



# Agenda

SPECIAL MEETING OF  
THE GOVERNING BODY  
APRIL 14, 2008  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION
4. ROLL CALL
5. APPROVAL OF AGENDA

## EXECUTIVE SESSION

- a) Discussion of Amicus Curiae Brief in *Lozano v. Hazelton*; Pursuant to §10-15-1 (H) (7) NMSA 1978.
6. Action Regarding the Amicus Curiae Brief in *Lozano v. Hazelton*; Pursuant to §10-15-1(H) (7) NMSA 1978.
7. ADJOURN

\*Translator for the hearing impaired available through the City Clerk's Office upon 5 days notice.

CITY CLERK'S OFFICE

DATE 4-11-08 TIME 1:10

SERVED BY

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**MINUTES OF THE**  
**SPECIAL MEETING OF THE**  
**GOVERNING BODY**

**Santa Fe, New Mexico**

**April 14, 2008**

The Governing Body of the City of Santa Fe, New Mexico met in special session on Monday, April 14, 2008 at approximately 5:10 p.m. in City Hall Council Chambers. Following the Roll Call indicated the presence of a quorum, as follows:

**Members Present:**

Mayor David Coss  
Councilor Patti J. Bushee  
Councilor Chris Calvert  
Councilor Miguel M. Chavez  
Councilor Carmichael Dominguez  
Councilor Matthew E. Ortiz  
Councilor Rosemary Romero  
Councilor Rebecca Wurzbarger

**Members Absent:**

Councilor Ronald Trujillo (excused)

**APPROVAL OF AGENDA**

**Councilor Bushee moved that the Governing Body not go into executive session to hear the Amicus Curiae Brief (Discussion of Amicus Curiae Brief in *Lozano v. Hazelton*; Pursuant to §10-15-1 (H) (7) NMSA 1978). Councilor Wurzbarger seconded the motion for the purpose of discussion.**

Councilor Wurzbarger noted that when the item is discussed, she is more concerned with the major matter at hand with respect to deployment, therefore she would rather the discussion on the Amicus Brief be held at the end of the meeting.

Councilor Bushee stated that she had correspondence with the City Attorney and it was her understanding that the discussion of the Amicus Brief should not be done behind closed doors. She explained that the Governing Body would be discussing a policy of the City because the Brief is not threatened litigation; therefore she felt that the discussion should be in the open. She also stated that if there was no time to discuss it this evening, it should be placed on a future agenda.

Councilor Chavez wanted clarification because after reading correspondence on the issue he did not feel that it affected the City's position regarding the status of immigrants in our communities.

City Attorney Frank Katz responded stating that the issue before the Governing Body is whether the City would join in the Amicus Brief which is in a case pending in the Third Circuit Court. He explained that it is actual litigation; and is permissible under the Open Meetings Act to discuss in Executive Session; it is not required, so the Governing Body would have to make the decision on how to discuss the issue.

City Attorney Frank Katz explained that the reason why the City might want to join the brief is because of the policy listed in the City's Resolution No. 1999-6, that *the Governing Body hereby declares that no municipal resources will be used to identify or apprehend any non-citizen resident on the sole basis of immigration status unless otherwise lawful to do*. He stated that the brief is supporting that position and it may be something that the City may or may not want to join in.

Councilor Chavez asked the City Attorney to touch on the specifics of the brief because he felt it had a different impact on the immigrant population then what the City's ordinance might have.

City Attorney Frank Katz stated that the Brief is in support of challengers to an ordinance in the City of Hazelton which made a violation harboring or employing undocumented aliens and so the brief supports the City's position; however the City of Hazelton's ordinance was the opposite of the City's position.

Councilor Chavez stated that the question of whether to discuss the issue in open session or in executive session is open for debate; however he thought that there was also a window of opportunity or some time sensitive deadline that should be considered if the City were to act on this issue.

City Attorney Frank Katz stated that the last day for the City to decide whether they would want to join the brief or not is on Thursday April 17, 2008.

Councilor Chavez stated that absent a comprehensive national policy dealing with immigration each States and Local Communities have had to deal with immigration as they see fit and that is the position that the City is finding themselves in, do we want to support this and their community efforts or not.

In response to a suggestion that the matter be heard later in the evening, City Attorney Frank Katz clarified that this was a special meeting of the Governing Body and the meeting scheduled to follow is a meeting of the Finance Committee.

**Councilor Wurzburger moved that the agenda be changed to hear item 5(a) not in executive session but right now, seconded by Councilor Calvert and it passed 7-0 by voice vote, with Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, and Councilor Wurzburger voting for, and none against.**

**ACTION ITEMS**

**Action Regarding the Amicus Curiae Brief in *Lozano v. Hazelton*.**

**Councilor Wurzburger moved, seconded by Councilor Chavez, to approve.**

**The motion was passed on the following Voice Vote:**

**For: Councilor Bushee, Councilor Calvert, Councilor Chavez, Councilor Dominguez, Councilor Heldmeyer, Councilor Ortiz, and Councilor Wurzburger.**

**Against: None.**

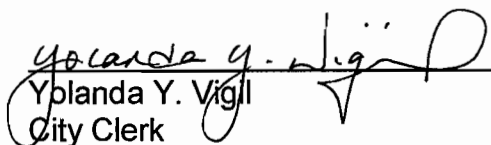
**ADJOURN**

**Its business completed, the Governing Body adjourned the meeting at approximately 5:25 p.m.**

Approved by:

  
\_\_\_\_\_  
Mayor David Coss

ATTESTED TO:

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