



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 13, 2013  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 11/8/13 TIME 4:45pm

PREPARED BY

APPROVED BY

A handwritten signature in black ink, likely of the City Clerk, written over a horizontal line.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – October 30, 2013
9. PRESENTATIONS
  - a) Employees of the Month for November 2013 – Perry Knockel, Network Operations Manager and Nancy Howley, Network Administrator, ITT Department. (5 minutes)
  - b) Muchas Gracias – Joseph Lujan, ADA Coordinator. (5 minutes)
10. CONSENT CALENDAR
  - a) Bid No. 14/18/B – Indefinite Quantity for Bulk Fuel; Desert Fuel, Inc., Petroleum Traders Corporation, and Honstein Oil and Distributing, LLC. (Robert Rodarte)
  - b) Request for Approval of Procurement Under State Price Agreement – Market Station – Two (2) Canon Multifunction Copiers; Rocky Mountain Business, Inc. (Chip Lilienthal)
  - c) Request for Approval of Amendment No. 1 to Memorandum of Understanding – Reduce Number of Parking Permits at Santa Fe Community Convention Center Parking Garage; Santa Fe County. (PJ Griego)



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- d) Request for Approval of Amendment No. 3 to Professional Services Agreement – Genoveva Chavez Center Website; Desert Elements Design. (Ivie Vigil)
- e) Request for Approval of Professional Services Agreement – Security Services at Genoveva Chavez Community Center (RFP #14/04/P); Blackstone Security Services, Inc. (Ivie Vigil)
- f) Request for Approval of Memorandum of Agreement and Grant Award – Bus and Bus Facilities Program for Santa Fe Trails; New Mexico Department of Transportation, Transit and Rail Division. (Ken Smithson)
  - 1) Request for Approval of Budget Increase – Grant Fund.
- g) Request for Approval of Agreement – 2013 State of New Mexico Capital Appropriation Project; State of New Mexico Department of Finance and Administration. (David Chapman)
- h) Request for Approval of Professional Services Agreement and Lease – Project Manager for Two (2) Fund 892 Capital Appropriation Projects on Behalf of the City of Santa Fe, Fiscal Agent and Improvements to La Familia Medical Center on Alto Street; La Familia Medical Center. (David Chapman)
- i) Request for Approval of Non-Exclusive, Non-Perpetual and Non-Assignable Easement – Use of 2,723 Square Foot Area Within the Conservation Easement at the Railyard Park Along the Easterly Boundary of 1606 Paseo de Peralta; SITE Santa Fe. (Edward Vigil)
- j) Request for Approval of Professional Services Agreement – Santa Fe River Trail Connections and Improvements (RFP #13/31/P); Louis Berger Group, Inc. (Brian Drypolcher)
  - 1) Request for Approval of Budget Transfer – CIP Bond Fund.
- k) Request for Approval of Professional Services Agreement – Phase II Construction Services at North Railyard Development Including Structural Shoring at Alcadessa Street and Railyard Underground Parking Structure Improvements; Santa Fe Railyard Community Corporation. (Robert Siqueiros)
  - 1) Request for Approval of Budget Increase – Santa Fe Railyard Project Fund.



# Agenda

REGULAR MEETING OF  
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CITY COUNCIL CHAMBERS

- l) Request for Approval of Professional Services Agreement – Lobbyist Services for City of Santa Fe (RFP #14/07/P); Mark Duran and Associates, Inc. (Robert Rodarte)
- m) Request for Approval of Donation – K9 Vehicle to Santa Fe County Corrections. (Eric Sanchez)
- n) Utility Billing System and Implementation Services (RFP #13/33/P); N. Harris Computer Corporation. (Peter Ortega)
  - 1) Request for Approval of Information Technology Agreement – Utility Billing/Customer Information Software and Implementation Services.
  - 2) Request for Approval of Software License Agreement – Quality Customer Service and Accurate Billing to Utility Customers.
  - 3) Request for Approval of Annual Support and Maintenance Agreement.
- o) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Councilor Trujillo, Councilor Calvert, Councilor Wurzbarger and Councilor Bushee)  
A Resolution Directing Staff from the City of Santa Fe and the Santa Fe Public School District to Enter into Negotiations to Explore the Options for the City to Acquire the Property at 1730 Llano Street (Oliver Lafarge Library and Former Tino Griego Pool) so that the Property May Be Used for the Provision of Youth Services and Continuation of Library Services. (Isaac Pino)
- p) Request to Publish Notice of Public Hearing on December 11, 2013:
  - 1) Bill No. 2013-40: An Ordinance Relating to Sewer Rates for Properties Located Outside the City Limits; Amending Subsection 22-6.2 SFCC 1987 to Establish that the Santa Fe County Housing Assistance Ordinance Shall Have Jurisdiction Over Properties Outside the City Limits; and Amending Rule 8 A. of Exhibit A of Chapter 22 SFCC 1987, City of Santa Fe Sanitary Sewer Rate, Fee and Penalty Schedule, to Establish Customer Wholesale Rates for Properties Located Outside the City Limits That are Connected to the City Sewer System. (Councilor Calvert) (Bryan Romero)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 13, 2013  
CITY COUNCIL CHAMBERS

- 2) Bill No. 2013-41: An Ordinance Relating to the City of Santa Fe Campaign Code and Public Campaign Finance Code, Amending Subsections 9-2.3(I) SFCC 1987 and 9-3.3(E) SFCC 1987 to Amend the Definition of *Contribution* to Include as a Contribution Certain Expenditures by Persons Other Than the Candidate or the Candidate's Political Committee. (Councilor Calvert and Councilor Bushee) (Zachary Shandler)
- q) CONSIDERATION OF RESOLUTION NO. 2013-\_\_\_\_. (Councilor Bushee and Councilor Ives)  
A Resolution Relating to Climate Change as a Real and Growing Threat to the Well-Being of Present and Future Inhabitants of Santa Fe and Urging the U.S. Congress to Pass Legislation that Levies an Annually Increasing Revenue Neutral Fee on the Carbon in Fossil Fuels at the Point of Production and Importation. (Katherine Mortimer)
- r) Internal Audit Department Annual Audit Plan for FY 2013/2014. (Liza Kerr)
- s) Request for Approval of Professional Services Agreement – Pilot Program for Food Waste Separation, Collection and Composting for Environmental Services Division (RFP #14/02/P); Reunity Resources. (Cindy Padilla)
11. CONSIDERATION OF RESOLUTION 2013-\_\_\_\_. (Mayor Coss, Councilor Calvert and Councilor Bushee)  
A Resolution Respectfully Requesting that President Obama Deny the Permit Application by Transcanada to Construct the Keystone XL Tar Sands Pipeline.
12. Request for Ratification of Amendment #1 to Lease Agreement Between the City of Santa Fe as Lessee and Santo Nino Children's Foundation for Catholic Education, LLC. (PJ Griego and Sevastian Gurule)
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY
  - a) Consideration of Request for Approval of Conflict Waiver Regarding Legal Services at the City of Santa Fe and the Santa Fe Public Schools. (Kelley Brennan)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 13, 2013  
CITY COUNCIL CHAMBERS

b) Executive Session

In Accordance with the New Mexico Open Meetings Act §10-15-1(H)(7), NMSA 1978, and Pursuant to City of Santa Fe Resolution No. 2012-31, Quarterly Discussion of Threatened or Pending Litigation in Which the City of Santa Fe is or May Become a Participant.

15. MATTERS FROM THE CITY CLERK

16. COMMUNICATIONS FROM THE GOVERNING BODY

**EVENING SESSION – 7:00 P.M.**

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. SALUTE TO THE NEW MEXICO FLAG

D. INVOCATION

E. ROLL CALL

F. PETITIONS FROM THE FLOOR

G. APPOINTMENTS

- Capital Improvements Advisory Committee
- Archaeological Review Committee

H. PUBLIC HEARINGS:

- 1) CONSIDERATION OF BILL NO. 2013-38: ADOPTION OF ORDINANCE NO. 2013-\_\_\_\_: (Mayor Coss, Councilor Dominguez, Councilor Rivera and Councilor Ives)  
An Ordinance Annexing Approximately 4,100 Acres (Phase 2) in Accordance with the "Annexation Phasing Agreement Between the City of Santa Fe and Santa Fe County" Executed in February 2009 and Amended in June 2013; Phase 2 Annexation Includes Areas 1, 2, 4, 5, 7, 12 and the New Mexico Highway 599 Right-of-Way Between Interstate 25 and the Current City Corporate Boundary East of the Camino La Tierra Interchange. (Reed Liming)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 13, 2013  
CITY COUNCIL CHAMBERS

- 2) Action on Proposed Charter Amendments Relating to Governance Issues.  
(Zachary Shandler)
  - a) A Resolution Calling for Santa Fe Municipal Charter Amendments Recommended by the Charter Review Commission, With the Exception of the Establishment of a Runoff Provision and Changes to the Powers and Duties of the Mayor, the Governing Body and the City Manager, to be Placed on the Ballot of a Special Election to be Held in conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Ives and Councilor Wurzbarger)  
(Zachary Shandler)
  - b) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to Water Protection and Conservation, Neighborhood Preservation, an Independent Redistricting Commission, Timely Disclosure of the Purposes of Tax Increases and Bond Measures, Campaign Contribution Limits, an Audit Committee and Children's Issues and Concerns be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Bushee)  
(Zachary Shandler)
  - c) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to the Powers and Duties of the Mayor; Removal of the City Manager and the Establishment of a Runoff Election Provision; and Authorizing that Such Amendments be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Ives and Councilor Wurzbarger) (Zachary Shandler)
  - d) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to Amendments to the Powers and Duties of the Mayor; Amendments to the Powers and Duties of the Governing Body; Deletion of Article VIII, City Manager; Creation of a New Article VIII, Department Directors and Creation of a New Provision that Would Allow Voting, on All Matters, by Chairpersons of City Committees, Commissions, Boards and Task Forces. (Councilor Rivera) (Zachary Shandler)

## I. ADJOURN



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
NOVEMBER 13, 2013  
CITY COUNCIL CHAMBERS

**Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.**

**NOTE:** New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING  
November 13, 2013

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APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 30, 2013	Approved	5
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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<u>MATTERS FROM THE CITY ATTORNEY</u>		
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<u>MATTERS FROM THE CITY ATTORNEY</u>		
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<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	21
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<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>APPOINTMENTS</u>		
CAPITAL IMPROVEMENTS ADVISORY COMMITTEE	Approved	23-24
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<u>PUBLIC HEARINGS</u>		
CONSIDERATION OF BILL NO. 2013-38: ADOPTION OF ORDINANCE NO. 2013-36. AN ORDINANCE ANNEXING APPROXIMATELY 4,100 ACRES (PHASE 2) IN ACCORDANCE WITH THE "ANNEXATION PHASING AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY," EXECUTED IN FEBRUARY 2009 AND AMENDED IN JUNE 2013; PHASE 2 ANNEXATION INCLUDES AREAS 1, 2, 4, 5, 7, 12 AND THE NEW MEXICO HIGHWAY 599 RIGHT-OF-WAY BETWEEN INTERSTATE 25 AND THE CURRENT CITY CORPORATE BOUNDARY EAST OF THE CAMINO LA TIERRA INTERCHANGE	Approved	24-27
<u>ACTION ON PROPOSED CHARTER AMENDMENTS RELATING TO GOVERNANCE ISSUES</u>	Some Amendments approved Election Proclamation amended	27-64
A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMISSION, WITH THE EXCEPTION OF THE ESTABLISHMENT OF A RUNOFF PROVISION AND CHANGES TO THE POWERS AND DUTIES OF THE MAYOR, THE GOVERNING BODY AND THE CITY MANAGER, TO BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 4, 2014	No action	27-64

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO WATER PROTECTION AND CONSERVATION, NEIGHBORHOOD PRESERVATION, AN INDEPENDENT REDISTRICTING COMMISSION, TIMELY DISCLOSURE OF THE PURPOSES OF TAX INCREASES AND BOND MEASURES, CAMPAIGN CONTRIBUTION LIMITS, AND AUDIT COMMITTEE AND CHILDREN'S ISSUES AND CONCERNS BE PLACED ON THE BALLOT OF THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION	No action	27-64
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A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO AMENDMENTS TO THE POWERS AND DUTIES OF THE MAYOR, AMENDMENTS TO THE POWERS AND DUTIES OF THE GOVERNING BODY; DELETION OF ARTICLE VIII; CITY MANAGER; CREATION OF A NEW ARTICLE VIII, DEPARTMENT DIRECTORS AND CREATION OF A NEW PROVISION THAT WOULD ALLOW VOTING ON ALL MATTERS BY CHAIRPERSONS OF CITY COMMITTEES, COMMISSIONS, BOARDS AND TASK FORCES	No action	27-64
ADJOURN		64

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
November 13, 2013**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, November 13, 2013, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor David Coss  
Councilor Rebecca Wurzburger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Peter N. Ives  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

**Others Attending**

Brian K. Snyder, City Manager  
Kelley Brennan, Interim City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Brian Snyder said there is a request to remove 10(a) from Consent, and postpone it, noting there is a protest on that item.

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Trujillo, to approve the agenda as amended.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzburger voting in favor of the motion and none against.

## **7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Dominguez moved, seconded by Councilor Calvert, to approve the following Consent Calendar, as amended.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Tuesday, November 12, 2013, regarding Item 10(e) is incorporated herewith to these minutes as Exhibit "1."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Tuesday, November 12, 2013, regarding Item 10(k) is incorporated herewith to these minutes as Exhibit "1."

- a) **BID NO. 14/18/B – INDEFINITE QUANTITY FOR BULK FUEL; DESERT FUEL, INC., PETROLEUM TRADERS CORPORATION AND HONSTEIN OIL AND DISTRIBUTING, LLC. (ROBERT RODARTE)**
- b) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – MARKET STATION – TWO (2) CANON MULTIFUNCTION COPIERS; ROCKY MOUNTAIN BUSINESS, INC. (CHIP LILIENTHAL)**
- c) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO MEMORANDUM OF UNDERSTANDING – REDUCE NUMBER OF PARKING PERMITS AT SANTA FE COMMUNITY CONVENTION CENTER PARKING GARAGE; SANTA FE COUNTY. (P.J. GRIEGO)**
- d) **REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – GENOVEVA CHAVEZ CENTER WEBSITE; DESERT ELEMENTS DESIGN. (IVIE VIGIL)**
- e) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY SERVICES AT GENOVEVA CHAVEZ COMMUNITY CENTER (RFP #14/04/P); BLACKSTONE SECURITY SERVICES, INC. (IVIE VIGIL)**

- f) REQUEST FOR APPROVAL OF MEMORANDUM OF AGREEMENT AND GRANT AWARD – BUS AND BUS FACILITIES PROGRAM FOR SANTA FE TRAILS; NEW MEXICO DEPARTMENT OF TRANSPORTATION, TRANSIT AND RAIL DIVISION. (KEN SMITHSON)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.
- g) REQUEST FOR APPROVAL OF AGREEMENT – 2013 STATE OF NEW MEXICO CAPITAL APPROPRIATION PROJECT; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION. (DAVID CHAPMAN)
- h) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT AND LEASE – PROJECT MANAGER FOR TWO (2) FUND 892 CAPITAL APPROPRIATION PROJECTS ON BEHALF OF THE CITY OF SANTA FE, FISCAL AGENT AND IMPROVEMENTS TO LA FAMILIA MEDICAL CENTER ON ALTO STREET; LA FAMILIA MEDICAL CENTER. (DAVID CHAPMAN)
- i) *[Removed for discussion by Councilor Ives]*
- j) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE RIVER TRAIL CONNECTIONS AND IMPROVEMENTS (RFP #13/31/P); LOUIS BERGER GROUP, INC. (BRIAN DRYPOLCHER)
  - 1. REQUEST FOR APPROVAL OF BUDGET TRANSFER – CIP BOND FUND.
- k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PHASE II CONSTRUCTION SERVICES AT NORTH RAILYARD DEVELOPMENT INCLUDING STRUCTURAL SHORING AT ALCADESA STREET AND RAILYARD UNDERGROUND PARKING STRUCTURE IMPROVEMENTS; SANTA FE RAILYARD COMMUNITY CORPORATION. (ROBERT SIQUEIROS)
  - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE – SANTA FE RAILYARD PROJECT FUND.
- l) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – LOBBYIST SERVICES FOR CITY OF SANTA FE (RFP #14/07/P); MARK DURAN AND ASSOCIATES, INC. (ROBERT RODARTE)
- m) REQUEST FOR APPROVAL OF DONATION – K9 VEHICLE TO SANTA FE COUNTY CORRECTIONS. (ERIC SANCHEZ)

- n) **UTILITY BILLING SYSTEM AND IMPLEMENTATION SERVICES (RFP #13/33/P); N. HARRIS COMPUTER CORPORATION. (PETER ORTEGA)**
  - 1) **REQUEST FOR APPROVAL OF INFORMATION TECHNOLOGY AGREEMENT – UTILITY BILLING/CUSTOMER INFORMATION SOFTWARE AND IMPLEMENTATION SERVICES.**
  - 2) **REQUEST FOR APPROVAL OF SOFTWARE LICENSE AGREEMENT – QUALITY CUSTOMER SERVICES AND ACCURATE BILLING TO UTILITY CUSTOMERS.**
  - 3) **REQUEST FOR APPROVAL OF ANNUAL SUPPORT AND MAINTENANCE AGREEMENT.**
  
- o) **CONSIDERATION OF RESOLUTION NO. 2013-98 (COUNCILOR TRUJILLO, COUNCILOR CALVERT, COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF FROM THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOL DISTRICT TO ENTER INTO NEGOTIATIONS TO EXPLORE THE OPTIONS FOR THE CITY TO ACQUIRE THE PROPERTY AT 1730 LLANO STREET (OLIVER LAFARGE LIBRARY AND FORMER TINO GRIEGO POOL) SO THAT THE PROPERTY MAY BE USED FOR THE PROVISION OF YOUTH SERVICES AND CONTINUATION OF LIBRARY SERVICES. (ISAAC PINO)**
  
- p) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 11, 2013:**
  - 1) **BILL NO. 2013-40. AN ORDINANCE RELATING TO SEWER RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS; AMENDING SUBSECTION 22-6.2 SFCC 1987, TO ESTABLISH THAT THE SANTA FE COUNTY HOUSING ASSISTANCE ORDINANCE SHALL HAVE JURISDICTION OVER PROPERTIES OUTSIDE THE CITY LIMITS; AND AMENDING RULE 8A OF EXHIBIT A OF CHAPTER 22 SFCC 1987, CITY OF SANTA FE SANITARY SEWER RATE, FEE AND PENALTY SCHEDULE, TO ESTABLISH CUSTOMER WHOLESALE RATES FOR PROPERTIES LOCATED OUTSIDE THE CITY LIMITS THAT ARE CONNECTED TO THE SEWER SYSTEM (COUNCILOR CALVERT). (BRYAN ROMERO)**
  
  - 2) **BILL NO. 2013-41: AN ORDINANCE RELATING TO THE CITY OF SANTA FE CAMPAIGN CODE AND PUBLIC CAMPAIGN FINANCE CODE, AMENDING SUBSECTIONS 9-2.3(I) SFCC 1987 AND 9-3.3(E) SFCC 1987, TO AMEND THE DEFINITION OF *CONTRIBUTION* TO INCLUDE AS A CONTRIBUTION CERTAIN EXPENDITURES BY PERSONS OTHER THAN THE CANDIDATE OF THE CANDIDATE'S POLITICAL COMMITTEE (COUNCILOR CALVERT AND COUNCILOR BUSHEE). (ZACHARY SHANDLER)**
  
- q) ***[Removed for discussion by Councilor Rivera]***
  
- r) ***[Removed for discussion by Councilor Ives]***

- s) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PILOT PROGRAM FOR FOOD WASTE SEPARATION, COLLECTION AND COMPOSTING FOR ENVIRONMENTAL SERVICES DIVISION (RFP #14/02/P); REUNITY RESOURCES. (CINDY PADILLA)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 30, 2013**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of October 30, 2013, as presented.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and none against.

**9. PRESENTATIONS**

- a) **EMPLOYEE OF THE MONTH FOR NOVEMBER 2013 – PERRY KNOCKEL, NETWORK OPERATIONS MANAGER AND NANCY HOWLEY, NETWORK ADMINISTRATOR, ITT DEPARTMENT.**

Mayor Coss read the letter of nomination into the record and presented each of them with a plaque, and a check for \$50 from the Employee Benefits Committee.

Ms. Howley said this was a nice surprise. She said she enjoys her job and the people with whom she works. She said a lot of people were involved in this effort.

Mr. Knockel said, as Nancy said, it was a real surprise to receive this recognition. He thanked their customers, and coworkers. He said he loves his job and it's always fun to come to work.

- b) **MUCHAS GRACIAS – JOSEPH LUJAN, ADA COORDINATOR.**

Mayor Coss presented Mr. Lujan with a Muchas Gracias and thanked him for his years of service on behalf of the City.

Mr. Lujan said it has been an honor and privilege to serve the City for 25 years, commenting that "25 years is nothing, you guys. It flies by so quickly." He said he met the Mayor in the early to mid-1960[s] when they attended St. Francis Cathedral School. He said he used to bowl at Coronado Lanes on Saturday night with Councilor Dimas. He said he is blessed to have had this job. He said he hopes his legacy continues, noting David Chapman has been appointed as the Interim Director, but the City will be hiring a permanent ADA Coordinator. He said he has a lot of interest in this and wants to see the Mayor's Committee on Disability to continue to function as it has. He thanked the Mayor and Council and said this is a pleasant surprise.



## **CONSENT CALENDAR DISCUSSION**

- 10(i) REQUEST FOR APPROVAL OF NON-EXCLUSIVE, NON-PERPETUAL AND NON-ASSIGNABLE EASEMENT – USE OF 2,723 SQUARE FOOT AREA WITHIN THE CONSERVATION EASEMENT AT THE RAILYARD PARK ALONG THE EASTERLY BOUNDARY OF 1606 PASEO DE PERALTA; SITE SANTA FE. (EDWARD VIGIL)**

Councilor Ives said he pulled this item to recuse himself.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to approve this request.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Recused:** Councilor Ives.

- 10 (q) CONSIDERATION OF RESOLUTION NO. 2013-99 (COUNCILOR BUSHEE AND COUNCILOR IVES). A RESOLUTION RELATING TO CLIMATE CHANGE AS A REAL AND GROWING THREAT TO THE WELL BEING OF PRESENT AND FUTURE INHABITANTS OF SANTA FE AND URGING THE U.S. CONGRESS TO PASS LEGISLATION THAT LEVIES AN ANNUALLY INCREASING REVENUE NEUTRAL FEE ON THE CARBON IN FOSSIL FUELS AT THE POINT OF PRODUCTION AND IMPORTATION. (KATHERINE MORTIMER)**

Councilor Rivera said, "I have no questions on this. I just wanted to explain how I'm going to vote on this. Again, I believe the collective people elected people to Congress and to higher office for the purpose of making these decisions. I think we have elected people who are very capable of doing so, and I'm not sure that this is really within our jurisdiction or authority to do, so I will be abstaining. I just wanted to explain that, Mr. Mayor."

Councilor Bushee thanked those who worked on this and brought this issue to her. She said this recognizes the real and growing threat to our well being and the present and future inhabitants to Santa Fe. She said it is important that we consider this issue and pass a revenue neutral fee on the carbon in fossil fuels. She thanked her cosponsors and colleagues.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-99, as presented by staff.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Abstain:** Councilor Rivera.

**10(r) INTERNAL AUDIT DEPARTMENT ANNUAL AUDIT PLAN FOR FY 2013/2014. (LIZA KERR)**

Councilor Ives said he read through the materials and appreciates getting this as the first effort to get an annual, 3-year audit plan report before us.

Councilor Ives said Ms. Kerr says this is risk-based. He said she notes, "Risk assessment is a process used to identify and prioritize audits based on specific risk factors related to the quality of internal controls and estimated liability." He said it seems what she is doing is broader than that and involves aspirational aspects to the Internal Audit Department as well. He said among those, he would identify the notion of transparency and accountability for public dollars with which this body and the City is charged with. He said he would hope she would consider adding those kinds of aspirational aspects into the rationale, which he hopes is part of what she is doing daily.

Ms. Kerr said one of things they are trying to achieve is transparency, and that was part of the exercise we went through to strengthen the independence of the internal audit function so we can have transparency without external threats pressing in. She hopes that comes across and that is part of the mission.

Councilor Ives said another aspect of transparency is the transparency from the City's point of view vis a vis the public. He said her audit reports will let people know we do things in that fashion and with real accountability, so the people know the public dollars are being prudently and well spent. He would encourage adding that kind of language into the plan.

Councilor Ives said he liked the approach, which says, "Build hours into the plan for specifically requested audits not originally captured on the plan and for urgent audit issues that arise throughout the year." He recalled the previous discussion about how to get the plan in place and the need for flexibility.

Councilor Ives said on page 4, packet page 10, the plan provides, "The Internal Auditor is required by GAGAS to have technical competence in all areas audited." He appreciates her statement on the certifications she holds, which address issues of technical competence you might come across. He said there are likely to be others where that will not be so clear, and hopes Ms. Kerr will feel free to come back to be sure she has that keen technical expertise in audits to continued confidence and competence.

Councilor Ives noted her work is equally split between audits/project work versus general administration planning, and asked if she anticipates that to hold true through various years.

Ms. Kerr said if she had a staff that would be true. However, since she has to do it all it is hard for her to say at this point how that will fall out. She said he makes a good point. She has to submit a new audit plan within 60 days prior to the next year end which is soon. She said, hopefully, she can take this and roll it forward so she can stay focused on the audits on the schedule and leverage from that. She said having the ordinances in place will be very helpful. She is working on completing policies and procedures.

Councilor Ives noted, on page 13, in the first quarter, under Admin, she has listed "Tracking of audit findings." He asked the reason this is an administrative function as opposed to a function which would be allocated to the specific audits she has been working on.

Ms. Kerr thinks it is semantics, but it is considered more of an administrative task because you aren't focused on a particular audit, and are out doing audit work. She said every audit program she's developed is unique and takes a lot of time. She said, "Do I divide that into administrative or put that into audit. It's just a matter of semantics, but it all works out in the end, I hope."

Councilor Ives said he would like to see it classified as an audit hour and not administrative hours.

Councilor Ives said on page 15, it says, "Follow up review Elevate Media, Red Flex and GTSI d/b/a AOT Public Safety Corporation." He asked the nature of the follow-up review, and if that is automatic the year after an audit is completed.

Ms. Kerr said this is the way you define a follow-up review. It is the year after the audit is conducted, and the follow-up is to see that the findings have been remediated. She said if she is tracking those the follow-up work might be less, and/or if the entity audited hasn't done remediation, it will take longer, so it is hard to tell how long that work will take, "but that's exactly right."

Councilor Ives said on page 15, it speaks to an audit of IT Security. He said this is of particular interest to him, because he believes we can do much better. He said IT security, given the potential liability for disclosure, hacking, etc., is an important one, so he hopes waiting until next year makes sense.

Ms. Kerr said it is really important to her, noting she is a certified information system auditors and spent 6-7 years of her career doing that.

Councilor Ives noted on page 17 in the Audit Objectives, it talks about the IT Security user which is listed under ITT Finance, in creating the new position of ITT Director during the budgetary process. He asked if the ITT Director will report up through Finance.

Brian Snyder said ITT is a separate Department, and the Director reports directly to him.

Councilor Ives said then Ms. Kerr may want to make the change in Objectives.

Ms. Kerr said she will make that change.

Councilor Ives, referring to Page 19, said he may try to meet with her separately to understand how she filled out the percentages in the chart. He said it seemed that reputation risk was designed to assess whether or not entities, if not functioning as they should, would represent a significant risk to representation. If this is the case, he would think that Risk Management would have a real high level of reputation/risk involved as opposed to 5%.

Ms. Kerr said she will meet with him one-on-one with regard to this, to go through the details. She said, in general when the risk assessment went out there were a lot of different people filling it out. She said it means something different to each person. She said as we move forward people will become more uniform in the way they would answer different questions.

Responding to Councilor Ives, Ms. Kerr said this is a work in progress and in the future it will be filled out more completely and will be more meaningful. She interviewed the Director of the Civic Center and didn't consider it to be a real issue to address, but she will take that into consideration on a go forward basis.

**MOTION:** Councilor Ives moved, seconded by Councilor Wurzbarger, to approve the Internal Audit Department Annual Audit Plan for FY 2013/2014, as presented.

**DISCUSSION:** Councilor Dominguez said audits are part of the checks and balances that exist. He asked Mr. Snyder if he heard him say that ITT had become a department.

Mr. Snyder said that is correct, noting that ITT was established as a department during the budget process.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

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**END OF CONSENT CALENDAR DISCUSSION**

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11. **CONSIDERATION OF RESOLUTION NO. 2013-100 (MAYOR COSS, COUNCILOR CALVERT AND COUNCILOR BUSHEE AND COUNCILOR IVES AND COUNCILOR WURZBURGER). A RESOLUTION RESPECTFULLY REQUESTING THAT PRESIDENT OBAMA DENY THE PERMIT APPLICATION BY TRANSCANADA TO CONSTRUCT THE KEYSTONE XL TAR SANDS PIPELINE.**

Mayor Coss said this was discussed by the Conference of Mayors. He said the evidence is more and more coinciding with the modeling that climate change is happening. He said we see it in our forest fires and drought. Unfortunately, the Philippines just saw it in a massive typhoon which may have killed 10,000 people. He thinks it is time to take a stand. He said there are many people locally and globally who are considering civil disobedience to protest and resist this. He has organized meetings with the Police Administration "that if that does come to pass, we make the civil disobedience very civil." Mayor Coss said the typhoon in the Philippines gave special emphasis on this issue for him.

Councilor Ives asked to be added as a cosponsor. He believes this is the right answer on this issue for our nation. He thought the President's leadership in his speech of June 25<sup>th</sup>, was "spot on" and represented, finally, an effort by the President to move beyond the inability of Congress to move these issues forward. He hopes this Resolution, and the earlier Resolution on carbon taxation, will send a clear message from Santa Fe that these are significant issues locally and deserving of affirmative action by our leaders in Washington, D.C.

Councilor Bushee read from the Charter, "The City of Santa Fe Municipal Charter declares that the natural beauty of Santa Fe is among the City's most valued and important assets, and charges the governing body of Santa Fe to protect, preserve and enhance the City's natural endowments, plan for and regulate land use and development and encourage source reductions." She quoted from the previous Resolution, "WHEREAS, 830,000 barrel of tar sand oil proposed to be carried daily from Alberta, Canada to the gulf coast would increase climate changing emissions yearly by 20.4 %, 3 million tons, the equivalent of Americans driving an additional 60 million miles per year." She thanked the Mayor for bringing this forward and is "hopeful we will have an almost unanimous passage of this Resolution."

Councilor Calvert said, as a sponsor, he is in favor of the Resolution because of the impacts of climate change. He said there are practical reasons as well. He said the United States is assuming all of the risk for this pipeline and getting none of the rewards. He said this oil will benefit the producers in Canada, and it's going to go to the gulf coast and be exported, and none of it will go to the United States for self sufficiency. He said as this has been delayed, there was a proposal to send it through Alberta and British Columbia, and those provinces refused. He asked the reason we want this pipeline to go through the United States.

Councilor Trujillo said the Resolution says the northern section is to be built, and asked if the southern section been built.

Mayor Coss said, "Not directly. I think that the new part that needs to be built would come from Canada across the plains, but once it gets to Louisiana there are so many pipelines, but nothing has been built in the United States."

Councilor Calvert said the southern part is not completely done, because there are protestors – individual landowners in Oklahoma and Texas.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to adopt Resolution No. 2013-100, as presented by staff.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives and Councilor Wurzbarger.

**Against:** None.

**Abstain:** Councilor Rivera and Councilor Trujillo.

**Explaining his vote:** Councilor Rivera said, "As with item 10(q), I wholeheartedly support the language in the Resolution, but for the reasons listed earlier, I am going to abstain again."

**Explaining his vote:** Councilor Trujillo said, "I'm all for the environment and all that, but the way I look at this, if this being built in the United States... we, all the Councilors talk about creating sustainable jobs, and you can shake your head at me, but it's the truth. That's what we always talk about up here. How is this going to affect the jobs of the people who would have been working on this job to make this pipeline. Is it just going to take money away from them. Is this something they could have used to better themselves and send their kids to college. These are the issues I have. Do I really want a City Council from Florida telling me how to vote on a Historic Review Board issue here. And this is the same thing I talk about. We have these feel good Resolutions. And why do we pass them, because it feels good to pass them. I'm in the same boat as Councilor Rivera. I'm for the environment and all this, but I don't think that we as a City Council in Santa Fe need to be butting into something that is happening on the other side of the United States in another state. Just like, I wouldn't want another state telling us how to do something. So, I'm doing the same thing. I'm going to abstain from this vote as well."

**Explaining her vote:** Councilor Wurzbarger said, "I'm going to vote yes, and I want to thank you Mayor for bringing this forward, and I would like to be added as a cosponsor please."

**Explaining her vote:** Councilor Bushee said, "Yes. I just want to add, we're actually appealing to the President of the United States who has the power to stop this, and I hope other communities also take this stance, so yes."

**Explaining his vote:** Councilor Calvert said, "I am voting yes. And I also want to point out that any jobs related to this are mainly temporary during the construction phase. Permanent jobs will be a handful. The other thing is that climate change doesn't know state borders."

**Explaining his vote:** Councilor Dominguez said, "What I will say is righteous is bold, but goodness is just right, so I vote yes."

**12. REQUEST FOR RATIFICATION OF AMENDMENT #1 TO LEASE AGREEMENT BETWEEN THE CITY OF SANTA FE AS LESSEE AND SANTO NINO CHILDREN'S FOUNDATION FOR CATHOLIC EDUCATION, LLC. (P.J. GRIEGO AND SEVASTIAN GURULE)**

P.J. Griego presented information from Sevastian Gurule's Memorandum of October 4, 2013, which is in the Council packet. Please see this Memorandum for specifics of this presentation.

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Dimas, to approve this request.

**DISCUSSION:** Councilor Rivera asked which City Manager signed the amendment which wasn't approved by the Council.

Mr. Griego said it was Robert Romero.

Councilor Rivera said he assumes the \$50,000 threshold was in place at the time.

Mr. Griego said yes.

Councilor Rivera asked, "How could this have happened, when the City Manager knew the \$50,000 threshold that he could sign for spending. How could this be signed without coming to Council. Do you know how this could happen."

Mr. Snyder said it would be speculation if he tried to answer that question. He said there are processes in place for procurement which he follows, noting it goes to legal and procurement prior to coming to him and he uses that as a level of review. He said, "I have certain control measures in place from keeping me from signing off on something like that."

Councilor Rivera asked, "Under your measures, would people below you remind you this was over the \$50,000 limit."

Mr. Snyder said, "If the control measures are in place, I should never see anything on my desk that I shouldn't sign off on."

Councilor Rivera said he is struggling as to how this happened. He said, "Again, the idea of micromanaging we never want to do, but this concerns me. Although it's not a significant amount of money, it still does happen, as recently as it has."

Councilor Ives noted the rent term on page 2 of the lease, which provides, "Lessees shall pay Lessor 50% of all gross revenues from monthly and daily parkers, per month for the premises, without notice or demand, and without deduction or offset for any cause whatsoever."

Councilor Rivera said he did see that, and again the recommended action by the City Attorney was determined to be that it should have received Council approval. He said he wondered why it didn't go to the Council for approval.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Explaining her vote:** Councilor Wurzbarger said, "Yes, and the only thing I would add is that when I read this, I thought possibly there was a timing issue, because of the dates. It had to be done by the thirty-first, and it was actually done on the tenth, and I guess we took an action that would have negated that unless we had some kind of special meeting. I could imagine that as one of the reasons, but I don't know."

**Question prior to casting her vote:** *Councilor Bushee* asked how this was brought to our attention. *Mr. Griego* said at the beginning of the fiscal year they tried to get a purchase order to cover the new fiscal year we are currently in. And Robert Rodarte wasn't comfortable with approving the Purchase Order, for obvious reasons, without first coming through the Council. He said the amendment had been in place since August 2011. *Councilor Bushee* asked if this is something the Audit Committee, internal auditor and City staff should examine and see if there are ways to prevent this from happening in other departments.

**Explaining her vote:** Councilor Bushee said, "I vote yes, but I would ask that we have some kind of pro-active, corrective action to prevent this in the future."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

### **13. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

### **14. MATTERS FROM THE CITY ATTORNEY**

#### **a) CONSIDERATION OF REQUEST FOR APPROVAL OF CONFLICT WAIVER REGARDING LEGAL SERVICES AT THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS. (KELLEY BRENNAN)**

Kelley Brennan, Interim City Attorney, said former City Attorney, Geno is requesting a waiver of conflict of interest, noting the facts are set out in her Memorandum of November 7, 2013, with attachments, to Members of the Governing Body, which is in the Council packet. Please see this Memorandum for specifics of this presentation.



*The Council commented and asked questions as follows:*

- Councilor Bushee asked Mr. Zamora if he would anticipate any potential conflicts where it would be harmful to have him represent the schools. She doesn't see us at odds in many situations, other than land use applications or land deals. She said we would hope it would be advantageous to both sides. She said we recognize potential conflicts, and asked him to outline any potential conflicts. She said, "In those cases, I would guess that your professional code of conduct would require you to express those at the time and in the future, so maybe you could give me some thoughts on that."

Geno Zamora said, "As many of you know, my new role is sort of born out of the collaboration between the City and the Schools that we've had over the last few months. To answer your question, Councilor Bushee, my professional rules do not allow for me to seek a blanket waiver, because there are unforeseen issues that may come up. So as a result, in the letter of request I've tried to narrow the request itself to three specific categories that are identifiable where there is a conflict."

Mr. Zamora continued, "The first being the current Llano property discussion and potential transaction between the Schools and the District, so I have identified that specifically. I'm also required to identify advantages, disadvantages and alternatives for each of these conflicts."

Mr. Zamora continued, "Item number two are intergovernmental agreements between the Schools and the City. When it comes to governmental clients, because the law wants people to engage in governmental service and not be precluded from ever having governmental service, the narrowness of the rule really prevents me from being involved without a waiver on issues that I've been substantially involved with. I've included, generally speaking, World-Class Cities and World-Class schools, and the other types of intergovernmental agreements like facility sharing and resource sharing the summer programs, things like that. Although I haven't directly negotiated them, those agreements have been negotiated under my time, and so I'm seeking a waiver for those types of agreement."

Mr. Zamora continued, "Now that being said, you never know in the negotiation of agreements, there could come a time for litigation, for example. And I did anticipate that, and that's why I included the specific statement in here that I am not requesting a waiver for litigation. If there's litigation between the City and the Schools, I would not participate in that."

Mr. Zamora continued, "The third subject I specifically identified is land use negotiations between the City and the Schools, specifically subject to the MOU that was entered into several months ago. It's in the City's records as 2013-104. I believe one of the advantages in this collaborative relationship between the Schools and the City is the ability to say, yes, I do have specific knowledge of City ordinances relating to land use, let me help the Schools understand them so that we can more consistent land development rather than confrontational land development. So I have identified those three areas, and those are the three areas I'm seeking a waiver."

- Councilor Dominguez said, "So Geno, you've prepared this memo as a representative of the School District."

Mr. Zamora said, "Correct. If you recall, in the very last meeting agenda where I was still City Attorney, we had placed it on that agenda. After additional research by myself and Mark Allen, we didn't think it was appropriate to ask for a waiver, one while I was still City Attorney and your attorney. And two, while City Attorney's staff was subject to me as a supervisor. But, three, before the conflict actually arose. So now I have left the City. I started the very next day at the Schools, and I'm their counsel now, and that's the appropriate time to seek it. And yes, I did draft the letter in my role as counsel for the Schools, and I am seeking the waiver in that role."

- Councilor Dominguez said, "So you didn't draft this while you were on the payroll for the City."

Mr. Zamora said, "That is correct."

- Councilor Dominguez asked, "So I guess just a question to Kelley, and this is just for public consumption. So do you concur with that analysis that the School District representative has provided?"

Ms. Brennan said, "I think this is really within your discretion to waive the conflict. I would note that the standard is, and it's in my memo to you, 'After the lawyer has communicated adequate information and explanation about the material risks and reasonable alternatives to the proposed course of conduct, you can waive the conflict.' I would also note this is not a waiver of the attorney-client privilege, which remains."

- Councilor Dominguez said, "That was the second question that I was going to ask. And to sum it up, Kelley, do you feel comfortable that with this, and that the City is protected."

- Ms. Brennan said, "I do."

- Councilor Wurzbarger said this is much clearer than when first presented. She said, "I think, I will be voting for this, I would make a motion to approve it, because I do feel the advantages are greater than the potential disadvantages, particularly because of your clarification with respect to the litigation issue, as well as the Attorney-Client issue. For that reason, I'm comfortable, and as I told you when you left, I think it's very good for the City to further the collaboration and have a link with the schools to do the important work that we want to proceed on."

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Dominguez, to approve this request.

**DISCUSSION:** Councilor Ives said he and Mr. Zamora spoke briefly about content in the Memo. He said, "The memo we've received, which is page 2 of the packet from the City Attorney, notes that 'Informed consent means the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risk of and reasonable available alternatives to the proposed course of conduct.' And, I've obviously read your letter. In my mind, it's a little

amorphous to talk about material risks when you don't have those issues immediately in front of you. I appreciate your identifying what I would describe broadly categorized as the risks that are out there. And you do that in the form of advantages and disadvantages. And there's part of me that says, let's wait till we get those and let's look. But, I will say that in my mind, those are the two most significant aspects of this ongoing relationship. And I'm very pleased that you are with the Public Schools and that they will have you as in-house counsel with them, because I think that will benefit them greatly on both fronts."

Councilor Ives continued saying there is no waiver of confidentiality which is the real "nut" here, because that gets involved in discussions of strategies and such, confidential information within the City in terms of decision-making that is the heart and soul of what we want to protect. He said he is comfortable with the waiver on the basis of those two being preserved, and that is clearly Mr. Zamora's understanding as well.

Ms. Brennan said, "Correct."

Councilor Bushee said she is looking at the agenda for tomorrow night's meeting, where we will see Mr. Zamora. She asked Mr. Zamora if he would consider the ENN as land use. She said she anticipates a future conversation with regard to the jurisdictional issues with the schools around the Historic District or application of any of these other requirements we've had with other institutions, from the State to the Schools. She doesn't know that is confidential information. However, there may have been discussions with regard to what we can or cannot apply to the Schools and our wish to do so, so that could have been a strategic conversation during Mr. Zamora's tenure. She asked if the Schools would fall under our Historic Ordinances on particular buildings.

Mr. Zamora said, "Again that goes directly to item three that I identify in my letter, quite publicly, that there were public discussions which I can disclose, regarding the authority of the Schools and the authority of the City when it comes to land use development. And what resulted from the public portions of that conversation, was this MOU which I specifically reference in here, which is a collaboration between the Schools and the City on development of schools within City limits. And so I am seeking the authority to continue working with the Schools on that collaboration through the MOU. And the advantage of that is that I can help the Schools what the land use ordinances of the City are, and how best to parallel and comply when necessary."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

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*At this time, Mayor Coss opted to hear Matters from the City Clerk and Communications to the Governing Body, and then hear from the City Attorney with regard to an Executive Session.*

## **16. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of November 13, 2013, is incorporated herewith to these minutes as Exhibit "3."

### **Mayor Coss**

Mayor Coss introduced a Resolution requesting consideration of alternatives to Los Alamos National Laboratory's proposed plan of leaving nuclear wastes buried in place at TA-54, Area G; urging instead for full characterization and excavation of the wastes, offsite disposal of any high level or transuranic radioactive wastes and reburial of remaining low level radioactive wastes in a modern landfill; and directing the City Clerk to inform the New Mexico Environment Department of this Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Mayor Coss said he would like the Resolution to go to the Public Utilities Committee, and would ask the Water Division staff to make a presentation on what we've been discussing at the Regional Coalition about cleanup. He said he does want the Resolution back to the City Council at its next meeting on December 11, 2013. He has asked his colleagues on the Regional Coalition to take this to the Espanola City Council, Los Alamos County Council, Santa Fe County Commission, Rio Arriba County Commission, Taos County Council, the Village of Taos, and Ohkay Owiengeh Pueblo.

Mayor Coss said he has received a complaint about St. Elizabeth's policy, and has asked Brian Snyder to look into this complaint for Sagemaya Dandhi.

### **Councilor Dominguez**

Councilor Dominguez said he will be forwarding an email to Brian Snyder regarding the Sidewalk Angels, noting the website is incorrectly listed on the City's website, so the link needs to be fixed.

Councilor Dominguez thanked staff and the community for attending the listening sessions they had two weeks ago, in particular Joe and Maria for providing audiovisual services, and Catherine Mortimer who has been with him every step of the way of the progress that has been made. He said he wants to find an avenue to provide updates to the public and the Governing Body about what they are learning. He noted the issues are transportation and sidewalks, in particular for handicapped, and lack of these services. He said the next step will be to have these listening sessions for a year, with the idea to identify community leaders to help draft and advocate for policy. He said he will work with Mr. Snyder to be sure this is advertised. He said there will be listening sessions in Las Acequias, the Community College and Capital High.

Councilor Dominguez thanked Councilor Bushee, Councilor Rivera and Councilor Dimas for attending the sessions, showing support and taking time to listen to what people are struggling with in that part of the community.

### **Councilor Wurzburger**

Councilor Wurzburger had no communications.

### **Councilor Bushee**

Councilor Bushee introduced an Ordinance amending various provisions of the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987, including amendments related to service animals in accordance with the Americans with Disabilities Act and making such other stylistic and grammatical changes as are necessary. She said the Ordinance should be available by Finance Committee.

Councilor Bushee said she has a small issue on Galisteo, between DeVargas and Alameda, which she will bring to Mr. Snyder.

Councilor Bushee said she has read in the newspapers that, because of Obamacare, a variety of cities, starting January 1, 2014, will have to pay additional costs for health benefits for employees. She asked if anyone has done any calculations on Santa Fe's costs, commenting she wants to know as we move into the next fiscal year. She wants to work with the County Commissioners as they deal with a lot of the health issues.

Councilor Bushee said, "The other thing I think that's disturbed me more than most things, and I don't quite know the direction I want to take it, but I do know I want to work with the County Commissioners as they deal with a lot of the health issues. But I have been following what's been going on up in Taos with regard to the layoffs up there. And to see our own hospital have 59 jobs that are just disappearing in anticipation of additional jobs, potentially come Spring.... I would really like to follow the models that the Town Council and County Commission have laid out in Taos, with regard to really offering a way for the community to have input and to allow for more inclusiveness and transparency with regard to the transactions and the staffing levels – everything from staffing levels to delivery of service. It's one of those things where they invited a group of folks that are running for office to come and look at their latest, I guess it was a needs assessment. It seemed like a slide show power point that was all very positive and upbeat and not one mention of those 59 jobs. And I know we're not the fiscal agency for a lot of what goes on, but I can tell you that it's our only hospital, and I think they are beginning to call themselves a community hospital, and I really don't believe we've ever had an assessment or opportunity as a community to rate the service, and to also really talk about the City, and the City employees, and the County. We, through our insurance and our employee benefits, a lot of our money goes there. And I just think it's critical at this juncture that we have more, again, inclusivity and transparency. And I would like us to pursue the model. So if staff could perhaps get in touch with the Taos Town Council staffer up there that helped put that together... I found something on line I can forward in terms of the model. They put together essentially a study committee and of course it would need to involve County Commissioners as well. So that's really the thing. I would really like to see us begin that discussion."

### **Councilor Trujillo**

Councilor Trujillo introduced a Resolution directing the City of Santa Fe Fire Department to explore the options for developing a community para medicine program within the Fire Department and to promote public/private partnerships to make such a program successful and sustainable. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

### **Councilor Ives**

Councilor Ives introduced a Resolution for a Special Election to be held in the City of Santa Fe on March 4, 2014, to be held in conjunction with the Regular Municipal Election, for the purpose of voting for or against amendments to the Santa Fe Municipal Charter.

### **Councilor Rivera**

Councilor Rivera said the Schools invited us to take a school bus ride, which he did one morning two weeks ago. He said one of his children takes the bus. He said his driver was Mr. Medina, and if they're all like him our kids are safe. He thanked the Schools for the invitation to ride the school bus.

Councilor Rivera said he attended the Longevity Awards in the Council Chambers on October 31<sup>st</sup>. He said many employees have been here for many years, but still do everything they can for the visitors and residents. He said it was a great day.

Councilor Rivera thanked Maria, Jenna, Bobbie Mossman, Threse Prada, Police and Fire and other staff that assisted with Veterans' Day festivities.

Councilor Rivera thanked staff for the recycle bins on the Plaza, commenting he attended the ribbon-cutting ceremony. He said it's nice to see permanent recycle bins, and thanked staff for their efforts and for a job well done. He said they look great.

### **Councilor Calvert**

Councilor Calvert thanked City and state staff for their efforts in putting on a great Veterans Day parade and ceremony. He thanked the citizens for the great turnout. He talked about a ceremony in Dayton, Ohio for the famed Doolittle Raiders, and what 12 year old Joseph John Castellano said about Saturday's events, "This was Tokyo, the odds were one in a million. I just felt I owed them a few short hours of the thousands of hours I will be on earth." Councilor Calvert said our Schools aren't out on Veteran's Day. He thinks it's important that our school children get this part of our history and experience from the local citizens that have served. He said, "I would highly recommend to the School Board that they consider making Veteran's Day a school holiday so the kids can participate and experience this wonderful experience."

**Councilor Dimas**

Councilor Dimas had no communications.

**15. MATTERS FROM THE CITY CLERK**

Yolanda Vigil, City Clerk, reminded the Governing Body of tomorrow's Special Joint Meeting with the Santa Fe Board of Education at 5:30 p.m., at the Education Services Center, 610 Alta Vista.

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**14. MATTERS FROM THE CITY ATTORNEY (CONTINUED)**

**EXECUTIVE SESSION**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT, §10-15-1(H)(7), NMSA 1978, AND PURSUANT TO CITY OF SANTA FE RESOLUTION NO. 2012-31, QUARTERLY DISCUSSION OF THREATENED OR PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS OR MAY BECOME A PARTICIPANT.**

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, that the Council go into Executive Session for quarterly discussion of threatened or pending litigation in which the City of Santa Fe is or may become a participant., in accordance with §10-15-1(H)(7) NMSA 1978, and pursuant to City of Santa Fe Resolution No. 2012-31.

**VOTE:** The motion was approved on the following roll call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

The Council went into Executive Session at 6:25 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:05 p.m. Councilor Ives moved, seconded by Councilor Calvert, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

**VOTE:** The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and no one voting against.

**END OF AFTERNOON SESSION AT 7:05 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor David Coss, at approximately 7:05 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

#### **Members Present**

Mayor David Coss  
Councilor Rebecca Wurzbarger, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Christopher Calvert  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Peter N. Ives  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

#### **Others Attending**

Brian K. Snyder, City Manager  
Kelley Brennan, Interim City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

### **F. PETITIONS FROM THE FLOOR**

*Mayor Coss gave everyone 2 minutes to petition the Governing Body.*

**Sagemaya Dandhi, formerly of 1492 Canyon Road**, noted his mailbox has been vandalized. He said he would ask unanimous consent on the particular he is addressing for this Council to allow him whatever time is necessary to get the crux of the issue to him.

Mayor Coss said we can't go past the two minutes, because there are a lot of people waiting to talk and two big public meetings tonight.

Mr. Dandhi said he can't get everything in two minutes. He has been staying at St. Elizabeth's Shelter, where there is a rule that people must be in the facility by 3:30 to 5:00 p.m. He told them he has a right to petition his local government. He said his case worker Jake told him if "you're not in by 5:00 p.m., we're giving your bed away." He doesn't think anyone in Santa Fe advocates that he shouldn't petition the Governing Body, or doesn't have a right to petition the Governing Body and they should modify their policies so people have a right to petition their government and still have a right to shelter. He said many Councilors are running for Mayor and he wants this issue by bringing these people in and finding out



exactly what the rules and policies are. Because they have a thousand sheets of paper on the wall and say, this is our policy, you didn't follow it. He said he doesn't know how somebody with bad eyes can address all these issues. He said, "I called them at 3:00 p.m., after speaking to David Chapman, who had called Jake, and Jake said it was my fault, I should have told the shelter I wouldn't be there by 5:00 p.m. And I said I can't be there by 5:00 p.m., well I didn't say that, but I said I'm going to petition my government. I've got a right to do it and it doesn't start until 7:00 p.m., so I can't possibly be there by 5:00 p.m. Originally, it was okayed by Mr. Chapman with Jake. And then on the phone, he said give me 2 seconds, and he came back and said if you're not there by 5:00 p.m., we're giving up your bed. Now I have goods in that and I want this Council to take a stand. I want all the mayoral candidates to take a stand as to whether you support this policy. And if not, I want you to review the rules for these shelters and decide what is and is not acceptable in the City of the Holy Faith. Thank you."

**David McQuarie, 2997 Calle Cerrado**, said he is here to find out what is happening. He said Item 10 (e) at the last meeting of the Council of the Consent Agenda was for overlay of the Chamisa Trail. He asked was this ever submitted to the Plan Review Committee for review. He said, "No. I can tell you. And why not. Because any money spent for ADA improvements should be addressed and approved, or at least commented on by persons of disability. Why wasn't it. I think this is a clear example of our constant misuse of public funds. Another word for that is possibly fraud. Is there fraud, and who's doing it. Who's not giving the Council and the Committee the correct information. Therefore, I petition you to find out what the money was used for and where are the public funds."

Mr. McQuarie continued, "City Manager Snyder is in possession of a letter from the Federal Highway Department, U.S. Department of Transportation, in which he was directed to file a report by the City. They have the first report by the City which was unacceptable. The report is being redone, and will be submitted by December 1, 2013. It has to be in, on that date, to change all public right-of-ways which include bus stops. Which I can tell you, bus stops are not being done right and the contractor is being paid. Remember, I came up here before and told you the new curb cut across from the Inn of the Governors on Alameda and Don Gaspar was sub-ADA. Well this happens to be one of the ones that was complained about with the Federal Highway, and they are going to be checking. I can tell you right now, it is not ADA compliant. Why were the monies spent, and how much will it cost to bring it to good and put it right. The engineering staff has a habit of everything is for traffic, vehicular, not pedestrian. Thank you."

**Scott Kovack, Nuclear Watch New Mexico**, said he appreciates the recent introduction of a Resolution requesting consideration of alternatives to Los Alamos Laboratories proposed plan of leaving waste buried at TA-54 Area G. We endorse this Resolution and we look forward to the Committee action.

**Unidentified** asked, for clarification, if Item H(2)(a), is on the agenda this evening for vote and discussion.

Mayor Coss said that is on the agenda this evening.

Unidentified said then the agenda is incorrect in this case.

Mayor Coss said the runoff provision was not in the Charter amendment, so it has been introduced by Resolution, noting it was not in what was recommended by the Charter Commission, but it will be considered this evening.

Councilor Calvert said the confusion is that these were the Resolutions which were introduced, but, as discussed at the last meeting, a substitute resolution is being drafted which will encompass the Resolutions of the Governing Body. "So even though it wasn't mentioned in one of these Resolutions, it doesn't mean we aren't going to be discussing it."

**Stefanie Beninato** said she is here again to talk about the City doing away with the disability program in the Recreation Department. She said some of you are going to be running for Mayor, and in 2009, that program was abolished with the rationale that the City didn't have funding for it. She said the estimated cost of that program at the time was \$60,000. She said, "I believe that with all the very large wage increases that have been made to high ranking employees in Public Works, City Manager, others in Recreation, having security which are actually acting as greeters at City Hall, and there's nobody up at Chavez Center having little cameras and TV screens so you can watch yourself walk in at the Chavez Center. Having electronic gates there. It seems to me that some of that money could have gone for a disability program. And I think anybody who is disabled would have been willing to pay some money, and not get in free as the program had been running, but actually to pay something but at a highly discounted rate. And I wonder what it really says about us as a City and a culture that we don't have a recreational disability program. And yet, we have it for people are low income which are not a protected group. We have it for Seniors which are a protected group, so why don't we have it for people who are disabled. Again, I put that out to you, and I think it's time the City reinstates that program. Thank you."

## **G. APPOINTMENTS**

### **1) CAPITAL IMPROVEMENTS ADVISORY COMMITTEE**

Mayor Coss made the following appointments to the Capital Improvements Advisory Committee:

Neva Van Peski (Mayor Coss) – Reappointment – term ending 12/2015;  
Rick Martinez (Councilor Bushee) – Reappointment – term ending 12/2015;  
Karen Walker (Councilor Calvert) – Reappointment – term ending 12/2015;  
Kim Shanahan (Councilor Rivera) – Reappointment – term ending 12/2015;  
Margaret Veneklassen (Councilor Dominguez) – Reappointment – term ending 12/2015;  
Michael Chapman (Councilor Wurzbarger) – Reappointment – term ending 12/2015; and  
John B. Hiatt (Councilor Dimas) – term ending 12/2015.

**MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to approve these appointments.

**DISCUSSION:** Councilor Trujillo said he sent an email dealing with his appointment of Edmundo Lucero and he doesn't see his name on the list of appointments, and asked what happened.

Mayor Coss said we may not have gotten that on the list, but we'll bring that next time for sure.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none against.

## **2) ARCHAEOLOGICAL REVIEW COMMITTEE**

Mayor Coss made the following appointments to the Archaeological Review Committee:

David Eck – Reappointment – term ending 06/2015;  
Gary Funkhouser – Reappointment – term ending 06/2015; and  
Teresa M. Monahan – Reappointment – term ending 06/2014.

**MOTION:** Councilor Bushee moved, seconded by Councilor Ives, to approve these appointments.

**VOTE:** The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting in favor of the motion and none against.

## **H. PUBLIC HEARINGS**

- 1) CONSIDERATION OF BILL NO. 2013-38: ADOPTION OF ORDINANCE NO. 2013-36 (MAYOR COSS, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA AND COUNCILOR IVES). AN ORDINANCE ANNEXING APPROXIMATELY 4,100 ACRES (PHASE 2) IN ACCORDANCE WITH THE "ANNEXATION PHASING AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY," EXECUTED IN FEBRUARY 2009 AND AMENDED IN JUNE 2013; PHASE 2 ANNEXATION INCLUDES AREAS 1, 2, 4, 5, 7, 12 AND THE NEW MEXICO HIGHWAY 599 RIGHT-OF-WAY BETWEEN INTERSTATE 25 AND THE CURRENT CITY CORPORATE BOUNDARY EAST OF THE CAMINO LA TIERRA INTERCHANGE. (REED LIMING)**

The staff report was presented by Reed Liming from his Memo of November 13, 2013, which is in the Council packet. Please see this Memo for specifics of this presentation.

## **Public Hearing**

There was no one speaking for or against this request.

## **The Public Hearing was closed**

*The Committee commented and asked questions as follows:*

- Councilor Calvert said "I just want to make it clear, in my mind any way, and I think the maps verify this, but that area that we postponed for five years from the date of this is not included in this particular annexation."

Mr. Liming said, "That's correct, and that is now basically Phase 3."

- Councilor Bushee said in looking at the section of the River the County has been working on, COLTPAC appropriated some money not long ago to do the improvements along the River. She asked if we can assume those improvements "have yet heretofore not been completed or started." She asked, "Can one presume that the City will not need to do those improvements. Is that something that's been.... it's a level of detail I haven't really heard discussed."

Mr. Liming said, "That specific issue, I'm not exactly sure of, in terms of the continuation of County... you're talking about River and Trails improvements along the lower reaches of the Santa Fe River."

- Councilor Bushee said, yes, just a continuation of what's begun in the City. She said, "So, I would like an answer to that soon."
- Councilor Bushee asked if there are any other outstanding road issues, commenting we have begun the rollout on solid waste in some areas, although she doesn't know how smoothly that's gone. She said she doesn't want to see some sense of, well we need to renegotiate this, and are we clear on all of the road improvements in this phase."

Mr. Liming said it is clear in terms of the Road Improvement Agreement. He has been in discussions with Isaac Pino and Adam Lakeland at the County. He said there were a few roads that show up on the maps, such as Rodeo Lane and Mimbres Lane in Area 12 off Rodeo Road, Cottontail in Area 7 by Mutt Nelson that should have been in the spreadsheet attached to the agreement which were left out. He thinks they will come back with minor agreements to the Road Agreement to make it clear these should be included.

- Councilor Bushee asked if there is an assessment of how many properties can hook up to the City's sewer and water, how many wells we will inherit.

Mr. Liming said most of the assessment done for the annexation was the exchange of infrastructure, noting there was a detailed assessment of what the City will be turning over in terms of customers outside the urban area.

- Councilor Bushee would like to get an assessment of how many domestic well users that we are going to incorporate and how many could hook up to our infrastructure, so she can understand policies we may want to put in place.

Brian Snyder said there are policies in place for line extension agreements, noting customers are required to make the main line extension to get on City water or wastewater. He said there aren't tight records on wells through the State, but he will get all information that can be acquired. He said it is up to the customers as to whether they want to extend the lines to connect.

- Councilor Bushee said she understands our current policy. She wants to know if there is some way to incentivize people to hook up to get people off wells and on our system, and she wants an assessment of some sort.

Mr. Snyder said there no policy in place for that.

- Councilor Bushee she is contemplating one, so she would like a more detailed assessment of the customer base we will inherit.
- Councilor Bushee asked the City Clerk if we can expect a smooth transition with the 13,000 people who will come on the voter rolls with this annexation, and if the work been done with the County Clerk.

Ms. Vigil said, "I have had numerous discussions with the Bureau of Elections staff. Once this Ordinance is passed and the Ordinance and documents are filed, the County will be moving all of these registered voters into the City."

- Councilor Bushee asked if it will be "ready to roll" by January 1, 2014.

Ms. Vigil said she believes it will be very close to that date, maybe a little after.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Wurzbarger, to adopt Ordinance No. 2013-36, as presented.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

**Against:** None.

**Explaining her vote:** Councilor Wurzburger said, "Yes. And Reed, thank you. This has been almost your life's work I think and we really appreciate your shepherding this."

Mayor Coss thanked Reed Liming and Matthew O'Reilly for "getting us to the finish line on this."

**2) ACTION ON PROPOSED CHARTER AMENDMENTS RELATING TO GOVERNANCE ISSUES. (ZACHARY SHANDLER)**

- a) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMISSION, WITH THE EXCEPTION OF THE ESTABLISHMENT OF A RUNOFF PROVISION AND CHANGES TO THE POWERS AND DUTIES OF THE MAYOR, THE GOVERNING BODY AND THE CITY MANAGER, TO BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 4, 2014 (COUNCILOR IVES AND COUNCILOR WURZBURGER). (ZACHARY SHANDLER)**
- b) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO WATER PROTECTION AND CONSERVATION, NEIGHBORHOOD PRESERVATION, AN INDEPENDENT REDISTRICTING COMMISSION, TIMELY DISCLOSURE OF THE PURPOSES OF TAX INCREASES AND BOND MEASURES, CAMPAIGN CONTRIBUTION LIMITS, AND AUDIT COMMITTEE AND CHILDREN'S ISSUES AND CONCERNS BE PLACED ON THE BALLOT OF THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION (COUNCILOR BUSHEE). (ZACHARY SHANDLER)**
- c) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RELATED TO THE POWERS AND DUTIES OF THE MAYOR; REMOVAL OF THE CITY MANAGER AND THE ESTABLISHMENT OF A RUNOFF ELECTION PROVISION; AND AUTHORIZING THAT SUCH AMENDMENTS BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION ON MARCH 4, 2014 (COUNCILOR IVES AND COUNCILOR WURZBURGER). (ZACHARY SHANDLER)**

- d) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO AMENDMENTS TO THE POWERS AND DUTIES OF THE MAYOR, AMENDMENTS TO THE POWERS AND DUTIES OF THE GOVERNING BODY; DELETION OF ARTICLE VIII; CITY MANAGER; CREATION OF A NEW ARTICLE VIII, DEPARTMENT DIRECTORS AND CREATION OF A NEW PROVISION THAT WOULD ALLOW VOTING ON ALL MATTERS BY CHAIRPERSONS OF CITY COMMITTEES, COMMISSIONS, BOARDS AND TASK FORCES (COUNCILOR RIVERA). (ZACHARY SHANDLER)**

*Items 2(a), (b), (c) and (d) were combined for purposes of presentation, public hearing and discussion, and voting was done individually in accordance with the items listed in the Table of Proposed Amendments [to the Charter] Exhibit "6."*

A copy of the updated "Table of Proposed Amendments," dated November 8, 2013, is incorporated herewith to these minutes as Exhibit "6."

A proposed Amendment to Proposal A, submitted by Councilor Peter Ives, is incorporated herewith to these minutes as Exhibit "7."

A Memorandum dated November 13, 2013, with attachments, to Mayor Coss, Santa Fe City Councilors, from The League of Women Voters of Santa Fe County, regarding LWVSF Comments on the Proposed Charter Amendments for the City Council Meeting of November 13, 2013, is incorporated herewith to these minutes as Exhibit "8."

A statement for the record by Houston J. Johansen, a member of the Charter Review Commission, expressing support for the adoption of the Charter Review Commission's Proposed Mayoral Reforms, entered for the record by Houston J. Johansen, is incorporated herewith to these minutes as Exhibit "9."

A statement for the record by Barbara Blackwell on behalf of the Santa Fe Association of REALTORS®, expressing support for a new section supporting the proposed Section 2.08 Support for Local Business, more disclosure on tax increases and bond measures, an Audit Committee and a full time Mayor for Santa Fe, entered for the record by Barbara Blackwell, is incorporated herewith to these minutes as Exhibit "10."

A statement for the record by John Otter supporting ranked choice voting and against runoff elections, entered for the record by John Otter, is incorporated herewith to these minutes as Exhibit "11."

The staff report was presented by Zachary Shandler. Mr. Shandler noted there have been some changes to the menu a/k/a matrix [Exhibit "6."]

Mr. Shandler said, "So let me propose how we handle this evening. Number 1, I will provide a 5 minute summary of the changes to Column A. Column A was the Charter Commission recommendations which were cut and pasted to put into A, with the exception of a couple of different items, so that's why the agenda reads that way. As for the big picture, you will be looking at and comparing three (3) things tonight: the current status quo of the role of the Mayor and the triad relationship between the Council and the City Manager, versus the Column A changes, versus the Column D changes. And this because Column B, which we'll talk about only has one item, and my understanding is that Column C has been withdrawn."

Mr. Shandler continued, "After I do my opening presentation, I will sit down to allow for public comment. Three, when I return, I will listen. If a Councilor wants to make a motion, for example, last time a Councilor made a motion to approve a column on the menu, for example to approve Item (a) or Item (d). If staff doesn't hear a motion based on the columns, then it will be our default position to go row by row. For example, do I hear a motion on 2(a), which is to allow the Mayor to vote on all matters. And I will point out that there is mostly agreement, reading across the rows, but I will point out any differences between A, B and D."

Mr. Shandler continued, "Four, when all the votes are taken, I will ask for a motion to have all of the approved proposals placed in a Special Election Proclamation, and please don't let me forget to remind you also to vote on the Chairperson item." Staff will then prepare a Special Election Resolution for the afternoon session, on the Consent Calendar, for the December 11, 2013 meeting. The Special Election Resolution will have the questions written out. If you disagree on how the question is worded, please contact Melissa Byers between the time you receive the December packet and before the meet. That way if you want to pull the item off Consent on December 11, 2013, Melissa doesn't have to scramble to wordsmith right then. So with that introduction...."

- Councilor Bushee said, "Points of clarification for me Zach, did I hear you say at the beginning that Column A has further changes to it, or there are new changes since the last time and you were going to outline them somehow."

Mr. Shandler said, "Yes, that is correct, and I'll do that as soon as...."

- Councilor Bushee said, "So what I have in writing and what is being handed out incorporates those changes, it's just that they're not really highlighted in some way and you are going to highlight them."

Mr. Shandler said, "There have been changes since the last Council meeting and I will highlight that, and there were also floor amendments."

- Councilor Bushee said, "Were any of those floor amendments been handed out."



Mr. Shandler said it should be on the Councilor's tables.

- Councilor Bushee asked if any of these changes have been sent to any Committee or had any public vetting.

Mr. Shandler said, "I believe some of them come from the work product of previous discussions of this Council and the Charter Commission. I guess the one exception that we'll talk about tonight is the run-off. That was discussed briefly by the Charter Commission and I believe there are members here, if you have questions for them, but I think most of the items are the genesis of previous discussions."

- Councilor Bushee asked why this would be on a Consent Calendar for the next meeting, and asked whose decision was that.

Mr. Shandler said, "Election Resolutions traditionally are on the Consent Calendar."

- Councilor Bushee said, "I would suggest that this is not your standard election resolution and that perhaps we even have an opportunity for further public discussions. That would be my suggestion. This is very hard for even me to track up here. It's changed.... there are not, that I know of, any public venues that we've had or had a discussion on those changes, so I would also suspect that it's fairly difficult to have the public follow the nuances and details. I'm grateful the League of Women Voters has offered perspective, and I'm certain they're still trying to track everything that's changed. Again, I would suggest that we handle it differently, and I know you're just doing what we do in a standard way, but again if that could be part of this discussion tonight, I think we should have that."

*Zachary Shandler, Assistant City Attorney, reviewed the proposed changes .  
Please see Exhibit "6," for the specifics of these changes.*

#### **Questions and Comment from the Governing Body prior to the Public Hearing**

- Councilor Bushee said she has never used the term "floor amendment," that's a Legislative thing. She asked Kelley Brennan, "Would any of these changes we are reviewing in column A for this newly-introduced amendment, would they in any way be a problem in terms of the way this has been advertised and general understanding, because we've had things turned around for less, so I'm going to put you on the record with that."

Kelley Brennan, Interim City Attorney said, "I do not believe so. I think that I'm going to ask Zach to speak to how these changes occurred, but I think these were advertised by title."

- Councilor Bushee said, "For example, this Amendment, does it substantially change what was offered and available to the public before this meeting."

Mr. Shandler said, "Mayor, Councilors, I don't think so, and this is the rationale. The Charter Commission recommendation says, 'Which position shall be no less than the 40 hours a week and shall not be otherwise employed, or self-employed. That was the Charter Commission, so that's been out there in the public, and I believe that Item D by Councilor Rivera also tracks with that language as well. So this would just be a deletion of something the public already was on notice could be discussed. I think it's the logical outgrowth of the provision, because we're talking about the full time Mayor and trying to specify what that would really mean."

- Councilor Bushee said, "Okay. And so, just to be clear, nowhere is full-time defined with this amendment that's been offered."

Mr. Shandler said, "Correct."

- Councilor Calvert said, regarding our discussion on Run-Off Elections, "The advantage of the run-off or ranked choice is there is no time elapsed between the regular election and the result. In the runoff, if you have a regular runoff, there is going to be time to have that run-off election. The question is what is the status of people in that interim time. The existing people stay in office until that runoff takes place, and that's not really set forth or defined anywhere is it."

Mr. Shandler said he and the City Clerk pulled all the State Statutes and City Codes which would have to be changed either by ordinance or another mechanism. And to implement this proposal, and I'm happy to discuss all those in detail, if you want now.

- Councilor Calvert said it is something that would be handled in the interim period between now and when this would be taking place if there was no instant run-off.

Mr. Shandler said, "My advice, if this is approved by the Council and the voters, is that we need to come back to you with an Ordinance change to true everything up timing-wise, budget-wise, public-wise, financing-wise....".

- Councilor Bushee said, "Just to be clear, Councilor Ives, I thought we were looking at something new. The previous language has the governing body serving as the principal policymaker of the City. The new language, 'It shall consider the legislative agenda put forth by the Mayor and propose amendments to existing policies and propose new policies.' That's how you want us to leave it, because I thought we talked about it."
- Councilor Ives said they did talk about it. He said the language is on page 4 of the Resolution, page 13 of the packet, under 6.02 Power and Duties, Subsection (a) provides, "The Governing Body shall serve as the principal policymaker of the City, and shall as it deems necessary, amend

existing policies that are consistent with other provisions of this Charter. The Governing Body shall also consider the Mayor's annual legislative agenda put forth by the Mayor."

- Councilor Bushee asked if he would suggest that the column on page 4 of 7 in A, should reflect this language.
- Councilor Ives said, "Hopefully we're going to act on the actual proposals as opposed to the chart, and the proposal itself does contain the language clarifying the matter that we did discuss two times ago when this was before us. And we brought forth an amendment that would express clearly and unequivocally that the Council is the principal policymaker on behalf of the City."
- Councilor Bushee said she would suggest that the people who are trying to track this also are following these little columns, and "if you could, as this moves along, make sure that this language changes, because it is not the language that was originally put in by the Charter Commission. It's better language."

### **Public Hearing**

*Mayor Coss gave each person 3 minutes to speak to the Council*

**Karen Walker** said, "In 2008, the citizens did vote for ranked choice voting. And it wasn't just Greens as some people say. I'm not a green and I voted for it. I'm not of any party and I voted for it. We didn't get, and it is the first time I can remember that a City government didn't follow the wishes of the voters. There was a good reason for it. We even got permission for local option from the State Legislature. It was available. It was less expensive then and now than a run-off election. The most recent City to employ it is Oakland, I think. The last one they went to ranked choice voting. But we don't have it, so we go on to run-off." She said she watches a lot of elections. She said the City could rent the equipment for ranked choice voting every two years. She said if there is a run-off election it is within a week and not a month or 6 months later. She said having it so quickly on the heels of the election prevents problems. It prevents *ennui* on the part of the voters and extra expense for the person running for office, and it gets it done. It is important to have run-off immediately if the citizens vote for the Strong Mayor form of government. It is important that the Mayor vote on each subject, because most of us want to know how the Mayor feels on every subject, and where we stand. She said if we have runoff elections and a Strong Mayor, the elections must be in short order to save time, money, angst and boredom.

**John Otter, 2300 W. Alameda D-3**, read a statement into the record in favor of waiting for ranked choice voting and not approving a runoff election to go on the ballot before the voters. Please see Exhibit "11" for the complete text of Mr. Otter's statement.

**T.R. Knobloch, 1107 B Pen Road**, said he moved to Santa Fe from Austin. He said voter turnout in a delayed run-off typically is less than 10% of the turnout in a general election. He said he was a presiding election judge in Austin, Texas in 2000, and there are almost 1,000 registered voters in the precinct, and 327 voters showed up for the General Election. He said for the runoff election only "19 showed up," and it cost the same as the general election for a runoff – exactly the same polling places open, same personnel. He said less than 2% of the registered voters decided that election in Austin, Texas, which is abysmal and he doesn't think we want to go there. He said public financing of elections is included in this, and a representative of the City Attorney's office said we'll have to change this, which is a radical revision of the City's Election Code if we go to the delayed runoff. He said we can have instant results even if we hand-count the votes. He said Minneapolis has had two Mayoral elections with instant runoff, noting they used a ES&S DS-200 machine which is available now with software to do instant results. He said they hand counted the ballots in the previous election, put it into the spreadsheet and had the results by 7:00 a.m. It can be done."

Mr. Knobloch continued. He asked how public financing of elections will be handled in runoff. He believes there will be a runoff for Mayor in the next election, and probably in two Council races which would cost \$180,000 in public funds for the runoff. He said a City election costs \$80,000 to \$100,000. He said we could rent a machine twice in four years, noting the ES&S is about \$20,000 with a technician for each time. He said in Minneapolis there were 35 candidates for Mayor, and 87% voted for the top two and 78% voted for the top 3. He said it was a success, noting this is an election of 80,000 voters. Since 1968, the percentage of voters who vote is decreasing, and we need to reverse that for true democracy and instant runoff or ranked choice voting is the method to do that.

**Daniel Werwath, member of the Charter Review Commission**, read a letter into the record from Houston Johansen, who expressed support for the adoption of the Charter Review Commission's Proposed Mayoral Reforms.

Mr. Werwath continued speaking on his own behalf. He said with regard to runoff and ranked choice, the Commission didn't touch any of that for consideration and a recommendation, because of the availability of machines. The reason this hasn't been implemented is that the Secretary of State hasn't approved machines which can do ranked choice voting. He said the Commission received information that machines were being reviewed by the Secretary of State and would be available in future elections, so the Commission saw no reason to change that provision because it would become feasible in the near future. He said in general, he has shared all his feelings with this Governing Body. He said the Charter Review Commission went through a lengthy public process to come up with the recommendations, commenting the Governing Body has done some really great common sense tweaks to them to make them better and more efficient. He would really would like to see you let the citizens have an opportunity to vote on these. Let the voters decide. This is the process in the charter and what the commission went through.

**Richard Ellenberg** said he believes the Strong Mayor proposals are a good effort to address some structural deficiencies in our system. He is unsure what will happen when it goes on the ballot, "except that we will greatly increase the universe of people involved in this discussion, and I think that would be a good thing for the City."

**Margo Blackwell, representing Realtors**, read a statement into the record in support of proposed Section 9.04, which is the concept of a strong Mayor and a full time position, Section 2.08 Support for Local Business and full disclosure of purposes for tax increase or bond measure which requires ratification by the voter. Please see Exhibit "10," for the complete text of Ms. Blackwell's statement.

**Jim Harrington, State Chair of Common Cause, and Chair of the previous Charter Review Commission in 2006.** Mr. Harrington said that particular Charter Commission recommended ranked choice voting which was approved by the voters, with the proviso that it would become effective when machines were available at a reasonable cost. He said he is in opposition to adopting run-off elections in the Charter. He said those who are best informed, tell him the availability of ranked choice voting machines is imminent. He said Mr. Shandler and others have said adoption of run-off elections would entail enormous implications for the Code, and would require dozens of amendments of the Election Code, and Public Campaign Financing Code, and it would have budget implications. He said all of this would be wasted as soon as we get word from the Secretary of State and the County Clerk that ranked choice-capable machines are available.

Mr. Harrington continued, saying he thinks the "Council should hang fire on this amendment, which is the only substantial one that didn't come from the Charter Commission, and should devote more study to the question of the availability of ranked choice voting machines." He has heard nothing from the proponents of the run-off proposal which would contradict what Mr. Otter says. The Council and public could be better informed by sending it back to the Charter Commission to study more carefully the question of how soon we are going to have ranked choice voting machines, and then depending on the answer, you will know whether it is worth the cost of runoff elections in the interim.

**Cenneth MacDonald** said he is in support of the Strong Mayor proposal, and believes the public should be allowed to vote on it.

**Marilyn Bane** said, "There is something you are overlooking. The educated public doesn't know much of what you're talking about." She does not think there has been sufficient outreach and other things that need to be heard. She said you're talking about options and columns, and asked what the people watching this meeting on television are thinking. She said there are other things to be thought of, and other public hearings that need to be held. She said she can't testify on behalf of the Historic Neighborhood Association, the Old Santa Fe Association and the Neighborhood Network because they

don't know what to vote on. She said she has been at every Charter Commission meeting, and things have changed – they changed today. She agrees with most of what the LWVSF says personally. She suggested that there just be a little bit more real public outreach, not just a listing in the paper somewhere. She said, "Take a spread ad in *The Santa Fe New Mexican* and explain what this about, so when people go to the polls, they know what they are voting about." She said there are many good ideas, commenting that an extended runoff is a terrible idea. I voted for ranked choice, I think I should have it."

**Michael Smith** said he totally agrees with the five points in Houston Johansen's letter, noting his personal concern is the sustainability plan. He said he would like to be able to vote on this issue in March 2014.

**Paul Houlton** said the most important idea presented is that the governance of Santa Fe be more transparent and more accountable. He thinks the proposed amendments will accomplish that. He said, as far as ranked choice voting, there were expressions that if we are to empower the Mayor as a city-wide official, the Mayor should be elected by the majority. He said the run-off proposal is presented in the event ranked choice voting isn't forthcoming, and if so, the runoff is a contingency that will never come into place. He thinks the ideas should be debated in a campaign and should be presented to the voters. He said, "I would urge you to allow the voters to decide these questions, after a full, robust public debate."

**Bill Segal, gallery owner**, said he has owned a gallery in Santa Fe since 1996, and a resident for the past 23 years. He has noticed a lot of problems over the past 23 years in terms of education, community development and attracting young people to Santa Fe which we need more of. He thinks we have a City government that needs a strong and effective leader, which many people believe is the Mayor. He said most people don't know the Mayor is not a full time job. He wants to put the resolution before the people. He said in response to the woman who said previously that people don't know what is being proposed here, the best thing we can do is to put the issue before the people and let them make that decision. He said until things go on a ballot, people have very little interest, but once put on the ballot, the issues can be fully discussed.

**Andrew Wallerstein**, said that he is the Chief Executive for Avalon Trust, an investment firm in Santa Fe. He thanked the Governing Body for their service and dedication to the City. He said we're all here to provide a better life for us, our families and our citizens. He is asking the Governing Body to respect the Charter Review Commission's recommendation for a Strong Mayor, noting the Commission was appointed by the Governing Body. He said, "We're asking all of that go to a vote." He said transparency and disclosure is a strength not a weakness. He said other organizations have adopted that kind of structure and believes we need to do it as well. He said the Governing Body will retain the power of the purse strings, and structures will be changed. If we don't get it right in the first round, we have the ability update this. We need to attract new business, create new jobs, and move forward knowing we need to make changes to better our City and give us more changes. He said, "I, as one citizen, support a vote

from all of our citizens to allow us to make this very important choice which will allow us to take big steps in the coming year for all of our citizens.

**Former Councilor Karen Heldmeyer, 325 E. Berger, representing the League of Women Voters.** She said the League attended every single Charter Commission meeting and all of the Council meetings on the Charter. She said we have provided you with three sets of pros and cons. In some cases the League has positions, and in others no position. Former Councilor Heldmeyer presented information in this regard. She said their recommendation is that the governance issues and the runoff issue be referred back to the Charter Review Commission for further discussion. It is very hard for the public to keep track of what's going on when things change from week to week and day to day. She reviewed the League's specific positions Please see Exhibit "8" for the specific text of this presentation.

**Marian Seymour** said as Mr. Otter explained, it seems likely ranked choice voting machines will be available for use in the 2016 election. She urged the Council not to place the Charter provision to establish runoff elections on the March 2014 election ballot.

**Nancy Long, Vice-Chair, Charter Review Commission,** said she would agree with Daniel Werwath that we really didn't delve into runoff because ranked choice currently exists in the Charter. She said, "However, with regard to the comments that there needs to be more public outreach and what you're considering tonight is so different from what the Charter Review Commission considered, I would disagree. I think all of the broad principles that we spent many months on and presented to you are all there. And I agree with what Daniel said earlier that you have tweaked those, in my opinion, in a way that has improved the proposed issues." She said obviously, the tweaks didn't come back to the full Commission for consideration, so she can't speak on behalf of the Charter Review Commission.

Ms. Long continued, "But to consider sending this back for further review to do further public outreach, we could ruminate on this forever. And I think the ultimate public outreach is to get it on the ballot and let the public decide. And that's what we ask from the Charter Review Commission."

### **The Public Hearing was closed**

Mr. Shandler asked if there is a motion before he begins.

Councilor Ives said he has no additional questions for him at this time. He said at the earlier session we did introduce the Special Election Resolution which hopefully can be fleshed out based on the actions taken by the Council this evening, as per the plan stated previously at our meetings. He said the ranked choice voting was recognized previously, so whoever is elected, is elected by the majority of voters for whatever office. He said in recognition that the ranked choice machines aren't available, the proposal for runoff is until ranked choice voting is available, to put in place a provision that ensures someone who



has a majority of the voters will be elected. So, it is in place only until we have ranked choice voting. He said he wants to put to rest the notion that we are putting runoff elections above ranked choice voting. He said once ranked choice voting is in place, this runoff provision would not apply.

**MOTION:** Councilor Ives moved, seconded by Councilor Wurzbarger, to adopt Proposal A

**CLARIFICATION OF THE MOTION:** Councilor Dominguez said for clarification of the motion, you're talking about Column (a). Mayor Coss said it is for approval of Proposal A 2-A. Councilor Calvert said, "it is specifically the language in the Resolution and not dependent on any language or presence or absence in the charter."

**DISCUSSION:** Councilor Calvert said he would echo Councilor Ives' remarks on the runoff election. It is only a contingency, and people will say if you put it in there then it might come to pass. He said his sentiment is if we're going to change the government structure for a full-time Mayor and a Mayor with perhaps more powers, then the Mayor has to be elected by at least a majority of the voters. He said whether it is rank-choice or a "standard" runoff, we have to have that in place to occur at the time that these new provisions take place. And he certainly hopes that the people that spoke about the ranked choice and the voting machines are correct that they will be available any day, but he also knows we have been hearing that for a while. We also know we have a general election in 2014. So just because the administration has a certain sentiment on this in moving forward, if it doesn't happen before the general election in 2014, that could change. He thinks we need to have this contingency in place. He said in terms of what staff would have to do to rewrite our Codes, based on the possibility of the runoff, we're not in a big hurry to do that, and none of this takes effect until 2016. He said he would say wait until after the 2014 general election and see if we really need to do that. If it looks like it will continue on regardless of who is elected, there is less need for staff to jump in and start working on the Code changes at this point.

Councilor Calvert continued, saying he has heard people talk about having more outreach. He said he believes the Charter Commission did the best job they could to have outreach and they would admit that the turnout at some of their meetings was fairly dismal. He said he doesn't think you will get the people's attention until you actually put it on the ballot. He said the City Council will be glad to work together to get information to the public on this issue. However, he believes the best way to get the discussion going is to put this on the ballot to get the discussion started, or else no one will have an interest in reading about it or to discuss it.

Councilor Rivera said there is a motion to approve all of Column A. He was hoping that we would go by row instead of by column. He said there are things with which he agrees in Column A, and some he does not. He thinks a vote for the entire column would be unfair to all the issues, including what Councilor Calvert just brought up with regard to the runoff election, which he thinks should be considered separately.

**MOTION TO SEVER THE MOTION:** Councilor Rivera moved, "that we go by row, looking at each issue separately, instead of by the column.



**DISCUSSION:** Councilor Trujillo said, "Councilor Rivera, then we would vote, for example, Item 1, we would vote on a, b, c, d, like that. For example Item 2(b) Full time position and shall not be otherwise employed or self-employed. The mayor shall exercise administrative control and supervision over the City Manager.... Would we be able to separate those items."

Councilor Rivera said he envisions discussion on 2(b) and then to decide which ones we would like to vote on.

Councilor Trujillo said, "That would work for me."

Mayor Coss asked Councilor Ives if that would be considered a friendly amendment.

Councilor Ives said no. He said this comes to us from the Charter Commission as a related proposition, and said the proposed adjustments to the position of the Mayor have impact and directly relate to the changes and impacts in the Charter on the City Manager as well as the Council. He said, "While I understand the desire to try to separate it all, in many ways we stand a very real, and in my mind, good chance of coming up with something that as a result doesn't have internal consistency." He said as proposed it does have internal consistency. He said people this evening have talked about wanting to get this before the voters for consideration. If we take it apart, the proposal is severely compromised, and it is important to look at it as a whole, and he is prepared to debate on this. He said he is looking for action on the proposal as a whole.

Councilor Calvert said we can vote on the original motion and if it doesn't pass, we can consider the second motion.

Mayor Coss said it is not a motion inside of a motion, it is a separate motion, so the motion on the floor would go first, but that's what I want to ask the Parliamentarian, and asked Ms. Brennan to research the question while the discussion proceeds.

Councilor Wurzbarger asked if the intention of the discussion is to clarify the points, or tie it to the notion that each of these points, as approved by the Council, would stand as singular items, rather than as a consistent piece of legislation as proposed by the Charter Commission.

Councilor Rivera said we can have that discussion as we go through each individual item.

Councilor Wurzbarger said, "So you're saying that we're going to be discussing whether it goes on the ballot as a separate item as we go along and talk about the separate items."

Councilor Rivera said, "Correct."

Councilor Wurzbarger said, "So you're talking about separating the items now."

Councilor Rivera said, "Yes."

Councilor Wurzbarger said she is opposed to that.

Councilor Bushee said, "To clarify, I believe that the voters will want to vote on these separately, that would be my hope, and I believe it is incumbent on us to do that tonight. Just to clarify, my recollection of the last Council meeting, is when we were voting on policy statements, and the issue about the policy statement on economics was initially put in one way, and then amended, the amended motion was the one we voted on first. Again this is just a motion to sever and deal with things row by row, so we can let people.... that's how we are dealing with this. The last meeting it was also column by column, and that I believe is the most clear way, even though there have been a lot of changes, I think it's the easiest way to track."

Councilor Wurzbarger said if we go that way, it has to be clear that what is in the column is not what is proposed... it's not the official language, so we will have to just be able to introduce that as an amendment I suppose, but that's the way it goes."

Councilor Dominguez said, "I am interested in this motion, because I think Councilor Rivera is correct that there are some things in this column that I agree with and some that I don't. And I beg to differ that there has been no consistency. There have been two terms that have been tossed around. One is full-time Mayor and the other is Strong Mayor, and I see them as two different things. And I see some of these provisions complimenting one or the other and why I am in support of the idea to sever. Although they may all go in one question, that question should be reflective, in my mind, of the difference between what a full time Mayor is and a Strong Mayor."

Councilor Ives said in terms of considering A in its entirety, there is no incapacity within the Governing Body in discussing it to look at the provisions which are part of that proposal for discussion. He said regardless of how it is put forward, we can still discuss all of the provisions as much as people would like to, which isn't the point. He said the point is that the measures that are put forward are related to each other and do make contextual sense in terms of the amendments, and it is important not to piecemeal it to the voters, but rather to give a solid proposal. He said we are free to discuss the various provisions and still consider Proposition A in terms of a vote on the matter here tonight.

Councilor Trujillo said he understands what Councilor Ives is wanting to send to the voters. He asked what is the fear of putting a few extra questions on the ballot. He said we are going to let the voters make sound decisions on these amendments on which the Charter Commission worked very hard, and he isn't trying to change what they have done. He said if we separate them one-by-one, you are giving the voters the opportunity to vote on each of these, noting there are some things with which he doesn't agree. He said people will just spend more time in the ballot booth.

Ms. Brennan said, "Mayor, Councilors, I apologize for the delay and I am not a parliamentarian. There are main motions, and secondary motions. And a main motion, typically you cannot make a motion while another main motion is pending, but secondary motions address how the main motion on the floor is

considered, and that can be put aside while the secondary motion is voted on. It appears that you could vote on the motion to sever as preliminary to considering the main motion."

Mayor Coss said, "The way I interpret what you just said Kelly is the motion Councilor Rivera is making is in order. The argument Councilor Bushee is making for it makes some sense from the way that we have proceeded. What I want to point out is I think it's a different question, whether we're going to approve this, versus how many questions we put on the ballot. And that is still to come. And then, as I look, going across the rows, I see Row B, which is Councilor Bushee, is blank, except on have a vote on all matters, which is exactly the same as A. And then Councilor Rivera's column is mostly blank until you get to the bottom of the chart where it has quite a bit. So are you intending in your motion to vote on your Resolution at the same time if we go by rows."

Councilor Rivera said there are only two proposals for a full time position, and we could have a discussion on both proposals and decide which way we would like to go.

Mayor Coss said then when we get to Item D, we'll just keep going. He said, "I find then your motion is in order Councilor Rivera. Essentially, it's a motion to separate these questions and go by rows and consider each proposal row by row."

Councilor Ives said, "If it's a secondary motion from the point of view of conducting discussion on each point, point by point, that is one circumstance. If it means to totally replace the existing motion which is consider A as a body, then presumably, it's not a secondary motion if it's saying consider all the different provisions and figure out which one we want to select. Am I understanding that difference correctly."

Councilor Bushee said, "It's a procedural motion and it is exactly what was done at the last Council meetings when we dealt with policy issues. When it came to a policy statement, it was d o r e around the economy. As you recall, a new motion was made and that was what was vote on in place of the original motion."

Councilor Bushee continued, "But I would also just suggest, sort of politically Councilor, if you want to advance Resolution A and people have trouble with pieces of it, I was hoping it would be a friendly procedural motion so we could talk about all these things. The big bite, just taking Resolution A, and so I think it actually helped move your proposal forward."

Councilor Ives reiterated we easily can discuss all of the provisions and he wasn't trying to avoid that.

Mayor Coss said then you're accepting the suggestion that we go row by row as a Friendly Amendment.

Councilor Ives said, "For purposes of looking at them, what I don't understand we're going to do is look at each item across the rows and vote on each one, that in my mind would be substantially different, but I welcome the opportunity to discuss them all."

Councilor Trujillo said, "We vote on Item A, but like the example I gave, Item 2B, Full time position. So that would be one question, so can we take the second half of that as another question. Are we going to have this discussion, or when we vote on A, that's what we're sending to the voters."

Ms. Brennan said, "I'm not sure I understand your question."

Councilor Trujillo said, "Councilor Ives said he is willing to have the discussion. If we vote on A, I guess we're going to vote to approve it, but once we've approved it, that's my concern, we've approved it. This is what we're sending. How do we have more discussion to make one question that has 3 parts to it into 3 separate questions."

Councilor Calvert said he thinks what will be confirmed at the next meeting, is how many questions, and that's part of the Resolution, and asked if this is correct.

Mr. Shandler said, "The way it is set up now, there would be three (3) questions. Question No. 1 would be the runoff. Question 2 would be about the Mayor's powers. Question 3 would be about the Chair people voting. That's the default position we're taking right now, absent additional instructions from the Council."

Councilor Calvert said, "We could break the questions down further, because that's what the purpose of the next meeting is, if we resolve things tonight, is how they're going to appear on the ballot. Right."

Mr. Shandler said that is correct.

Councilor Calvert said, "So we still have the opportunity, after we discuss what we like and don't like, to determine how many questions that will be."

Mr. Shandler said, "Correct."

Councilor Calvert said, "Okay. We don't have to do them simultaneously is what I'm trying to get at."

Councilor Rivera asked Ms. Brennan, "If I were to withdraw my motion and we voted Column A, and it is not approved, where would we go from there, then we don't send anything to the voters."

Ms. Brennan said, "I believe you would. On a motion to approve everything in Column A, if the motion was defeated, it would have defeated the motion. That would not prevent you from then voting on another column, or voting by row."

Councilor River said, "But it would make everything in "A" a moot point."

Ms. Brennan said, "Yes, as a whole, but it would not make...."

Councilor Calvert said, "It would make all of the whole [moot], but not each one."

Councilor Wurzbarger said, "Let's not forget... I feel like we're forgetting how we've worked together for 12 years, or whatever. We propose a proposal, this happens to be A which was based on the Charter Commission and revised with input from all of our meetings. We don't then say, I make a motion to approve it, he made it, I seconded it, we go fine, we vote on it. We discuss it point by point by point. So I don't care. We can discuss it this way or that way. The point is, how are we going to build on what the Charter Commission did. How do we build on the public input that we have repeatedly received that the public wants something on this issue. So, if we go down or go across, it seems to me it's not that complicated. We could start with A, start with the first thing which doesn't appear in any other column, and if you suddenly come up with a new idea like we did at the last session that Councilor Bushee is referencing, it could be brought in using this as the context for the discussion. I don't see it as starting with getting rid of, or not approving A or disapproving B."

Councilor Calvert said, "Let's take one and start doing something."

Mayor Coss said he has already said Councilor Rivera's motion is in order, which is to go by rows instead of by individual resolutions.

**VOTE ON MOTION TO SEPARATE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

Councilor Wurzbarger suggested starting with run-off elections, and deal with the principle here with 7 people running for Mayor and being elected with only 15% of the vote. She said this is a backup plan, based on the information we had, if machines are not in place, do we again want to face having a race where a Mayor or City Councilor can be elected with 6, 10, or 12% of the vote, depending on how many people is requesting.

Mayor Coss asked Councilor Wurzbarger if she would like to approve A(1).

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve A(1) [page 1 of 7 of Exhibit "6"] as a backup contingency plan, should we not have ranked choice voting in place and not in lieu of ranked choice voting.

**DISCUSSION:** Councilor Dominguez said he has no problem with the motion, but he wants to make a quick comment. He said, "One of things we have to do is to use extreme caution when we move forward with this. If we have voters that are confused, it negates the concept of one voter, one vote. My caution is that the implementation is a concern, or maybe not a concern, but it is something that has to be heavily

considered. The example that can be given if you have a long time Santa Fe who has been voting all these years, and all of a sudden it is foreign to them and we don't make the effort to educate people about what is going on, that can be an issue. That's just my comment on that."

Councilor Wurzbarger said to reinforce what he is saying, we are going to have the same problem with ranked choice voting, and we will have a responsibility for educating the voters.

Councilor Dominguez said, "That is true, but ranked choice voting, for better or worse, was approved by the voters as opposed to runoff."

Councilor Rivera said he has concerns about a runoff election. He said it is difficult to get voters out, especially on his side of town, to a regular election. And to have them come back the second time to do a runoff election, he thinks we would see numbers closer to what they saw in Texas and believes it would be a much lower turnout. He said, "I also represent a part of town that has quite a bit of minority voters, and for them to take 2 hours out of their busy schedules working whatever jobs they have, for the regular election, they probably wouldn't do it for a runoff election. I think the turnout would be significantly lower."

Councilor Rivera asked Ms. Vigil the cost to run an election in Santa Fe.

Ms. Vigil said she budgets approximately \$100,000.

Councilor Rivera said then it would cost the same for a runoff and Ms. Vigil said this is correct.

Councilor Rivera said this doesn't make sense, especially since ranked choice voting is so close, and this will be a moot point in two ways anyway. He thinks we should just stick with what the voters want.

Councilor Dimas said suppose two candidates for office received 38% and 26%, and asked if there are statistics on runoff elections showing that the person who received the lower percentage actually won the election.

Mr. Shandler said, "There is a page in the packet about Santa Fe Mayoral elections and percentages on page 52. That's the only data we have."

Councilor Dimas said he is speaking strictly of runoff elections in other municipalities.

Mr. Shandler said, "We do not have that information."

**CLARIFICATION OF THE MOTION:** Responding to Councilor Bushee, Mayor Coss said the motion on the floor is to approve the runoff election until ranked choice voting is implemented, and that would be the language in the Resolution.

Councilor Wurzbarger said she is confused. She said, "We're trying to honor what we know was the will of the public with the sense of wanting to have our elected officials elected by more of a percentage. Correct. But now, some people have said this, and this is new tonight to me and what you've picked up Councilor Rivera, that if indeed the research shows the probability that you could have a person elected with even fewer votes by virtue of the problems you've identified, that then defeats the broad goal and the reason for which it is intended. I am open to hearing other peoples' discussion on this further."

Councilor Bushee has watched ranked choice voting in a variety of different cities, noting Minneapolis had 35 candidates in its last election. The first time they did the ranked choice voting with an Excel spread sheet. She said there are all kinds of runoffs, and the one with the worst participation and to help minority candidates is the kind of runoff suggested in this amendment. She said, "Ranked choice, I understand there's education to it, but it gives everybody the opportunity to vote for their favorite and on down, and it creates the runoff for you without the expense of a runoff, and it would be very hard to get anybody out to vote, other than those with special interest in the second round. If this is a big concern, reopen the Charter Commission, and have them debate the fine points and nuances of it all. But I would suggest we stick with what 66% of the voters asked us to do in 2008, given that we're close to delivering the machinery and software to do it."

Councilor Ives said he recalls that the previous Charter Review Commission considered both ranked choice and runoff and decided to go with ranked choice and not to put runoff on the ballot. He said the underlying principle is that whoever is elected has the support of the majority. He said nobody is proposing to replace or supplant ranked choice voting. He reiterated this is being proposed until ranked choice voting is available and we are ready for it, the idea is that the officials coming into office have the majority support. He noted ranked choice voting was chosen to supplant the plurality vote, and this allows for a plurality until ranked choice voting is in place for the reasons he stated previously.

Councilor Calvert said he agrees in theory, but as we get more clarity on runoff elections, the 38% for one candidate might represent more people than if you had a run-off. He said in a runoff they technically may have been elected, but the 50% represents fewer than the 38% plurality. He said this is the conundrum. He said he is quite willing to let this one go, leave it as is, and hope for the best.

**WITHDRAWAL OF THE MOTION BY THE MAKER:** Councilor Wurzbarger withdrew her motion, commenting it was made with the best intentions, but after discussion she thinks it may not get us to our goal.

Councilor Ives said, "I certainly appreciate where we're ending up here, but I must admit I am frustrated on decision-making based on assuming the worst, rather than assuming the best." He said we need to expect that whoever comes out of the runoff as the victor is going to have less votes than whoever it was winning a plurality in the first round, which gives way to a circumstance we should fight against which is how to motivate people to get out to vote. He concedes to the discussion, but he cannot ultimately endorse the rationale behind it.

Councilor Bushee said, "I endorse your enthusiasm and optimism, but I would suggest your reason for proposing the runoff with 50% was really assuming the worst outcome in the plurality vote. I just want you to take it back a notch and reflect on that.

**MOTION:** Councilor Rivera moved, seconded Councilor Bushee, to approve 2(a), which is the Charter Commission recommendation, which is that the Mayor will have a vote on all matters that come before the Governing Body.

**DISCUSSION:** Councilor Rivera noted that the chairs of boards and commission don't vote, and if asked if that is a separate issue.

Mayor Coss said that doesn't have to be a question, and each Chair can say whether they will vote or not, or we can change the Governing Body rules.

Councilor Bushee said the Governing Body Rules of Procedure can be amended to accomplish this.

Councilor Bushee asked the effective date of this provision.

Mr. Shandler said, "First about the chairperson voting, that is Item 3 on tonight's matrix, and do you want to wait to discuss it then. What I'm doing is I'm comparing packet pages 12 and 45 in the packet."

Mayor Coss said then you're looking at Councilor Rivera's Proposal D.

Mr. Shandler said, "No, I'm comparing pages 12 and 45."

Councilor Bushee asked if the question about the Mayor voting has to be put to the voters.

Mr. Shandler said, "Yes, because the current Charter would have to be changed."

Mr. Shandler said the effective date is something to be discussed. He said, "The last item in A talks about an effective date for Mayors and Councilors who are elected at the March 2016. That is the Charter Commission's recommendation for all of these we will be discussing tonight."

Councilor Bushee said, "If you wanted to change the effective date, could you put an effective date of 2014 on that one.

Mr. Shandler said, "The general rule for the effective date is 60 days afterwards. And I guess for specific items you feel can wait for 60 days that wouldn't affect a Mayor that is considering running for office, perhaps you could parcel it out that way. I think it was the Charter Commission's decision that all of these should be delayed so the next Mayor knows what he or she are getting into.



**FRIENDLY AMENDMENT:** I would ask as a part of my second, that we put in an effective date of 60 days after the election for the Mayor to vote on all items. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

**VOTE:** The motion, as amended, was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Question/Explaining her vote:** Councilor Bushee said, "Yes. And would be it be beneficial to put.... can we have the discussion at the same time of how this is to go to the voters and get it done with or do we have to do it later. Mr. Shandler said, "If I understand your question, is we're trying to work out how many questions, and right now it's staff's default position that everything in two would be one question, absent additional direction from the Council. Councilor Bushee said, "I think they should be separate. Let's just get through this and I don't know how you want to deal with it. Mayor Coss said, "We can deal with it on December 13, 2013, when we adopt the final Resolution. Councilor Bushee said, "I want to deal with it all in one motion, so we didn't have to revisit it so many times."

**MOTION:** Councilor Bushee, seconded by Councilor Rivera for purposes of discussion, to make as a separate question, the issue of the Mayor having a vote on every question.

**DISCUSSION:** Councilor Calvert said he prefers to wait to decide what we will include or not include, because that may instruct us as to how many questions we might want to put on the ballot. He said if we eliminate a lot of this stuff, we may be able to consider it as one question.

**WITHDRAWAL OF THE MOTION BY MAKER:** Councilor Bushee withdrew her motion.

Mayor Coss said the next item for consideration is Item 2B.

Councilor Dominguez asked if language was stricken from this.

Mr. Shandler said, "On page 12 of the Resolution, the language would read in the first sentence, 'Be the Chief Executive Officer of the City,' with new language, 'which position shall be no less than full time.' There would be a second sentence that would say, 'The Mayor shall exercise administrative control and supervision over the City Manager, City Attorney and City Clerk.' Looking to packet page 45, you will see that Councilor Rivera's language is, 'Would be the Chief Executive Office of the City whose position is full time, no less than 40 hours per week, and shall only be employed by the City and shall not be otherwise employed or self-employed'."

Councilor Dominguez said his question on 2(b)(A), is do we have a definition of "Administrative Control," and if this is going to be inherent. He said, "I have no opposition to this one, as long as I understand administrative control being that.."

**MOTION:** Councilor Ives moved, seconded by Councilor Wurzbarger, to approve Section 2(b) to read, "Be the chief executive officer of the City, which position shall be no less than full time. The Mayor shall exercise administrative control and supervision over the City Manager, City Attorney and City Clerk, with the proposed amendment [Exhibit "7"]."

**DISCUSSION:** Councilor Bushee said Mr. Shandler said something about two separate questions when he introduced this and asked the reason for two separate questions.

Mr. Shandler said, "If I said it was two separate questions that is inaccurate. It is staff's default position, which you can change, is that everything in 2 is one question to the voters."

Councilor Bushee said so we are not considering, when you suggest that language, the hiring and firing of those three positions.

Councilor Wurzbarger and Councilor Calvert said, "Not yet."

Councilor Bushee said, "Okay, just trying to be clear. So is it your assumption that this question, separate from the hiring and firing, would be put out to the voters or not."

Councilor Ives said, "If you are asking if we approve the motion, would it go out to the voters, the answer is clearly yes, although we haven't determined, pursuant to Councilor Calvert's earlier discussion, whether it would be put forth as a separate question, or as integrated proposal."

**CLARIFICATION OF THE MOTION BY THE MAYOR:** Mayor Coss said, "So we have a motion and a second on the language in 2(b) in the Resolution proposed by Councilor Ives and Wurzbarger, with the amendment they put out tonight [Exhibit "7"], which is for a full time Mayor only, and not 40 hours and not no other employment."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**Question/Answer/prior to explaining his vote:** Councilor Trujillo said, "I was discussing this with Councilor Ives. So if we vote yes on this now, when we have the discussion next week, whenever it is, this question as it stands, 'Full time position and shall not be otherwise employed or self-

employed.' I would consider that one question. Then the second question, 'The Mayor shall exercise administrative control and supervision over the City Manager, City Attorney and City Clerk.' Are we going to separate these, with a vote of the Council, separate these into two separate questions. If I vote right now, that's the way it stands, the way it goes to the voters.

**Mayor Coss** said, "No, because we'll still decide the questions at the next meeting. **Councilor Trujillo** said, "Then I'll vote yes, as long as that is clarified to me." **Councilor Bushee** said I just had Councilor Ives clarify that he saw that as one. **Councilor Calvert** said, "He sees it that way, but we haven't determined that." **Councilor Trujillo** said, "When we have that discussion next week, we will have that chance to separate them. That's what I'm hearing now, right, and when we come next week and then you guys tell me no." **Mr. Shandler** said, "That's right. Mayor it will be on the consent agenda and if you disagree, it will be pulled off consent." **Councilor Calvert** said, "Or we can have that discussion later tonight after we have decided on what is included." **Councilor Bushee** said, "If I like the motion, one as a whole, I'll vote yes." **Ms. Vigil** pointed out we are on Councilor Trujillo's vote.

Mayor Coss said we are now on page 2 of 7, and consideration of 2(c).

Mr. Shandler said, "The next item would be just you would still retain the authority to approve the Manager, the Attorney and the City Clerk, and they struck out 'subject to approval,' because the Commission thought it was duplicative of consent. And the Mayor's powers below, we would talk about the removal part, so everything on the menu is the same with the exception of Column A, which contemplates no City Manager, so that would be struck out. Okay, let me try again. So this proposal is identical to what the Charter Commission had. Okay, let me just read the language then, 'Appoint, with the consent of the governing body, the City Manager, City Attorney, City Clerks and members of the Advisory Commissions.' That's the proposal on packet page 12. On packet page 45, it is identical, except it strikes City Manager."

Councilor Rivera asked if this is the way we do it currently.

Mr. Shandler said that is correct. He said, "There's two points I failed to make, but I'll try, is that the Charter Commission struck through language, because they thought it was duplicated, and added what they felt was better phrasing, 'with the consent,' so your powers are the same. They just thought it was better language. The only thing different is your proposal, and you strike out City Manager."

Councilor Calvert said then it is more a clarification than a substantive change.

Mr. Shandler said he needed to back up, because there is another major concept in the triad here. He said, "Here, we're talking about the Mayor's powers to appoint and remove, subject to the approval, with the consent of the Governing Body. So the Mayor would appoint and remove, subject to your approval. And what this proposal is on page 12, you would still consent to the approval, but it strikes the words 'remove subject to your approval,' and moves the Mayor's power to fire the City Manager down to (g)."

Councilor Calvert said perhaps the Charter Commission had a different notion, but if we move the removal of the City Manager to a separate issue, and we're just talking about appoint with the consent of the Governing Body, and asked if that is substantially what we do now and is that in the Charter now, does it say that right now.

Mr. Shandler said, "Yes. So, in the debate you're having things integrated, so that's one of the issues here. So what we're talking about here are the Mayor's powers, and right now the power of the Mayor to appoint these three officials, and remove them. He or she still retains the power to appoint. He or she still retains the power to remove, but that phrase 'remove' is moved to (g) below."

Councilor Calvert said if we are parsing this out as we've said is the way we're going to approach this, then this is sort of a moot point. The proposed Resolution separates these two things. He understands the current Charter has them together. The only difference is Councilor Rivera's removal of language 'with the consent of the Governing Body.'

Mr. Shandler said, "It gets rid of the City Manager."

Councilor Calvert said then there are only two choices. We can vote for the *status quo* with the separation of the removal aspect, or we can vote for taking the City Manager out of this aspect.

Mr. Shandler said, "But, the City Manager has its own sections in the eight hundreds, and the proposal from the Charter Commission which is incorporated in Column A, which is the City Manager may be removed only by the Mayor."

Councilor Calvert said, "If we're going to do these things line by line, if we're separating the removal part, then the choices are basically the Charter Commission's version with the removal separated as is the same in Column A, or within Column D. Then we'll get to the removal part when we get down there."

**MOTION:** Councilor Calvert moved, seconded by Councilor Rivera, to approve the language of the Charter Commission recommendation and the Column A recommendation.

**DISCUSSION:** Councilor Rivera asked what happens if this goes to the voters and they don't understand this the way it is currently, and they vote it down, it puts us in a bid of a quandary.

Councilor Calvert said he is trying to distinguish between what is current and Councilor's proposition in Column D. He said whether we include it is another decision.

Councilor Rivera said C and D are moot points. He said his proposal is just for clarification that if you have a Strong Mayor, you don't need a City Manager. We just approved a full time Mayor which he sees as different from a Strong Mayor, and his proposal to get rid of the City Manager is probably not worth looking at.

Councilor Calvert asked Councilor Rivera if he wants to withdraw his proposal on this one.

Mayor Coss said Councilor Rivera is not making a motion. He said, "There is a motion on the floor, and I suggest a roll call so we can get to the next question."

Councilor Bushee asked if this is the *status quo*, why would we put it to the voters.

Councilor Calvert said we don't have to do that, and we can just say we don't want to put it on the ballot.

Councilor Bushee asked when we make those decisions and Councilor Calvert said after we go through this whole thing.

Councilor Bushee asked if we are going to do this tonight and Councilor Calvert said, "We can, but it depends on "however long you want to be here."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ives, Councilor Trujillo and Councilor Wurzbarger.

**Against:** Councilor Rivera and Councilor Dimas..

Mayor Coss said we are now on Item (d), and Councilor Bushee asked if we have to this, and if we can just move on to Item (e).

Mayor Coss said we are now on Item (e).

Councilor Ives said in removing (d) he is unsure what that means.

Mayor Coss said we are talking about 2(d) and there were no motions, so it dies for lack of a motion and we're on 2(e).

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Rivera, to approve 2(e) which is different from the Charter Commission recommendation and which is the same as our Proposal A, which is "The Mayor will have sole authority to remove the City Manager, the City Attorney and City Clerk, " leaving the responsibility where it is with respect to department directors, as it currently exists."

**DISCUSSION:** Councilor Dominguez said he will be voting against the motion. He said he respects everyone's position and opinion, but he has a fundamental disagreement. He said allowing the Mayor

alone to remove City officials is a dangerous precedent. He believes it increases the potential misuse of power in placing the authority in the hands of one person, rather than having the authority placed in a majority, however you want to define a majority.

Councilor Dominguez said with respect to the turnover in City Manager, "I would rather lose a City Manager from a majority vote, than to open the door to the potential abuse of power and have that done by just one person. That's my position on it, it's pretty simple, and I respect whatever happens with the decision that is made tonight."

Councilor Bushee asked the effective date of this provision.

Mr. Shandler said the Charter Committee recommended 2018.

Councilor Bushee asked what is the wish of the maker and second.

Councilor Wurzbarger said they recommend 2018, commenting she would like for it to be effective in 2018.

Councilor Bushee said this is getting better as we move forward, noting she previously had concerns and this would be the Strong Mayor plank which makes the Mayor's position a little stronger. She because you are calling the Mayor, with our previous actions, the boss or having 'administrative control and supervision over the City Manager, City Attorney and City Clerk, it's not a stretch to say these would be the positions the Mayor would fire, hire and supervise. She said there is an initial appointment of department directors when a new administration comes in. She wants to be clear that still remains in the hands of the City Manager, and this Mayor will have the opportunity to hire, supervise and fire. She is struggling over how to have the checks and balances needed. She said she has lived through a very strong Mayor and a very strong City Manager, and we were not always on the same page and we had to take some corrective action.

Councilor Bushee continued, saying she is struggling, because she sees the need for accountability and an ability to put forward an agenda, and put it into effect. However, she is still struggling with the need for accountability. She wishes there had been discussion as to how to select a City Manager by the Charter Commission, and as a community. She sees the accountability. She talked about what might happen in the event there is a situation where there is a rogue Mayor and City Manager. She said she had Face Book conversations with people from Colorado Springs who just underwent the Strong Mayor and it wasn't a good result. She asked about checks and balances.

Councilor Ives said there are number of checks and balances inherent in the system. The electorate that puts the Mayor in place has the capacity to remove the Mayor.

Councilor Bushee said that takes a lot of effort.

Councilor Ives agreed, noting that isn't being changed. He said there also are provisions under State law that if the rogue circumstance is such it involves criminal activity, the Court can be petitioned to remove that person from office.

Councilor Bushee asked about amending the proposal to provide that the City Manager can be removed by the City Council only by a super majority vote by 6 Councilors.

Councilor Wurzbarger said to her, in the hierarchy of what needs to be corrected, and we use the term "rogue" Mayor, we don't have a structure that opens the opportunity for Councilors to take positions against the City Manager because they disagree with a decision. She asked, "What is it you need to have control over in terms of the person is coordinating and administering all of the activities of City staff. This is not a policy function. She wants "rogue" defined. She said with the transparency, the votes taken by the Council, and the ability to say what's wrong with the Mayor, she thinks there is a way to deal with it without a super majority. She said by doing a super majority you have a problem.

Councilor Bushee said her definition of a "rogue Mayor," is an "autocrat." She said she will be voting against the motion, because the checks and balances have been removed which is a scary prospect for her.

Councilor Trujillo said he will be voting against the motion. His concern is this will take the City from a democracy to a monarchy, commenting he has seen this in certain Mayors that have served, clarifying that doesn't apply to Mayor Coss. He said in the time he has been on the Council there have been several City Managers where some Councilors could get something done while others couldn't. He said he likes this opportunity as a Councilor. He said it is the City Manager's job to keep everyone on their toes and accountable for everything. He said, "If things aren't getting done in my District and the City Manager isn't pushing people to do it, I want the opportunity to say, hey, you know what, if things don't start changing, and I get 5 votes, you're out of here."

Mayor Coss said, "I think that's exactly what we're trying to change, so well stated."

Councilor Dominguez said, "On that issue, all things being equal, this discussion would be much different. But what it comes down to me as well, is that the intent to move in a Strong Mayor direction is great, but in terms of government structure, it's the lack of resources that some City Councilors have. And that's of concern to me. When you have a 'Strong Mayor,' with that much authority and that many resources, it's very hard for a City Councilor to legislate without some increase in resources. If there was a whole different restructure of giving the Mayor additional powers, or making him or her stronger to be able to give the Governing Body some of those resources as well, is worthy of even more discussion. As it is right now, it's something that I can't support."

Councilor Wurzbarger said, "This is a very narrow issue. I understand what you are saying about needing more resources, but how does having the ability to fire....is that a resource."

Councilor Dominguez said if he is going to rely on the City Manager to provide him information which contradicts the Mayor's position, then he doesn't have the equivalent City Manager that can get him information or get the things he needs so he can resolve issues. This is only a part of it."

Mayor Coss said, "I understand. I would point out the discussion is whether we'll let the people vote on this question or not, so I would hope for a yes vote to continue this discussion. To me, this is another little step along the way towards not a strong Mayor, but a stronger Mayor. We have this form of government in Albuquerque, and the Governor certainly has to take her appointees to the Legislature and get them confirmed. But then she's not counting does she have 50 votes to keep them from getting fired the next day. When you elect the wrong people, bad stuff happens. I'm old enough to see that, whatever form of government you have. I would say first, let the people vote, and this is the meat of the question – is the Mayor the Chief Executive Officer, or the Chief that goes to meetings or ceremonial events Officer for the City."

Councilor Bushee, "This isn't at all the Albuquerque form of Strong Mayor government."

Mayor Coss said, "What I'm saying is, if you look at the spectrum, you can see what the Governor of New Mexico has, the Mayor of Albuquerque has, and this is still down on the spectrum because there still will be a City Manager. The Mayor would still appoint only the Manager, Attorney and Clerk, with, and one of the checks and balances would be, with the consent of the Governing Body. Having worked in government a long time and in the Executive with the Governor, it's not good politics and it's kind of dumb to ignore your legislative body, and not try to fulfill the laws or the policies being made. And I would also say the Council right now, any time they want to, can create the equivalent of a Legislative Council Service and have more assistance, more independent assistance from their own staff. And the State Legislature did that a long long time ago when they created the Legislative Council Service. And so now you see things from DFA and Council Service, we're not to that area. But I would just say, yes the crux of the matter is making the Mayor a stronger chief executive officer, because right now they're not."

Councilor Bushee said she is still interested in defining what a Chief Executive Officer is through these questions we put the voters. However, to have the sole authority to remove the City Manager, City Attorney and City Clerk does not necessarily make it a Strong Mayor position. If we want legislation, currently we go to the City Manager. We thus far have voted to make the Mayor the boss of the Manager, Attorney and Clerk. She said we have no way for the Councilors to get things done, unless we go to the Mayor who is now the boss of the City Manager, City Clerk and the City Manager. We don't have a Legislative Council Service, or a Deputy City Manager that they report to. We don't have that structure in place. We still have a strong City Manager form of government, in terms of definition. We're missing one link from her perspective and it hasn't been offered up yet.

Mayor Coss said they have offered a super majority.

Councilor Wurzbarger said that isn't a link, it's the same process that will continue – trying to run the City based on fear and threat, rather than performance.



Councilor Bushee reiterated there is still a missing link, commenting you can't exclude the City Council.

Councilor Wurzbarger asked Councilor Bushee what she is being excluded from, other than firing the City Manager.

Mayor Coss said what he is hearing from Councilor Dominguez and Councilor Bushee is that if a Mayor didn't like them, and they wanted the Attorney to draft a piece of legislation, the Mayor would say, don't do anything for them. If the Mayor could fire them, then they wouldn't do anything for a Councilor out of favor with the Mayor.

Councilor Bushee said it's sort of like what happened to her during her first term in office. She said under the first Mayor with whom she served, a Councilor couldn't request anything from staff without going through the City Manager, and the City Manager was to some degree restricted in terms of access. You were left with how to do your job. It is important to have accountability if you're hiring. If you are out of favor with the Mayor you are "SOL." It's a very practical matter about how the various arms of government interact. It has been very important to have this discussion to discuss roles, duties and powers. Our Code is vague, and this has been an important discussion. She reiterated she isn't seeing the one piece to make her comfortable to consider this. She said it makes sense if you look at it from the corporate model of a CEO. However, there is a body of 8 people who want to do their job and needs to be assured that they can.

Councilor Ives said we have clarified the intent was never to change the Council's powers in terms of policy. We are the chief policymaking body. Additionally, we have the power of the purse.

Councilor Bushee said we still have to go through a City Manager and Mayor.

Councilor Ives said when it comes to budgets and such, that is within our power. He said if we were in the position where the Mayor and City Manager were ignoring the policy pronouncements of the Council and going in an entirely different direction, we have the capacity to not appropriate funds for those larks being pursued by an administrative officer and Mayor who aren't observing, as required under the Charter.

Councilor Bushee said once a year we do a budget.

Councilor Ives said the budget is approved by the State, and we have appropriations to various accounts, and when they come to the Council with an FIR for something being pursued as a lark with complicit consent of a City Manager, we have checks and balances through the power of the purse to prevent that from happening. This is a real check and balance we've seen nationally lately. There is a real check and balance in the power of the purse, and you could call on the State Auditor who would check on expenses being made which are out of conformity with the budget. He said it may be realistic that a Mayor and City Manager might do that for a short period of time, but the Council would have this avenue.

Councilor Ives said if there is a rogue City Manager, the first point of contact is the Mayor who is the democratically elected person within the City who is voted upon by the entire populace. He said we can't eliminate the small possibility that a Mayor or City Manager could become rogue. He said, "But nor can we do that with regard to a City Council which again, by its actions, has caused how many City managers to have left over the course of time. And as the Mayor points out, that's really the issue we're trying to address with this and that is the issue that again, I'm hoping we could all agree to get to the people of Santa Fe, because it is a significant issue and one you have heard. How many people who have appeared before us tonight say, give it to the voters. And when they call for more opinion and debate, let's get it on the ballot so we can have that debate. For me, that is the very opportunity to try to get voters out in the next election, because they'll have something very significant to try and take up during the elective process, and something we can all go out and talk about, regardless of our position and try to ensure there is significant voter turnout across the City, because it hasn't been great. This is a real opportunity for us to lead that charge to turn out the vote."

Councilor Bushee asked to "stop with the fallback position of let's put it to the voters, if we want them to put what we want to the voters." She said we've had good, thoughtful discussion on some of these issues and the intent is to put out what we think is the best policy. She hasn't heard the answer to her question about checks and balances.

Councilor Wurzbarger suggested Councilor Bushee reframe her question. She said, "What I've heard beyond checks and balances, and some of which has been provided you do not see as sufficient. What I've heard from Councilor Trujillo and what I think I heard from Councilor Dominguez is the issue of resources, and even in your own comments, Councilor Bushee, not having access, I won't be able to get done what I want to have done. Is it possible, in terms of the governance structure, to put some language on the side of the Council's authority, with respect to access, rather than firing, having access, but putting that either and/or in the job description of the City Manager, and also in terms of the authority and the expectations of the Council, if indeed, that is the primary objective here, which is to have the resources available to you that you need. And there are other ways to get that, rather than threatening to fire somebody because they didn't do what you wanted them to do."

Councilor Dominguez said it all depends on how much resources. He said, "We aren't necessarily talking about this administration, this current administration. With respect to budget, Councilor Ives, if I need to get information for a budget that I can approve or disapprove, the only resource I have is the City Manager to provide me that information, that is hired and fired by the Mayor. I come back to the idea that all things being equal, this discussion might not be the same. But there is certainly and definitely a disparity in the numbers of voters we have in the different parts of our community. Not that it is happening or has happened, but it could happen that that disparity could be part of the lack of resources I may need to disqualify that disparity. I'm concerned that it's not equal. I'm relying on the information the City Manager gives me. If I had my own person, and I could say budget the Mayor is relatively consistent with mind. The priorities that my constituents have identified are reflected in this budget. Then I could say sure, but that's not the case with this proposal. If the City Manager is proposing a budget that is contrary to the priorities of my constituency I just have to rely on that information. It's not that simple and it's not that

complicated either. That's the reason I was supportive of allowing the Mayor to be the boss in charge of the City Manager, City Clerk and City Attorney. However, giving me no recourse to correct anything doesn't sit well."

Councilor Ives said he doesn't believe the Council lacks that power. He has been through two budget processes, and the budget is prepared within the administration to be brought to the Finance Committee, which he Chairs, and we go through exhaustive detail.

Councilor Dominguez said he is reliant on the information the City Manager gives him.

Councilor Ives said they would still be doing it that way, but we do have the capacity to say we won't act on a particular matter until we are satisfied with it, and we have the capacity to seek and ask for additional information so this Council can make an informed decision.

Councilor Dominguez said he agrees, but "until you get burned once, you might have second thoughts."

Councilor Ives said we are always cautious in evaluating the information that is brought before us and we do feel free to question what is behind it, and we would still have that capacity and we aren't in the circumstance of being compelled to act until we are satisfied."

Councilor Dominguez said he isn't debating that, but he doesn't have the same amount of resources.

Councilor Calvert said each District has the same number of potential voters and that is why we do redistricting, although we may not have the same voter turnout, commenting they may not all be registered voters.

Councilor Calvert said, in terms of not having the same resources to get things done in our District, that happens in Congress as well. However, the Mayor is the only one with the overall City perspective, and you may not agree, but that person is elected by the whole City and not Districts. We are elected by District because that is the way we have to do it. We all need to get things done in our Districts, but we need someone with the whole community in mind who has to weigh the priorities. And we are sometime District-centric at times, and that applies to him as well.

Councilor Trujillo said we've had the discussion back and forth and called for the question.

Mayor Coss said, "I want to say something first, because I was going to throw something out, because I hear what Councilor Bushee and Councilor Dominguez, especially are saying. I don't think it's particularly advantageous to the community that if you don't get what you want from the Manager, you start shopping for your votes. You could do that in a good way, or they're ignoring the law or ignoring the appropriation or they're ignoring my District, or you could do it in a bad way. I'm sensitive to what you're saying, and I want to put the idea out that the Manager, Attorney, Clerk, their manager would be the Mayor, the CEO, and they could be discharged by the Mayor, but the Council could discharge the Manager with a super majority

vote. In other words, the Mayor wouldn't have to shop for votes to discipline or dismiss one of the people they supervise. I would say 6 votes, but I wouldn't want the Mayor to be responsible as the chief executive officer and then to have to get votes to execute his or her responsibility."

Councilor Bushee said she doesn't think it is a far stretch for the Council to come up with 6 votes, especially if things are out of control, commenting this provides the missing link for her.

Councilor Dominguez said he could live with that, and he would rather lose a City Manager with, in this case, a super majority without having that kind of discussion and consideration.

Councilor Bushee said we need to be very clear about how the question is put to the voters.

Councilor Ives said, for clarification, he understands that the Mayor has the capacity to independently remove the City Manager, but there would be a separate capacity in the 8 City Councilors to remove the City Manager with not less than 6 votes.

Responding to Councilor Bushee, Councilor Wurzbarger said she moved that the Mayor have the capacity to remove the City Manager, the City Clerk and the City Attorney. She asked Mr. Shandler for the appropriate language.

**FRIENDLY AMENDMENT:** Councilor Bushee would like to amend the language of A(a) as follows: "..... have ~~sole~~ authority to remove the City Manager, City Attorney and City Clerk." And in Section 8.04, the City Manager section, possible language would be, "The City Manager may be suspended or removed by the Mayor, or by the Councilors with a super majority vote of six (6) Councilors at a regularly scheduled Council meeting." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND FOR PURPOSES OF DISCUSSION, AND THERE WERE NO OBJECTIONS BY THE OTHER COUNCILORS.**

**DISCUSSION ON FRIENDLY AMENDMENT:** Councilor Calvert questioned the need for the words "super majority," if we could just say 6 Councilors, commenting these are redundant terms.

Mr. Shandler said, "That would be okay. I guess we were kind of brainstorming, and the point is to make sure there are 6 votes and if some of you were absent, it was still understood you need 6 votes."

Councilor Calvert said, "It's not a super majority of those present, it is six people, period – six members of the Council, regardless of who is present."

Mayor Coss said that is correct, that there needs to be 6 Councilors attending and voting.

**VOTE:** The motion, as amended, was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dominguez, Councilor Ives, and Councilor Wurzbarger.

**Against:** Councilor Rivera, Councilor Trujillo and Councilor Dimas

**Explaining his vote:** Councilor Ives said, "I'll vote yes, but I'll make a statement after the vote."

Councilor Ives said, "Well, I acknowledge that what we have just voted on is an improvement over where we are, and ensures that there is a greater number involved in any possible removal or threat of removal made to the City Manager by this Council. I certainly wouldn't have brought forward this proposition to eliminate that power fully if I did not think it was appropriate. And I remain firm in my conviction that the best action we could have done and the best action we could have given to the people of Santa Fe was to have eliminated that capacity on the Council and have given that capacity to the Mayor. Again, to me that most respects the elective process with the Mayor as the sole elected representative of the City of Santa Fe. And I believe there were sufficient checks and balances, as we have discussed at our meeting here tonight. So, while I vote yes, I am disappointed that we are not taking to the people of Santa Fe this opportunity to have a real watershed change in some of how we do our governance."

Councilor Rivera said, "Anything that had the City Manager removed, I withdrew, but I still have the last one with regard to salary. I think that's an important one for the voters."

Mayor Coss said we are now on Item 1(f), "work with City personnel and timely prepare an annual budget and proposed spending priorities for review and approval by the Finance Committee and the City Council."

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Rivera, to approve Item 2(f), work with City personnel and timely prepare an annual budget and proposed spending priorities for review and approval by the Finance Committee and the City Council.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**MOTION:** Councilor Wurzbarger moved, seconded by Councilor Ives, to approve Item 2(h), present an annual state of the city message, which shall identify among other matters the Mayor's legislative agenda for the upcoming year.

**DISCUSSION:** Councilor Rivera asked Councilor Wurzburger if her motion excludes any discussion with the Council, because the way it reads the Mayor sets the legislative agenda, and it is his or her agenda.

Councilor Wurzburger said if you put that "with the next one it," it will answer his question.

Councilor Ives said if you refer to the language in the packet, that's the best place to look for the delineation, Section 6.02(a) of the Resolution, packet page 13, lines 14-16, provides, "The Governing Body shall serve as the principal policymaker of the City and shall, as it deems necessary, amend consisting policies that are consistent with other provisions of this Charter. The Governing Body shall consider the Mayor's annual legislative agenda put forth by the Mayor."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

**Against:** None.

**MOTION:** Councilor Wurzburger moved, seconded by Councilor Bushee, to approve Section 6.02(a) of the Resolution, packet page 13, lines 14-16, which provides, "The Governing Body shall serve as the principal policymaker of the City and shall, as it deems necessary, amend consisting policies that are consistent with other provisions of this Charter. The Governing Body shall consider the Mayor's annual legislative agenda put forth by the Mayor"

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzburger.

**Against:** None.

Mayor Coss said we are now on Item D from Councilor Rivera.

Councilor Rivera said he heard from many people who feel if we going to have a full time Mayor or Strong Mayor, in voting for this, they would like to see what the salary should be. He said many people felt this should be up to the Council, which could be done. His proposal is that the Mayor should not make less than the highest paid officer of the City, but shouldn't be more than 10% higher than that amount. He said it is a significant salary, but believes it is worthy to put it to the voters what the Mayor would be earning.

Councilor Calvert asked whether we should set our own salaries and if we can,

Councilor Bushee said in the past it has been based on the County Commissioner salaries and the size of a municipality, and then we have to accept our own salaries.

Councilor Calvert asked if we have total say over what the salary could be.

Councilor Bushee said when the Class A County Commissioner salaries increased, we got the same salaries, that's what the Charter says.

Responding to Councilor Calvert, Mayor Coss said we already have the power to do that.

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to approve the language in Proposal D that provides that the salary of the Mayor is limited to 10% above the City Manager's salary.

**DISCUSSION:** Councilor Calvert said he is unclear what we are voting on.

Councilor Ives said the proposed language says the Mayor's salary is limited to the highest paid department director, asked if this means can't exceed, or must be equal to. He said he would argue against putting an amount to the voters.

Councilor Rivera asked the reason.

Councilor Ives said the existing Charter contains the following language, with regard to this provision which is, "6.02(C) Powers and Duties of the Governing Body. 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 4 years." He said this seems to have worked well over time, reiterating he hesitates to put fixed salaries in the Charter, because we only change those every 10 years. He thinks it is much more prudent to do it by Ordinance. He doesn't see that level of specificity is called for in the Charter. His presumption is of rational discourse in decision making. He sees no reason, based on existing circumstance, that that's going to change at all.

Councilor Rivera said the voters deserve to know what this change will cost them. He said since the City Manager is the highest paid official in the City, he doesn't think the Mayor should make less than that. He said we talk about transparency, but we're saying vote for this, we'll set it later, but the voters deserve to know up front the approximate cost.

Mayor Coss said Councilor Rivera has achieved this with his language, because the Mayor's salary is limited to 10% above the City Manager, and the people know what the City Manager's salary is right now. He doesn't believe the City Manager's salary should be in the Charter.

Councilor Rivera said we could change it to 10% above the City Manager.

Councilor Bushee said she would like to put an approximate amount to the voters, not to build it into the Charter.

Mayor Coss said it shouldn't be in the Charter but it should be in the information to the public.

Councilor Bushee said someone said it should be comparable to cities of our size in the region and in New Mexico, and asked if anyone ever took that survey.

Mr. Shandler said, "Albuquerque's Mayor's is 103,000 Albuquerque which is set by the Albuquerque Independent Salary Commission and the Councilors make \$10,500. The City of Farmington's Mayor makes \$15,000 and their Councilors \$10,000. The City of Las Cruces's Mayor makes \$74,000 and their Councilors make \$29,600. The City of Rio Rancho in its last election, the citizens voted for a full time Mayor. The City Council hasn't yet set that salary by ordinance, and Rio Rancho Councilors make \$12,000, and in Santa Fe, both the Mayor and Council make approximately \$29,454. The City Manager makes more than the Mayors in all these cities."

Mayor Coss said Councilor Rivera's language said it won't be more than the City Manager's salary, but the Council can set it less with this language.

Councilor Bushee wants more discussion, commenting the Mayor's job isn't as tough as that of the City Manager, in terms of day to day activity. She had hoped we might be more in line with Las Cruces, which is about half of the City Manager's salary. She thinks we should clear and specific to the voters about what we're proposing. She will vote against this motion would make a motion to be more in line with the City of Las Cruces, and it would be fair to have the Mayor make twice as much as the Council because of the time commitment.

**WITHDRAWAL OF MOTION BY THE MAKER:** Councilor Rivera withdrew his motion.

**MOTION:** Councilor Bushee moved, seconded by Councilor Rivera, to compensate a full-time Mayor in the amount of \$74,000, which will be put out to the voters as information.

**DISCUSSION:** Councilor Calvert asked when it would be effective.

Mayor Coss said the Council could adopt an ordinance.

Councilor Bushee said she likes an independent commission to set the salary.

Councilor Bushee said it doesn't have to be put out to the voters, but she wants the voters to know what they're considering.



Councilor Ives said currently, the City Council has the capacity to set those amounts by Charter. He sees nothing wrong without that provision. He would be happy to cosponsor a Resolution as we got to the full time Mayor, for the appointment of a Citizens Committee to evaluate what other similar size cities do and how they compensate their Mayor, and make recommendations to the City Council. He said we're asking what information we can gather and how to make an intelligent decision in that regard. He said the people have trusted that to the prudent judgment of this Governing Body. He said his suggestion is to leave the language as is, and pass a resolution creating a Citizens Salary Committee.

Councilor Bushee suggested that the language create a full time Mayor's position, salary to be set by an independent citizens' committee, and then follow it with legislation.

Councilor Rivera part of the reason for wanting the voters to know the salary, is that initially people thought the salary would be \$200,000, plus benefits – that's what the voters think. He said if they're still thinking that, they won't vote for it.

Councilor Bushee said it should say somewhere what the recommended salary would be, which she thinks should be \$74,000.

Mr. Shandler said the Albuquerque language is, "The Mayor's salary shall be determined by a Citizens Independent Salary Commission," so that is possible language. Other possible language is that it could not exceed ½ of the City Manager's salary, or twice the salary of a City Councilor. He said if you tie it to a known salary, in the election guide we could include an objective number."

Councilor Calvert said we could include provisional language and say this would be the salary until the independent salary committee sets it. You could provide a figure which would be good until that commission confirmed or changed it.

Councilor Bushee said the effective dates needs to be set, but her impression is that the effective date for everything is still 2018.

Mayor Coss said that is correct, with the exception of the Mayor's vote.

Mayor Coss asked Councilor Bushee if she would like to make a Substitute Motion.

**SUBSTITUTE MOTION:** Councilor Bushee moved, seconded by Councilor Calvert, to direct staff to create language by the next Council meeting that the salary for a full time Mayor shall be set by an Independent Salary Commission, to be set at \$74,000, until an Independent Salary Commission could be convened to set the salary.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** Councilor Ives.

Mayor Coss said we still need a motion to adopt the changes to Items 8.01, 8.02 8.03 and 8.04.

**MOTION:** Councilor Ives moved, seconded by Councilor Wurzbarger, to approve the amendments to Section 8.01, 8.02, 8.03 Powers and Duties of the City Manager as contained on packet page 14, lines 9 through 12, and 8.04, consistent with the way the Powers of the Mayor were changed.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

**MOTION:** Councilor Ives moved, seconded by Councilor Wurzbarger, to delete language, in the Section about the Mayor, as follows "And perform other duties compatible with the nature of the office as the Governing Body may require time to time."

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

Mr. Shandler asked Councilor Rivera if he still wants to add language in the Charter on Voting by boards and commission chairs, or if he wants to do the change by Ordinance or Rule.

Councilor Rivera said that can be done by Resolution or administratively.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

**Against:** None.

Mayor Coss thanked Zachary Shandler, and other staff, the City Council and the public who stayed with us through the process.

Mayor Coss said he and Carol will be traveling to Korea tomorrow, and one of the places they will take them to visit is a pig museum where we actually will watch sausage being made.

**I. ADJOURN**

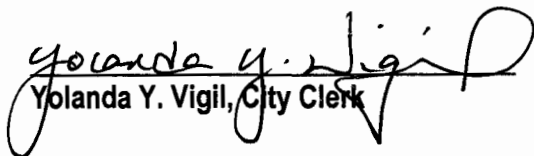
There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:00 p.m.

**Approved by:**



**Mayor David Coss**

**ATTESTED TO:**



Yolanda Y. Vigil, City Clerk

**Respectfully submitted:**



Melessia Helberg, Council Stenographer

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
TUESDAY, NOVEMBER 12, 2013**

**ITEM 7**

REQUEST FOR APPROVAL OF AWARD OF RFP #14/04/P AND PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SERVICES AT THE GENOVEVA CHAVEZ COMMUNITY CENTER WITH BLACKSTONE SECURITY SERVICES INC. IN THE AMOUNT OF \$47,067.24 PER YEAR FOR A TOTAL NOT TO EXCEED \$188,269 INCLUSIVE OF GROSS RECEIPTS TAX (IVIE VIGIL)

**PUBLIC WORKS COMMITTEE ACTION:** Approved on Consent

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

*Exhibit "1"*

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
TUESDAY, NOVEMBER 12, 2013**

**ITEM 8****SANTA FE RAILYARD CORPORATION**

- REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – PHASE II CONSTRUCTION SERVICES AT NORTH RAILYARD DEVELOPMENT INCLUDING STRUCTURAL SHORING AT ALCADESA STREET AND RAILYARD UNDERGROUND PARKING STRUCTURE IMPROVEMENTS IN THE AMOUNT OF \$585,473 INCLUSIVE OF GROSS RECEIPT TAX
- REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT REQUEST (**BOB SIQUEIROS**)

**PUBLIC WORKS COMMITTEE ACTION:** Approved on Consent

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:** A typo was recognized on the agenda so the correct amount of \$858,473 was approved by the committee. Staff memo in the packet had the correct amount listed.

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

*Exhibit "2"*



**CITY COUNCIL MEETING OF  
NOVEMBER 13, 2013  
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION  
BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor David Coss</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION REQUESTING CONSIDERATION OF ALTERNATIVES TO LOS ALAMOS NATIONAL LABORATORY'S PROPOSED PLAN OF LEAVING NUCLEAR WASTES BURIED IN PLACE AT TA-54, AREA G; URGING INSTEAD FOR FULL CHARACTERIZATION AND EXCAVATION OF THE WASTES, OFFSITE DISPOSAL OF ANY HIGH-LEVEL OR TRANSURANIC RADIOACTIVE WASTES AND REBURIAL OF REMAINING LOW-LEVEL RADIOACTIVE WASTES IN A MODERN LANDFILL; AND DIRECTING THE CITY CLERK TO INFORM THE NEW MEXICO ENVIRONMENT DEPARTMENT OF THIS RESOLUTION.	Public Utilities – 12/4/13 Council – 12/11/13

<b>Councilor Patti Bushee</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987, INCLUDING AMENDMENTS RELATED TO SERVICE ANIMALS IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES AS ARE NECESSARY.	Public Safety - 12/17/13 Finance – 1/7/14 Council 1 – 1/29/14 Council 2 – 2/26/14

<b>Councilor Chris Calvert</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Bill Dimas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Carmichael Dominguez</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

*Exhibit "3"*

<b>Councilor Peter Ives</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 4, 2014, TO BE HELD IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION, FOR THE PURPOSE OF VOTING FOR OR AGAINST AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER.	Council 12/11/13
<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Ron Trujillo</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION DIRECTING THE CITY OF SANTA FE FIRE DEPARTMENT TO EXPLORE THE OPTIONS FOR DEVELOPING A COMMUNITY PARA MEDICINE PROGRAM WITHIN THE FIRE DEPARTMENT AND TO PROMOTE PUBLIC/PRIVATE PARTNERSHIPS TO MAKE SUCH A PROGRAM SUCCESSFUL AND SUSTAINABLE.	Public Safety – 11/19/13 Finance – 12/2/13 Council 12/11/13
<b>Councilor Rebecca Wurzbarger</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, [mdbyers@santafenm.gov](mailto:mdbyers@santafenm.gov) or Rebecca Seligman at (505)955-6501, [rxseligman@santafenm.gov](mailto:rxseligman@santafenm.gov).

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2013-\_\_

3 INTRODUCED BY:

4  
5 Mayor David Coss

6  
7  
8  
9  
10 A RESOLUTION

11 REQUESTING CONSIDERATION OF ALTERNATIVES TO LOS ALAMOS NATIONAL  
12 LABORATORY'S PROPOSED PLAN OF LEAVING NUCLEAR WASTES BURIED IN  
13 PLACE AT TA-54, AREA G; URGING INSTEAD FOR FULL CHARACTERIZATION AND  
14 EXCAVATION OF THE WASTES, OFFSITE DISPOSAL OF ANY HIGH-LEVEL OR  
15 TRANSURANIC RADIOACTIVE WASTES AND REBURIAL OF REMAINING  
16 LOW-LEVEL RADIOACTIVE WASTES IN A MODERN LANDFILL; AND DIRECTING  
17 THE CITY CLERK TO INFORM THE NEW MEXICO ENVIRONMENT DEPARTMENT  
18 OF THIS RESOLUTION.

19  
20 WHEREAS, the Los Alamos National Laboratory (LANL) has announced its preferred  
21 alternative to leave approximately one million cubic meters of radioactive and hazardous wastes  
22 buried in place at Material Disposal Area G in Technical Area-54, which the New Mexico  
23 Environment Department must approve or not; and

24 WHEREAS, Area G is a 63-acre site, which started accepting radioactive and hazardous  
25 wastes in 1957 when record keeping was poor; and

*Exhibit "4"*



1       **WHEREAS**, Area G is located 18 miles from the Santa Fe Plaza, just west of the residential  
2 community of White Rock, and 5 miles from the Buckman Well Field near the Rio Grande, which  
3 provides drinking water for the City of Santa Fe; and

4       **WHEREAS**, Area G is located 0.10 miles from the Pueblo of San Ildefonso boundary, 8.78  
5 miles from the boundary of the Pueblo of Santa Clara, 9.83 miles from the boundary of the Pueblo of  
6 Pojoaque, 11.95 miles from the boundary of the Pueblo of Tesuque , 13.56 miles from the center of  
7 the Pueblo of Nambe. 14.1 miles from the boundary of the Pueblo of Ohkay Owingeh; 14.03 miles  
8 from the center of the City of Espanola, 17.54 miles from the center of the Village of Tesuque, 54.25  
9 miles from the center of the Town of Taos, 5.44 miles from the center of Los Alamos, and

10       **WHEREAS**, LANL was not originally chosen for its geologic qualities as a permanent  
11 nuclear waste disposal site; and

12       **WHEREAS**, LANL is located in a complex seismic zone above both the Rio Grande and a  
13 sole source aquifer providing drinking water for 270,000 people, including the City of Santa Fe; and

14       **WHEREAS**, Area G wastes are buried in unlined pits and shafts dug directly into the  
15 volcanic tuff, in contrast to the composite liners and leachate collection systems that the New Mexico  
16 Environment Department requires of local governments; and

17       **WHEREAS**, LANL has claimed that full cleanup of Area G would cost the inflated sum of  
18 \$29 billion, but nevertheless recently successfully excavated its smaller Materials Disposal Area B for  
19 136 million dollars; and

20       **WHEREAS**, extrapolation from Area B's actual costs demonstrates that full cleanup of Area  
21 G could be completed for around 6 billion dollars, or less than the cost of five years' worth of the  
22 Lab's nuclear weapons programs that generated the wastes to begin with; and

23       **WHEREAS**, full cleanup of Area G would be a win-win for New Mexicans, permanently  
24 protecting our precious groundwater and the Rio Grande while creating 100's of high paying jobs for  
25 twenty years or more.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE** that the Governing Body hereby:

1. Urges the New Mexico Environment Department (NMED) to NOT allow the *de facto* creation of a permanent nuclear waste dump by approving “cap and cover” of the estimated one million cubic meters of radioactive and hazardous wastes at LANL’s Area G;
2. Requests that NMED should instead require full characterization and excavation of the wastes; the possible safe recycling of some materials; offsite disposal of any high-level or transuranic radioactive wastes and the reburial of remaining low-level radioactive wastes in a modern landfill with liners;
3. Believes that an excavation pilot demonstration project at Area G to demonstrate feasibility of full cleanup would be prudent, based upon the recent successful completion of Material Disposal Area B; and
4. Requests that NMED provide for a public hearing on all matters pertaining to comprehensive cleanup of Area G.

**BE IT FURTHER RESOLVED** that the Governing Body directs the City Clerk to send copies of this resolution to the City of Santa Fe's congressional delegation, the Governor of New Mexico, the Department of Energy and the New Mexico Environment Department.

PASSED, APPROVED and ADOPTED this      day of      , 2013.

DAVID COSS, MAYOR

ATTEST:

1 YOLANDA Y. VIGIL, CITY CLERK

2 APPROVED AS TO FORM:

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5 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

6 *M/Melissa/Resolutions 2013/Nuclear Waste LANL*

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-\_\_\_\_

INTRODUCED BY:

Councilor Ron Trujillo

A RESOLUTION

DIRECTING THE CITY OF SANTA FE FIRE DEPARTMENT TO EXPLORE THE  
OPTIONS FOR DEVELOPING A COMMUNITY PARA MEDICINE PROGRAM WITHIN  
THE FIRE DEPARTMENT AND TO PROMOTE PUBLIC/PRIVATE PARTNERSHIPS TO  
MAKE SUCH A PROGRAM SUCCESSFUL AND SUSTAINABLE.

**WHEREAS**, the City of Santa Fe Fire Department provides quality emergency medical  
services to the residents of and visitors to the city of Santa Fe; and

**WHEREAS**, statistics show that the burden on the City of Santa Fe emergency response  
system has risen consistently and dramatically over the last decade; and

**WHEREAS**, there is documented evidence that the burden on the medical and public health  
systems has also risen dramatically over the last decade; and

**WHEREAS**, there are models within other communities that have successfully implemented  
creative community para medicine solutions to augment traditional emergency response and  
healthcare delivery systems; and

**WHEREAS**, emergency medical service providers may find it increasingly effective to

1 redirect certain patients from a hospital emergency room to more appropriate facilities, or to provide  
2 specific and directed services without a transport to a facility; and

3 **WHEREAS**, the Affordable Care Act supports the idea of creative solutions to healthcare  
4 delivery through many initiatives; and

5 **WHEREAS**, the Affordable Care Act authorizes new forms of Medicare and Medicaid  
6 payments to create medical care systems that are more accessible to patients and accountable for  
7 reducing overall costs of healthcare; and

8 **WHEREAS**, the changes in healthcare resulting from the Affordable Care Act have the  
9 potential to transform emergency medical service organizations; and

10 **WHEREAS**, the Governing Body understands that, given the right resources and  
11 partnerships, the Fire Department could develop a community para medicine program that would help  
12 protect against the loss of life and promote a healthier and happier lifestyle in the city of Santa Fe.

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
14 **CITY OF SANTA FE** that the City of Santa Fe Fire department is directed to explore the options for  
15 developing a community para medicine program within the Fire Department and to promote  
16 public/private partnerships to make such a program successful and sustainable.

17 PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

21 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

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1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Community Paramedicine*

# **TABLE OF PROPOSED AMENDMENTS**

# SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO RUNOFF AND GOVERNANCE ISSUES

	Charter Commission Recommendations	Resolution Proposals			
		Ives, Wurzbürger <i>As Amended</i> A	Bushee B	WITHDRAWN BY SPONSOR Ives, Wurzbürger C	Rivera D
# of Qs	8	8	10	2	2
ARTICLE IV – Elections					
1.		<p><b>§4.10 Runoff Election <i>Until Ranked-Choice Voting is Implemented</i></b></p> <ul style="list-style-type: none"> <li>• <i>Starting with 2016 regular election;</i></li> <li>• <i>If a candidate does not receive 50% of the vote, then a runoff between the two candidates who received the highest number of votes</i></li> </ul>			
2.	GOVERNANCE				
	§5.01 – Powers and Duties of the Mayor				
(a)	Have a vote on all matters that come before the governing body	Have a vote on all matters that come before the governing body	Have a vote on all matters that come before the governing body	WITHDRAWN	
(b)	Full-time position	Full-time position <i>and shall not be otherwise employed or self- employed. The mayor shall exercise administrative control and supervision over the city manager, city attorney and city clerk.</i>		WITHDRAWN	Full-time position and shall only be employed by the city, and shall not be otherwise employed or self employed



**SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO RUNOFF AND GOVERNANCE ISSUES**

	Charter Commission Recommendations	Resolution Proposals			
		Ives, Wurzbarger <i>As Amended</i> A	Bushee B	WITHDRAWN BY SPONSOR Ives, Wurzbarger C	Rivera D
# of Qs	8	8	10	2	2
(c)	<u>appoint with the consent of the governing body the city manager, city attorney, city clerk and members of advisory commissions</u>	<u>appoint with the consent of the governing body the city manager, city attorney, city clerk and members of advisory commissions</u>		WITHDRAWN	<u>appoint with the consent of the governing body the [city manager,] city attorney, city clerk and members of advisory commissions</u>
(d)	Appoint department directors				Appoint department directors who shall be <u>classified as exempt employees</u>
(e)	<u>Have sole authority to remove the city manager, city attorney, city clerk and department directors;</u>	<u>Have sole authority to remove the city manager, city attorney and city clerk;</u>		WITHDRAWN	<u>Have sole authority to remove the [city manager,] city attorney, city clerk and department directors;</u>
(f)	<u>work with City personnel and timely prepare an annual budget and proposed spending priorities for review and approval by the finance committee and the City Council;</u>	<u>work with City personnel and timely prepare an annual budget and proposed spending priorities for review and approval by the finance committee and the City Council;</u>		WITHDRAWN	
(g)	<u>perform other duties compatible with the nature of the office as the governing body may from time to time require;</u>			WITHDRAWN	

**SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO RUNOFF AND GOVERNANCE ISSUES**

	Charter Commission Recommendations	Resolution Proposals			
		Ives, Wurzbürger <i>As Amended</i> A	Bushee B	WITHDRAWN BY SPONSOR Ives, Wurzbürger C	Rivera D
# of Qs	8	8	10	2	2
(h)	present an annual state of the city message, which shall identify among other matters the mayor's legislative agenda for the upcoming year;	present an annual state of the city message, which shall identify among other matters the mayor's legislative agenda for the upcoming year;		WITHDRAWN	
<b>§6.02 – Powers and Duties of the Governing Body</b>					
(a)	Amend Paragraph A. "The governing body shall consider the legislative agenda put forth by the mayor and propose amendments to existing policies and propose new policies. serve as the principal policy maker of the city;"	Amend Paragraph A. "The governing body shall consider the legislative agenda put forth by the mayor and propose amendments to existing policies and propose new policies. serve as the principal policy maker of the city;"			
(b)					Amend Paragraph C as follows: "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. (1) <u>Salaries for department directors</u>

**SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO RUNOFF AND GOVERNANCE ISSUES**

	Charter Commission Recommendations	Resolution Proposals			
		Ives, Wurzburger <i>As Amended</i> A	Bushee B	WITHDRAWN BY SPONSOR Ives, Wurzburger C	Rivera D
# of Qs	8	8	10	2	2
					<u>shall be approved by the governing body;</u> <u>and</u> (2) <u>The mayor's salary is limited to 10% above the highest paid department director.</u>
(c)					<b>Create New Paragraph E.</b> "The governing body may remove a department director who has been appointed by the mayor by a supermajority vote of all members at a regularly scheduled meeting."
(d)					<b>Create New Paragraph F.</b> "The governing body may remove the city attorney and the city clerk by a supermajority vote of all members at a regularly scheduled meeting."
(e)					<b>Create New Paragraph G.</b> The governing body shall collaborate on legislative priorities.

# **SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO RUNOFF AND GOVERNANCE ISSUES**

	Charter Commission Recommendations	Resolution Proposals			
		Ives, Wurzbürger <i>As Amended</i> A	Bushee B	WITHDRAWN BY SPONSOR Ives, Wurzbürger C	Rivera D
# of Qs	8	8	10	2	2
<b>ARTICLE VIII – City Manager</b>					
(a)					Delete Article VIII for the purpose of removing the position of city manager and create a new Article VIII as follows: <b>“Article VIII. DEPARTMENT DIRECTORS.</b> Each department director has the power to hire and fire all city employees under his or her supervision.”
(b)	<b>§8.01 – Appointment of the City Manager</b> “The city manager shall be appointed by the mayor with the <del>With the</del> advice and consent of the governing body.”	<b>§8.01 – Appointment of the City Manager</b> “The city manager shall be appointed by the mayor with the <del>With the</del> advice and consent of the governing body.”		<b>WITHDRAWN</b>	
(c)		<b>§8.03 – Powers and Duties of the City Manager – Amend Paragraph A.</b> “be the chief administrative officer of the city <u>and shall report to and work under the supervision and control of the mayor.</u> ”			

**SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO RUNOFF AND GOVERNANCE ISSUES**

	Charter Commission Recommendations	Resolution Proposals			
		Ives, Wurzburger <i>As Amended</i> A	Bushee B	WITHDRAWN BY SPONSOR Ives, Wurzburger C	Rivera D
# of Qs	8	8	10	2	2
(c)	§8.03 – Powers and Duties of the City Manager – Amend Paragraph B. “have the power to hire and fire all city employees except for those employees whom the mayor has the exclusive authority to appoint and remove; and”	§8.03 – Powers and Duties of the City Manager – Amend Paragraph B. “have the power to hire and fire all city employees except the city attorney and city clerk; and”		WITHDRAWN	
(d)	§8.04 Removal of the City Manager – Amend to read: “The city manager may be removed by the mayor subject to the approval of the council or by the governing body by a majority vote of all members at a regularly scheduled meeting.”	§8.04 Removal of the City Manager – Amend to read: “The city manager may be removed by the mayor subject to the approval of the council or by the governing body by a majority vote of all members at a regularly scheduled meeting.”		WITHDRAWN	
3.	Article IX – Miscellaneous Governmental Issues				
					Create a new Section that reads: “§9.05 Voting by Chairpersons of City Committees. Each chairperson of every city

**SUMMARY OF PROPOSED AMENDMENTS TO THE SANTA FE MUNICIPAL CHARTER RELATED TO RUNOFF AND GOVERNANCE ISSUES**

	Charter Commission Recommendations	Resolution Proposals			
		Ives, Wurzburger <i>As Amended</i> A	Bushee B	WITHDRAWN BY SPONSOR Ives, Wurzburger C	Rivera D
# of Qs	8	8	10	2	2
					committee, commission, board and task force shall have the authority to vote on all matters before such committee, commission, board and task force."

**CITY OF SANTA FE, NEW MEXICO  
PROPOSED AMENDMENT TO  
SUBSTITUTE RESOLUTION NO. 2013-\_\_\_\_  
Charter Amendment Proposals – Councilors Ives & Wurzburger  
(Proposal A)**

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Mayor and Members of the City Council:

I propose the following amendment to Substitute Resolution No. 2013-\_\_\_\_:

On page 3, lines 16 – 17, *delete* the following text “, forty (40) hours per week,  
and shall not be otherwise employed or self-employed”

Respectfully submitted,

\_\_\_\_\_  
Peter Ives, Councilor

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk



**LEAGUE OF WOMEN VOTERS<sup>®</sup>  
OF SANTA FE COUNTY**

November 13, 2013

To: Mayor Coss, Santa Fe City Councilors

Re: **LWVSFC Comments on the Proposed Charter Amendments for the City Council Meeting of November 13, 2013.**

**COMMENTS ON PROCESS**

The League of Women Voters of Santa Fe County (LWVSFC) is in favor of a transparent, inclusive process in all government deliberations. We support the public voting on potential charter amendments, but we strongly believe that this should take place only after sufficient public education and discussion have taken place.

We are concerned that, in the last few weeks, many different charter amendments about governance have been proposed, and in some cases subsequently withdrawn, without sufficient input from the public. The Charter Review Commission had minimal or no discussion of many of these proposed charter amendments, including those proposing runoffs in city elections.

We recommend that the proposed amendments on governance, including any on runoff elections, be sent back to the Charter Review Commission for discussion of the specific details that might be included in the charter. This would give the public, and public interest groups such as the League and Common Cause, the ability to thoroughly study and discuss the specifics of these amendments.

**COMMENTS ON CONTENT**

**Runoff elections**

The League of Women Voters of New Mexico supports runoff elections in nonpartisan races.

However, the League currently does not have specific positions on the details of such runoffs, such as what level of voting would trigger a runoff, when such an election would occur, how the date of that election would affect the date on which new elected officials would be sworn in, and how campaigns for runoff elections would be financed.

The amendment on runoffs as currently proposed states that 1) runoffs will start with the 2016 election; 2) it will apply to elections for all city elected officials (mayor, councilor(s), and judge);

*Exhibit "8"*



3) runoffs will occur when no candidate receives 50% of the vote; and 4) any runoff will be between the two candidates who receive the highest number of votes.

Since this is a newly proposed amendment, the related pros and cons were not included in the League's previous pro-con memos on the charter amendments. Our assessment of the runoff amendment follows:

**Pro:**

If there is no runoff in elections with a large number of candidates, the winning candidate may not have broad support across the electorate. That is, he or she could win the election with well under 50% of the votes.

The runoff ensures that the winning candidate will have received the approval of a majority of the voters in the final runoff election.

This provides a way to have runoff elections until such time as ranked-choice voting can be implemented according to the requirements in the charter.

**Con:**

The proposed amendment does not specify when a runoff election will occur. The charter currently calls for elected officials to be sworn in six days after the election, but this provision does not indicate which election or whether those who win outright in the first election will be sworn in at a different time than those who are in a runoff.

This is likely to result in "lame duck" elected officials, a situation which does not currently occur in Santa Fe city government.

Given the current date of the general city election, a runoff election occurring in close proximity to the general election may cause problems with obtaining use of the county voting machines.

An additional election will require additional expense to the city and to the candidates.

The issue of how publicly financed candidates will fund their runoff campaigns is not addressed in the amendment.

Previous Charter Review Commissions have debated whether the 50% threshold for a runoff is too high or whether a lower threshold, such as 40%, might be equally valid. This year, the 40% threshold was proposed initially but has been replaced by 50%. However, the rationale for this change has not been discussed.

This issue was not given substantial discussion at the Charter Review Commission.

## **Governance**

The LWVSFC has the following positions on governance:

*The Mayor should serve as a member of the Council and vote on all business before the Council.*

*The governing body (the Mayor and the Council) of the City shall serve as the principal policy maker for the City. It shall appoint the city manager and the city boards and commissions.*

*The city manager shall be professionally trained or have had executive and administrative experience. The city manager shall be the chief administrative officer and have the power to hire and fire all City employees including department heads. The choice of a city manager need not be limited to the inhabitants of the City or State.*

Given these positions, the League has the following comments about Proposal A as it has recently been amended. Note that, in some cases, the wording in the proposed amendments and the wording in the table of proposed amendments is not the same. When there is a conflict, we have used the language in the table.

**Charter Section 5.01 (B):** The mayor shall have a vote on all matters that come before the governing body.

We support this provision.

**Charter Section 6.02(A):** Deletes the city council's role as a principal policy maker of the city.

We oppose this provision.

The League has no position on the following new amendments but offers the following pros and cons:

**Charter Section 5.01 (C):** The mayor shall be the chief executive officer of the city, which position shall be no less than full time, forty (40) hours per week, and shall not be otherwise employed or self-employed. The mayor shall exercise administrative control and supervision over the city manager, city attorney and city clerk.

### **Pro:**

Candidates and voters will know what kind of time commitment will be expected of the mayor and the mayor will be required to eliminate outside distractions and potential sources of conflict.

Because the mayor will exercise control over the three chief officers in the city, the mayor can fulfill his or her agenda and be held accountable for their performance.

**Con:**

Anyone running for mayor should already know what kind of time commitment is required. The provision that the mayor not have any other employment will limit the number of candidates who will be eligible to run for mayor and may be particularly burdensome for small business owners.

Because the mayor will exercise control over the three chief officers in the city, those officers are accountable only to the mayor and may ignore direction received from the governing body as a whole.

Other charter proposals have not been amended since our earlier memos of October 3 and October 30; the pros and cons offered in those memos still stand.

The League continues to urge the governing body to separate out those charter amendments that are not interdependent and offer each as a separate ballot issue.

Houston J Johansen

937 Mercer St.

11/13/2013

To whom it may concern:

After much consideration of the issues at hand it's my conclusion that Santa Fe would be best serviced by adopting the Charter Review Commissions proposed Mayoral reforms. To better help the Council and the public understand why I feel these reforms are necessary there are 5 points I would like to make:

1. **Bring the Mayor in line with Expectations** - Implementing these changes would bring the role and powers of the Mayor inline with what many citizens already expect. A number of citizens are unaware of the limited power the mayor currently has and as such often make demands of the Mayor that are outside his legal scope. This dynamic without question causes frustration and helps to erode citizen's faith in government. Giving the Mayor additional powers would bring his or her role in line with what people already expect of the Mayor.
2. **The Mayor is already a full time job** - Because of the demands placed on the mayor by citizens, the city and the law the position is essentially already full time. People expect the Mayor to be on call and ready to handle situations at a moments notice. However, as we heard from Mayor Coss, the low salary makes it difficult for most people to even consider running for Mayor and incentives the Mayor seeking addition employment while in office. This forces the Mayor to divide his or her precious time. By paying the Mayor a wage that is commiserate with the workload the mayor would be able to fully focus on the needs of the city. A full time wage would also open the door for a more diverse cross section of our city to run for Mayor.
3. **Excessive turnover of city managers**- The Charter Commission heard on a number of occasions about the high turnover rate in the city mangers office and the often-negative impacts that it's had on city staff and the community. This high rate of turn over serves no one and must be addressed. Now, I want to be clear that I do not think every manager has left because of issues with the council, nor do I think that all of our city mangers have been saints. However, there are enough accounts of councilors using their power and influence to force mangers out who may not have committed a wrongdoing. By placing the power to remove the manger with the Mayor turnover in the mangers office can be reduced. It will also allow the Mayor and the manager to function more as a team helping be make the Mayor's office and the city more responsive to the needs of citizens. I understand that this is not going to be a perfect system, but given the issues we have been dealing with for years it is a prudent way forward.
4. **The Mayor has a citywide view** - Currently the Mayor is the only elected official who must have a truly city wide perspective. This is not to say that councilors cannot and do not take into account the needs of the entire city, but rather that councilors must, for electoral reasons, divide their time between their district and the city. Given this dynamic and that the biggest challenges facing our community

*Exhibit "9"*

are city wide it is prudent and responsible to grant the Mayor additional authority so that he or she can effectively tackle our shared challenges.

5. **All of this can be fixed** - All of this is fixable if it goes wrong. If some of the worse case scenarios discussed at our meetings do come true there remains a number of ways to address the problem. Citizens can always vote the Mayor out. A recall can be initiated. The council can expose to the public any wrong doings it may uncover. And if need be the council can appoint another charter commission and ask them to look at this issue specifically.

In conclusion I understand that these proposed changes are by no means perfect. However, given the testimony that the Commission heard and the complex challenges that face our community these recommendations are a reasonable path forward. I look forward to voting for them in March.

Houston J Johansen

*of discussion.*

## **Santa Fe Association of REALTORS® TESTIMONY In Support of Charter Amendments**

Good evening Mayor Coss and Councilors. My name is Barbara Blackwell and I'm here tonight representing the Santa Fe Association of REALTORS®, a trade association with over 700 members and affiliated organizations. In response to the proposed City Charter amendments, we offer the following:

The Association strongly supports an introduced measure that will acknowledge the City's commitment in support of local businesses. Specifically, a new section 2.08 "Support for Local Business. A local economy is critical to a healthy and prosperous community. The governing body shall wherever possible, support local business and a strong local entrepreneurial spirit."

The Association strongly supports language requiring more disclosure to the public regarding tax increases and bond measures. A new section 4.08 "The governing body shall adopt an ordinance that ensures that the City shall provide and disseminate in a timely manner the purposes of proposed expenditures for any tax increase or bond measure that requires ratifications by the voters." Many of these measures directly affect property owners and requiring additional disclosure would help ensure that property owners are fully aware of the fiscal consequences of these expenditures.

The Association strongly supports creating an Audit Committee to strengthen government operations and accountability. A new section 9.04 "The governing body shall, by ordinance, adopt an independent audit committee for the City."

*delete 46  
proach No  
other  
employment.*

Lastly, the Association strongly supports the concept of a "strong mayor" and specifically supports designating the mayor as a full-time position with a salary commensurate with other similarly-sized cities, allowing the mayor to continue to appoint and fire the City Manager, City Attorney and City Clerk with the ratification of Council, and allow the mayor to appoint department directors.

*Department  
over.  
No comment about dept dir*

The Santa Fe Association of REALTORS® appreciates the opportunity to share our support for these measures and respectfully requests your consideration as the government body takes action this evening.

*Exhibit "10"*

11/13/2013 City Council John Otter

**Proposals for placing Charter Revision measures on the March 4, 2014 ballot:**

**Proposal item #8 for the Establishment of a Runoff Election Provision.**

**Mayor and Councilors**

The implementation of the existing City Charter provision to use Ranked Choice Voting (RCV) for municipal elections has been delayed due to the unavailability of ~~certified machines~~ <sup>equipment & software</sup> that accommodate RCV.

One of the currently proposed amendments to the Municipal Charter calls for the establishment of a runoff election until RCV-capable machines are available.

Runoff elections would not be a good choice for Santa Fe. The objective of electing a candidate with a majority of votes in order to provide the greatest breadth of representation is well intentioned.

However, accomplishing that breadth with a runoff election is at best, only marginally more likely than in a plurality election due to the typically much lower turnout for runoff elections.

Efforts required of the City Clerk's office and costs to the City and candidates for the second election would not be justified.

A charter provision for runoffs may not be worth considering because RCV-capable machines likely will be available for the 2016 municipal elections. Here is the status of obtaining such capability:

In August the state Voting Systems Certification Committee certified new electronic voting systems including Dominion Voting Systems' Democracy Suite Version 4.0 Voting System.

The election bureau issued an RFP for new machines/software units. A \$6 million contract was awarded to Dominion. The purchased units are slated to go to jurisdictions having voting centers to provide the centers with the capability to accumulate votes from various sources. Santa Fe is not such a jurisdiction.

EXHIBIT "11"

The version of the Dominion system that was certified does not include RCV software. Dominion is working on upgrades to their system that could accommodate RCV. They expect the upgrades to be available for use in San Francisco and Alameda County, California in 2014.

The SOS's Bureau of Elections is requesting a capital outlay from the next legislative session to purchase units from Dominion sufficient to supply the rest of the State with new machines. Santa Fe County expects to receive their machines by the general election in 2014.

Dominion plans to apply for certification of their RCV software in New Mexico early in 2015.

However, their RCV software could be accepted administratively earlier if the software is considered to be an upgrade, and not for use for statewide elections.

Also, if the RCV upgrade has been certified in another state, the Bureau of Elections could consider it without having received an application to do so.

Thus, it seems likely an RCV-capable system will be available for city use in the 2016 election.

I urge the Council not to place on the ballot a City Charter provision to establish runoff elections.

Chief Sources:

Steven Bennett, New Mexico Representative, Dominion Voting Systems  
Bobbie Shearer, Bureau of Elections Chief, Office of the Secretary of State  
Maggie Toulouse Oliver, County Clerk Bernalillo County  
Eric Barraza, Bureau of Elections Division, Santa Fe County