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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2023-10

AN ORDINANCE

AMENDING SECTIONS 2-1.9, 2-4.6, AND 19-4.1 SFCC 1987, TO AUTHORIZE GOVERNING BODY MEMBERS TO EMPLOY STAFF WHEN FUNDS ARE BUDGETED FOR THAT PURPOSE AND ALIGNING THOSE SECTIONS WITH THE CITY OF SANTA FE CHARTER.

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

Section 1. Section 2-1.9 of SFCC 1987 (being Ord. No. 1972-3, § 3, as amended)

is amended to read:

2-1.9 Restrictions on governing body; administration of personnel system.

The governing body, in accordance with Section 3-12-2 NMSA 1978, shall neither perform, collectively nor individually, any executive function in the administration of the personnel system except as authorized by law and the City Personnel Act. Such executive functions of the governing body are set forth as follows:

- A. To consent to the appointment of and remove the city manager as provided in Article VIII of the Santa Fe Municipal Charter;
- B. To employ and remove staff members whose salaries and benefits are budgeted to directly support the work of individual members of the governing body;
- C. To make collective recommendations to the city manager on general personnel policies;
- D. To approve rules and regulations to implement the City Personnel Act;

1 E. To approve by a majority vote of the governing body any proposed
2 reorganization of city government which either creates or abolishes a department.

3 **Section 2. Section 2-4.6 of SFCC 1987 (being Ord. No. 1954-3, § 3, as amended)**
4 **is amended to read:**

5 **2-4.6 Powers and duties of the city manager.**

6 The city manager shall:

7 A. Be the chief administrator officer of the city, and be the contracting officer of the
8 city, with the approval of the governing body. The city manager shall enter into or terminate the
9 following types of contracts or agreements only with the express approval of the governing body.
10 This does not change the city manager's authority already established in the city's procurement
11 code.

12 (1) Memoranda of understanding (MOUs) with governmental entities, joint
13 powers agreements (JPAs), or any other agreement or contract with a value that exceeds
14 the authority given to the city manager under the city's procurement code. For the
15 purposes of this provision governmental entity includes but is not limited to; counties,
16 states, federal agencies, housing authorities, tribes or intergovernmental agencies;

17 (2) Agreements on land use issues that modify the terms of land use
18 approvals made by the governing body or any other public decision-making body to
19 whom the governing body has delegated some of its zoning and land use authority, or
20 agreements on land use issues that deviate from the ordinances contained in Chapter 14
21 SFCC 1987 or any plans or agreements that have been approved under those ordinances
22 except as may be authorized in Chapter 14 or by such agreement;

23 B. Have the authority to enter agreements seeking or accepting funds of any amount,
24 when the deadline to seek or accept the funds occurs before the deadline to include the agreement
25 on the agenda for the governing body's next regularly scheduled meeting. Such agreements shall

1 be subject to ratification by the governing body at the next scheduled meeting for which an
2 agenda has not yet been posted;

3 C. Employ and discharge all municipal employees in accordance with the city's
4 personnel rules and regulations, collective bargaining agreements and other applicable policies
5 and ordinances, except for the city clerk and city attorney and those employees employed by an
6 individual member of the governing body pursuant to Section 2-1.9(B);

7 D. Coordinate and supervise the activities and operations of the various departments
8 established by the governing body within the city government, and efficiently manage the
9 administrative affairs of the city;

10 E. Carry out, expeditiously and efficiently, the programs and policies adopted by
11 the governing body and cause to be enforced all ordinances and regulations adopted by the
12 governing body;

13 F. Attend all meetings of the governing body and of committees thereof, or send a
14 delegate, and the city manager or delegate shall participate in the discussion of all matters
15 pertaining to the administration of city affairs coming before the governing body or such
16 committees, but the city manager or delegate shall not have the right to vote;

17 G. Be responsible for the preparation of the annual budget;

18 H. Keep the governing body informed of the financial condition and of the needs of
19 the city and render reports with respect thereto and with respect to all other city affairs at such
20 times and in such forms as may, from time to time, be prescribed by the governing body,
21 accompanied by such recommendations as the city manager may deem advisable;

22 I. Formulate and recommend to the mayor and city council the adoption of such
23 measures as the city manager may, from time to time, deem necessary or advisable for the health,
24 safety and welfare of the city and its inhabitants, or for the improvement of administrative or
25 departmental functions and services;

1 J. Make recommendations with respect to the purchase in behalf of the city
2 departments of materials, supplies and equipment and supervise the making of such purchases
3 when and in the manner authorized by the governing body;

4 K. Ensure that the city's collective bargaining management team and the governing
5 body hold a meeting in executive session for the purpose of broadly discussing issues of
6 collective bargaining previous to the annual collective bargaining negotiations between the city
7 and its bargaining units so as to empower the management team with the authority to negotiate
8 in good faith;

9 L. May appoint a deputy city manager within sixty (60) days of being appointed
10 city manager. Prior to the appointment of a deputy city manager, the city manager shall present
11 a job description to the governing body for review and approval. The powers and duties
12 designated to the deputy city manager shall not exceed the powers and duties of the city manager;
13 and

14 M. Report to the governing body every six (6) months regarding the organization of
15 the city's departments and divisions.

16 **Section 3. Section 19-4.1 of SFCC 1987 (being Ord. No. 1983-44, § 16, as**
17 **amended) is amended to read:**

18 **19-4.1 Authority of city manager; personnel director.**

19 The city manager has the sole authority to employ and discharge all municipal
20 employees, except the city attorney, city clerk, and those employees employed individually by a
21 member of the governing body, and to act in accordance with the provisions of this chapter and
22 the rules and regulations promulgated hereunder. The city manager shall establish a personnel
23 office and shall have the authority to employ a personnel director. The personnel director shall
24 perform duties to be delegated to the personnel director by the city manager, and in accordance
25 with the rules and regulations established by the governing body. The personnel director shall

1 work under the direct control and supervision of the city manager.

2 PASSED, APPROVED, and ADOPTED this 22nd day of March, 2023.

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ALAN WEBBER, MAYOR

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7 ATTEST:

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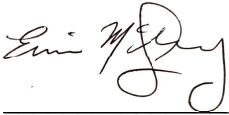
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KRISTINE MIHELIC, CITY CLERK

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12 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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24 *BILL NO. 2023-5*

25 *Legislation/2023/Ordinances/2023-10 (O) Authorizing Governing Body Staff*