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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2021-11

INTRODUCED BY:

Councilor Michael J. Garcia

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AN ORDINANCE

REGARDING THE INDEPENDENT SALARY COMMISSION, AMENDING SECTION 6-19.3 SFCC 1987 TO REASSIGN THE AUTHORITY TO APPOINT THE MEMBERS OF THE COMMISSION TO THE ETHICS AND CAMPAIGN REVIEW BOARD AND TO REASSIGN THE AUTHORITY TO APPOINT THE COMMISSION'S CHAIRPERSON TO THE COMMISSION'S MEMBERS; AND AMENDING SECTION 6-16.2 SFCC TO ADD THE DUTY OF APPOINTING THE INDEPENDENT SALARY COMMISSION MEMBERS TO THE ETHICS AND CAMPAIGN REVIEW BOARD'S POWERS AND DUTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 16-9.3 of SFCC 1987 (being Ord. No. 2016-43 § 2, as amended) is amended to read:

6-19.3 Membership; terms; vacancies.

A. Membership. The commission shall be comprised of seven (7) members, all of whom must reside within the municipal boundaries of the city of Santa Fe. ~~[The mayor shall~~

1 ~~appoint, with the advice and consent of the governing body,]~~ The ethics and campaign review board
2 shall appoint the members of the commission. The commission shall consist of one (1) member
3 from each of the following categories:

- 4 (1) One (1) shall be a member of the Santa Fe chamber of commerce.
- 5 (2) One (1) shall be a representative of a neighborhood association.
- 6 (3) One (1) shall be a representative of a community organization.
- 7 (4) One (1) shall be a current or retired attorney or judge.
- 8 (5) One (1) shall be a representative of the human resources industry, or an
9 employment consultant.
- 10 (6) One (1) shall be a current or retired chief executive officer.
- 11 (7) One (1) member shall be appointed at-large.

12 Nominees to the commission shall have the ability to exercise sound and practical
13 judgement in the implementation of their powers and duties as members of the commission.
14 ~~[The mayor shall appoint]~~ Members of the commission shall appoint a chairperson ~~[prior~~
15 ~~to the]~~ at the first meeting of the commission. The chairperson shall then appoint a vice-
16 chairperson at the first regular meeting.

17 B. Terms. Members of the commission shall serve four (4) year terms. A member
18 shall serve for no more than two (2) terms. After two (2) consecutive unexcused absences, a
19 commission member shall be automatically removed from the commission, and a new member
20 shall be appointed consistent with the provisions of paragraph A.

21 C. Vacancies. Vacancies on the commission shall be filled consistent with the
22 provisions of paragraph A.

23 **Section 2. Section 6-16.2 of SFCC 1987 (being Ord. No. 2005-14, as amended) is**
24 **amended to read:**
25 **6-16.2 Powers and duties.**

1 A. The board shall enforce the provisions of the Code of Ethics (Section 1-7 SFCC
2 1987), the Campaign Code (Section 9-2 SFCC 1987) and the Public Campaign Finance Code
3 (Section 9-3 SFCC 1987) in accordance with the procedures prescribed in this section and such
4 rules as the board may adopt.

5 B. The board shall establish reasonable rules of practice and procedure which are not
6 in conflict with the provisions of city code or other city rules of practice and procedure, timetables
7 and explanatory materials designed to educate the public, to encourage voluntary compliance and
8 to ensure fair and prompt disposition of alleged violations. All such rules of practice and procedure
9 shall be available to the public in the city clerk's office and on the city's website.

10 C. The board may give advisory opinions to any person requesting an opinion as to
11 whether his or her own future conduct would violate the Code of Ethics, the Campaign Code or the
12 Public Campaign Finance Code. An advisory opinion rendered by the board shall be binding on the
13 board in any subsequent proceeding on a complaint against the person or entity who requested the
14 opinion and acted in good faith in reliance thereon, unless the person or entity omitted or misstated
15 a material fact in requesting the advisory opinion. Advisory opinions shall be indexed and
16 maintained on file with the city clerk and placed on the city's web site.

17 D. In the exercise of its responsibilities, the board may audit campaign or other
18 records. After each election campaign the board may contract for professional reviews or audits of
19 campaign finance statements and shall file their results with the city clerk's office.

20 E. The board shall periodically review and recommend changes to the governing body
21 for improving the Code of Ethics, the Election Code, the Campaign Code, or the Public Campaign
22 Finance Code, particularly following a municipal election.

23 F. ~~[Reserved]~~ The board shall appoint the members of the independent salary
24 commission pursuant to Section 6-19.3, SFCC 1987.

25 G. Reserved.

1 H. The board shall review and make recommendations to the governing body
2 regarding the governing body procedural rules and other procedural matters including, but not
3 limited to, the city's annual open meetings act compliance resolution.

4 APPROVED AS TO FORM:

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7 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2021/Bills/Reassigning Salary Commission Appointments*