



CITY CLERK'S OFFICE
Agenda DATE 3/3/17 TIME 1:14p
SERVED BY Lynette Trujillo
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Independent Salary Commission

Monday, March 6, 2017
4:30 p.m.

City Council Conference Room
1st floor, City Hall
200 Lincoln Avenue

1. Call to Order
2. Approval of Agenda
3. Introduction of Members
4. New Business:
 - a. Discussion of Charter Amendment 9
 - i. Duties & Responsibilities of Full-Time Mayor
 - ii. Duties & Responsibilities of Independent Salary Commission under Ordinance No. 2016-43
 - b. Discussion of ISC process, rules, meetings, public input and timing.
 - c. Discussion of data sources and analytical metrics regarding salary of Mayor.
5. Appointment of Vice Chair and Secretary
6. Setting of meeting dates
7. Comments from Chair and Committee Members
8. Public Comment
9. Adjournment

PERSONS WITH DISABILITIES IN NEED OF ACCOMODATIONS, CONTACT THE CITY CLERK'S OFFICE AT 505-955-6520, FIVE (5) WORKING DAYS PRIOR TO THE MEETING DATE.

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Independent Salary Commission

Monday, March 6, 2017
4:30 p.m. – 6:00 p.m.
City Council Conference Room

1. Call to Order

Independent Salary Commission meeting was called to order at 4:30 pm in the City Councilor Conference Room, 200 Lincoln Avenue, Santa Fe, New Mexico by the Chair, Paul F. Hultin. The Chair introduced himself and stated that the format of this first meeting is an organizational meeting where the commission members will talk about the Charter Amendment and the Ordinance and the process for duties that have been assigned under the City Charter and under the enabling Ordinance.

Roll Call:

Paul F. Hultin, Chairman
Linda Wilder Flatt
Bill Smith
Shannon Moore Boniface
Stephen Hochberg
Shannon Lopez

Not in Attendance:

Andy Wallerstein, Excused

Others in Attendance:

Lynette Trujillo, HR Director
Dan Chacon, Santa Fe New Mexican
Fran Lucero, Stenographer

2. Approval of Agenda

Commissioner Smith moved to approve the agenda as presented, second by Commissioner Flatt, motion carried by unanimous voice vote.

3. Introduction of Members

The Chair and members provided a short introduction on their background.

4. New Business:

a. Discussion of Charter Amendment 9

The Chair provided the Commission Members with the Charter and Ordinance beforehand. Every 10 years under the City Charter the City is required to go through a Charter review process. There was a Charter Review Commission established and they started their deliberations in late 2012 and that continued through most of 2013. There were some Charter Amendments that were approved by Council, put on the ballot for the municipal election of 2014 and were all approved including Charter Amendment 9. This action changed the structure of Santa Fe government from what was referred to as a Council/City Manager form of government to a form of full-time Mayor-strong Mayor.

That was adopted by the voters in 2014 to be effective after the municipal election of 2018 and will be effective right after that election on March 12th. Those amendments provided that Mayor's Salary would be \$74,000 which was estimated until an Independent Salary Commission could set the Mayor's salary. It was done that way because under the old Charter the half time Mayor's salary was set by the Council and that position was largely ceremonial. Under the City Manager/City Council form of government the City Manager is a professional Administrator and virtually all of the political power ultimately is the governing body/City Council. Charter Amendment 9 changed that in several respects, it made the Mayor full-time and gave the Mayor a vote. Where before in all matters, the Mayor would only vote in the case of a tie and made the Mayor the Chief Executive Officer of the city with the power to hire and fire the City Manager, City Attorney and the City Clerk. I believe the super majority of the City Council can also remove the City Manager. The Mayor now has the responsibility to not only present budget, which a Mayor did not have before and also to give a State of the City Address every year to report on the doings of the city to the people of Santa Fe every year. That is a fundamental switch in the way the city is run.

The job of this Commission is to set the salary for the new Mayor taking in to account comparable, what do other similar situated governmental officials get paid, whether they be Mayor's or not. What are their duties and responsibilities and scope of the enterprises that are guiding and how do they compare to Santa Fe. In order to do this all meeting will be open to the public so that the New Mexican or whoever else wants to be here can report to the public about what the commission is doing. That is the overall context. Two other brief points, 1) one of the driving reasons to make this change is that there was a feeling in the community, certainly the people on the Charter Commission and those attending the public hearings as well as the Chair who attended as a Pro Bono Attorney which was his role, was that there has been a lot of turnover in city managers because there were many coalitions that the City Council would form and the City Manager would feel frustrated or sometimes would be encouraged to leave so there wasn't continuity in the city government process where the public felt that a process was needed, 2) To attract the kind of professional leadership and the kind of people needed to lead a modern city you needed to have someone who would do this job full-time and paid a competitive market salary as those in the public arena. The Chair said this is his understanding of their job.

Commissioner Flatt agreed with the comments from the Chair and used the example that sometimes on the City Council as she re-called there are clicks amongst several of the city councilors. They band together and they would be the power and this is one of the reasons she wanted to be on the Commission. Secondly, one of the emails had a listing of salaries for the City Clerk and the City Manager. The Chair explained it was a comparison spread sheet for information on other state information of comparable salaries. Commissioner Flatt restated her question; at this time in Santa Fe what are the salaries for the City Manager and City Clerk? Commissioner Flatt wanted to know who now would set the salaries for those two positions. Would it be the responsibility of the Mayor or would it be in conjunction with the City Council?

The Chair stated that the Mayor will create a budget that will include those salaries that the Mayor under Charter Amendment 9, the City Manager, City Attorney and City Clerk who will be appointed by the Mayor with the concurrence of the City Council.

Ms. Lopez stated it was \$138,000 for City Manager and \$123,000 for the Deputy Manager.

The Chair noted that in discussion with Commissioner Boniface they believe there has to be good information, a good set of data that is comparable or enough information to talk about why it is comparable. The Chair reached out to faculty at UNM and Dr. Janie Chermak, Chair of the Economics Department was interested in recruiting some students to work as interns here and get credit for their research; they would work as staff for us. The Chair has resumes and their transcripts and these individuals are top of the line.

Commissioner Hochberg asked; when we go to a full time Mayor, and City Manager does the administrative part of city Government go away as the Mayor won't be the figure head anymore? We have been fortunate because we have had a very active part-time Mayor. When we have a full time Mayor, is it the vision to have a full time City Manager and Co-Manager?

i. Duties & Responsibilities of Full-Time Mayor

The Chair made reference to page 13 of the City Municipal Charter which details the role of the Mayor in relation to the retention of city manager and deputy city manager when he/she would become a full time Mayor effective March 12, 2018.

Commissioner Hochberg said he sees it is a full time job.

The Chair restated it is a full-time job and the Mayor will be the Chief Executive Officer of the city and will have the sole authority to remove the City Manager, City Attorney and City Clerk and shall appoint with consent of the governing body the City Manager, City Attorney and City Clerk and members of advisory commissions. Exactly what the organizational structure of the City Administration is going to look like in 2018 will be up to the Mayor who is the Chief Executive and the City Council.

Commissioner Lopez asked if the function of the City Manager would be more like a Chief Operations Officer.

Commissioner Hochberg said that he wants to be sure that the community does not think that we have added another layer of expense with the same set of duties. Commissioner Hochberg said he thinks the Commission should set a salary for the Mayor with the idea there won't be a Deputy City Manager. Commissioner Hochberg further stated that the Commission should set a salary based on a certain premise, what is the premise we are setting it on?

Commissioner Lopez asked if the City Manager's salary would be decreased. Commissioner Platt concurred with this question. So as the CEO are you going to make more than your COO?

Commissioner Smith said that all of these questions are good and suggested that they ask the Researchers to look at this type of relationship in other jurisdictions between the Mayor in terms of both duties and financial compensation for a City Manager and do those models have a Deputy City Manager that functions as a Co-Manager which will present a more informed idea on how to move forward.

Ms. Trujillo said that the city of Albuquerque also has an Independent Salary Commission for their Mayor and the spreadsheet she provided with comparable information came from their resources.

The Chair stated that there is a basic question on gathering the information on what the salaries are in different cities but also digging a little deeper to learn how they operate since there is a spectrum of administrative division in different governments.

ii. Duties & Responsibilities of Independent Salary Commission under Ordinance No. 2016-43

The Chair referred to Section 6.18.2 – Powers and Duties of the Commission – says that the Commission shall have the sole power to review and set the mayor's salary no less than once every four years. The Commission shall set the salary of the mayor by comparing the salaries of other public executives within the county of Santa Fe, including the Santa Fe County Manager, superintendent of Santa Fe public schools, and the city of Santa Fe city manager, as well as the mayor's salary in cities of comparable size, cost of living, and diversity within the region. Those are some of the criteria we have to take in to consideration when we are doing this.

The Chair said the Mayor becomes the Chief Executive Officer and it will be his/her administration who the voters will hold accountable if they think the administrative structure is top heavy and they are paying people too much. It would be presumptuous for the Commission members to say that the new Mayor is going to get rid of the Deputy City Manager or reduce the City Manager salary by \$7200 because he is making \$7200 more than the City Manager.

Commissioner Hochberg told the Chair that he was reaching a conclusion that is not based on his statement. His statement is stated that when they are setting a salary they take in to consideration the other salaries. Commissioner Smith said they will have the benefit of research and data on this topic. It seems that in their minds they need to have parameters, we can't simply say they will do what she/he wants; they need to set a salary based on other duties. It was noted that the salary of the City Manager they currently have is based on a part-time Mayor.

Commissioner Lopez asked again; if they are going based on what the City Manager is currently making, that is going to be the new Mayor's role to set the salary, correct?

The Chair said the Mayor will be the Chief Executive Officer responsible for the administration of the City.

Audience: Mr. Stan Rosen stated that he was taken back when he read in the paper that 3 people had been appointed, his first reaction was; how were the commissioners appointed, what was the process? Was it done by a committee, the City Council or the Mayor?

The Chair asked for clarification to the question, "Three people were appointed to what?"

Mr. Rosen answered to the Committee, was it in the paper?

The Chair answered; this is a Commission and there are 7 individuals on the Commission. Appointments were made pursuant to an amendment to the City Charter that was approved by the city voters and then by an ordinance that was passed by a City Council, Ordinance #2016-43 was passed, approved and adopted on November 9, 2014.

Commissioner Hochberg addressed Stanley, "the Mayor appoints with the advice and consent of the governing body. So you asked me when you called me by phone how they get appointed. We got appointed by the Mayor with the advice and consent of the City Council and we had to fit in to various categories."

Mr. Rosen said, the paper only said 3. His second remark; he felt that there are two groups that should have been chosen, the League of Women Voters and someone from the labor force. They are the most respectable, most researched, most intelligent for good government in the city and county and he did not see them on the list. The second was that while he has great reference to the Chamber of Commerce, why wasn't there a labor person appointed to this committee.

The Chair said that this was done by the City Council with the Mayor and is done. If you had concerns and have concerns you need to bring your concerns to the Mayor and the City Council. The Chair said they did not appoint themselves.

Mr. Rosen said that since the first time anyone learned about the process was when the article was in the newspaper.

The Chair again reiterated that this was not true because this was part of the agenda that went before the City Council and it was all done with due notice and publication to the public for the City Council.

Commissioner Boniface said that it was approved by the voter's of the city of Santa Fe on March 4, 2014.

Commissioner Hochberg said it was done by referendum.

Mr. Rosen asked if it was in the newspaper.

A reporter from the New Mexican said it was published in the newspaper.

Commissioner Hochberg stated it was on the ballot and said they do not have jurisdiction over themselves, they cannot appoint added commissioners.

Commissioner Boniface also reiterated you need to live in the city limits.

Mr. Rosen said he does not want to be on the commission he wants the League of Women Voters to be on the Commission and he lives in the county.

The recommendation was to have Mr. Rosen meet with the Mayor's Assistant to discuss these questions on the appointments. Mr. Rosen states that this information did not come out in the paper.

The Chair asked Mr. Rosen to hold his comments until later in the Agenda for Public Comments.

Mr. Rosen asked again, was it printed in the paper.

Commissioner Hochberg said it was an official referendum it was printed on a ballot and prior to the ballot it was given notice to the voters of the city and it was published. It was also on the website at the time which was 2014. He added that "not we as individuals but the process and the City Council voted and the city of Santa Fe voted on it." We were appointed by the category we represent and the Mayor selected us and had to present our names to the governing body, all of which is public record and then we were appointed. Once we were appointed the names were in the Newspaper, which is what you are referring to, and the Chair selected a date for our first meeting which was also a public record. Commissioner Hochberg said he received a call from Mr. Rosen and he explained to him what it was, this is a transparent process. Your points are well taken but this is not the venue where your concerns should be heard.

Mr. Rosen said that he is in the county and has problems driving, and at another opportunity he would like another opportunity to talk about this. He said the county is affected by the decisions of the city. If people are questioning his standing, fine, he will deal with it in another way to make his position known. I have always come to the City Council meetings, made broad statements of intelligence and even the Mayor has responded to some like the hospital, he doesn't make this his profession. He believes that this is a very important decision that the city is going to make and he feels that not having a representative from a most respected entity in the community who are impartial is a mistake. They don't have an economic interest; he doesn't know what interest the people appointed have. What he is saying is that they are the kind of people that should be involved with this decision as well as someone from Labor.

Lynette Trujillo will send the job description for the City Manager and Deputy City Manager to each of the Commission Members. (Article 8, page 20)

The Chair said that the job description of the full time Mayor is speculative at this time. There may or may not be a Deputy City Manager, we will look at what other chief executives do. Having the information on the position descriptions of the current city manager and deputy city manager are important when looking at other comparable city officials.

- b. Discussion of ISC process, rules, meetings, public input and timing.
Comments included above.
- c. Discussion of data sources and analytical metrics regarding salary of Mayor.
The Chair made reference to documented comments above utilizing the UNM Economic Development students for research.

5. Appointment of Vice Chair and Secretary

Commissioner Flatt moved to appoint Commissioner Bill Smith as Vice Chair, second by Commissioner Rochberg, motion carried by unanimous voice vote.

Commissioner Smith moved to have Commissioner Rothberg serve as secretary, second by Commissioner Boniface, motion carried by unanimous voice vote.

Commissioner Flatt moved to have Commissioner Shannon Boniface serve as the Chair for the Intern-Data Sub-committee and Chair Hultin as Co-Chair, second by Mr. Rosenberg, motion carried by unanimous voice vote.

Other Commissioners shared interest in participating in sub-committee meetings as their schedules permit. All Commissioners are cognizant of the fact that a quorum cannot be present at any sub-committee meetings.

6. Setting of Meeting Dates

What are the expectations of the time and process? The Chair stated having a meeting in approximately a month to get the process started with the students will provide them with data to review. As we go forward we could have more frequent meetings, it would be good if we could finish our work before the end of May.

Commissioner Rochberg asked; whatever we decide is by majority vote? The Chair answered, yes.

Ms. Boniface moved to confirm that the majority of four is the determination that constitutes the decision, second by Commissioner Lopez, motion carried by unanimous voice vote.

It was agreed by the Commissioners that the Interns participate at schedule meetings if possible/transportation.

It was also noted that a time rule be set for the amount of time they can speak. Commissioner Rochberg suggested a 2 minute rule per person unless otherwise decided.

The Commission agreed that when they solicit public input they have meetings in the Council Chambers and follow the 2 minute rule for feedback from the public.

Next Meeting is scheduled for April 4, 2017 – 4:30 pm

Will the interns attend the meetings? Yes, they will attend.

7. Comments from Chair and Committee Members

Commissioner Rochberg complimented the Chair and feels very fortunate to have him as Chair as he has laid the groundwork. Thank you, he is happy to serve on this Commission. The record will always reflect the decisions.

8. Public Comments

Mr. Rosen stated that people should have at least 5 minutes even 10 minutes to express their views.

The Chair asked that the discussion be related to what we have talked about today.

Mr. Rosen asked to see the job description of the Chair and the Vice Chair. If you have students, I want to see the description and background on them. Mr. Rosen wants to be assured that the Commission will open up the process of interaction with the public; hopefully the minutes of this meeting will be made available. The Chair confirmed that the meetings are all public meetings and the minutes are available in the City Clerk's office or on the city website. Mr. Rosen asked again, can someone come in to the city and pick up a copy? The Stenographer assured Mr. Rosen that the minutes are available in the city clerk's office and are draft and subject to approval at the following month meeting.

Mr. Rosen asked if the city council reaches out to the community especially related to this meeting, there are older people that can't get here. I would expect and hope that they be given instructions, they are representatives that are elected, and we can come prepared to participate in the discussion. It is extremely important that the job classification be very clearly stated because Mayor's can do all kinds of things.

The Chair commented, "it is not our job to define the classification we are here to define the salary." The Chair noted that this process has been going on since 2014. There have been open meetings all through this process for the public.

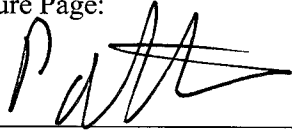
Commissioner Rochberg stated that they have a limited jurisdiction.

Mr. Rosen asked if they could take him to the Mayor's Assistant to discuss his concerns and he was informed that the office was closed at this time, 6:00 pm.

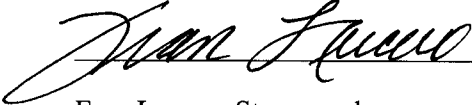
9. Adjournment

There being no further business to come before the Independent Salary Commission the meeting was adjourned at 6:00 p.m.

Signature Page:



Paul F. Hultin, Chair



Fran Lucero, Stenographer