



Agenda

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CHARTER REVIEW COMMISSION

Tuesday, January 29, 2013

4:00 pm

City Council Chambers

200 Lincoln Avenue

1. PROCEDURES:
 - a) Roll Call
 - b) Approval of Agenda
 - c) Approval of January 14, 2013 Minutes
2. Public Comment.
3. Report from the Agenda Committee
4. Discussion/possible action regarding Charter Review Commission Outreach Process and Procedures for input from concerned residents, including possible use of City Website, social media, and communications with media.
5. Discussion/possible action regarding a Charter Review Committee Outreach Committee to develop process for obtaining input from concerned residents, including possible use of City Website and social media.
6. Discussion/possible action regarding future meeting locations and dates.
7. Discussion/possible action regarding process for Charter Review Commission to obtain information for review on topics raised for possible changes to City Charter.
8. Discussion/possible action regarding setting future deadlines for the submission of proposed amendments to the Charter Review Commission for consideration by the Charter Review Commission and the process that Charter Review Commission will follow in considering any submitted amendments.
9. Communications from Charter Commission Members.
10. Public Comment
11. Adjournment

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Monday, January 29, 2013**

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**COMMUNICATIONS FROM CHARTER
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**MINUTES OF THE
CHARTER REVIEW COMMISSION
City Hall Chambers
200 Lincoln Avenue
January 29, 2013**

CALL TO ORDER.

A meeting of the Charter Review Commission was called to order by the Honorable Patricio Serna, Chair, at approximately 4:00 p.m., on January 29, 2013, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

1. PROCEDURES

a) ROLL CALL

Roll call indicated the presence of a quorum as follows:

MEMBERS PRESENT

The Honorable Patricio Serna, Chair
Nancy R. Long, Vice-Chair
Steven G. Farber
Brian Patrick Gutierrez
John B. Hiatt
Houston Johansen
Carol Romero-Wirth
Daniel Werwath

MEMBERS EXCUSED

Roman Abeyta

OTHERS ATTENDING

Albert Walker, Assistant City Attorney
Geno Zamora, City Attorney
Irene Romero, City Attorney's Office
Melessia Helberg, Stenographer

b) APPROVAL OF AGENDA

MOTION: Commissioner Hiatt moved, seconded by Commissioner Werwath, to approve the agenda as presented.

VOTE: The motion was approved on a voice vote, with Commissioner Romero-Wirth absent for the vote.

c) APPROVAL OF JANUARY 14, 2013 MINUTES

MOTION: Commissioner Long moved, seconded by Commissioner Hiatt, to approve the minutes of January 14, 2013, as presented.

VOTE: The motion was approved on a voice vote, with Commissioner Romero-Wirth absent for the vote.

2. PUBLIC COMMENT

There was no public comment.

3. REPORT FROM THE AGENDA COMMITTEE

Commissioner Farber said there is no minority or majority report, because everyone was in agreement. He said the Agenda Committee met and had a good and substantive meeting.

Commissioner Farber said in discussions, one of the things they would like is to decide how to address one another, so we can have dialogue and not be stuffy. He said Commissioners Hiatt and Abeyta come from an action based background, while he was an elected official accustomed to listening to feedback and then making a decision. He said they talked about identifying a problem and immediately working on it, versus his perspective which is listen, go forward and make decisions. He said through understanding their different perspectives, they were able to identify the areas which Commission Hiatt summarized for us at the last meeting, and talk about those areas. They discussed whether it is our role right now, and if it is too soon, to be substantively dealing when these issues, when we really don't know if there is community support – more than one person – and what is the threshold we should be thinking about as we go about our deliberation. He said they came to a consensus that we need to move on substantive issues, but not necessarily at this moment. He said there was an article in the newspaper which said the Commission, constrained by time, appointed an agenda committee. He called the *Journal* editor and spoke with him to tell him the reasons it was done.

Commissioner Farber said the summary of their deliberations was to try to develop a process where we can feel that we have been out into the community and we can be comfortable then to have deliberations on any issues that might come before the Commission. They discussed the social media, and because some of us don't use Face Book and Twitter, we could use Commissioner Houston's expertise in this regard. He said one of the things that came up is that if we use the social media, we should try to determine how we know the feedback is real. He said we all get these mass emails, and we need to be able to weed out the real substance from just the mass input and know there's a real person who cares about an issue which is associated with something we might get, if we use that kind of mechanism. He said this isn't to knock the use of social media, but to figure out how to use it intelligently.

Commissioner Farber said there was a suggestion to the Commission that there be a full-time Mayor. He said this raises fundamental issues with which they will need to grapple. He said they discussed the threshold to decide whether this is an issue the community wants. He said there are cost considerations for a full-time Mayor. He said people may be running for a position just for the salary, and not be particularly civic minded.

Chair Serna said Commissioner Farber is getting into the merits, which he doesn't want to do at this time.

Commissioner Farber said he just wanted to lay out how decisions flow, and then he will stop. He said, "And this is the process, and why we figured that we need the input. Full time pay, who gets involved, partisan politics, runoff elections and a change from the fundamental structure of government, without knowing the community really wants it. And that's why we felt that we needed to have these discussions, to see what the community really wants, as opposed to just might want. And that's why we tried to create this structure, so we could have a discussion to really get the input. I didn't mean to get into any of the merits, I just wanted lay that out as an example of things that could follow from one another, because nothing is really in isolation."

Commissioner Hiatt said he had nothing to add to Mr. Farber's summary of the meeting.

Chair Serna said the Agenda Committee is not a substantive committee, but more of a process committee to establish the agenda and such. He said at the last meeting Commissioner Romero-Wirth raised concerns regarding appointment of subsections to deal with issues of policy, because there would 3 people having substantive discussions. He before we adjourn, we need to address whether we really can have subcommittees for that reason, and whether it detracts from the transparency/non-secret position that this Commission has taken.

Chair Serna said Commissioner Werwath wrote a letter to the Commission, suggesting we create an outline of the entire Charter Review process. He said at the last meeting he said he would like to appoint him as Chair to use his area of expertise. He asked Mr. Werwath if he would be willing to take on that chore.

Commissioner Werwath said he absolutely would be willing to do that.

Chair Serna said he will appoint Commissioner Werwath with the concurrence of the Commission knowing it is a process-type committee and encompasses some of the ideas from Commissioner Farber regarding outreach to the community. He asked if everyone is agreement that we have this committee, Chaired by Commissioner Werwath.

Mr. Farber said they used Commissioner Werwath's letter in large part as they were preparing the Agenda, and followed it. He said perhaps we can wait to name the committee until we have the discussion. He said we do have an idea in that regard, but today is to work through a process. He said he requested the City have a representative present to talk about what the City could offer at the website. He said Joyce Bond is here today

Chair Serna said then it is premature to make that appointment. He said we can wait and see what the discussion brings forward.

Chair Serna said he has to go to Albuquerque after the meeting and to Arizona early in the morning, so he doesn't want the meeting to go too late, noting the Vice Chair also has something else for this afternoon. He said we are concerned about the roads. He said let's see where we are by 5:30 p.m., but he is willing to stay until about 6:00 p.m.

4. DISCUSSION/POSSIBLE ACTION REGARDING CHARTER REVIEW COMMISSION OUTREACH PROCESS AND PROCEDURES FOR INPUT FROM CONCERNED RESIDENTS, INCLUDING POSSIBLE USE OF CITY WEBSITE, SOCIAL MEDIA AND COMMUNICATIONS WITH MEDIA.

Commissioner Farber said this item is listed for possible action to comply with the Open Meetings Act in the event we voted on something. He said that doesn't mean our discussion is finished today, and we might need another meeting to talk about the process before we go to the substance.

Chair Serna agreed, saying we might have to go through the outreach process to get input on all of this.

Chair Serna said one of the issues which was raised at the last meeting by Vice-Chair Long, was how we would analyze the issues, who will be doing the briefing and analysis, and how we are going to get input. He said we need to know where we will get our advice, direction, input and such. He said he doesn't have Face Book or Twitter, but he can manage email and google on the internet. He said some of the Commissioners use Face Book or Twitter.

Chair Serna said he has a standing invitation from KSWV Que Suave and he goes once or twice a month to chat with them from 7:00 a.m. to 8:00 a.m.. He said when we are to have a meeting, he would volunteer to pay them a visit and tell them the date, time and what we will be talking about. He said there are a wide range of listeners.

Commissioner Werwath said another place to get information to the public is on the Mayor's radio show. He said it would be good to have a place to direct people, besides just the meetings. He said he has been thinking about putting a survey on the City website that is accessible to the public. He said the two purposes for technology and social media, are getting information to the public about our meetings and increasing public participation in those meetings and as a way of soliciting ideas beyond what has been presented so far. He said we need to come up with a process for vetting those ideas – City Legal is one of the steps. He said there are bigger questions about process we need to think about. He said he doesn't think social media is the appropriate way to gauge the level of support for specific initiatives.

Chair Serna said we need to define some of the terms, and asked about the City website, and asked what Mr. Werwath means by social media.

Mr. Werwath said he was referring to the City's website that has information posted on it about City government, and public meetings and such. He assumes social media would include a Face Book profile for the City of Santa Fe that is used to connect people in the larger internet landscape. He recommended that Ms. Bond talk about what options are available for outreach on the City side.

Joyce Bond, City Public Information office, said Commissioner Werwath went through all of the venues that the City has available. She said, "We have a Face Book presence. We also have Twitter account. These sites really are for younger audience. For this past meeting, I did a little test and I posted a tweet about the meeting and I also put it on the City's website calendar that they were having a meeting. I think you would have had a much better turnout if the weather had not been so horrible. So those are a couple of things."

Ms. Bond continued, "We can send out a press release which is not guaranteed that it's going to run, but normally the papers are pretty good. There are a lot of people that still read a newspaper. We do have an hour program on Channel 28 every Wednesday, and that's called City Hall Live, so if someone from the Commission would like to appear on City Hall Live, you can talk about what your purpose is, what you're going to be doing. It's 11:00 a.m. Wednesday mornings, so we're going to have one tomorrow morning and that is live. And then it's repeated on Channel 28 several times until the next program. From City Hall Live, we take out clips from what people have been talking about."

Ms. Bond continued, "And I do a twice a month newsletter that has a subscription of about 2,100 email addresses. We don't know how many people watch City Hall live, but we can track about how many people read the newsletter, and there's at least 500 people reading that newsletter, even though we're sending it to 2,100... we may not be able to track that, but we know for sure there's at least 500. And we started doing that newsletter when we were trying to get the word out for the GO Bond."

Ms. Bond continued, "You mentioned the Mayor's program. He goes to Hutton Broadcasting, it's on KTRC AM, 1260 I believe. The program itself is on Saturday mornings at 9:00 a.m., but it's taped Thursday mornings at 10:00 a.m. All you all would have to do is let me know. We can book you for whatever you feel like you would like to tell the public."

Responding to the Chair, Ms. Bond said, "10:00 Thursday morning is when they tape the program for that Saturday. So they would go to Hutton Broadcasting to be interviewed by the Mayor, and it would be replayed on Saturday at 9:00 a.m. For example, Justice you might want to go and just talk to the Mayor about this Commission, and he will ask you questions. He's the interviewer."

Ms. Bond said, "We just try to cover as many media venues as we can for whatever topic."

Chair Serna said, "We do want to become part and parcel of that media that you mentioned."

Commissioner Hiatt said, "Joyce, I think you've picked up what we're trying to accomplish, and so I hope that what you offer us today, which is what's going on currently, isn't the end of it. And if something comes up along the way, or you have a suggestion for us, I hope you'll get it to us in one fashion or another, because obviously we want to reach out to as many people as we can. There is a certain

percentage of people who aren't going to care, one way or another. But trying to push that envelope to the folks that do care or that might care if they knew about what we are doing, is really what our goal is, so if you think of anything, please let us know."

Commissioner Farber said he uses the City website from time to time, and asked how someone signs up for the newsletter, commenting he doesn't think he's ever seen it.

Ms. Bond said the list primarily was from donors to Mayor Coss's campaign and others. She said if people will give her their email addresses, she can send it to the Commissioners every other Thursday .

Commissioner Farber asked if there is any effort by the City to broaden the email distribution, beyond the Mayor's contributors, to other citizens.

Ms. Bond said, "Right now, we haven't done an appeal to sign up for this. We wanted to see how well the letter was received, and we are going to be getting a new person to replace Carla Lopez, so we're going to see what this person wants to do. I think it is a good idea to get more people to sign up. It's through the Constant Contact eMail program."

Commissioner Farber asked if there is a link on the City's website to sign up.

Ms. Bond said no, and she is unsure how that works. She said, "I think what we could do is put an appeal on the website, and the people could respond to it."

Commissioner Farber said, "It would seem to me, not just from a Commission standpoint, but from a City standpoint, if you're trying to get neutral information out to the community, that having a prominent link or a prompt would be an easy, so they can just click on it and they end up getting the newsletter, so it's not such a small group."

Commissioner Werwath said, "I would like to recommend that Joyce continue with the promotion of our monthly meetings as she's been doing. And then, it's the next agenda item, I don't want to jump ahead, but once we have a more defined process and perhaps have dates figured out for the overall scope of what we're doing, that we try to work with Joyce to develop a media push, including visits to the radio programs and other things, when we can talk about the entirety of the process, and save our energy for that."

Chair Serna agreed, saying he thinks we'll have plenty of volunteers.

Commissioner Houston asked if the City website has a way to gather peoples' input, other than looking at information, is there a way to actually gather input from the citizenry on the Santa Fe website."

Ms. Bond said, "At the very bottom, there is an area for a website survey. That's just the website. It's asking if the person found the information they were looking for. I'm new at building forms and pages. If you want a specific survey about what is important to the citizenry about the Charter Review Commission, I could probably build you a page and we could put that on."

Commissioner Houston, "I think at some point, that would be incredibly useful to us, because we talked about using something like Face Book or Twitter could get very messy for actually sifting out useful information, but a true survey that was regulated and managed by the City, I think would do us a tremendous favor in this process, once we know what it is we want to ask I suppose."

Ms. Bond said, "You might have a list of questions that you could give to me and then I could build the page."

Commissioner Farber said one of the things he touched on is that these agenda items flow into one another, and the topics aren't so discrete as such, one follows from another and there obviously is some overlap. He said, "I am all for public input and I do think that it is extraordinarily important for our work over the next 3-5 months, as we're dealing with these particular issues, particularly when we get to the substantive type issues to be hearing from the citizens. What I'm wondering about, and open this up for the Commissioners and Joyce, there is a value to me personally, to seeing somebody here and knowing that they show up at a meeting. I understand it is hard to come to meetings which is why we need to have the discussion and maybe set a trend going out into the community. I wonder how we balance out the input that we get, and knowing that it's real input. And by that, I mean that there is a person associated with the message."

Mr. Werwath said, "I'd recommend for that, the usage of the survey mechanism on the City website that includes a form submission that has a person's name and address within the City of Santa Fe to make them a *bona fide* constituent of this process. And then, we would use social media as the way of pointing to that survey, so we wouldn't actually use social media as a way of soliciting ideas. We'd use social media as a tool to get that survey out into the internet [and] that survey, we could design in a way that addresses the issues you're bringing up here around a *bona fide* constituent."

Commissioner Farber asked if he is speaking of, for example Twitter, someone sending a message saying Charter Review Commission wants your feedback. Go to the City's website. And from that, there would be a link to the City's website and that survey that people could then fill out.

Commissioner Werwath said yes – use the social media to publicize the link to the survey and then have the survey set up so it explains a little about the process, has relevant links to the City Charter and other relevant things so people could research that and has a survey built into it. He said this is a way to solicit input as well as to promote the transparency of what we're doing.

Commissioner Farber said, "But having the results [of the survey] to be through the City's website process that somehow we would then have to figure out who goes through the surveys and tabulates the information or the results, and then reports to us, I guess."

Commissioner Werwath said yes, and ultimately he assumes we would get a tabulation of all the surveys. He spoke of his experience in doing surveys in collaboration with the City, saying they did one in 2005 which generated about 100 responses which was really useful data. He said he can't guess what participation we might get. He said this is pretty technical stuff and doesn't know that the average "non-policy wonk person" is going to be particularly inspired or engaged around this. However, he said he

thinks it is worth trying and an important aspect of being comprehensive and transparent, to get as much participation from the community as possible.

Chair Serna said there 11 home rule cities, and asked if Ms. Bond could contact them to find out if they have other means of outreach that we could use.

Ms. Bond said she can do so, if you would like.

Chair Serna said he would like for her to do that.

Ms. Bond said she would need the list of the 11 home rule/charter cities, which the Chair provided.

Commissioner Long said she presumes we're talking about input regarding our possible recommendations along the way as well as input on topics in which people may be interested, so it would be an ongoing process.

Chair Serna said this is correct, noting we have about 14 topics. He said we could lay those out and get input on those, as well as any new topics which should be considered.

Commissioner Long said she would like those topics sufficiently filled out, so there is some analysis and some pros and cons, so people could have informed input, which gets us back to who is doing the analysis and when are we going to start this. She said, "I would hate to see us spent 6 months on process and not get to anything of substance and then hand it off to the Council, because, in reality, we do have a deadline. We can't do this for years, and it's the summer."

Chair Serna agreed saying we already are zeroing in on some topics which have generated discussion pro and con, and those might be the leading topics.

Chair Serna said the past Commission used Paul Biderman as an advisory. He asked Irene Romero if the intent is for City staff to be our advisors – the City Attorney and Assistant City Attorney. Or should we wait until Geno Zamora gets here.

Ms. Romero said Mr. Zamora will be at the meeting shortly, and she can check into this.

Commissioner Farber said, "I want to follow up on what Commissioner Long said, with regard to the background information, because I think that is really important. It seems to me that we need the background information, the same with pros or cons before we send out something or have a survey that says, what do you think about this idea, without presenting here's an argument for, here's an argument against, let us know what you think."

Commissioner Farber said, "Something that came up at the last meeting is we have to be sensitive that there are potential conflicts of interest that the City Attorney's Office may have, such as only the Mayor can fire or terminate the City Manager as opposed to the way the Council has done. The interactions the City Manager has with the Mayor, may make it difficult for an objective... I'm not besmirching anybody, I'm

just thinking theoretically. It creates some issues that we need to be thinking about and how we get, as an independent commission, independent advice. And that is why when we're talking about the use of the City's website, and I think we, as a Commission, need a separate page. If one were to go speak at a radio show, for example, it would be the Commission and not as part of the City government."

Chair Serna said that is something to think about. He said, "There is no doubt in my mind that a full time Mayor with a full salary, will be one of the things that we're going to consider, and youall are going to vote on, and we'll have input from the public and all interested persons."

Mr. Gutierrez asked Ms. Bond if we could post our minutes somewhere for people who want to read them.

Ms. Bond said the minutes can be posted.

Mr. Gutierrez would like to see the current work we are doing to "pop up first" at the website, instead of being 2-3 pages back on a Google search – 2013 coming up first instead of 2007, for example – if it is possible.

Mr. Werwath said that can be challenging and has to do with traffic, so the best way to do that is to get more people to go to the current site, and that's the best way for it to show up.

Mr. Farber said he has tried using the search mechanism on the City's website, and sometimes the results are pretty odd, it seems to him, which goes to what Commissioner Gutierrez is talking about. We would want people to be driven to our minutes from our last two meetings to find out what the Charter Commission is doing. He said that should come up first, but often times the results are garbled, and he has had a hard time finding things.

Ms. Bond said, "The search mechanism does bring up a lot of very unrelated... it's like if it's one word, it will take every single thing that has that one word... and I'm not real sure what the mechanics of that is and how that can be cleaned up, but I can do some research"

Mr. Farber said he will appreciate that. He said when he was appointed, he did a couple of searches because he wanted to see if he could find the Resolution or the Revised Charter and it wasn't easy to get it to pop up.

Ms. Bond said in mid-May the City will have a new website, and hopefully it will be much easier to navigate and to find things.

Mr. Hiatt said he would be interested from time to time during this process, to know how many people are hitting on these sites, or how much feedback we're getting, numerically, to see what kind of interest we're generating out there. He would like that information if Ms. Bond can do that without adding a great deal to her duties.

Ms. Bond said she just learned how to do statistics, noting there isn't a Charter Commission page. However, if a page is created, which could be, she could post the agendas, notices of meetings, and she can then track to see on a daily/weekly/monthly basis the number of hits the page gets and view it.

Chair Serna asked if the members of the public have further questions of Ms. Bond.

A member of the public said he would like to see additional hard copies of the agenda available at each meeting.

Chair Serna asked Ms. Romero to provide hard copies of the agenda to be available for the public, and Ms. Romero said she will do so.

Commissioner Farber said, in trying to get input, the public needs to have information. He said we don't have a large number of people who actually access the internet. He isn't familiar with the streaming mechanism, but it might not be a bad idea to have a webcam of this meeting as well as other City meetings so people who are homebound, or aren't going out, can see what we're doing. He said this could be another mechanism to inform the public, if it is not too unwieldy. He's heard it said that the downside is that people will talk too much, or try to dominate. He doesn't believe this is the case, noting the idea is to forget it is there and it is allowing people to participate at home.

Geno Zamora arrived at the meeting.

Commissioner Werwath said that is done for the City Council meetings currently.

Chair Serna welcomed Mr. Zamora.

Mr. Zamora said, "Thank you Mr. Chair, excuse my lateness. The attorney that is assigned to this full time happens to be out sick, and I was in with Councilor Bushee and the Mayor."

Commissioner Farber said, "The difference that I'm thinking, in terms of the City Council meeting, is that there are costs that associated with it, because there's a whole big setup and it's cable, and it goes on the air. I was thinking about something that was more low-tech. I don't know if it's feasible."

Mr. Johansen said there are a variety of free on-line streaming services that can be used, and we used them during his City Council campaign, for instance. We would stream the debates and whatnot for free. All you need is a webcam and an internet connection, and somebody willing to set that up each time. We can even set that up so people can chime-in from their homes, if that is something we are interested in doing.

Commissioner Werwath recommended that Ms. Bond look into creating a page for the Commission, as a place for us to have as a repository for agendas and minutes and such.

Ms. Bond said she will look into that.

Mr. Hiatt wants to be sure we've asked all the questions we would like of Ms. Bond. He said, "Unless we ask you to come back another time, I would think that the Information that you have would be sent through Irene to the Committee. Or if we have questions, we'll communicate with you through Irene. It has been very helpful, and thank you very much for doing this, and I appreciate it."

Chair Serna thanked Ms. Bond, saying it has been very informative, educational and enlightening.

Commissioner Farber asked Ms. Bond, based on her knowledge of the City's capabilities, if the City could do something such as Commissioner Johansen talked about, through the public information offices, a low-tech streaming service of some sort, if the Commission decides it wants to do so.

Ms. Bond said she would rely on Joe Abeyta, the Multi-Manager for the City, to furnish this information, and she will ask him tomorrow. She will provide that feedback to the Commission.

5. DISCUSSION/POSSIBLE ACTION REGARDING A CHARTER REVIEW OUTREACH COMMITTEE TO DEVELOP PROCESS FOR OBTAINING INPUT FROM CONCERNED RESIDENTS, INCLUDING POSSIBLE USE OF CITY WEBSITE AND SOCIAL MEDIA.

Chair Serna said this agenda item is mainly about a Charter Outreach Committee, to develop process for obtaining input, which is line with the letter from Commissioner Werwath. He said this isn't a substantive committee, it is process committee, so he sees no problems with it interfering with transparency, so at this time he would like to appoint Commissioner Werwath to serve as Chair of this committee. He asked Mr. Werwath to select two other members with whom to work closely on this effort.

Commissioner Werwath said he would take that appointment, and take on this task. He said asked if there are volunteers to serve on this subcommittee. Commissioners Johansen and Gutierrez volunteered to serve on the subcommittee.

Commissioner Werwath said he would like to have at least one meeting prior to the next full meeting of the Commission where they would present proposed recommendations for a process for discussion, modification and approval.

Commissioner Hiatt said he is thinking communication is the bulk of what we've been talking about, and these overlap and he isn't objecting to anything. He is just trying to narrow the definition, and asked Commissioner Werwath where he wants to go with this.

Commissioner Werwath said based on his reading of the minutes of the last meeting, he understands there is an interest in creating an overall outline of our process, for the purpose of publicizing that to the public through the various outlets we have available to us. He said it doesn't need to be specific, and he is open to direction from the Commissioners as to how to proceed with that and the level of detail they work end. He said, "I personally would like to see, by the end of the next meeting, an agreement among the Commission of an overall process which includes when certain things will be

discussed, when there are opportunities for input and such, so we can publicize that, and so we know whether or not we are on deadline in the scheme of the tasks.”

Chair Serna said this is desirable.

Mr. Farber said the idea is for the subcommittee to meet, and come up with a proposed outreach process which will be presented to the Commission for debate and or action at the next meeting. Hopefully, we then would be in a position to start dealing with some of the substantive issues after we get information from the City or City Attorney about how we will be provided with the background information which would be fit into an outreach process.

Commissioner Werwath said this is correct, and in the creation of this, they would have to work with the City Attorney’s staff as to the design of the overall process and what is intended from the City – work with the City Attorney’s office about the structure of the overall process and what resources are available. He said we wouldn’t want to schedule an item without sufficient time for them to properly research or provide data about a particular action item.

Commissioner Farber said we are trying to figure out a process where we can get input and information, and Mr. Werwath said yes.

Commissioner Hiatt said it sounds like we are talking about items 5-8, and he endorses that. He thinks it would be helpful to have a timetable, the process and how we will communicate. He said he had worked out a reasonable schedule to get on the timeframe to get our information to the Council in a meaningful way, and he will send that to Mr. Werwath, commenting he included topics as well.

Mr. Hiatt said, with regard to the Vice-Chair’s comments about the input, he would like to see the Commission be flexible about how we go about receiving information. He believes it should be the Commissioner suggesting a particular item to somehow make sure we get the information on that item will get to this Commission, and they ask others to be involved in that. On the other hand, people from the community have given us ideas, and believes we need to lean on them to bring the information to us. He is sure the City Attorney and staff will bringing us a lot of information. He said rather than locking ourselves into a plan, he would like to use the dates to figure out a plan on who will be bringing the information. He said at the next meeting, we need to “lock in and get started.”

Chair Serna said he has followed that procedure, noting when people present ideas, he has requested that they submit the request in writing with details and such.

Chair Serna welcomed Councilor Bushee to the meeting.

Commissioner Farber said Commissioner Hiatt came up with a list of ideas and then arbitrarily put dates in the list. He said he doesn’t know that now is the time to be putting the substantive issues into that, before we agree on the process to then start discussing some of these issues – what is a threshold for an issue to be discussed and how do we decide to discuss it.

Vice-Chair Long believes we should include the topics as Commissioner Hiatt has outlined. It gives us some parameters and an idea of what we're going to be looking at. She said we may or may not receive input about additional topics, commenting it may be that the real push was at the beginning and people gave us their ideas and concerns. She said this would give us a better outline of what we can accomplish, rather than continuing to talk about the process without having something hinged to it for some goals. She said there could be there are natural groupings which we want to consider together. She wants to get an idea of what we can accomplish with some timeframes.

Commissioner Farber agreed, but he is concerned if we put an agenda, people might think we're voting on those topics which isn't the idea, because we're still trying to figure out how we structure everything.

Vice-Chair Long agreed, and we need to be careful about this.

6. DISCUSSION/POSSIBLE ACTION REGARDING FUTURE MEETING LOCATIONS AND DATES.

The Commission discussed future meeting dates, with Chair Serna noting he has a list of available dates for the Council Chambers.

MOTION: Commissioner Hiatt moved, seconded by Commissioner Johansen, to hold the next meeting on February 28, 2013, in the Council Chambers at 4:00 p.m.

DISCUSSION: Commissioner Farber said we need to look at meeting at sites other than the Council Chambers. He said the Council Chambers may be remodeled at some point, and that might be a good time to meet elsewhere, such as the meetings in each Council District. He would like confirmation on the City about when and if there will be construction, and the dates.

Commissioner Farber suggested that the agenda at the next meeting will be a report from the outreach subcommittee with recommendations. He said if we don't want to drag this out too long, we might want to meet in two weeks so we can get this process nailed down quickly.

Commissioner Werwath said he can have something ready in the next two weeks, of course depending on the availability of the other members of the subcommittee..

FRIENDLY AMENDMENT: Commissioner Hiatt would like to amend the motion to hold the next meeting on February 13, 2013, with the next meeting after that on February 28, 2013, in the Council Chambers.
THE AMENDMENT WAS FRIENDLY TO THE SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.

VOTE: The motion was approved on a voice vote, with Commissioner Romero-Wirth absent for the vote.

Ms. Romero said she will check availability of space elsewhere, noting the next Council meeting is on February 13, 2013.

7. DISCUSSION/POSSIBLE ACTION REGARDING PROCESS FOR CHARTER REVIEW COMMISSION TO OBTAIN INFORMATION FOR REVIEW ON TOPICS RAISED FOR POSSIBLE CHANGES TO CITY CHARTER.

A Memorandum dated January 29, 2013, to the members of the City Charter Commission, from Marcos D. Martinez, Assistant City Attorney, regarding whether New Mexico law permits at-large elections for City Councilors, is incorporated herewith to these minutes as Exhibit "1."

Commissioner Farber said one of the issues that came up is what resources would be available to the Commission to get information on topics which have been raised which we may consider, noting the Memorandum from Marcos Martinez with regard to at-large elections. He said the City Attorney could be in a conflict of interest situation, such as only the Mayor being able to fire the City Manager, and asked who would provide the pros and cons. He noted that Paul Biderman provided independent legal advice to the first Charter Review Committee.

Mr. Zamora said, "Per Ordinance, the City Attorney and his or her designee, provides all legal advice to the boards and commission of the City, so that is in Ordinance and that would apply here. And it's legal advice. So to address Commissioner Farber's question, as it relates to legal advice on an item, and this is how it is handled with the City Council, legal advice, we provide the legal advice, we do the research directed by the Commission to answer a question, much like Mr. Martinez said. That being said, the City Attorney's office is not necessarily the source of the policy advice, so expertise on ranked choice voting, we can tell you whether or not that's legal, and whether that's something you can implement or not implement. But the question of who, where, what are the positives and negatives of it, are really policy advice. And it's one thing that we try and do through the City Attorney's Office, is provide the legal advice, but there are other sources throughout the City that provide policy advice. For example, on homelessness issues, we have, within our Community Services Department, someone who understands that, and they provide, at least, input from the City's perspective on how that is handled. But where there is an advocate, that's advocating for something different on a policy issue, the onus tend to be, either on the advocate, or on the member of the body that is carrying that issue on behalf of the advocate."

Mr. Zamora continued, "I guess the short answer is, City Attorney's Office provides the legal advice and support to this Commission and will answer the legal questions. However, the City Attorney's Office does not really have the expertise to provide all the policy advice and the pluses and minuses. And as a function of resources, a couple of things. One, there is the City Attorney and 7 Assistant City Attorneys. Each person has their expertise, so if a question is asked, it may fall to a different attorney's expertise. Marcos Martinez is your lead attorney, but it doesn't necessarily mean that Marcos hasn't gone back and asked 1 or 2 or 3 other attorneys in the office who work with these issues. So you may see memos or even presentations by another attorney in my office. If it's on crime issue, Alfred is our current crime policy advisor. If it's employee issues, then that's going to be Mark Allen. If it's procurement, Judy Amer, etc., etc., etc. Land use issues, Kelley Brennan."

Mr. Zamora continued, "So we have the expertise legally to run the gamut of what is in the authority of the City to enact through its charter. We can provide you that from a legal perspective. Policy, that may be other sources within the City, and we can help coordinate that, but we would go through the City Manager's Office, because City Attorney's Office doesn't have authority over the rest of the City. But, we would coordinate that, and I wouldn't foresee that being a problem of folks being involved. But again, if there is a proponent, what we have seen historically, when a member of the public is a proponent of a particular issue, then that group will provide information to the Commission for their consideration, and we can evaluate it from a legal perspective."

Chair Serna said, "I am satisfied with that."

8. DISCUSSION/POSSIBLE ACTION REGARDING SETTING FUTURE DEADLINES FOR THE SUBMISSION OF PROPOSED AMENDMENTS TO THE CHARTER REVIEW COMMISSION FOR CONSIDERATION BY THE CHARTER REVIEW COMMISSION AND THE PROCESS THAT CHARTER REVIEW COMMISSION WILL FOLLOW IN CONSIDERING ANY SUBMITTED AMENDMENTS.

This item was covered under previous agenda items.

9. COMMUNICATIONS FROM CHARTER COMMISSION MEMBERS

Commissioner Hiatt said he would appreciate if we could include "Communications from the Staff" on the agenda.

Commissioner Hiatt asked, regarding the packet, if Ms. Romero is including the Charter, Resolution and Rules in each packet, and Ms. Romero said yes. Commissioner Hiatt said once we get it, we don't need to receive it again at each meeting.

Commissioner Hiatt asked Ms. Romero the deadline for items for the Agenda.

Ms. Romero said it is one week prior to the meeting – 7 days.

Chair Serna noted this is in accordance with the Open Meetings Act and asked if that information is provided to the organizations and public members attending the meetings.

Ms. Romero said she provides it to KSWV, the League of Women Voters, the Commission members, staff, and Ms. Bond.

Commissioner Farber suggested it be identified on the Commission's website.

Ms. Romero said she will check to see how this is done.

Commissioner Farber said that means that the new subcommittee needs to meet soon, and perhaps he can talk with Mr. Werwath and Mr. Hiatt and prepare a simple agenda. He said it appears the next meeting will be another process meeting to present the ideas, and we want to make sure we meet Ms. Romero's deadline.

Mr. Zamora said, "One point of clarification. All agendas and meeting lists are currently on the web page, noting the web page is in the process of being redesigned because actually finding it isn't the easiest thing in the world. But currently, all board, commission and Governing Body meetings are published on the City's website and the agenda is published on the website. You can access it through various ways. City Clerk page and then there's a weekly meeting list link on the left side of the page."

MOTION: Commissioner Hiatt moved, seconded by Commissioner Farber, to enter Marcos's Memorandum into the record. "

DISCUSSION: Mr. Hiatt asked the City Attorney if a motion is need to enter a staff memorandum for the record.

Mr. Zamora said, "The short answer is no. By you referencing it, and you asking it to be included in the record."

WITHDRAWAL OF THE MOTION: Commissioner Hiatt withdrew his motion.

Commissioner Hiatt said, "If we're going to have a process to include topics coming in, we need to have a process to get rid of topics. And this memo seems to me to speak to that issue. Now, since it isn't on the agenda, we couldn't take action, but I would like to see us put it on the next agenda for action to remove it, because it seems to me to be pretty definitive in terms of what we can and can't do. Why would we want to spend any time on this issue if the City Attorney has determined that we don't have any authority to do so, and so, I'm not quite sure, the language that we would use, but I would like the general public to know, if they read the agenda, that next meeting, we're going to take a topic off the table, and that's what I would suggest by including this memo in the minutes."

Vice-Chair Long said, "Just in case anyone in our audience would like to know what this memo is addressing, it's whether New Mexico law permits at-large elections for City Councilors and the answer is no. New Mexico law precludes at-large elections for City Councilors, so that is the topic that Jack was saying would come off our items to be considered and I would agree with that."

Carol Romero-Wirth arrived at the meeting

Commissioner Farber suggested it could be put on the agenda as: Presentation by City Attorney's Office why at-large elections are not permissible, so someone seeing the agenda would know the topic.

Chair Serna said he was very aware of the opinion, and the law is very clear that it is not allowed, and the person suggesting it should be advised that it is not allowed.

Mr. Zamora said, "I just wanted to make one observation for both of the subcommittees, both the Agenda Subcommittee and the Process Subcommittee, that you consider including the City Clerk in some of your discussions, so she can discuss election deadlines for anything that would be either placed as a special election item, or that would coincide with the biannual March election."

10. PUBLIC COMMENT

Jody Larsen, 107 Tierra Rica, representing the League of Women Voters, said, "I would just like to confirm that the League doesn't expect any special treatment with respect to agendas or anything else. We always encourage public bodies to make those kinds of documents available on websites. And personally, I find the City's website a little 'squirly.' Sometimes it's really easy to find things, and sometimes it's really difficult. And tonight I heard of two new members, one from an attorney on the City staff and one from a Commissioner that you've been considering. And it seems to those are falling under the definition of public documents. And it would be very nice if those could be posted to the website, or at least alluded to in some way so we can request them if possible. I'd very much like to see both of those on behalf of the League. Thank you."

Commissioner Farber said Commissioner Hiatt already asked that it be entered into the record.

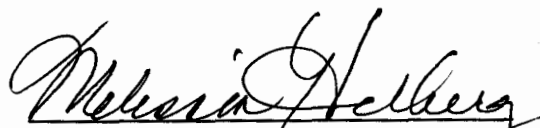
11. ADJOURNMENT

There was no further business to come before the Commission.

MOTION: Commissioner Hiatt moved, seconded by Commissioner Johansen, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 5:45 p.m.


The Honorable Patricio Serna, Chair


Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

Date: January 29, 2013
To: Members of the City Charter Commission
From: Marcos D. Martínez, Assistant City Attorney
Re: Whether New Mexico law permits at-large elections for City Councilors?

Short Answer

New Mexico law precludes at-large elections for City Councilors in Cities with populations greater than 10,000.

Discussion

New Mexico law provides that “members of governing bodies, excluding mayors, of municipalities having a population in excess of ten thousand shall reside in and be elected from single-member districts.” (emphasis added) NMSA 1978, § 3-12-1.1.

In spite of this statute, Gallup, a home-rule municipality passed a charter provision allowing at-large elections for city councilors. In 1987 the New Mexico Supreme Court addressed whether “the at-large election charter provisions of the City of Gallup, a home rule municipality, are invalidated by NMSA Section 3-12-1.1.” The Court concluded that “Section 3-12-1.1 does invalidate Gallup's home rule election charter that allows at-large elections for city councilors.” *Casuse v. City of Gallup*, 106 N.M. 571, 572, 746 P.2d 1103, 1104 (1987).

The Court began by analyzing whether § 3-12-1.1 is a general law. “Section 3-12-1.1 is a law that applies to all municipalities throughout the state with populations over 10,000. Therefore, Section 3-12-1.1, which requires city councilors to reside in single-member districts, is a general law.” *Casuse v. City of Gallup*, 106 N.M. 571, 572, 746 P.2d 1103, 1104 (1987). By finding the statute to be a general law, the Court further held that the statute expressly denies the ability of home-rule municipalities to establish at large districts. *Id.*

Since *Casuse* there have been no changes to § 3-12-1.1. Hence, *Casuse* remains controlling law and a City with a population in excess of 10,000 must be elected from single-member districts.

Exhibit "1"