



# Agenda

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SEEN BY Irene Romero

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## CHARTER REVIEW COMMISSION

Monday, December 17, 2012

4:00 p.m.

City Council Chambers, City Hall

200 Lincoln Avenue

1. PROCEDURES:

- a) Roll Call
- b) Approval of Agenda

2. INTRODUCTION OF MEMBERS:

3. ANNOUNCEMENT OF VICE CHAIR:

4. NEW BUSINESS:

- a) Brief overview of Charter (staff)
- b) Review Resolution and consider Amendments (staff and committee)
  - i. Run for Mayor/resign as councilor
  - ii. Term limits
  - iii. Other
- c) Questions of Staff
- d) Other items from the committee

5. PUBLIC COMMENT (3 minutes per person ):

6. MEETING DATES AND TIMES:

7. ADJOURNMENT.

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CHARTER REVIEW COMMISSION  
Monday, December 17, 2012**

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**MINUTES OF THE  
CHARTER REVIEW COMMISSION  
Monday, December 17, 2012**

**CALL TO ORDER.**

A meeting of the Charter Review Commission was called to order by the Honorable Patricio Serna, Chair, at approximately 4:00 p.m., on December 17, 2012, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

**1. PROCEDURES**

**a) ROLL CALL**

Roll call indicated the presence of a quorum as follows:

**MEMBERS PRESENT**

The Honorable Patricio Serna, Chair  
Nancy R. Long, Vice-Chair  
Roman Abeyta  
Steven G. Farber  
Brian Patrick Gutierrez  
John B. Hiatt  
Houston Johansen  
Carol Romero-Wirth  
Daniel Werwath

**OTHERS ATTENDING**

Melessia Helberg, Stenographer  
Irene Romero

There was a quorum of the membership in attendance.

**b) APPROVAL OF AGENDA**

Mr. Farber asked who prepares the Agenda, noting it seems somewhat confusing to him as to whether the Committee will be called on today to vote on certain things based on a Resolution which had been adopted by the Governing Body. He asked who prepares the agenda and why it is in this format. He wants this information prior to voting on the agenda.

Chair Serna said he can't answer the questions and deferred to the City Attorney, Geno Zamora.

Geno Zamora said, "I'll address first, technically who prepared it. You will see various members of the City Attorney's staff present. The Administrative staff for this Committee is Irene Romero, and so she prepared the agenda based on input from meetings with the Chair, and myself and Ms. Romero. This agenda is prepared in accordance with the Open Meetings Act. As you see, reviewing through the agenda, the only approval item is approval of the Agenda, and nothing else is advertised for approval."

Mr. Zamora continued, "And to get specifically to Mr. Farber's question regarding the Resolution, it's Review Resolution and Consider Amendments, however there is no action today to vote on any of those issues in Item #4. Of course, in setting meeting dates, agendas and times and adjournment, by default, you do have authority to take action on that. But, as New Business is advertised, there are no action items. It is mainly a review and discussion introductory meeting that we have discussed and has been put in the agenda."

Mr. Farber said, "Under New Business Item 4(b), where it says 'Review Resolution and Consider Amendments,' I was wondering whether there were any amendments to that Resolution that had been passed and adopted by the Council, which is a part of our packet, which is Resolution 2012-45, submitted by one of the Councilors, and it indicated... so I don't know whether there are amendments to that Resolution that you're presenting, or these are amendments that people want to make with regard to the Charter. Is that what that term meant?"

Mr. Zamora said, "The City Attorney's Office, to answer the phrasing of the question, the City Attorney's Office and specifically the City Attorney by resolution, is an advisor to this Commission. It does not put forward amendments, except at the request of the members, which leads me to introduce a couple of other members in the context of this question. Marcos Martinez, Assistant City Attorney, who specializes in Constitutional research, and we also have in the crowd, Melissa Byers, who is our Legislative Liaison, who actually drafts amendments at the direction of the members of the Commission. So, the short answer is, the City Attorney is not a proponent of policy, and therefore would not be proposing amendments. The intention of that language is, in this introductory meeting, for the Commission to review the Resolution as prepared by the Council. And, forgive me Chair, feel free to stop me at any point, because I believe we're getting into the Agenda, and not approving the Agenda, but the purpose of that item is to do that, review the Resolution. And as you review it, it allows for discussion of amendments, if you see fit. If you don't see fit, then there's no need for discussion of amendments."

Mr. Farber thanked Mr. Zamora for the clarification. He said, "I just have one more question before we get to the Agenda. I, and I had hoped actually to try and not be the first one to speak, but I am, so, I want to declare that serving on this Home Rule Charter Commission is very important. And I had served a tort claims notice on the City of Santa Fe last week on behalf of some clients. And it seemed to me, upon reflection, it would be inappropriate for me to be pursuing any kind of claim against the City of Santa Fe while I'm serving on a body such as this. So I sent a letter to the adjuster, indicating that because of my service on the Charter Commission, I will not be representing the claimants. I just submitted the tort claims notice on their behalf to preserve their time limit."

Mr. Farber continued, "But it raises a question, because of the agenda items, in dealing with City Council, City Council terms, running for office, that I wonder if there are any members of this Commission who intend to run for office, either City Council or Mayor. Because that seems to me, in reviewing the Code of Ethics and looking at the issues, could constitute a clear conflict of interest or an appearance of an impropriety. And I just think that we need to discuss this issue, have declarations made before we start the formal process here. I see that my service on this committee means I can't take a case into Municipal Court, City of Santa Fe versus... I can't appear in front of another body as an advocate on behalf of somebody because I might get paid for my service. I mean, that's the way I see it. And it seems to me that if there's anybody on this Commission who's thinking of running for office, who any of this issues that are on the Agenda, such as Run for Mayor or Term Limits, that that directly impacts services."

Chair Serna said the way he will handle this is that he will ask everyone to introduce themselves, and tell about themselves, and at that time he will want them to indicate whether they have any plans to run for the City Council, Mayor or other City positions. He noted that Article 12, Rules of Procedure for agendas, page 13, the Agenda is laid out and that the Agenda as proposed which we are called upon to approve, is consistent with the requirements of Article 12.

**MOTION:** John Hiatt moved, seconded by Daniel Werwath, to approve the agenda as presented.

**VOTE:** The motion was approved on a voice vote, with Steven Farber and Chair Serna abstaining.

Chair Serna said he did not vote, and will vote only in the event of a tie or, as per the Charter, if a vote is needed to move an action item, so he also abstains.

## **2. INTRODUCTION OF MEMBERS**

Geno Zamora said, "As you stated earlier, you will be doing an introduction of the members. The issue was raised regarding conflict of interest. I just want to clarify that each Commission member is obligated to fill out the City of Santa Fe registration form which you may have already done and turned into the Clerk's Office, which helps identify any conflicts. Another question that I have, it's different than maybe something for appearance sake. I do not find a definition of intention to run for public office creating a conflict, whether it's with this Commission or with any other committee or commission of the City of Santa Fe. I'm not aware of those declarations. It's up to the Chair whether or not he wishes to have those declarations, but I'm not aware of that requirement."

Chair Serna said then it wouldn't constitute a conflict. He said, "Let's do it this way. I'll introduce myself and we will have each member introduce themselves, tell us a little about yourselves, and if you wish to advise us whether you plan to run for any position in the City or not, I will leave that up to you. It will be volunteer on your part, but it won't be a requirement."

**Justice Patricio Serna, Chair,** said he is a retired Justice of the Supreme Court, for about 3 ½ months. He served as a Santa Fe District Judge for 12 years and served 16 years on the Supreme Court. He said he will continue his public service by serving as Chair of this Commission. He said this is a

Commission which will be a model of transparency, and there will be opportunity for full public participation at the end of our work, and at the end of our work, the voters then will vote on suggested changes to the City Charter. He said as the Chair, he appoints the Vice-Chair, and he feels Ms. Long is a natural to serve in that position with her experience, knowledge and integrity. He said he has appointed Ms. Long to serve as Vice-Chair of the Commission. He has no plans to run for City office.

**Nancy Long, Vice Chair**, said she grew up in Santa Fe and is an attorney in Santa Fe, has practiced law here for her entire career for almost 30 years, and is with the firm of Long, Pound and Comer, and has been with that firm for the past 24 years. She has served on many City Committees, including Planning Commission, Campaign Review Committee, as well as the Ethics and Campaign Review Board for a number of years. She looks forward to the work we will do over the next year. Ms. Long said she was appointed by Councilor Wurzbarger. She has no plan to run for any City office whatsoever.

**Steven Farber** said he moved here in 1974, noting he is a practicing lawyer in Santa Fe. He served as Assistant District Attorney in the Public Defender's office for a year and then was recruited by former Attorney General Toney Anaya to go to the AG's Office to prosecute public corruption cases. He met Justice Serna at that time. He has been in private practice since 1978 as a sole practitioner. He is honored to have been elected City Councilor from District 2, and he served 1992-1996, and chose not to run for re-election. He served on the first Home Rule Charter Committee with our Chair, Ms. Walker who is here this evening. He is pleased to provide whatever assistance he can to the City. He has been involved in many City organizations and has been advocate for many people with problems. He said under Section 1-7-5, under Conflict of Interest, it provides, 'Conflict of interest means a specific and identifiable prospect of pecuniary gain or loss, other than a gain or loss which is *de minimis* in amount or shared with a substantial segment of the general public to any of these individuals or entities here listed, from any official act of any public official or employee.' Mr. Farber said, "Last I knew, the City Council members and the Mayor received a salary." He said he was appointed by Councilor Bushee and that he has no plans to run for any City office.

Mr. Zamora said, "Point well taken, except for that language which says, 'other than a gain or loss that is shared with a substantial segment of the general public.' Generally speaking, the general public, so long as they are a qualified elector, may run for Councilor or for Mayor or Council, and to interpret otherwise would probably prevent the entire Governing Body from voting on any Charter Commission recommendations."

Mr. Farber said, "Except, if I may Mr. Chair, Justice, when specifically voting on something that can have a direct interest on that individual. That is different in my mind."

Mr. Zamora said, "And that was the point I was making with the Governing Body having to vote on the Charter Commission recommendations."

**Jack Hiatt** said he is semi-retired from government service in State/City/County level, and said, "No, I don't want to run for office." However, in the spirit of that inquiry, he has a potential conflict, which he will declare now, with the City insofar as he has a contract with the City. He also serves as a hearing officer on behalf of the City in matters of probable cause for drunk driving cases, which are heard prior to going to District Court in terms of probable cause. He hears these cases on behalf of the City. He has reviewed the City's Code of Ethics, and doesn't believe there is an issue with that. He said he didn't see on the disclosure that you must disclose that you have a contract with the City. He has been a lawyer since 1974, primarily working for the government as a prosecutor, a defender and white collar crime specialist in some ways. He currently serves as general counsel to the Homebuilders of Northern New Mexico and serves on several non-profit boards, and recently has been appointed the guardian *ad litem*, mostly for children. He has 6 daughters and 7 grandchildren. Mr. Hiatt said he was asked to serve by Councilor Dimas.

**Roman Abeyta, Executive Director of Boys & Girls Clubs of Santa Fe.** He said prior to that he was the Santa Fe County Manager, and he also served on the City Planning Commission for several years. He was born and raised in Santa Fe, coming from the Abeyta and Salazar families whose families have been in Santa Fe since it was founded. He was asked to serve by Councilor Dominguez.

**Carol Romero-Wirth** said she is a lawyer in Santa Fe. She has a Master's in Public Policy, and her activities for the past twenty-odd years have been in and around the Legislature, and serving on non-profit boards and raising two children in Santa Fe. Ms. Romero-Wirth said she thinks she was asked to serve by the Mayor, but she is unsure. The Chair said she was appointed by Councilor Ives. She said this is her first foray into City government and she is looking forward to serving.

**Daniel Werwath** said he is a Community Development Planner in Santa Fe, and has been working in community development for the past 10 years. He is a member of the City Board of Adjustment. He does a lot of work with non-profits and local governments, policy work around affordable housing and economic development. He is a contractor with the U.S. Department of Housing & Urban Development, and provides contract services to various municipalities to help them design programs and be in compliance with federal grant programs. He has worked closely with the City in the area of affordable housing over the past 10 years, noting he worked for the Santa Fe Community Housing Trust for years. He is excited with this opportunity to delve into "this most core piece" of City policy. Mr. Werwath said he was appointed by Councilor Ron Trujillo. He said, "To follow up on the earlier question, I have no political aspirations at this time."

**Brian Gutierrez,** said he is a Santa Fe native, 41 years old, and has 3 small children. He has been self-employed since 1996, and does recycling, noting he is located on Airport Road. He before that, he worked for Sunwest Bank for 7 year. He said it is an honor to be serve on this committee. He said he was appointed by Councilor Rivera. He said he has no political aspirations.

**Houston Johansen** said he is honored and excited to be on this important Commission. He is 26 years old, a Santa Fe native, and serves on the Board of Earthcare International and Solace Crisis Treatment Center. He is about to start a job as a research associate at OTR Global. He noted he recently ran for the City Council. He said, "To specifically answer your question, while it is on my mind about a future run, I have made no decisions about that, and as soon as I do make a decision, you all will be some of the first to know." He said he was appointed to serve by Councilor Wurzburger.

Chair Serna said he was appointed by Councilor Calvert.

Geno Romero said, "The confusion lies in that each of the Councilors submitted names to the Mayor and it was either the Mayor's Office or my office that contacted everyone. So some members may not know who it was that sent their name in."

### **3. ANNOUNCEMENT OF VICE CHAIR**

Chair Serna said this has already been done.

### **4. NEW BUSINESS**

#### **a) BRIEF OVERVIEW OF CHARTER (STAFF)**

A copy of the Municipal Charter for the City of Santa Fe is incorporated herewith to these minutes as Exhibit "1."

A copy of the City of Santa Fe Charter Amendments approved at the March 4, 2008, Regular Municipal Election, is incorporated herewith to these minutes as Exhibit "2."

Geno Zamora provided a brief overview of the contents of the City Charter. He said the City Charter was adopted originally by the voters on December 9, 1997 at a Special Municipal Election, and it was amended by the voters at a Regular Municipal Election held on March 4, 2008 last amendments. Please see the Exhibit "1" for specifics of this presentation.

#### **b) REVIEW RESOLUTION AND CONSIDER AMENDMENTS. (STAFF AND COMMITTEE)**

A copy of City of Santa Fe Resolution No. 2012-45, adopted April 25, 2012, is incorporated herewith to these minutes as Exhibit "3."

Mr. Farber asked Mr. Zamora, before he starts his presentation, to address whether a "Whereas clause" in a Resolution has any legal force and effect, as opposed to the "Be It Resolved clause."



Mr. Zamora said, "The Be it Resolved has the most force and effect. The Resolution Whereas sections tend to be more informational, more background, but it is the Be It Resolved that has the effect within a Resolution."

Mr. Zamora gave a brief overview of the contents of Resolution No. 2012-45. Please see Exhibit "3" for specifics of this presentation.

Chair Serna said perhaps the first action we take would be to amend the dates in the Resolution for reporting to the Council, noting the Resolution provides for a report to the Governing Body by November 14, 2012, to be considered by the Governing Body at its meeting in December 2012, which obviously is impossible. He said he is open to suggestions in this regard. He will be looking to the experienced people who have served previously.

Ms. Long said she has a question for working backwards from when our report would go to the City Council, and says she presumes it would first need to go through City committees, and if not, then what would be the absolute deadline for consideration by the Council before it could be placed on the ballot for the March 2014 election.

Mr. Zamora said, "I don't have the City Clerk with us today who can best describe time frames on elections. However, there are two options, and I can generally describe it to give you time frames. The Charter amendments can be adopted at a special election or a regular election. So if it were determined by this Commission, for example, that that the report for the adoption of amendments be as soon as possible, then that would be a special election, and we would work backwards from the election date. To ball park, you would need approximately 4 months prior to a special election date. And I only base that upon the time frames for a regular election. Now, first option, a special election as soon as possible, approximately 4 months from the conclusion of your work and then the adoption by Council, which typically a minimum of a month. And to answer your question, the only requirement is to go before Council. The Council may refer it to Committee, but the only requirement is to go to Council."

Mr. Zamora continued, "That's the first question. The second answer is that you can recommend amendments for adoption at, technically, a special election to take place at the next general election. To be hyper-technical, a Charter amendment is always a special election, but you can place it on the same day as the general election and the same ballot. And, so again, it's a function of cost and it's a function of importance and that would be a recommendation of the Commission."

Mr. Farber thanked Mr. Zamora for his reference to cost, and said we need to have a discussion among this Commission about the cost to the City in the context of a special election versus a regular general election a little more than a year from now. He said he hopes he hasn't offended anybody with his comments, because process has always been important to him, and he hopes he does things in a professional and gentlemanly way, commenting this is the intent of his questions and comments.

Mr. Farber said we, as a Commission, cannot amend the Resolution, because it is a City Council Resolution, but we can make a recommendation. He said in terms of the time frames, we are fortunate to have the Chairs of the two previous Charter Commissions in attendance today. He said it might be helpful

to get input from both Ms. Walker and Mr. Harrington with regard to their sense of how long the process took them, and when they provide input is at the discretion of the Chair. He said when he served with Ms. Walker, that Commission was starting from scratch and it took about a year. He said Mr. Harrington chaired a Review Commission. He suggested we get input from them before we make a decision so we know what we are doing.

Chair Serna said this is an excellent suggestion because this is an important matter before us to recommend before the Governing Body. He noted the Resolution was approved by the Governing Body on April 25, 2012, and then they wanted the first report 7 months later. He said the next regular election will be in March 2014, so that gives us some parameters. He would like to hear from the Chairs of the former Charter Commissions.

Ms. Walker said their Commission was set up to give them precisely 180 days. After that, it went to the Council for approval and they tweaked it slightly. There were then two months to lobby the citizenry at different meetings, and it went to the public at a special election on December 7, 2012, and it became official on the "Ides of March" the following year, 1998. She said their schedule was set primarily by State Statutes.

Chair Serna asked how long it took to get the recommended changes to the Governing Body.

Ms. Walker said, "Probably 179 days." She said there was a lot to cover because it was the first time.

Mr. Harrington said he doesn't recall a 180 day limit, and their work wasn't limited. He said they had the same problem as this Commission, in that they had a deadline to report which was before any of the members of the Commission were appointed to start work. He said, "As best as I can recall, we simply proceeded to ignore the deadline and did the work as well as we could and reported. We were appointed, as I recall, right by the end of 2005, and had our first meeting either right at the end of the year, or the beginning of 2006. Worked throughout the year. I think we had a dozen meetings and we reported in January 2007. The previous Commission I understood, their report did not go to committees. Went straight to the Council, but the Council decided, in our case, they were going to have committees look at it, although they didn't make any significant changes, but it took quite a while. I think Yolanda said we had to have the whole thing buttoned-up by November something in 2007, so it took that 10-11 months, it was in the Council and being considered by the Council. Although they didn't make any significant changes, they gave it a thorough review. Thank you, and that's as best I can recall. I don't know if Geno recalls that."

Chair Serna said we are considering having the Governing Body, the Council, amend their Resolution to give us new deadlines. And Mr. Harrington is saying their Commission ignored the deadlines, and continued the work.

Mr. Harrington said the deadline had passed before any of the members of the Commission were appointed. He said, "And so, we just took that to mean since we had been appointed by the Council after the deadline, we took that to mean an implicit approval of our going ahead and working toward getting something on the ballot at the next general election. We didn't contemplate the possibility of putting the

City to the expense of a special election, but the next general election which we could get something on the ballot was March 2008, so we were just working against that practical deadline."

Chair Serna did you have a self-imposed deadline that it had to be to the Council and then to the electorate.

Mr. Harrington said, "I'm embarrassed to say that I don't recall if we were really pressed to meet a deadline. Given the fact that the first practical time at which it could get on the ballot was March 2008, we weren't under a lot of time pressure. In 2006, it obviously wasn't practical to get the report done, the Council looking at it and everything by March 2006. And, given that fact, we had a pretty leisurely schedule."

Chair Serna asked Mr. Harrington if it is his opinion that the real deadline we are looking at is to have it at the electorate in legal time before the March 14, 2014 election.

Mr. Harrington said, "If the Commission follows our practice, I don't know if some urgency on the part of the Council was communicated to the Commission, but I would imagine that there would have to be something urgent to do the expense of calling a special election for these Charter amendments."

Chair Serna said if the Commission decides to go for the general election that would be November 2014.

Mr. Harrington said no, it would be March 2014. He said, "That would be something like next November to get Council approval. You probably do have a much tighter deadline that we did, because that would mean Council approval by November-December. And if they put it through the committee process, which they followed inconsistent practice on that. They didn't do that with your Commission's report, but the Ethics and Rules Committee felt they ought to look at it in the case of our report."

An individual made remarks here which were inaudible.

Mr. Harrington said, "That may be. There may be that distinction that amendments don't have the same timetable, and if that's the case, you wouldn't have this 180 day deadline, if there is one, as we didn't. But I suppose that would mean sometime this summer to get the Commission's report, final report, done."

Chair Serna noted he was looking at the State Election Code, and said this is his first sojourn into municipal government in this capacity, and asked the Committee please to bear with him.

Mr. Farber said the Charter Review Commission chaired by Mr. Harrington, prepared a report and recommendations to the Governing Body in a booklet form, which has not been given to the members of the Commission, and it might be good for the Commission to review this to make sure we don't reinvent the wheel and see what their deliberations were. He asked if Mr. Harrington could explain that process if it is okay with the Chair.

Chair Serna said that would be good.

Mr. Harrington said they prepared the report for the purpose of describing what they recommended, as well as the reasons for recommending each of them, as well as to include all of the things that were brought to them as possible amendments to the Charter which they decided not to recommend and the reasons they decided against those things. He said he only had 3 copies, and he gave one to the Chair, one to Mr. Farber who called to ask about the previous work, and one to Irene. He said if the Commission thinks it's worth reading, you could ask Irene to make more copies. He said all of the recommendations eventually were adopted by the Council and approved by the voters, with two changes which were made by the Council. One of those was insignificant. The other was significant. It was the proviso on the effective date of ranked choice voting, which has, unfortunately, turned out to make it impossible to implement that article. However, he said he doesn't want to get into that subject, without knowing whether or not the Commission will get into that subject.

Chair Serna asked Irene Romero to make copies of that report for each member of the Commission, commenting it will be very useful information.

Mr. Hiatt said, "Mr. Chairman, I'd like to recommend to yourself and the other Commission members that we follow the Harrington style and ignore the date, because we don't understand why the Commission (Council?) necessarily set that deadline for us. And, if they feel an urgency to move quicker than we would ordinarily as a Commission, then they should tell us that. And, as Mr. Farber points out, we don't amend their resolutions. I would suggest that we just ask the City Attorney to take this back to them, and if they feel a need to give us a deadline, then they should do so. And, for now, we should proceed at our own pace. And personally, I'm hoping we can wrap this up by the end of the summer and be done with it, if not sooner. But I'm particularly anxious to hear from those folks that took the time to show up today from the public. And so that would be my recommendation, rather than debate what our timetable really should be, Mr. Chair. Thank you."

Chair Serna said, "Well I think that that's such an important suggestion, that I'm going to put it to a vote, the suggestion by Mr. Hiatt that we not recommend an amendment to the deadline dates provided, and have the City Attorney ask the City Council as to whether they do want us to do it anyway, unless you think there's another approach, Mr. Zamora."

Mr. Zamora said, "The first meetings of any committee or body can be a little bit tricky, and we're working through the kinks. With regard to Item 4 of New Business, and this may or may not make sense, but we do not have action items listed under this. The anticipation was, this being an introductory meeting, was to bring everyone up to speed as to the issues, and have a discussion of this. Again, the language under B is 'Review Resolution and consider Amendment,' but we did not place action language in there, because we anticipated that the Commission members were getting oriented. And, that at the next meeting, I think, based on the discussion today, it sounds like we have an action item for the very next meeting, as well as you may have other action items, based on the public comment. Staff is taking very good notes regarding the recommendations, and we can even have drafts prepared based on those recommendations for the next meeting, but we do not, for purposes of the Open Meetings Act, we don't have action items. In this section, we do have it listed, at Meeting Dates and Times, so that you can take

action and schedule the next meeting date and time. There may be a few successive ones, and you do have an action item with Adjournment."

Chair Serna said then we will not put that to a vote, and we will hold off on it until we look at it further.

Mr. Farber said, "By way of information, when I was on the Council, and I believe it still to be true, that a Resolution is considered an expression of the will of the Council. However, it is not an ordinance, and therefore is not binding law. Therefore, I think that we could proceed, as the Chair wants to direct us, just understanding the difference between, and they teach you this when you get on the Council, the difference between a resolution and an ordinance."

Chair Serna said, "I'm going to take the prerogative of the Chair, and hold off on that, and include that as an action for our next meeting."

- i) **RUN FOR MAYOR/RESIGN AS COUNCILOR**
- ii) **TERM LIMITS**
- iii) **OTHER**

**c) QUESTIONS OF STAFF**

Chair Serna said, "Now we will consider the proposed amendments, Run for Mayor/ Resign as Councilor and then Term Limits. Do you want to brief us on that any further, or shall I just go ahead and open it for discussion."

Mr. Zamora said, "We've concluded our presentation on those items, and addressed time frames under Other also. Therefore, and we've stood for questions, so you are able to move beyond that if you wish, into Other Items from the Committee, or directly into Public Comment at that point."

**d) OTHER ITEMS FROM THE COMMITTEE**

Mr. Farber said, "I would like to... when I served with Ms. Walker, and I'm sure Mr. Harrington followed that same process, we had a lot of input. We had a lot of information from interested groups, from interested citizens, from the Councilors, rather than just voting on term limits, or voting on whether a Councilor should be made to resign. There were position papers that were presented for consideration, so I just put that out there as a suggestion that that might help a process before we even start debating to get ready for a vote."

Mr. Farber continued, "We can sequentially vote upon things later on, but it just seems to me that we're really in a premature point in time right now, to have a vote on any of these substantive issues. And I would like to also point out that the Whereas clauses, the reason that I asked that, which talk about the term limits and that the Councilor has to resign. The real body of the Resolution is the Be It Resolved.

And the Be It Resolved essentially doesn't talk about the term limits, or if a Councilor has to resign. It means that any of us on the Commission can come forward, upon our review of the Charter, with recommended amendments. We don't have, it seems to me, today any amendments from any of the members of the City Council, and there very well may be amendments that the citizenry would like to present."

Mr. Farber continued, "I know, I've thought about this a lot. I would like to present an assault ban weapon provision that is a part of our constitution. I would like to present a ban on excessive magazines for automatic and semi-automatic weapons, as a part of our Commission. I'd like people to comment on that. I'd like to hear the pros and the cons. I understand the Council could perhaps have an ordinance. I'd like to know whether we're allowed to do anything as long as it's not contrary to State law, as I understand home rule in New Mexico. So I would like to know, from the City Attorney, because the City Attorney is supposed to provide us with that guidance under Section 10.02, regarding the legality and form of any proposed Charter amendment. But I feel strongly about that provision."

Mr. Farber continued, "I think that one of the things we might be thinking about is having the position of an auditor, an independent auditor. There's been a lot of press about problems with an audit in a quasi-governmental entity. And there has been concern that citizens had regarding some contracts or procurement issues that had happened within the City. And it seems if we had an independent auditor, perhaps some of those concerns could be alleviated. I don't know whether that's a good idea or not, but I throw it out, because I think we should hear from the community, from the Finance Department, from the Manager, from the Attorney whether they think it's appropriate, not appropriate, and then we make our judgment. And anything that we do, then goes to the Council, because they have the right to review any of our recommendations."

Mr. Farber continued, "I'd like to make a policy statement, that the prosecution of kids and people who have very small amounts of marijuana, less than an ounce for personal use, should be the lowest law enforcement priority that this has. A number of cities throughout this country have done that, nothing new. Seattle did it, Philadelphia did it, New Orleans did it, New York City has done it, so those are some of the issues that I've been thinking about. I'm sure other Commissioner have other ideas, and what this process over the next 6 months or 9 months, as we really get to know one another, will be. I may change my view about certain things, but that's where I think we go, based upon our feelings and certainly listening to public comment and input. And I'd also like to say that I think that the public comment should be at the beginning of our meetings, rather than at the end. And I don't know about the 3 minute limit, but that's something for the Chair to exercise discretion with."

## **5. PUBLIC COMMENT**

A letter dated December 17, 2012, to the Santa Fe Charter Commission, from Judith K. Williams, President, League of Women Voters of Santa Fe County, is incorporated herewith to these minutes as Exhibit "4."

A copy of *Proposed Amendment to the Santa Fe City Charter: Date of Election* proposed by Karen Heldmeyer, is incorporated herewith to these minutes as Exhibit "5."

Chair Serna said public comment will be limited to 3 minutes per person, but exceptions can be made, and he doesn't want to cut anyone off in mid-sentence. He said they never did that at the Supreme Court either, but they did have time limits. He said the public is invited and encouraged to tell us what ideas they have on changes to the Charter.

**Jody Larson, 107 Tierra Rica, representing the League of Women Voters of Santa Fe County**, noted Ms. Heldmeyer is handing out their comments. She said they support a Charter form of City Government, because it allows citizens to have a more direct voice. The League supports transparency in government, and they are glad to read Justice Serna's comments that the Charter review process will be a model of transparency in government. Please see Exhibit "4" for the complete text of the League's letter.

Justice Serna commented that it will be a model of transparency in government.

**Jim Harrington, 1588 Cerro Gordo**, said, in the interest of full disclosure, since he was Chair of the Charter Commission, he has become the State Chair of Common Cause of New Mexico, so he now has a public agenda of public financing and such. He said if any of the members of the Commission would like to call him and ask about the Commission's previous work, he would give them an objective account of what they did. He said his position with Common Cause now means his focus has been on the State where Commissioner Romero-Wirth's husband has given us a whole lot to do with this upcoming session. I'm not sure I will be able to attend all or most of the Commission's meeting. But, if asked to give some insight into what we did before, I'd sure be happy to do so."

Mr. Harrington continued, "The 3 specific suggestions I had, one I think Jody already sort of touched on the edge of, was if the Commission could try and be as specific as possible in its meeting announcements as to exactly what topics are going to be covered during that meeting would be helpful, so that members of the public who might not be interested in everything in the Charter or everything you might look at could nevertheless arrange to attend the meetings that are going to discuss the areas that they're interested in. Another thing we did, and I'm not sure how much good it did, but I think it was a good gesture, we moved our meetings all around the City. We had some meetings at the Chavez Center, the Senior Center on Alto, the Library on Llano, and I don't remember if the Southside Library was open then, but if it was, we met there too. And it would make it a little easier for people from all parts of the City to attend."

Mr. Harrington continued, "And the third suggestion, and I hope this won't be taken as a criticism of this setting. We were a little less formal in our meetings. I don't remember if we ever met in this room, but if we did, it was at the table that was back there, where we all sat around a conference table, and the public was either at the table with us, or in chairs behind us. And I think for those of us experienced, or involvement with City government, this setting is fine, but I'm not sure for all members of the public whether stepping up to the podium, time limits, that sort of formality is the most inviting kind of setting for

participating. They might find it easier in a different setting, but that's something, you know, everybody's got their preferences, and this is certainly not meant to be any kind of criticism, but it's one thought. So, congratulations on your appointment and good luck in your work."

Chair Serna told Mr. Harrington we may be calling on him for ideas, suggestions and such, because of his vast experience in this.

**John Otter, 2300 West Alameda D-3**, said, "I attended the meetings of the original Charter Commission, and a lot of the Review Commission meeting, and was pleased with the results. However, the modification of the ranked choice provision by the Council, which has made it perhaps difficult if not prohibitive to proceed with that provision, concerns me greatly, because I believe it would be a very positive thing for the City to assure itself that the members that are elected to its Governing Body and officers have obtained a majority of the vote of the citizens. I won't go back with all the instances where that has not been the case."

Mr. Otter continued, "I understand the concern of the City Clerk's Office that any changes in our method of conducting elections possibly could result in some adjustments and criticism and difficulties which might reflect back on the City Clerk, rightly or wrongly on that officer. And I know the City Clerk is an elected position and would have a concern about the opinion of the public about their service. But I feel that this improved method of voting would be sufficiently advantageous for the City to look closely at that provision that the elections be conducted with a machine and software which has been the stumbling block here. Around the country, I won't go into great detail, but around the country there has been ranked choice voting that have been conducted by machines, which in the State of New Mexico do not qualify because of provisions that certain approvals be made for use of machines here. And there are elections which have occurred around the country in a number of places, and for many years in some cases and in other countries, where the votes are counted by hand. It sounds like it might be an onerous process, but in fact, it can be done very accurately and efficiently for even very large numbers, 100,000 votes. Typically, Santa Fe has something like 20,000 votes. So I urge your consideration of this particular ranked choice voting provision to see if there is some way that the City, through its Charter, or Ordinance or even some recommendations to the State Legislative bodies as to how we might be able to proceed with ranked choice voting here."

Chair Serna asked him to give the Commission a written statement explaining his exact position, because he didn't quite thoroughly understand it. He asked, "Are you proposing non-machine elections and counting ballots manually."

Mr. Otter said yes, and he would be happy to provide something in writing.

Mr. Hiatt thanked Mr. Otter for his comments. He said, unless things have changed, the City Clerk is appointed, and Mr. Zamora said this is correct.

Mr. Farber said, "In the prior Charter Review Commission's report, I just glanced at it, because I know it was one of the changes, and I'm not sure that I completely understand it, though it was discussed



when I was on the prior Charter Commission, and it wasn't part of the Charter that we voted on. But, when we get the report, Item #5 on pages 14 through 16, sort of explain it, I believe. And, Mr. Otter, if you could expound on your position more, that would be great, so we have the benefit of your thoughts in writing."

Mr. Zamora said, "Mr. Chair, just point of order, on that matter, regarding public input. Again, we're very cautious on rolling quorums, etcetera, and we try and prevent those things. I'm asking Irene, as Administrative staff to the Commission, to provide her email to the public that wishes to email things in. She'll aggregate and send it separately to the Commission members, so there is no accidental rolling quorums on issues."

Chair Serna said that is excellent.

**Karen Heldmeyer, 325 E. Berger**, said, "I have one suggestion at this point, which is an individual suggestion: change the date of the election to the fall. And there are several good reasons for this. The weather is... there are two of them. One, when weather is less uncertain, this will increase voter turnout. It will also, hopefully, increase personal door-to-door campaigning, which in a town like Santa Fe should be happening, especially for people who take public monies."

Ms. Heldmeyer continued, "Additionally, the timing of a March election is really not ideal. It occurs during or right after a Legislative session. People are tied up, sometimes with session-only jobs, sometimes lobbying for the City and don't have the time they would like to have to actually campaign. And also, what happens is new members of the Governing Body are immediately thrown into the budgeting process after they're elected at the beginning of March, and sometimes without a lot of knowledge of what that entails and what that means. If the election were moved to the Fall, such as in Albuquerque, this would give new Council members time to kind of ease into that very important job they have of budgeting for the entire City. I tried to think of disadvantages that have been mentioned in the past. I only could think of two, you may think of more. One, is that changing something traditional will confuse people. And some people brought up that the first time this happens, incumbents will have an extended term of several months more, because the election has been moved. That could be positive or negative, depending on how you feel about the incumbents. It's something to consider. It's certainly something other home rule cities in this State have done."

Ms. Heldmeyer continued, "I also wanted to say that I was on Council when the last set of Charter amendments were proposed, the ones that were passed in March 2008, and if you would like any further information about the reason those amendments are worded the way they are and were passed by Council the way they were, I'd be glad to provide that information. Just contact me."

Chair Serna asked if there are municipalities in the State which hold their elections in the Fall.

Ms. Heldmeyer said, "Albuquerque."

Councilor Farber asked Ms. Heldmeyer, "With your idea and proposal, is your idea that the general election, I guess for Council and Mayor, at this coming time, would be in the Fall 2014, and not in March 2014."

Ms. Heldmeyer said yes, although this Commission can set it up any way they would like, for example, it wasn't effective until "X date." She said when it was proposed before, people were thinking of moving it back a few months in a particular year that was coming up.

Councilor Farber said he knows from her previous service on the Council, that Ms. Heldmeyer is a very deep thinker. He said, "What I'm wondering about though is, how it is lawful for the Council... let's assume hypothetically that the Commission thinks that is a good idea, Council thinks it's a good idea. How do the City Councilors who have a term of office which would end, and the Mayor, which would end in March 2014, then continue to serve until the election in the Fall of 2014."

Ms. Heldmeyer said, "I'm assuming we're using 2014 as a hypothetical, because the change to the Charter would have to be voted on by the electorate, so it wouldn't occur until the election after the change to the Charter. And in that change to the Charter, there would be specific wording that would change the wording that is in the Charter now about term, and say, for those who were elected on such and such a date whose terms would end on such and such a date, for the election of X, their terms would be extended to whatever the date was. Yes, it's fairly easily done, and it's just a question of which set of people you want in there a few months longer. But, because it's in the Charter change itself, it's allowed."

Councilor Farber said he just wants to be clear. He can see less problem in extending people's terms than in shortening people's terms.

Ms. Heldmeyer said she isn't talking about shortening terms, commenting there would be a great deal of upset in trying to shorten terms, but extending it as it was in the Charter itself would therefore be legal.

Mr. Farber told Chair Serna that these are the kinds of issues to which he was alluding that really require a lot of thought, consideration, pros and cons, and statements so we can be deliberative, because it's a deliberative body, in our proceedings.

Chair Serna agreed.

## **6. MEETING DATES AND TIMES**

A copy of *Proposed Meeting Dates available for the City Council Chambers*, with attachments, is incorporated herewith to these minutes as Exhibit "6."

Ms. Long said the suggested dates are when staffing would be available and there would be meeting space.

Responding to Mr. Farber, Ms. Romero said she met with the City Clerk's Office to see when the Council Chambers are available, and the reason for the dates in Exhibit "6."

Mr. Farber said it seems Mr. Harrington's suggestions are worth discussing at the next meeting. He said we are just "getting our feet wet, and our feet on the ground," with regard to how we are going to proceed.

Chair Serna suggested perhaps we should go ahead and choose two dates..

Mr. Werwath said, in the interest of transparency, he would like this Commission, as a process at the next meeting, to come to an agreement on the dates, number of meetings and the purposes of those meetings, so that can be announced to the public. He also would like to recommend to have a meeting on a Saturday or Sunday toward the end of the process, once we get a better idea of the recommendations the Commission has undertaken. He said a lot of people typically are excluded from participation, especially younger people who work at night, or those with young families who have a lot of trouble attending meetings.

Chair Serna said this is an excellent suggestion.

Ms. Long likes the Chair's suggestion to come up with the next 2 meeting dates, and then develop a more firm schedule for the rest of our work, as well as to move some of the meetings to a weekend or at a different location.

Mr. Farber said he thinks these meetings should be scheduled so that they are as available as possible to the public. He noted there are people whose religious practices and observances cause them not to be able to attend a Saturday meeting. He noted the Council meetings were moved from 4:00 p.m. to 5:00 p.m., which allowed people to finish the work day without taking annual leave.

Chair Serna said we are looking at meeting on January 14<sup>th</sup>, and recommends we have the next two meetings here in the Chambers, because there are excellent communication facilities, and we must, by law, have minutes of every meeting, and there could be places without these facilities. However, by having the next two meetings here, we can look around to see where else we could meet and comply with the Open Meetings Act, and have a recording made of our meetings. He said he would be willing to talk to the Chief Justice and see if one meeting could be held at the Supreme Court.

Mr. Zamora suggested the Commission could consider doing what was done for the redistricting review, with at least one meeting being held in each Council District.

Chair Serna said that would be equitable to have a meeting in each Council District.

**MOTION:** John Hiatt moved, seconded by Steven Farber, to set the next two meeting dates for January 14, 2012, and January 29, 2012, in the Council Chambers.

**FRIENDLY AMENDMENT:** Mr. Farber would like to amend the motion to provide that the meetings will start at 5:00 p.m. **THE AMENDMENT WAS FRIENDLY TO THE MAKER.**

Responding to the Chair, Mr. Zamora said, "Because these dates propose utilizing the Council Chambers, the Chambers are not available on those dates after 5:30 p.m., so it would be 4:00 p.m. to 5:30 p.m. It's noted on the first one."

Ms. Romero said it is just for the first meeting

**WITHDRAWAL OF THE FRIENDLY AMENDMENT:** Mr. Farber withdrew his Friendly Amendment, saying we will work out a process and figure it out.

Chair Serna said it is proposed to hold the next two meetings on Monday, January 14, 2012, 4:00 p.m. to 5:30 p.m., and Tuesday, January 29, 2012, at 4:00 p.m.

**VOTE:** The motion was approved unanimously on a voice vote.

Mr. Farber suggested, since we only have 1½ hours for the next meeting, that we use that date to have a discussion of our process, and how we see this working, in terms of how amendments will come to the Commission, the types of information that we will seek and who is available to provide us with information and review.

Chair Serna said he agrees.

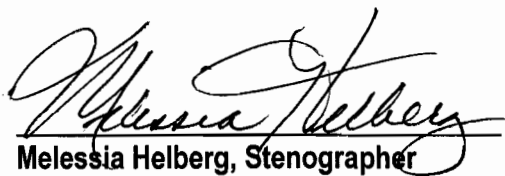
## **7. ADJOURNMENT**

There was no further business to come before the Commission.

**MOTION:** John Hiatt moved, seconded by Daniel Werwath, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:10 p.m.

Chair Serna asked that the record reflect that he did not vote on anything tonight, and that he is not running for office.



**Melessia Helberg, Stenographer**

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**The Honorable Patricio Serna, Chair**

# City of Santa Fe New Mexico



## MUNICIPAL CHARTER

(As Adopted - March 4, 2008)

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**SANTA FE MUNICIPAL CHARTER**  
**Contains amendments through March 4, 2008.**

The Charter of the City of Santa Fe was adopted by the voters of the City of Santa Fe, New Mexico, at a Special Municipal Election held on December 9, 1997; and amended by the voters of the City of Santa Fe, New Mexico, at a Regular Municipal Election held on March 4, 2008. Amendments are noted with the appropriate text.

**PREAMBLE**

We, the people of Santa Fe, a capital city for four centuries, a community with rich and lasting multi-cultural traditions and a history of tolerance towards all peoples, cultures, traditions, and lifestyles, recognize our right to define our way of life and our form of government. With this Charter we affirm that right and express our determination to secure for ourselves and our children the continuity of our cultural values, our personal freedoms, and our well being. Therefore, we, the people of Santa Fe, pursuant to the constitution and laws of New Mexico, do hereby enact this charter for the City of Santa Fe.

**ARTICLE I. INCORPORATION AND POWERS**

**1.01. Purpose and incorporation.**

A. **Purpose.** The purpose of this Charter is to provide for maximum self-government and the greatest possible exercise of home rule powers. In no case shall the city have any fewer powers than a non-charter municipality in the state of New Mexico.

B. **Incorporation.** The municipal corporation now existing and known as the City of Santa Fe shall remain and continue to be a body politic and corporate with the same name and boundaries as existed prior to the effective date of this Charter. The boundaries of the city may be changed as provided by law.

**1.02. Powers.**

A. **Powers.** The city shall have all powers possible for a city to have under the constitution and laws of New Mexico.

B. **Acceptance of devolution of powers.** By enacting this Charter pursuant to the provisions of Article X, Section 6 of the New Mexico Constitution, and pursuant to the New Mexico Municipal Charter Act, the City of Santa Fe accepts the full and complete devolution of home rule powers granted in the constitution and the laws of the State of New Mexico to each municipality that adopts a municipal charter. Accordingly, the city shall have all powers possible for a home rule municipality to possess under the New Mexico Constitution and the laws of the State of New Mexico, including all implied powers and all powers necessary to implement all express powers of the city, as if each and every one of the city's implied powers were fully, completely and expressly enumerated in this Charter.



C. **Powers of general law municipal corporations.** The city shall be entitled to exercise any and all powers granted by law or the New Mexico Constitution to municipal corporations, except to the extent there may be a conflict between the exercise of the powers and the provisions of this Charter, in which case, this Charter shall operate to limit the city's ability to exercise such powers.

#### **1.03. Construction.**

The powers of the city under this Charter shall be construed liberally in favor of the city, and shall be interpreted to favor maximum local self-government.

#### **1.04. Intergovernmental relations.**

The city may exercise any of its powers jointly or in cooperation with any other government entity.

#### **1.05. State and municipal laws.**

A. **Repeal.** All city ordinances, resolutions, orders and regulations that are in force when this Charter becomes effective are repealed only to the extent that they are inconsistent or interfere with the effective operation of this Charter.

B. **Supersedes.** To the extent that the New Mexico Constitution and laws of the State of New Mexico permit, all laws relating to or affecting the city or its agencies, officers or employees that are in force when this Charter becomes effective are superseded to the extent that they are inconsistent with or interfere with the effective operation of the Charter.

C. **Status of consistent state law.** Any provision of the New Mexico Municipal Code or any other state law relating to municipalities shall apply to the city only to the extent that such code or law is not inconsistent with the provisions of this Charter. To the extent that any state law relating to municipalities is consistent with this Charter, the city may avail itself of the rights, privileges and powers conferred by such law, regardless of whether the law vests power in home rule municipalities, non-home rule municipalities or both.

#### **1.06. Rights and property.**

A. **Property rights.** All rights and property that were vested in the city prior to the effective date of this Charter shall remain so vested once the Charter is effective. No existing right or liability and no pending litigation shall be affected by adoption of this Charter. No action or proceeding, civil or criminal, pending at the time that this Charter becomes effective shall be affected by operation of this Charter.

B. **Contract rights.** All contracts, agreements and franchises entered into by the city or for its benefit prior to the effective date of this Charter shall remain in full force and effect, in accordance with their respective terms. Public improvement for which legislative action has been

taken under laws, ordinances or resolutions existing at the time this Charter takes effect may be carried to completion in a manner that is in full compliance with this Charter as is possible in accordance with the provisions of existing laws, ordinances and resolutions.

## **ARTICLE II. POLICY STATEMENTS**

### **2.01. Code of ethics.**

The proper administration of democratic government requires public officials to exercise a high degree of integrity and honesty, free from undue and inappropriate influence and further requires that government decisions and policy be made in a fair manner, guided by the best interests of the people and the community, so that the public may have confidence in its government. To effect these ends, the governing body shall by ordinance establish standards for the ethical conduct of all elected and appointed officials and all employees of the city, and provide consequences for violating such ethical standards.

### **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. To that end, 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; nor shall any ordinance enacted or policy adopted protecting or enhancing these rights 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 and discourage such discrimination. To effect these ends, the governing body may enact ordinances and establish appropriate commissions with jurisdiction, authority, and staff sufficient to effectively administer this policy.

### **2.03. Environmental protection.**

The natural beauty of Santa Fe, its historical heritage, and its unique architectural style are among the city's most valued and important assets. In order to enhance the beauty and quality of both the natural and built environment within and around the city, the governing body shall protect, preserve and enhance the city's natural endowments, plan for and regulate land use and development, manage the city's growth, encourage source reduction, re-use and recycling of materials, and promote and maintain an aesthetic and humane urban environment. To effect these ends, the governing body may take whatever action is necessary and may enact ordinances and may establish appropriate commissions with jurisdiction, authority, and staff sufficient to effectively administer this policy.

#### **2.04. Cultural preservation.**

The people of Santa Fe derive invaluable benefits from our multi-cultural heritage. The multi-ethnic and multi-racial residents who have made their homes here over the centuries have each left their unique cultural mark on our city, producing a rich blend of stories and traditions. The result is a community that treasures a variety of artistic, literary and musical forms, that symbolizes an architectural style, and that celebrates the diversity of those who have chosen to live here. We therefore declare that the multi-cultural heritage of Santa Fe is essential to the people of this community and that public officials shall at all times exercise their powers with sensitivity to and respect for that cultural heritage.

#### **2.05. Campaign finance and campaign practices.**

The escalating cost of campaigning for elective office provides an opportunity for monied interests to control the electoral process of city government. Candidates may be encouraged to put the interests of their campaign contributors ahead of the needs and concerns of their constituents, and the passage or defeat of a measure may be skewed by monied interests to the detriment of the public interest. In order to eliminate financing inequities, conflicts of interest, and the potential for corruption inherent in this situation, the governing body shall enact such ordinances, and may appoint such commissions and take such other actions as may be necessary to make campaigns for elective office more democratic. To this end, the governing body shall facilitate voting, establish ethical standards for the conduct of campaigns, regulate lobbying of city officers and employees, provide methods of voter education that will enhance the possibility for an open, accountable and responsive campaign process, encourage broad-based contributions from the public, and require that each candidate and campaign committee for issues appoint one central committee to coordinate, control and report all financial transactions and make full and timely disclosure of all campaign contributions and expenditures. The governing body shall provide for meaningful public financing of campaigns.

**History:** An Amendment to Section 2.05 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

**Effective Date:** May 5, 2008

The last sentence of this section was amended from "consider the issue of financing campaigns, including public financing" to "provide for meaningful public financing of campaigns".

#### **2.06. General plan.**

The governing body shall establish and adopt by ordinance or resolution the policies, goals and objectives outlined in the city General Plan. Such policies, goals and objectives shall not be revised or amended without one or more public hearings by the governing body.

## ARTICLE III. CITIZEN RIGHTS

### 3.01. Referendum.

A. **Right of referendum.** Registered voters who are residents of the city shall have the power to repeal any adopted ordinance, except as prohibited by law or this Charter.

B. **Prohibited use of referendum power.** The power of referendum shall not extend to: the budget; the capital program; any ordinance appropriating money; the levy of taxes, unless a referendum is specifically authorized by state law; salaries of city officers or employees; zone map amendments; ordinances authorizing bonds or other obligations when such ordinances, bonds, or other obligations are revenue bonds or have previously been approved at a city election; or any ordinance adopted in furtherance of the human and civil rights policy of this Charter; and any ordinance mandated by this Charter.

C. **Approval as to form.** The city clerk shall not accept for filing any referendum petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:

[1] a heading which states that the petition is for the purpose of referendum to repeal an ordinance, specifying the title, number and a brief description of the ordinance;

[2] a place for the person signing the petition to write the date, name (printed), address, and signature; and

[3] a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.

D. **Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.

E. **Number of signatures.** A referendum 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 actual voters at the last mayoral election, including at least ten percent of the voters for mayor in each council district in the last mayoral election. The city clerk shall determine the number of actual voters at the last mayoral election.

F. **Time for filing of petition.** A referendum petition shall be filed with the city clerk not more than ninety days following the date on which the city clerk approved the petition as to form.

G. **Verification of petition.** Upon receipt of a referendum petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with

NMSA 1978 Section 3-1-5, and the city clerk and governing body shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the charter.

**H. Governing body review.** After a petition has been verified, the city clerk shall promptly present the referred ordinance to the governing body at its next scheduled session. The governing body shall within thirty days consider the ordinance in accordance with its established procedures for repealing ordinances. If the governing body fails to repeal the ordinance within thirty days, the governing body shall enact an election resolution for the purpose of submitting the ordinance to a vote. The governing body shall enact such election resolution at the meeting at which it fails to repeal the ordinance.

**I. Ballot presentation.** The ballot shall contain the full text of the ordinance as adopted by the governing body. Below the text of the ordinance shall be the words "for the ordinance" and "against the ordinance" with spaces for crosses after each phrase.

**J. Results of election.** In order to have a valid election, at least twenty percent of the qualified electors of the city must cast ballots. If a majority of the votes cast are in favor of the ordinance, then the ordinance shall continue in effect. If a majority of the votes cast are against the ordinance, then it shall be deemed repealed upon certification of the election results.

**History:** Amendments to Section 3.01 were approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

Amendments to this section include: at the end of Subsection B., adding "and any ordinance mandated by this Charter" as a prohibited use of referendum power; in Subsection C.[1], changing the style of the heading for a referendum petition; in Subsection E., changing the method used to determine the number of petition signatures required from 20% of registered voters to 33<sup>1/3</sup>% of actual voters voting for mayor in the last mayoral election, including at least 10% of the actual voters, instead of registered voters, for mayor in each council district; in Subsection F., extending the time period for

collecting petition signatures from 60 days to 90 days and changing the trigger date starting this time period from "the date on which the governing body voted to enact the ordinance" to "the date the city clerk approved the petition as to form" which has the effect of permitting referendums on any ordinance instead of only those ordinances that were enacted within the previous 60 days; and deleting the previous Subsection H., which was captioned "Effect of a Verified Petition."

**Effective Date:** May 5, 2008.

### **3.02. Initiative.**

**A. Right of initiative.** Registered voters who are residents of the city shall have the power to propose ordinances to the governing body, except as prohibited by law or this charter.

**B. Prohibited use of initiative power.** The power of initiative shall not extend to: the budget; the capital program; any ordinance appropriating money; the levy of taxes; salaries of city officers or employees; zone map amendments; ordinances authorizing bonds or other obligations when such ordinances, bonds, or other obligations are revenue bonds or have previously been approved at a city election; or any ordinance that would violate the human and civil rights policy of this charter.

**C. City attorney's opinion required.** The city attorney shall review and render and publish a public opinion as to the legality and form of any proposed ordinance before it is submitted to the governing body for consideration.

**D. Approval as to form.** The city clerk shall not accept for filing any initiative petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:

[1] a heading which states that the petition is for the purpose of enacting an ordinance by initiative, and which sets forth in full the text of the proposed ordinance;

[2] a place for the person signing the petition to write the date, name (printed), address and signature; and

[3] a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.

**E. Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.

**F. Number of signatures.** An initiative 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 actual voters in the last mayoral election, including at least ten percent of the actual voters for mayor in each council district in the last mayoral election. The city clerk shall determine the number of actual voters at the last mayoral election.

**G. Time for filing of petition.** An initiative petition shall be filed with the city clerk not more than ninety days following the date on which the city clerk approved the petition as to form.

**H. Verification of petition.** Upon receipt of an initiative petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and council shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the charter.

**I. Governing body review.** After a petition has been verified, the city clerk shall promptly present the proposed ordinance to the governing body at its next scheduled session. The governing body shall within thirty days consider the proposed ordinance in accordance with its established procedures for enacting ordinances. If the governing body fails to adopt the initiated ordinance as proposed within said thirty days, the governing body shall enact an election resolution for the purpose of submitting the initiated ordinance to a vote. The governing body shall enact such election resolution at the meeting at which it fails to adopt the initiated ordinance.

**J. Ballot presentation.** The ballot shall contain the full text of the initiated ordinance. Below the text of the initiated ordinance shall be the words "for the ordinance" and "against the ordinance" with spaces for crosses after each phrase.

**K. Results of election.** In order for an initiative to be approved at least twenty percent of the qualified electors of the city must cast ballots. If the initiated ordinance receives a majority of the votes cast, then the ordinance is adopted. An adopted initiated ordinance shall be deemed effective upon certification of the election results, unless a later date is specified in the ordinance.

**History:** Amendments to Section 3.02 were approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

Amendments to this Section include: in Subsection F., changing the method used to determine the number of petition signatures required from 20% of registered voters to 33<sup>1/3</sup>% of actual voters voting for mayor in the last mayoral election,

including at least 10% of the actual voters, instead of registered voters, for mayor in each council district; and in Subsection G., extending the time period for collecting petition signatures from 60 days to 90 days.

**Effective Date:** May 5, 2008.

### **3.03. Recall.**

**A. Right of recall.** Registered voters who are residents of the city or residents of the district from which a councilor was elected shall have the right to recall certain elected officials in accordance with the procedures set forth in this section.

**B. Officials subject to recall.** The mayor and city councilors shall be subject to recall.

**C. Prohibited use of recall power.** No elected official shall be subject to a recall election within the first year of each term of office or within the last year of each term of office.

**D. Number of recall elections.** No elected official shall be subject to a recall election more than one time during each term of office.

**E. Approval as to form.** The city clerk shall not accept for filing any recall petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:

[1] a heading which states that the petition is for the purpose of recall, which sets forth in full the name of the official recall is sought against and the reasons for the recall;

[2] a place for the person signing the petition to write the date, name (printed), address and signature; and

[3] a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that

person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.

**F. Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.

**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 actual voters at the last mayoral election, including at least fifteen percent of the actual voters for mayor from each council district. The city clerk shall determine the number of actual voters for mayor in each 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 actual voters at the last mayoral election in the district from which the councilor was elected. The city clerk shall determine the number of actual voters in the district at the last mayoral election.

**H. Time for filing of petition.** A recall petition shall be filed with the city clerk not more than ninety days following the date on which the city clerk approved the petition as to form.

**I. Verification of petition.** Upon receipt of a recall petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and council shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the charter.

**J. Governing body review.** After a petition has been verified, the city clerk shall promptly present the recall petition to the council at its next scheduled session. The council shall enact an election resolution for the purpose of submitting the recall to a vote.

**K. Ballot presentation.** The ballot shall contain the full name of the elected official subject to recall. Below the name shall be the words "for the recall" and "against the recall" with spaces for crosses after each phrase.

**L. Results of election.** In order for a recall of the mayor to be approved, at least twenty percent of the qualified electors of the city must cast ballots. In order for a recall of a councilor to be approved, at least twenty percent of the qualified electors of that councilor's district must cast ballots. Additionally, the number of persons voting for the recall of the mayor or councilor must exceed the number of votes the official received when elected. If a majority of the votes cast are in favor of recall, and the number of votes cast meets the foregoing criteria, the official shall be recalled.

**History:** Amendments to Section 3.03 were approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

Amendments to this Section include: in Subsection G.[1] changing the method used to determine the number of petition signatures required



for an election to recall the mayor from 20% of registered voters to  $33\frac{1}{3}\%$  of the number of actual voters voting for mayor in the last mayoral election, including at least 15% of the actual voters, rather than registered voters, for mayor in each council district; in Subsection G.[2] changing the method used to determine the number of petition signatures required for an election to recall a councilor from 20% of registered voters to  $33\frac{1}{3}\%$  of the number of actual voters, voting for mayor, at the last mayoral

election in the district from which the councilor was elected; and in Subsection H. extending the time period for collecting petition signatures for recall of mayor and councilors from 60 days to 90 days.

**Effective Date:** May 5, 2008

### **3.04. Citizen complaints.**

The governing body shall provide a procedure for receiving, acknowledging, and responding to complaints or grievances concerning the city or its operations.

## **ARTICLE IV. ELECTIONS**

### **4.01. Elections.**

A. **Regular elections.** Regular city elections shall be held on the first Tuesday in March of each even-numbered year.

B. **Non-partisan elections.** Elections for city officers shall be non-partisan. The party affiliation of candidates shall not appear on the ballot nor on any official document relating to the candidate or to the election.

### **4.02. Qualified voters.**

A. **For mayor and municipal judge.** All registered voters resident in the city shall be qualified to vote for mayor and municipal judge.

B. **For councilors.** All registered voters resident in a district shall be qualified to vote for a councilor from that district.

### **4.03. Nominating petitions.**

A. **For mayor and municipal judge.** Any person wishing to be a candidate for the office of mayor or municipal judge shall file with the city clerk a nominating petition containing the signatures of at least one-half of one percent of the registered voters of the city.

B. **For councilor.** Any person wishing to be a candidate for the office of councilor shall file with the city clerk a nominating petition containing the signatures of at least one-half of one percent of the registered voters of the district, which the candidate seeks to represent.

C. **Number of registered voters.** The city clerk shall determine the number of registered voters of the city and of each council district as of the date of the election proclamation.

#### **4.04. Election code.**

Unless inconsistent with this Charter or city ordinances, the Municipal Election Code and NMSA 1978, Section 3-1-5, as may be amended from time to time, shall govern all municipal elections. The forms and procedures for the conduct of all city elections shall be provided by the city clerk in accordance with state law and city ordinances. The governing body may provide for the use of electronic, mechanical or other devices for voting and counting the votes not inconsistent with law.

#### **4.05 Public campaign financing.**

The governing body shall adopt an ordinance or ordinances to provide for meaningful public financing of campaigns for all municipal elected officials within two years after the effective date of the amendment to the Charter that includes this requirement. Prior to such adoption, the governing body shall take such action as is reasonable and necessary to provide for a well-informed consideration and review of the issue of public campaign financing and to solicit public input on the substance that may be included in such an ordinance or ordinances, including, but not limited to the creation of a subcommittee, task force or similar body that will conduct public meetings, study alternative methods of public campaign financing and make recommendations to the governing body on a form of ordinance for consideration by the governing body.

**History:** An Amendment to Section 4.05 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The former Section 4.05 captioned "Campaign finance and campaign practices" and reading "The governing body shall by ordinance adopt a campaign finance and practices code within one year of the

adoption of this Charter." was deleted and this new Section 4.05 is substituted.

**Effective Date:** May 5, 2008.

#### **4.06. Ranked-choice voting**

Commencing with the general municipal election in March 2010, or as soon thereafter as equipment and software for tabulation of votes and the ability to correct incorrectly marked, in-person ballots, is available at a reasonable price and at all subsequent elections, the mayor, city councilors and municipal judge shall be elected using a ranked choice (sometimes called instant runoff) voting system allowing voters to rank in order of their preference the candidates for each office appearing on the ballot. If, after counting all voters' first choice listed on their ballots for an office, no candidate receives a majority of votes cast, the candidate with the fewest votes shall be eliminated. Each ballot shall be tallied again for that office counting the vote from each ballot for the highest ranked candidate who has not been eliminated. If still no candidate for that office receives a majority, the process shall be repeated until a candidate receives a majority of the votes for that office.

**History:** An Amendment to Article IV was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election adding this new Section 4.06.

**Effective Date:** Ranked choice voting will go into effect commencing with the regular municipal

election in March 2010 or as soon thereafter when equipment and software for tabulating the votes and allowing correction of incorrectly marked, in-person ballots are available at a reasonable price.

## ARTICLE V. THE MAYOR

### 5.01. Powers and duties.

The city shall have a mayor who shall:

- A. be elected at large by the voters of the city;
- B. vote only in the case of a tie or when his or her vote will provide the necessary number of votes required by law for taking action on an issue before the governing body;
- C. be the chief executive officer of the city;
- D. appoint and remove, subject to the approval of the governing body, the city manager, city attorney, city clerk, and members of advisory commissions;
- E. cause the ordinances and regulations of the city to be faithfully and constantly obeyed;
- F. have, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;
- G. propose programs and policies to the governing body;
- H. represent the city in intergovernmental relationships;
- I. present an annual state of the city message;
- J. perform other duties compatible with the nature of the office as the governing body may from time to time require;
- K. be recognized as head of the city government for all ceremonial purposes; and;
- L. be recognized by the governor for purposes of military law.

**History:** An Amendment to Section 5.01 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The amendment, in Subsection B., added the phrase "or when his or her vote will provide the

necessary number of votes required by law for taking action on an issue before the governing body."

**Effective Date:** May 5, 2008.

### 5.02. Eligibility.

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

**5.03. Term of office.**

The mayor shall be elected for a term of four years, which shall begin on the sixth day after the election and continue until a successor has been duly elected and has taken office.

**5.04. 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.

**5.05. 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.

**5.06. Grounds for removal from office.**

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

**ARTICLE VI. THE GOVERNING BODY**

**6.01. Composition.**

The members of the governing body, exclusive of the mayor shall be known and designated as councilors. The mayor and the councilors together are the governing body of the city.

**6.02. Powers and duties.**

- A. The governing body shall serve as the principal policy maker of the city.
- B. All legislative powers of the city shall be vested in the governing body, except as otherwise required by law or this charter. The governing body 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 governing body shall by ordinance fix the annual salaries of the mayor, the municipal judge and councilors and shall review those salaries not less than every four years.
- D. The governing body shall by ordinance set a policy for reimbursement of the actual and necessary expenses incurred by the mayor, the municipal judge and city councilors.

### **6.03. Districts.**

The city shall be divided into four dual-member districts numbered one through four. The governing body shall, by ordinance, set the boundaries of each district and establish a procedure for the periodic review of district boundaries. In establishing the district boundaries, the governing body shall consider 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.

### **6.04. Eligibility.**

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

### **6.05. Term of office.**

Councilors shall be elected for a term of four years, which shall begin on the sixth day after the election and continue until a successor has been duly elected and has taken office. 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.

### **6.06. 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.

### **6.07. Grounds for removal from office.**

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

## **ARTICLE VII. MUNICIPAL COURT**

### **7.01. 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.

### **7.02. Jurisdiction.**

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

### **7.03. 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.

**History:** An Amendment to Section 7.03 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The amendment added the phrase "and are licensed members of the New Mexico Bar" to the

eligibility requirements.

**Effective Date:** May 5, 2008

### **7.04. Term of office.**

The municipal judge shall be elected for a four-year term, which shall begin on the sixth day after the election and continue until a successor has been duly elected and has taken office.

### **7.05. 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.

**History:** An Amendment to Section 7.05 was approved by the voters of the City of Santa Fe at the March 4, 2008 Regular Municipal Election.

The amendment added the phrase "or

membership in the state bar" as a circumstance under which the office of municipal judge shall become vacant.

**Effective Date:** May 5, 2008

### **7.06. Grounds for removal from office.**

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

**7.07. Salary.**

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

**ARTICLE VIII. CITY MANAGER**

**8.01. Appointment.**

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

**8.02. Qualifications.**

The city manager should be professionally trained and have the necessary administrative and managerial skills to manage the municipality.

**8.03. Powers and duties.**

The city manager shall:

- A. be the chief administrative officer of the city;
- B. have the power to hire and fire all city employees; and
- C. have such other powers as are provided for in city ordinances and state law.

**8.04. Removal.**

The city manager may be suspended or removed:

- A. by the mayor subject to the approval of the council; or
- B. by the governing body by a majority vote of all members at a regularly scheduled meeting.

**ARTICLE IX. MISCELLANEOUS GOVERNMENTAL ISSUES**

**9.01. Investments.**

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

#### **9.02. Procurement.**

The governing body shall, by ordinance, adopt a fair and equitable procurement code for the city within one year of the adoption of this Charter.

#### **9.03. Personnel system.**

The hiring, supervision, promotion, and discharge of all city employees shall be governed by a personnel system based on principles of efficiency, ability, and non-discrimination. The governing body shall by ordinance adopt a merit personnel system consistent with these principles, and any duly adopted collective bargaining agreements.

### **ARTICLE X. CHARTER REVIEW AND AMENDMENT**

#### **10.01. Charter review.**

A charter review commission shall be appointed as needed, but not less frequently than every ten years. The governing body shall by resolution determine the manner of appointment of the commission, provided that there shall be an odd number of commissioners.

#### **10.02. Charter amendment or repeal.**

This Charter may be amended or repealed as provided by law. The city attorney shall review and render and publish a public opinion as to the legality and form of any proposed charter amendment before it is submitted to the voters.

### **ARTICLE XI. GENERAL PROVISIONS**

#### **11.01. Transition.**

A. **Elected officials.** City officials who are incumbent on the effective date of this Charter shall serve out their elected terms unless recalled under the provisions of this Charter.

B. **Appointed officials.** All incumbent appointed officials and commissioners shall serve out their appointed terms unless removed in accordance with city ordinances, resolutions or state law.

#### **11.02. Mandated ordinances.**

The governing body shall enact all ordinances required by this charter within one year of the effective date of the Charter. Where an ordinance exists on a required subject, the governing body shall review, revise as necessary, and re-enact such ordinance within one year from the effective date of the Charter.




**11.03. Severability.**

The provisions of this Charter are severable, and if any provision or part of a provision is held to be unlawful or unconstitutional, the remainder of this Charter shall not be affected.

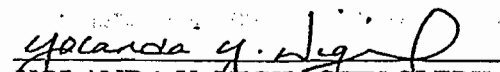
**11.04. Effective date of charter.**

This Charter shall become effective on March 15, 1998.

THE CHARTER OF THE CITY OF SANTA FE WAS ADOPTED BY THE VOTERS OF THE CITY OF SANTA FE, NEW MEXICO, AT A SPECIAL MUNICIPAL ELECTION HELD ON DECEMBER 9, 1997; AND AMENDED BY THE VOTERS OF THE CITY OF SANTA FE, NEW MEXICO, AT A REGULAR MUNICIPAL ELECTION HELD ON MARCH 4, 2008.

  
\_\_\_\_\_  
DAVID COSS, MAYOR

ATTEST:

  
\_\_\_\_\_  
YOLANDA Y. MIGIL, CITY CLERK

(SEAL)

**CITY OF SANTA FE  
MUNICIPAL CHARTER AMENDMENTS**

**MARCH 4, 2008  
REGULAR MUNICIPAL ELECTION**



**On Tuesday, March 4, 2008, the qualified electors of the City of Santa Fe will be asked to vote on amendments to the City of Santa Fe Municipal Charter.**

**Additional copies or information may be obtained from the Office of the City Clerk, 200 Lincoln Avenue, Santa Fe, NM or by calling the Office of the City Clerk at (505)955-6521.**

*Exhibit "2"*

**CITY OF SANTA FE  
MUNICIPAL CHARTER AMENDMENTS  
MARCH 4, 2008 REGULAR MUNICIPAL ELECTION**

**On Tuesday, March 4, 2008, the qualified electors of the City of Santa Fe will be asked to vote on the following amendments to the City of Santa Fe Municipal Charter.**

**CHARTER AMENDMENT 1  
REFERENDUM**

**Summary:**

Proposing to amend the Santa Fe Municipal Charter, Article III, Section 3.01 to extend the time period for collecting petition signatures from 60 days to 90 days; to change the method used to determine the number of petition signatures required from 20% of registered voters to 33<sup>1/3</sup>% of actual voters voting for mayor in the last mayoral election, including at least 10% of the actual voters, instead of registered voters, for mayor in each council district; to permit referendums on any ordinance instead of only those ordinances that were enacted within the previous 60 days; and to include other technical amendments, with an effective date of May 5, 2008.

Based on the number of registered voters and actual voters at the last municipal election, the effect of these changes would be to reduce the number of signatures required by approximately 50%.

**Amendment:**

Shall the Santa Fe Municipal Charter, Article III, Section 3.01 be amended as follows?

**3.01. Referendum.**

**A. Right of referendum.** Registered voters who are residents of the city shall have the power to repeal any adopted ordinance, except as prohibited by law or this Charter.

**B. Prohibited use of referendum power.** The power of referendum shall not extend to: the budget; the capital program; any ordinance ~~[relating to the appropriation of]~~ appropriating money; the levy of taxes, unless a referendum is specifically authorized by state law; salaries of city officers or employees; zone map amendments; ordinances authorizing bonds or other obligations when such ordinances, bonds, or other obligations are revenue bonds or have previously been approved at a city election; or any ordinance adopted in furtherance of the human and civil rights policy of this Charter; and any ordinance mandated by this Charter.

**C. Approval as to form.** The city clerk shall not accept for filing any referendum petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:

[1] a heading which states that the petition is for the purpose of referendum to repeal an ordinance, specifying [which sets forth in full] the title, [and] number [of the ordinance which is the subject of the referendum,] and [which includes] a brief description of the ordinance;

[2] a place for the person signing the petition to write the date, name (printed), address, and signature; and

[3] a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.

**D. Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.

**E. Number of signatures.** A referendum petition shall be deemed sufficient if signed by qualified electors in an amount equal to [twenty] ~~thirty-three and one third~~ percent or more of the [registered] actual voters at the last mayoral election [of the city], including [not fewer than] at least ten percent of the [registered] voters for mayor in [from] each council district in the last mayoral election. The city clerk shall determine the number of [registered] actual voters at the last mayoral election. ~~[either as of the date of the last regular municipal election or as of the effective date of the most recent redistricting of council districts, whichever is later]~~

**F. Time for filing of petition.** A referendum petition shall be filed with the city clerk not more than [sixty] ninety days following the date on which the [governing body voted to enact the ordinance] city clerk approved the petition as to form.

**G. Verification of petition.** Upon receipt of a referendum petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and governing body shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the charter.

~~[H. — Effect of a verified petition. If a referendum petition regarding an emergency ordinance is verified, the emergency ordinance shall continue in effect pending the final outcome of the referendum process. If a referendum petition regarding any other ordinance eligible for referendum is verified, the ordinance shall be suspended pending the final outcome of the referendum process.]~~

**[I.]H. Governing body review.** After a petition has been verified, the city clerk shall promptly present the referred ordinance to the governing body at its next scheduled session. The governing body shall within thirty days consider the ordinance in accordance with its established procedures for repealing ordinances. If the governing body fails to repeal the ordinance within thirty days, the governing body shall enact an election resolution for the

purpose of submitting the ordinance to a vote. The governing body shall enact such election resolution at the meeting at which it fails to repeal the ordinance.

**[J]I. Ballot presentation.** The ballot shall contain the full text of the ordinance as adopted by the governing body. Below the text of the ordinance shall be the words "for the ordinance" and "against the ordinance" with spaces for crosses after each phrase.

**[K]J. Results of election.** In order to have a valid election, at least twenty percent of the qualified electors of the city must cast ballots. If a majority of the votes cast are in favor of the ordinance, then the ordinance shall ~~[take effect immediately or]~~ continue in effect ~~[, as the case may be]~~. If a majority of the votes cast are against the ordinance, then it shall be deemed repealed upon certification of the election results.

## **CHARTER AMENDMENT 2**

### **INITIATIVE**

#### **Summary:**

Proposing to amend the Santa Fe Municipal Charter, Article III, Section 3.02 to extend the time period for collecting petition signatures from 60 days to 90 days; to change the method used to determine the number of petition signatures required from 20% of registered voters to 33<sup>1/3</sup>% of actual voters voting for mayor in the last mayoral election, including at least 10% of the actual voters, instead of registered voters, for mayor in each council district; and to include other technical amendments, with an effective date of May 5, 2008.

Based on the number of registered voters and actual voters at the last municipal election, the effect of these changes would be to reduce the number of signatures required by approximately 50%.

#### **Amendment:**

Shall the Santa Fe Municipal Charter, Article III, Section 3.02 be amended as follows?

#### **3.02. Initiative.**

**A. Right of initiative.** Registered voters who are residents of the city shall have the power to propose ordinances to the governing body, except as prohibited by law or this charter.

**B. Prohibited use of initiative power.** The power of initiative shall not extend to: the budget; the capital program; any ordinance ~~[relating to the appropriation of]~~ appropriating money; the levy of taxes; salaries of city officers or employees; zone map amendments; ordinances authorizing bonds or other obligations when such ordinances, bonds, or other obligations are revenue bonds or have previously been approved at a city election; or any ordinance that would violate the human and civil rights policy of this charter.

C. **City attorney's opinion required.** The city attorney shall review and render and publish a public opinion as to the legality and form of any proposed ordinance before it is submitted to the governing body for consideration.

D. **Approval as to form.** The city clerk shall not accept for filing any initiative petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:

[1] a heading which states that the petition is for the purpose of enacting an ordinance by initiative, and which sets forth in full the text of the proposed ordinance;

[2] a place for the person signing the petition to write the date, name (printed), address and signature; and

[3] a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.

E. **Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.

F. **Number of signatures.** An initiative petition shall be deemed sufficient if signed by qualified electors in an amount equal to [twenty] thirty-three and one third percent or more of the [registered] actual voters in the last mayoral election [of the city], including [not fewer than] at least ten percent of the [registered] actual voters for mayor in [from] each council district in the last mayoral election. The city clerk shall determine the number of [registered] actual voters at the last mayoral election. ~~[either as of the date of the last regular municipal election or as of the effective date of the most recent redistricting of council districts, whichever is later]~~

G. **Time for filing of petition.** An initiative petition shall be filed with the city clerk not more than ~~[sixty]~~ ninety days following the date on which the city clerk approved the petition as to form.

H. **Verification of petition.** Upon receipt of an initiative petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and council shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the charter.

I. **Governing body review.** After a petition has been verified, the city clerk shall promptly present the proposed ordinance to the governing body at its next scheduled session. The governing body shall within thirty days consider the proposed ordinance in

accordance with its established procedures for enacting ordinances. If the governing body fails to adopt the initiated ordinance as proposed within said thirty days, the governing body shall enact an election resolution for the purpose of submitting the initiated ordinance to a vote. The governing body shall enact such election resolution at the meeting at which it fails to adopt the initiated ordinance.

**J. Ballot presentation.** The ballot shall contain the full text of the initiated ordinance. Below the text of the initiated ordinance shall be the words "for the ordinance" and "against the ordinance" with spaces for crosses after each phrase.

**K. Results of election.** In order for an initiative to be approved at least twenty percent of the qualified electors of the city must cast ballots. If the initiated ordinance receives a majority of the votes cast, then the ordinance is adopted. An adopted initiated ordinance shall be deemed effective upon certification of the election results, unless a later date is specified in the ordinance.

### **CHARTER AMENDMENT 3**

#### **RECALL**

#### **Summary:**

Proposing to amend the Santa Fe Municipal Charter, Article III, Section 3.03, with an effective date of May 5, 2008:

(1) to extend the time period for collecting petition signatures for recall of mayor and councilors from 60 days to 90 days; and

(2) to change the method used to determine the number of petition signatures required for an election to recall the mayor from 20% of registered voters to 33<sup>1/3</sup>% of the number of actual voters voting for mayor in the last mayoral election, including at least 15% of the actual voters, rather than registered voters, for mayor in each council district; and

(3) to change the method used to determine the number of petition signatures required for an election to recall a councilor from 20% of registered voters to 33<sup>1/3</sup>% of the number of actual voters, voting for mayor, at the last mayoral election in the district from which the councilor was elected.

Based on the number of registered voters and actual voters at the last municipal election, the effect of these changes would be to reduce the number of signatures required by approximately 50%.

#### **Amendment:**

Shall the Santa Fe Municipal Charter, Article III, Section 3.03 be amended as follows?

### 3.03. Recall.

A. **Right of recall.** Registered voters who are residents of the city or residents of the district from which a councilor was elected shall have the right to recall certain elected officials in accordance with the procedures set forth in this section.

B. **Officials subject to recall.** The mayor and city councilors shall be subject to recall.

C. **Prohibited use of recall power.** No elected official shall be subject to a recall election within the first year of each term of office or within the last year of each term of office.

D. **Number of recall elections.** No elected official shall be subject to a recall election more than one time during each term of office.

E. **Approval as to form.** The city clerk shall not accept for filing any recall petition that the clerk has not approved as to form. The form of the proposed petition shall be submitted to the city clerk prior to its circulation in the city for signature. The city clerk shall indicate in writing on a proposed petition that it is approved as to form if the petition contains:

[1] a heading which states that the petition is for the purpose of recall, which sets forth in full the name of the official recall is sought against and the reasons for the recall;

[2] a place for the person signing the petition to write the date, name (printed), address, and signature: and

[3] a statement that any person knowingly providing, or causing to be provided, any false information on a petition, forging a signature, or signing a petition when that person knows that he or she is not a qualified elector in the City of Santa Fe, is guilty of a misdemeanor.

F. **Collection of petition signatures.** The collection of the petition signatures must be in accordance with the provisions of the ordinances of the City of Santa Fe.

G. **Number of signatures.**

[1] For mayor. A recall petition shall be deemed sufficient if signed by ~~[twenty]~~ qualified electors in an amount equal to thirty-three and one third percent or more of the ~~[registered]~~ actual voters at the last mayoral election ~~[of the city]~~, including ~~[not fewer than ten]~~ at least fifteen percent of the ~~[registered]~~ actual voters for mayor from each council district. The city clerk shall determine the number of ~~[registered]~~ actual voters for mayor in each district ~~[either as of the date of the last regular municipal election or as of the effective date of the most recent redistricting of council districts, whichever is later]~~.



[2] For councilor. A recall petition shall be deemed sufficient if signed by ~~[twenty]~~ qualified electors in an amount equal to thirty-three and one third percent or more of the ~~[registered]~~ actual voters at the last mayoral election in ~~[of]~~ the district from which the councilor was elected. The city clerk shall determine the number of ~~[registered]~~ actual voters in the district at the last mayoral election ~~[either as of the date of the last regular municipal election or as of the effective date of the most recent redistricting of council districts, whichever is later].~~

H. **Time for filing of petition.** A recall petition shall be filed with the city clerk not more than ~~[sixty]~~ ninety days following the date on which the city clerk approved the petition as to form.

I. **Verification of petition.** Upon receipt of a recall petition which has previously been approved as to form, the city clerk shall verify the petition in accordance with NMSA 1978 Section 3-1-5, and the city clerk and council shall perform the duties otherwise required by NMSA 1978 Section 3-1-5, except to the extent such provisions are inconsistent with this section of the charter.

J. **Governing body review.** After a petition has been verified, the city clerk shall promptly present the recall petition to the council at its next scheduled session. The council shall enact an election resolution for the purpose of submitting the recall to a vote.

K. **Ballot presentation.** The ballot shall contain the full name of the elected official subject to recall. Below the name shall be the words "for the recall" and "against the recall" with spaces for crosses after each phrase.

L. **Results of election.** In order for a recall of the mayor to be approved, at least twenty percent of the qualified electors of the city must cast ballots. In order for a recall of a councilor to be approved, at least twenty percent of the qualified electors of that councilor's district must cast ballots. Additionally, the number of persons voting for the recall of the mayor or councilor must exceed the number of votes the official received when elected. If a majority of the votes cast are in favor of recall, and the number of votes cast meets the foregoing criteria, the official shall be recalled.

#### **CHARTER AMENDMENT 4** **PUBLIC FINANCING OF CAMPAIGNS**

**Summary:**

Proposing to amend the Santa Fe Municipal Charter, Article II, Section 2.05 and Article IV, Section 4.05 to require the governing body of the City of Santa Fe to adopt an ordinance, within two years after the effective date of this amendment, which would provide meaningful public financing of election campaigns for all municipal elected officials, with an effective date of May 5, 2008.

**Amendment:**

Shall the Santa Fe Municipal Charter, Article II, Section 2.05 be amended; and Article IV, be amended to delete Section 4.05 and create a new Section 4.05 as follows?

## **2.05. Campaign finance and campaign practices.**

The escalating cost of campaigning for elective office provides an opportunity for monied interests to control the electoral process of city government. Candidates may be encouraged to put the interests of their campaign contributors ahead of the needs and concerns of their constituents, and the passage or defeat of a measure may be skewed by monied interests to the detriment of the public interest. In order to eliminate financing inequities, conflicts of interest, and the potential for corruption inherent in this situation, the governing body shall enact such ordinances, and may appoint such commissions and take such other actions as may be necessary to make campaigns for elective office more democratic. To this end, the governing body shall facilitate voting, establish ethical standards for the conduct of campaigns, regulate lobbying of city officers and employees, provide methods of voter education that will enhance the possibility for an open, accountable and responsive campaign process, encourage broad-based contributions from the public, and require that each candidate and campaign committee for issues appoint one central committee to coordinate, control and report all financial transactions and make full and timely disclosure of all campaign contributions and expenditures. The governing body shall ~~[consider the issue of financing campaigns, including public financing]~~ provide for meaningful public financing of campaigns.

~~[4.05. Campaign finance and campaign practices.—The governing body shall by ordinance adopt a campaign finance and practices code within one year of the adoption of this Charter.]~~

**4.05. Public campaign financing.** The governing body shall adopt an ordinance or ordinances to provide for meaningful public financing of campaigns for all municipal elected officials within two years after the effective date of the amendment to the Charter that includes this requirement. Prior to such adoption, the governing body shall take such action as is reasonable and necessary to provide for a well-informed consideration and review of the issue of public campaign financing and to solicit public input on the substance that may be included in such an ordinance or ordinances, including, but not limited to the creation of a subcommittee, task force or similar body that will conduct public meetings, study alternative methods of public campaign financing and make recommendations to the governing body on a form of ordinance for consideration by the governing body.

## **CHARTER AMENDMENT 5** **RANKED CHOICE VOTING**

### **Summary:**

Proposing to amend the Santa Fe Municipal Charter, Article IV, to create a new Section 4.06 to require that candidates for municipal office be elected by a majority of voters through a ranked choice voting system that combines the initial vote with an “instant” runoff in a single election. The instant runoff is achieved by allowing voters to rank, in order of their preference, each candidate for mayor, city councilor and municipal judge. If, after counting all voters’ first choices listed on their ballots for an office, no candidate has received a majority of votes cast, the candidate with the fewest votes is eliminated. Each ballot listing the eliminated candidate as first

choice is then recounted using that ballot's second choice. If still no candidate for the office has received a majority, the process is repeated until a candidate receives a majority of votes for that office.

Ranked choice voting would go into effect commencing with the regular municipal election in March 2010 or as soon thereafter when equipment and software for tabulating the votes and allowing correction of incorrectly marked, in-person ballots are available at a reasonable price.

**Amendment:**

Shall the Santa Fe Municipal Charter, Article IV, be amended to create a new Section 4.06 as follows?

4.06. Ranked-choice voting. Commencing with the general municipal election in March 2010, or as soon thereafter as equipment and software for tabulation of votes and the ability to correct incorrectly marked, in-person ballots, is available at a reasonable price and at all subsequent elections, the mayor, city councilors and municipal judge shall be elected using a ranked choice (sometimes called instant runoff) voting system allowing voters to rank in order of their preference the candidates for each office appearing on the ballot. If, after counting all voters' first choice listed on their ballots for an office, no candidate receives a majority of votes cast, the candidate with the fewest votes shall be eliminated. Each ballot shall be tallied again for that office counting the vote from each ballot for the highest ranked candidate who has not been eliminated. If still no candidate for that office receives a majority, the process shall be repeated until a candidate receives a majority of the votes for that office.

**CHARTER AMENDMENT 6**  
**POWERS AND DUTIES OF MAYOR**

**Summary:**

Proposing to amend the Santa Fe Municipal Charter, Article V, Section 5.01 to permit the mayor to vote when his or her vote will provide the required number of votes required by law for taking action on an issue before the governing body, with an effective date of May 5, 2008.

**Amendment:**

Shall the Santa Fe Municipal Charter, Article V, Section 5.01 be amended as follows?

**5.01. Powers and duties.** The city shall have a mayor who shall:

- A. be elected at large by the voters of the city;
- B. vote only in the case of a tie or when his or her vote will provide the necessary number of votes required by law for taking action on an issue before the governing body;
- C. be the chief executive officer of the city;

- D. appoint and remove, subject to the approval of the governing body, the city manager, city attorney, city clerk, and members of advisory commissions;
- E. cause the ordinances and regulations of the city to be faithfully and constantly obeyed;
- F. have, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;
- G. propose programs and policies to the governing body;
- H. represent the city in intergovernmental relationships;
- I. present an annual state of the city message;
- J. perform other duties compatible with the nature of the office as the governing body may from time to time require;
- K. be recognized as head of the city government for all ceremonial purposes; and
- L. be recognized by the governor for purposes of military law.

#### **CHARTER AMENDMENT 7** **MUNICIPAL JUDGE**

**Summary:**

Proposing to amend the Santa Fe Municipal Charter, Article VII, Sections 7.03 and 7.05 to require that a candidate for municipal judge be a member of the New Mexico State Bar; and to expand the circumstances under which the office of municipal judge shall become vacant to include termination of membership in the New Mexico State Bar, with an effective date of May 5, 2008.

**Amendment:**

Shall the Santa Fe Municipal Charter, Article VII, Sections 7.03 and 7.05 be amended as follows?

**7.03. 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.

**7.05. 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.

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2012-45**

3 **INTRODUCED BY:**

4  
5 **Councilor Wurzbarger**

6  
7  
8  
9  
10 **A RESOLUTION**

11 **CALLING FOR THE ESTABLISHMENT OF A CHARTER REVIEW COMMISSION TO**  
12 **REVIEW CHARTER AMENDMENT QUESTIONS FOR SUBMITTAL OF SUCH**  
13 **QUESTIONS TO THE ELECTORATE OF THE CITY OF SANTA FE AT A SPECIAL**  
14 **MUNICIPAL ELECTION.**

15  
16 **WHEREAS**, the voters of the city of Santa Fe adopted the *City of Santa Fe Municipal*  
17 *Charter* ("*Charter*"), at a special municipal election held on December 9, 1997; and

18 **WHEREAS**, the voters of the city of Santa Fe, New Mexico, amended the *Charter* at a  
19 regular municipal election held on March 4, 2008; and

20 **WHEREAS**, pursuant to §3-15-16 NMSA 1978 the *Charter* "may be amended...by a  
21 proposal submitted by the governing body of the municipality to the qualified electors"; and

22 **WHEREAS**, Section 10.01 of the *Charter* calls for a *Charter* review commission to be  
23 appointed as needed, but not less frequently than every 10 years; and

24 **WHEREAS**, that last *Charter* review commission was established on May 11, 2005, by  
25 Resolution No. 2005-46; and

1       **WHEREAS**, a *Charter* review commission may review and recommend to the Governing  
2 Body the adoption of proposed *Charter* amendments the ballot for approval by the electorate of the  
3 city of Santa Fe; and

4       **WHEREAS**, a *Charter* amendment question should be presented to the electorate of the city  
5 of Santa Fe as to whether or not councilors who are elected in a non-mayoral election year and decide  
6 to run for mayor, during their term as a councilor, should resign their seat as a councilor, whether or  
7 not they are elected mayor; and

8       **WHEREAS**, under the *Charter*, councilors elected in a mayoral election year may run for  
9 mayor, however, if not elected as mayor will lose their seat on the council which is unfair because the  
10 councilors elected in a non-mayoral election year retain their seat as councilor if they lose the  
11 mayoral election; and

12       **WHEREAS**, another *Charter* amendment question should be presented to the electorate of  
13 the city of Santa Fe as to whether or not term limits should be set for elected officials; and

14       **WHEREAS**, Article X, Section 2 of the New Mexico Constitution has set term limits for  
15 county commissioners; and

16       **WHEREAS**, currently, the New Mexico Constitution and the *Charter* allow elected officials  
17 of the City of Santa Fe to serve unlimited terms of office; and

18       **WHEREAS**, the Governing Body recognizes that an amendment to the New Mexico  
19 Constitution is necessary in order for the *Charter* to mandate term limits; and

20       **WHEREAS**, since the *Charter* is only amended on occasion, placing a term limits question  
21 on the ballot for approval, with the proviso that term limits would be effective only when the New  
22 Mexico Constitution is amended, will allow term limits to take effect upon such occurrence; and

23       **WHEREAS**, the Governing Body recognizes the impact of quality leadership on the  
24 Governing Body and is appreciative of the many who serve and have served in the past, however,  
25 there are many highly competent and qualified individuals who reside within the municipal corporate

1 limits of the city of Santa Fe who should be given the opportunity to run for elected office; and

2       **WHEREAS**, the most expeditious way to deal with and obtain public comment on proposed  
3 *Charter* amendment questions is to convene a *Charter* review commission.

4       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
5 **CITY OF SANTA FE** that a *Charter* review commission is established.

6       **Section 1.       NAME:** The commission shall be called the *Charter* Review Commission  
7 (“Commission”).

8       **Section 2.       PURPOSE:** The purpose of the Commission shall be to review the *Charter*  
9 and make recommendations to the governing body regarding proposed amendments.

10       **Section 3.       DUTIES AND RESPONSIBILITIES:** The Commission shall review the  
11 *Charter* for possible amendments as well as review proposed amendments introduced by members of  
12 the governing body and the public. The Commission shall complete this review and prepare a report  
13 including the Commission’s recommendations regarding proposed *Charter* amendments by  
14 November 14, 2012. The Commission shall present the report to the governing body at the council  
15 meeting in December 2012. After receiving the report, the governing body may adopt resolutions  
16 regarding proposed amendments to the charter for inclusion on the municipal election ballot.

17       **Section 4.       MEMBERSHIP; OFFICERS; TERM:** The Commission’s membership  
18 shall consist of nine members. Members shall be residents of the city of Santa Fe. Each member of  
19 the governing body shall appoint one member to the commission. The mayor’s appointee shall be the  
20 chairperson. The chairperson shall appoint a vice-chair person. The members shall serve until they  
21 complete their duties and responsibilities as set forth above. Failure to attend three consecutive regular  
22 meetings or failure to attend 33 percent or more of the regular meetings in a 12 month period shall  
23 constitute an automatic tender of resignation by such member, which the governing body may accept  
24 or reject in its discretion.

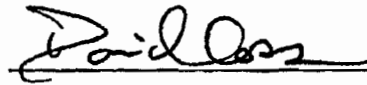
25       **Section 5.       VACANCIES:** Vacancies on the Commission shall be filled in the same

1 manner as initial appointments. Members shall serve without compensation.

2       **Section 6. MEETINGS; DURATION; QUORUM:** The Commission shall meet in  
3 public, at least once per month and shall conduct all meetings in accordance with the Open Meetings  
4 Act and adopted city policy and procedures. A quorum shall be at least five members.

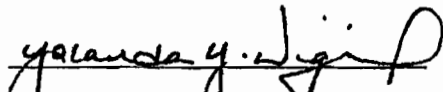
5       **Section 7. STAFF LIAISON:** The City Attorney's Office shall serve as staff liaison to  
6 the commission.

7       PASSED, APPROVED, and ADOPTED this 25<sup>th</sup> day of April, 2012.

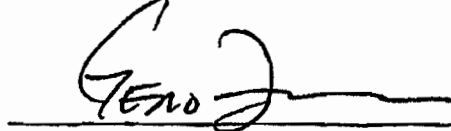
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10 DAVID COSS, MAYOR

11  
12 ATTEST:

13  
14   
15 YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

17  
18 

19 GENO ZAMORA, CITY ATTORNEY





LEAGUE OF WOMEN VOTERS®  
OF SANTA FE COUNTY

December 17, 2012

Santa Fe Charter Commission  
City Hall  
200 Lincoln Avenue  
Santa Fe NM

Dear Justice Serna and Members of the Charter Commission:

The League of Women Voters of Santa Fe County (LWVSFC) has long supported the charter form of city government, which allows citizens to have a more direct voice in their local government. The LWVSFC strongly supports openness and transparency in government. We were gratified to read Justice Serna's comments that the charter review process "will be a model of transparency in government."

At this initial stage of your deliberations, we would like to make a few comments.

The League believes that openness and transparency require more than simply meeting in public. The charter contains many provisions that profoundly affect the nature of local government, and it can contain others that have not yet been proposed. To ensure that the public has the ability to comment on any charter changes that are being proposed and the opportunity to offer new ideas that are not contained in the commission's enabling resolution, the public needs sufficient time and advance notice to develop their ideas. Thus, we hope the Commission will offer a clear schedule of its deliberations and provide time for the public to come forward with new ideas for the charter.

The LWVSFC is ready to propose one such idea concerning redistricting. The League of Women Voters of New Mexico has taken the position that "The League supports having an independent commission or other independent group develop redistricting plans;" we support such a body for local government as well.

We look forward to working with the Charter Commission as it enters into its deliberations and thank all of you for your service to Santa Fe. Please let us know how we can be of help.

Sincerely,

President  
League of Women Voters of Santa Fe County

1472 St. Francis Drive  
Santa Fe, NM 87505-4038

1 of 1

Tel/Fax: 505-  
982-9766  
[www.lwvsfc.org](http://www.lwvsfc.org)

*Exhibit "4"*

December 17, 2012

## Proposed Amendment to the Santa Fe City Charter: Date of Election

That municipal elections occur in the fall. (Note: The charter would have to specify a particular day, such as "the first Tuesday in October", but this specific date will have to be coordinated with the city and county clerks so that it would fit into their schedules and conform with the provisions of state election law regarding the use of voting machines.)

### Advantages:

The weather in the fall is less uncertain and this would facilitate voters coming out to the polls.

The weather in the fall is less uncertain and this would facilitate more door-to-door, personal campaigning.

The election would not be occurring during the legislative session.

New members of the governing body would have some experience with city government before having to work on the city budget, which must be submitted to the state by June 1 each year.

Possible disadvantages that have been mentioned in the past:

Changing the traditional date may confuse voters.

The first time this happens, sitting incumbents will be given a few extra months in office.

Proposed by Karen Heldmeyer

[kheld@earthlink.net](mailto:kheld@earthlink.net)  
699-7145

*Exhibit "5"*

**Proposed Meeting Dates available for the City Council Chambers:**

January 14, 2013	Monday	4:00 – 5:30	
January 17, 2013	Thursday	4:00	
January 29, 2013	Tuesday	4:00	
January 31, 2013	Thursday	4:00	
February 14, 2013	Thursday	4:00	(Valentine's Day)
February 28, 2013	Thursday	4:00	
March 12, 2013	Tuesday	4:00	
March 14, 2013	Thursday	4:00	
March 28, 2013	Thursday	4:00	
April 25, 2013	Thursday	4:00	
April 30, 2013	Tuesday	4:00	
May 9, 2013	Thursday	4:00	
May 13, 2013	Monday	4:00	
May 22, 2013	Wednesday	4:00	
May 23, 2013	Thursday	4:00	
May 30, 2013	Thursday	4:00	
June 13, 2013	Thursday	4:00	
June 22, 2013	Thursday	4:00	

*Exhibit "b"*



# 2013 EMPLOYEE CALENDAR

JANUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

MARCH						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

APRIL						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

MAY						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JUNE						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JULY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

AUGUST						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

SEPTEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

OCTOBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

NOVEMBER						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

DECEMBER						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

 Observed Holiday

Approved 08/12/2012

# City of Santa Fe 2013 Meeting Calendar



## JANUARY

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## FEBRUARY

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

## MARCH

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## APRIL

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

## MAY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

## JUNE

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## JULY

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## AUGUST

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## SEPTEMBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

## OCTOBER

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## NOVEMBER

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

## DECEMBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

City Council
 Finance
 Public Works
 Public Utilities
 Public Safety
 BDDB
 SFSWMA