take steps to preserve the
5 plaques currently existing in a professional manner and place them in a location accessible to the
6 public (such as a future museum display or exhibit on the history of Santa Fe).

7 **BE IT FURTHER RESOLVED** that, while the proposals for, conversations about, and
8 reconstruction of the Obelisk is undertaken, the City Manager shall remove the box covering the
9 broken Obelisk, take down the fence surrounding the Obelisk, and, to the extent permitted under
10 the City's code, install temporary lighting to shine into the sky, representing hope.

11 **BE IT FURTHER RESOLVED** that, upon receiving the Obelisk Proposals and after
12 conversations with the SHPO regarding the Obelisk Proposals, the City Manager shall report back
13 to the Governing Body to obtain approval for the design that is most appropriate for the ongoing
14 use of the Plaza as a community park.

15 **BE IT FURTHER RESOLVED** that the City Manager shall recommend the appropriate
16 budget and placement for an Office of Equity and Inclusion (OEI) in the Mayor's fiscal year 2024
17 budget and for consideration by the Governing Body.

18 **BE IT FURTHER RESOLVED** that the OEI shall commit to working toward better
19 addressing racial and social disparities and to achieving equity across all populations and
20 indicators.

21 **BE IT FURTHER RESOLVED** that the OEI's role is to inspire and better equip city
22 government by providing education, training, data, analysis, tools, and other support necessary to
23 achieving its equity goals. Some of the internal and external facing responsibilities the OEI will be
24 tasked with shall include, but not be limited to, are the following:

25 1. Create processes, policies, plans, practices, programs, and services that meet the diverse

- 1 needs of those served;
- 2 2. Identify and address barriers within the City’s organizational systems and structures;
- 3 3. Coordinate in-person trainings on implicit bias, anti-racism, and/or diversity, equity and
- 4 inclusion as a standard practice, on a periodic and sustained basis for City leadership and
- 5 staff, including the members of the Governing Body;
- 6 4. Work towards having a workforce broadly reflective of the community;
- 7 5. Provide an equity lens and oversight to other departments' initiatives including, but not
- 8 limited to, requiring equity reports;
- 9 6. Collaborate with community partners in building education and outreach opportunities to
- 10 address the barriers marginalized groups face and to explore the best ways to address those
- 11 barriers;
- 12 7. Work in collaboration with community advocates and organizations to identify community
- 13 needs to inform its work;
- 14 8. Work externally to support immigrant, refugee, and other vulnerable communities to
- 15 promote public safety, quality of life, and human rights; and
- 16 9. Among its first tasks, recommend language for at least four new plaques to surround the
- 17 Obelisk, to demonstrate broader perspectives and a more complete representation of the
- 18 community’s complex multi-cultural history:
 - 19 a. The first plaque shall describe a complete history of the Obelisk as the Soldiers’
 - 20 Monument.
 - 21 b. The second plaque shall contain an Indigenous land acknowledgement.
 - 22 c. The third plaque shall restate the Entrada Proclamation dated September 7, 2018.
 - 23 d. The fourth plaque shall describe the events that lead to the Obelisk’s destruction
 - 24 and pledge a commitment to healing and reconciliation, to better understanding of
 - 25 our diversity; and to a more inclusive representation and telling of our complex

1 multi-cultural history and cultural perspectives.

2 **BE IT FURTHER RESOLVED** that the OEI shall initially base its work on the CHART
3 Final Report recommendations and survey results; the Culture Connects findings and
4 recommendations; and compliance with federal, state, and local human and civil rights laws.

5 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2022.

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ALAN WEBBER, MAYOR

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11 ATTEST:

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14 KRISTINE MIHELIC, CITY CLERK

15 APPROVED AS TO FORM:

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18 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2023/Resolutions/CHART Next Steps*