

1 **CITY OF SANTA, NEW MEXICO**

2 **RESOLUTION NO. 2011-56**

3 **INTRODUCED BY:**

4  
5 Councilor Chavez

6 Councilor Bushee

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9  
10 **A RESOLUTION**

11 **REFERENCING THE LEAGUE OF WOMEN VOTERS OF SANTA FE COUNTY'S**  
12 ***POSITION ON TRANSPARENCY IN LOCAL GOVERNMENT AS A GUIDE FOR***  
13 **ESTABLISHING COMPREHENSIVE TRANSPARENCY POLICIES AND PRACTICES**  
14 **FOR THE CITY OF SANTA FE.**

15  
16 **WHEREAS**, transparency at all government levels promotes accountability to the public  
17 about what their government is doing; and

18 **WHEREAS**, public access to information and records generated by government institutions  
19 and decision-making meetings by such institutions are essential to such public accountability; and

20 **WHEREAS**, organizations such as the League of Women Voters of Santa Fe County  
21 ("League") encourage informed and active participation in government and influence public policy  
22 through education and advocacy; and

23 **WHEREAS**, at the request of Santa Fe County officials, the League, along with other  
24 organizations, conducted transparency audits for the County which resulted in the publication of the  
25 *Report on Transparency in Santa Fe County Government, June 2009 ("Report")*; and

1           **WHEREAS**, the *Report* listed findings and recommendations for the County regarding the  
2 New Mexico Open Meetings Act , the New Mexico Inspection of Public Records Act (NMIPRA),  
3 and general implementation of transparency; media relations; and the County website; and

4           **WHEREAS**, Santa Fe County community and other communities have been authorized to  
5 freely use the contents of the *Report* to help achieve openness and transparency in government; and

6           **WHEREAS**, after the *Report* was completed, the League adopted the *LWVSFC Position on*  
7 *Transparency for Local Governments*; and

8           **WHEREAS**, the League of Women Voters of New Mexico adopted a similar position to  
9 advocate for open government throughout New Mexico at both the local and state levels; and

10           **WHEREAS**, the League has been honored for its work in this area by being awarded a 2011  
11 William S. Dixon First Amendment Freedom Award from the New Mexico Foundation for Open  
12 Government; and

13           **WHEREAS**, the League's position on transparency recommends that local governments go  
14 above and beyond the Open Meetings Act and the Inspection of Public Records Act by further  
15 encouraging open and accessible governance and maximum transparency in the conduct of elections;  
16 and

17           **WHEREAS**, local governments throughout the United States are implementing transparency  
18 policies and procedures which include sunshine portals; and

19           **WHEREAS**, sunshine portals are used to provide public access to government information  
20 via a government transparency website; and

21           **WHEREAS**, the City of Albuquerque established their sunshine portal, ABQ View, in the  
22 fall of 2010; and

23           **WHEREAS**, Bernalillo County recently implemented Bernco View, the sunshine portal for  
24 Bernalillo County, which provides public access to audits, current budget, checkbook register,  
25 contracts credit card information, employee salaries, grants and local taxes; and

1           **WHEREAS**, on October 13, 2010 the Governing Body adopted Resolution No. 2010-80  
2 which directed staff to “research the feasibility of establishing a sunshine portal on the City of Santa  
3 Fe web site that is free, user-friendly, searchable and accessible to the public for the purpose of  
4 governmental transparency and openness to the public”; and

5           **WHEREAS**, in response to Resolution 2010-80, City staff Established the *Transparency in*  
6 *Government* page on the City’s website; and

7           **WHEREAS**, on an annual basis the Governing Body adopts the New Mexico Open Meetings  
8 Act, by reference, along with notice requirements; and

9           **WHEREAS**, City staff uses an established process for compliance with the New Mexico  
10 Inspection of Public Records Act; and

11           **WHEREAS**, additionally, the City Manager implemented the *City of Santa Fe A.C.T.*  
12 *Program* which trains all city employees in the principles of Accountability, Customer Service, and  
13 Transparency; and

14           **WHEREAS**, the Governing Body desires to expand the City’s current proactive approach to  
15 openness, accountability and transparency.


16           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
17 **CITY OF SANTA FE** that the Governing Body has referenced the League’s *Position on*  
18 *Transparency in Local Government* as a guide for establishing a comprehensive transparency policy  
19 for the City of Santa Fe.

20           **BE IT FURTHER RESOLVED** that the *City of Santa Fe Comprehensive Transparency*  
21 *Policies and Practices*, attached hereto as Exhibit A, which may be amended from time to time by the  
22 Governing Body, is hereby adopted. Such transparency policy is effective immediately upon  
23 adoption of this resolution.

24           **BE IT FURTHER RESOLVED** that the City Manager is directed to use the *A.C.T Program*  
25 to obtain feedback from City employees regarding each employee’s role in being transparent to the

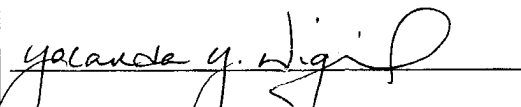
1 public relating to requests for public records; open meetings; and the availability of information on  
2 the City's Website. Thereafter, the City Manager shall assess the feedback and establish a  
3 transparency baseline for City employees.

4 PASSED, APPROVED and ADOPTED this 12<sup>th</sup> day of October, 2011.

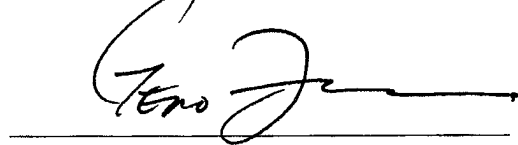
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7 DAVID COSS, MAYOR

8 ATTEST:

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11 YOLANDA Y. VIGIL, CITY CLERK

12 APPROVED AS TO FORM:

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14 

15 GENO ZAMORA, CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

COMPREHENSIVE TRANSPARENCY POLICIES AND PRACTICES

Introduction:

On October 12, 2011, the Governing Body adopted Resolution No. 2011-56. The resolution referenced the *LWVSFC Position on Transparency in Local Government* as a guide for the City of Santa Fe (“City”) to establish a comprehensive transparency policy.

The League of Women Voters of Santa Fe County expects local governments to follow the requirements of the New Mexico Open Meetings Act and the Inspection of Public Records Act and recommends that local governments adopt policies and practices regarding open meetings and public records, over and above what are legally required law, within reasonable budget constraints.

The following transparency policies and practices are implemented by the Governing Body, within reasonable budget constraints, and may be amended from time to time, by the Governing Body.

**Section 1. Open Meetings Act, NMSA 1978, Chapter 10, Article 15.** The City shall comply with the requirements of New Mexico Open Meetings Act and the following policies and practices, which may be over and above what is required by law.

**A. Open Meetings.** The City shall:

(1) Maintain a comprehensive list of all meetings that are open to the public, along with the time, place and agenda for each meeting.

(2) With the exception of emergency meetings, public meetings shall be announced at least one week in advance, using display ads in standard public media and on the City Website.

(3) To the extent that is practical, all written materials that will be used in a public meeting shall be available one week in advance, preferably on the City’s Website, or in the alternative, provide information to the public as to where and how such materials may

1 be obtained.

2 (4) Broadcast as many public meetings as possible, and within reasonable budget  
3 constraints, in both real-time and in an archived format, preferably on the City's Website.

4 (5) Allow time and access for public input on important issues.

5 (6) Develop and publish a policy concerning public attendance and participation  
6 at meetings of City bodies that are not covered by the Open Meetings Act.

7 (7) As soon as practicable, the City Clerk's Office shall post draft minutes of  
8 public meetings on the City's Website, with a disclaimer that states that the draft minutes "are  
9 subject to change upon approval".

10 **B. Executive Sessions.** The City shall:

11 (1) Hold meetings in executive session only when necessary, even though the  
12 Open Meetings Act may allow otherwise.

13 (2) Include an explanation of the purpose of the executive session on the meeting  
14 agenda.

15 (3) Keep a public record of all attendees at executive sessions and make that  
16 information public when the public body reconvenes after executive session.

17 (4) On important matters of wide public interest that have been discussed in  
18 executive session, publish a draft motion based on what was discussed in executive session  
19 and allow public input on it at a public meeting before a vote is taken, with the exception of  
20 matters that require timely action of the Governing Body.

21 **Section 2. *Inspection of Public Records Act, NMSA 1978, Chapter 14, Article 2.*** The  
22 City shall comply with the requirements of New Mexico Inspection of Public Records Act and the  
23 following policies and practices, which may be over and above what is required by law.

24 **A. Inspection of Public Records.** The City shall:

25 (1) Create an inspection of public records policy and procedure with the goal of

1 helping the public obtain the maximum amount of information they may want to discover  
2 about the City, and do so in a timely and cost-effective manner.

3 (2) Publish a cost list, on the City's Website, for various types and sizes of  
4 public records.

5 (3) Develop a policy regarding the production and cost of spreadsheets, lists, and  
6 other reports which may not exist, as public documents, but whose data exists within City  
7 files and in which there is a public interest, except for documents that are confidential, as  
8 allowed by federal, state and local laws.

9 **B. City Website.** The City shall

10 (1) Use the City Website as a repository of information that is most likely to be  
11 requested by the public, including, but not limited to:

12 (a) Open meetings and public records policies;

13 (b) Meeting lists;

14 (c) Proposed agendas;

15 (d) Minutes;

16 (e) Meeting packets;

17 (f) Frequently requested documents;

18 (g) For the purpose of respecting the chain of command, on each  
19 department web page, the name and contact information, including a telephone  
20 number and e-mail address, for the department director, division directors and  
21 supervisors shall be posted;

22 (h) Resolutions and ordinances;

23 (i) Personnel and procurement policies; and

24 (j) The location and mission of various departments and divisions.

1           (2)     Within reasonable budget constraints, use the City website as a repository for  
2           searchable budget and financial records, including operating budgets, expenditures over a  
3           specified amount, checks/warrants and any other budget and financial information made  
4           available to the Governing Body.

5           (3)     Ensure that the City Website is easy to use and search, and that the  
6           information posted there is timely and up-to-date, and that it provides for interactive  
7           processes, such as requests for public records, whenever feasible.

8           **Section 3.     Transparency Policies and Practices Related to Elections.** The City  
9           should conduct elections with maximum transparency. The following policies and practices are  
10          implemented, within reasonable budget constraints.

11          A.     The City should alert voters about elections by using available sources of media.

12          B.     All tax and bond measure elections should be preceded with an understandable and  
13          comprehensive schedule of proposed expenditures.

14          C.     Every candidate for municipal office and every political committee shall be required  
15          to comply with the Santa Fe Election Code, Article 9-1 SFCC 1987, the City Campaign Code, Article  
16          9-2 SFCC 1987 and the Public Campaign Finance Code, SFCC 1987, if applicable.

17          **Section 4.     Additional Transparency Policies and Practices Beyond the Open**  
18          **Meetings Act and the Inspection of Public Records Act that Should be Implemented by the**  
19          **City.**

20          A.     The City's resolutions, ordinances or published policies should address ethics and  
21          conflict of interest, providing sanctions for violations.

22          B.     Department directors, division directors and supervisors responsible for ensuring  
23          transparency, should be trained and evaluated according to relevant statutes, policies, resolutions and  
24          ordinances.



**Exhibit A**

1 C. The City Manager will arrange an orientation session for newly elected City officials,  
2 which will include, at a minimum, a presentation on the *Open Meetings Act* and the *Inspection of*  
3 *Public Records Act*. On an annual basis, the City Manager will arrange a training session for elected  
4 City officials that will include at a minimum, a review of the *Open Meetings Act* and the *Inspection of*  
5 *Public Records Act* and any updates to such laws; and any other statutes or mandates that are  
6 applicable to elected officials.

7 D. Within budget constraints, the City should:

8 (1) Encourage input from and listen to constituents, by simplifying a process for  
9 constituents to comment on local issues;

10 (2) Periodically assess the needs, desires, and satisfaction of constituents and  
11 respond to constituents' recommendations by changing policies and practices or providing  
12 explanations when they reject such input;

13 (3) Provide timely and complete information to constituents on current issues  
14 and initiatives;

15 (4) Provide up-to-date, easy-to-find information about City offices, divisions and  
16 departments, locations, building directories, organizational charts and contact information for  
17 directors and supervisors of key City functions.