



Agenda

DATE 2/14/13 TIME 1:25p
SERVED BY Gene Gomez
RECEIVED BY [Signature]

CHARTER REVIEW COMMISSION
February 13, 2013
4:00 pm to 6:00 pm
Santa Fe Convention and Visitors Bureau
(Nambe Room – Second Floor)
201 W. Marcy Street

1. PROCEDURES:
 - a) Roll Call
 - b) Approval of Agenda
 - c) Approval of January 29, 2013 Minutes
2. Public Comment.
3. Report from the Outreach/Communications 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. Comments from Staff.
12. Adjournment.

Persons with disabilities in need of accommodations, contact the City Attorney's Office at 955-6512, five (5) working days prior to meeting date.

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Wednesday, February 13, 2013**

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**MINUTES OF THE
CHARTER REVIEW COMMISSION
City Hall Chambers
200 Lincoln Avenue
Wednesday, February 13, 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 February 13, 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:

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

OTHERS ATTENDING

Marcos Martinez, Assistant City Attorney
Irene Romero, City Attorney's Office
Elizabeth Martin for Melessia Helberg, Stenographer

There was a quorum of the membership in attendance.

b) APPROVAL OF AGENDA

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

VOTE: The motion was approved unanimously on a voice vote.

c) **APPROVAL OF JANUARY 29, 2013 MINUTES**

The following corrections were made to the minutes.

Global change of Commissioner "Houston" to Commissioner "Johansen."

Page 10, Paragraph 3, line 2, add explanatory language as follows: "... access the internet [and we don't know how many people access the internet]."

MOTION: Steven Farber moved seconded by Houston Johansen, to approve the minutes of the meeting of January 29, 2013, as amended.

VOTE: The motion was approved unanimously on a voice vote

2. PUBLIC COMMENT

A copy of *Report to the Charter Commission from the League of Women Voters Santa Fe County*, dated January 14, 2013, submitted for the record by Karen Heldmeyer, is incorporated herewith to these minutes as Exhibit "1."

A copy of *Home Rule Charter Cities in New Mexico* distributed to the Commission by staff, is incorporated herewith to these minutes as Exhibit "2."

Karen Heldmeyer, League of Women Voters, presented information regarding this matter. Please see Exhibit "1" for specifics of this presentation.

Former Councilor Heldmeyer said she feels that the information regarding Home Rule Charter Cities would be helpful to the Commission, and reviewed the list of Cities in Exhibit "2," explaining the difference between a home rule/charter city and other cities in New Mexico. She suggested the Commission should obtain copies of the charters from each home rule/charter municipality, noting there is a lot of variation between those cities. She said the Commission could get more information from the New Mexico Municipal League regarding what other municipalities have done, and possibly use the expertise of the NMML in other areas as well.

Commissioner Farber asked what is meant by "historic city charter," in regard to Silver City.

Councilor Heldmeyer said she doesn't know, other than "it is different."

Commissioner Serna asked Former Councilor Heldmeyer if she thinks each Commissioner should have access to the charters of all of these cities, and Mr. Heldmeyer said yes, pointing out that some are on line, but others aren't, and it would be necessary to obtain hard copies of those.

Chair Serna said then perhaps we could get a few copies, and then make more if necessary.

Former Councilor Heldmeyer said some municipal governments may charge for a copy of its charter, however, it is possible that the City Clerk of the municipality could transmit them to the Commission electronically.

Commissioner Romero-Wirth said, "I don't think we all need to have a copy, we just need one electronically."

Chair Serna suggested we could get a copy of each charter and the Commissioners could come in and review them at their leisure, and it was the consensus among the Commission to proceed as suggested by the Chair.

3. REPORT FROM THE OUTREACH COMMUNICATIONS COMMITTEE

A copy of Report from Process and Outreach Subcommittee Meeting, dated February 6, 2013, entered for the record by Daniel Werwath, is incorporated herewith to these minutes as Exhibit "3."

A copy of the Charter Review Commission's information at the website, entered for the record by Commissioner Farber, is incorporated herewith to these minutes as Exhibit "4."

Daniel Werwath thanked the Commissioners who worked with him on the report, and presented the Report from the Outreach Communications Committee. Please see Exhibit "3," for the specifics of this presentation.

Commissioner Werwath noted, not included in the report is an email sign-up function so that meeting notices can be sent out to interested parties via email. He said that a Face Book page and the website would be worked on jointly with City staff and volunteer Commission members, noting a Twitter account would be started as well.

Commissioner Werwath noted that the final recommendation of this Commission will be sent to Yolanda Vigil, City Clerk and filed with the City. He said the Governing Body will review the Commission's recommendations at its meeting on September 25, 2013. He pointed out that this Commission will need time to review its recommendations prior to that Council Meeting.

The Commissioners commented and asked questions as follows:

- Commissioner Romero-Wirth asked, "Do we know that we have the total universe of amendments."
- Commissioner Werwath said during the outreach process we possibly will get additional recommendations, commenting that currently the Commission has 12-16 amendments which we are considering.

- Commissioner Romero-Wirth would like to make it clear to the public that at the public meetings, people will be permitted to provide input on the current amendments the Commission is considering, as well as to submit new ideas and suggestions.
- Commissioner Werwath said that is a good idea, and that needs to be clarified in any of the notices to the public with regard to the meetings.
- Commissioner Long thanked Commissioner Werwath and the other Commissioners for their work on presenting a process and proposed outreach. She said the issue of the appointment and removal of the City Manager needs to be added and discussed as well.
- Commissioner Farber thanked Commissioner Werwath and the other Commissioners for all of the thought that they put into the report, and said this clarifies what we are doing. He commented that the Agenda Committee has had only two meetings.
- Commissioner Hiatt said he did send Commissioner Werwath's Committee his list of issues.
- Commissioner Farber said, "We did not come up with dates though."
- Commissioner Farber said, regarding the process, he understood that the Commission was going to go out into the community hear their ideas, and not present them with what has already been vetted by the Commission. He would like to tweak the process to get more public input. He understands that the Audit Committee which was established by the City would like to hear more about our process and ideas and that needs to be included.
- Commissioner Farber said municipal elections, the structure of municipal government, and issues such as assault weapon bans and marijuana are issues with which there are limitations on the ability of this Committee to deal. He said Representative Easley has introduced a bill which would ban assault weapons.
- Commissioner Werwath said we are getting off topic and we need to put those issues at the end.
- Commissioner Farber said the outcome of the Legislative session could have an input on these issues.
- Commissioner Werwath said we should solicit input on issues at the public meetings, and we also could ask for input on the website.
- Commissioner Werwath said we need to decide if we want to consider things which are not enforceable. He said he would like to take action at this meeting with regard to the structure proposed in the report.

MOTION: Commissioner Hiatt moved, seconded by Commissioner Long, to approve the Report from the Outreach Communications Committee and the proposed meeting dates and purposes.

DISCUSSION: Commissioner Hyatt clarified that he made the motion for purposes of discussion so there is a motion on the table.

Commissioner Hiatt said he is concerned about the flow and asked, "Are we whittling down the topics."

Commissioner Werwath believes we first need to eliminate issues that are precluded by State law, or are non-actionable or non-functional, and not do an in-depth analysis of each topic. He believes we can't consider things precluded by State law, but he is open to suggestion.

Commissioner Johansen said the intention is to whittle down the issues, present them to the public for input and then develop a final list of items to be considered for recommendation.

Commissioner Hiatt said, although he is excited about moving forward, he is concerned that at the end, whether there will be sufficient time for the Commission to discuss all of the issues and the input.

Commissioner Romero-Wirth said the substantive conversation between the Commissioners can take place at the meetings, but she is concerned if we will be sufficiently well informed to make decisions and whether we will have all the information we need.

Commissioner Gutierrez suggested that we need to 'head out' into the Districts much sooner, and would like the District meetings to be at the beginning, rather than at the end of the process.

Commissioner Abeyta said a format is needed for the proposed meetings. He asked, with regard to the proposed use of the social media, if there is a commitment from City staff to keep all of the sites updated.

Mr. Martinez said he won't be doing the updating.

Commissioner Werwath said his proposal was for the updates to be done by City staff and volunteer Commissioners.

Commissioner Farber handed out a copy of the information on the Charter Commission at the City's website [Exhibit "4"]. He talked about improvements which need to be made such as adding contact telephone numbers and such.

Commissioner Farber said we need to know the costs to the City and the fiscal impact for each recommended amendment, commenting he is unsure the City will have the money to implement all of the recommendations, and that needs to be considered.

Commissioner Farber said we need input on these before we go forward, which gets to Commissioner Long's question of who provides us with the information.

Commissioner Long said part of what you are assuming is that we put ideas out there and then all of a sudden we'll have a meeting with 100 people giving us input, and I think we've seen that is not going to happen. So we need to come to terms that there won't be a lot of people who are interested in the

process. She said perhaps they are interested, but they aren't going to show up at our meetings and provide us with their comments. She said we also have to understand that we are making recommendations to the Governing Body. The Governing Body will have meetings, and people will show up, noting they probably have resources that we don't have. She said we need to come to terms with that, and to do our best with the resources we have in the period of time that we have and get started. She said it may not be perfect and we may not get everyone's point of view, and we may not be able to get the perfect answer or recommendations to the City Council, but we have do something.

Commissioner Farber agrees we have to do something and we should move forward, but he is curious about how that is going to happen.

FRIENDLY AMENDMENT: Commissioner Werwath said he is very open to Commissioner Gutierrez 's recommendation to move the public presentations to the front end of the process. Commissioner Hiatt said he accepts Commissioner Werwath's amendment to move those District Meetings up on the schedule. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

CONTINUATION OF DISCUSSION ON THE MOTION, AS AMENDED: Commissioner Werwath said, "To address Commissioner Long's statement, I think that even if we don't have huge amounts of turnout for the series of public meetings around the various Council Districts in the City, I think it is an important perceptive thing as well that we do that. The idea of moving the outreach portion to the beginning of the process, I think that gives staff and different constituent groups time to prepare materials around specific things, and I think it makes good sense to potentially look at changing that process around to make the outreach portion in the beginning, have those be the more informal discussions, have that be the information gathering phase and gather new ideas."

Commissioner Werwath continued, "And then as for the subsequent 3-4 meetings after that, maybe not create specific topics for those meetings, but have those evolve through the process and then just have slots that we'll look at 4-5 topics per meeting and that those will be announced at least two weeks to a month before that meeting, so there's ample time for people to prepare information to show up if they want to do so."

Commissioner Romero-Wirth asked the subject of the four District Meetings, commenting we need to do something more than just saying we are taking public input, and she would agree that the City Council will get the 100 people in the room when they actually make a decision on whether to adopt our recommendations. She said we are likely to go out to District 4 and have the same cast we do right now, so we need to build some substance into those 4 meetings and give ample time for those who want to give us new ideas or comment on things they've heard.

Commissioner Farber said we could do a paragraph or two which says we've been having meetings and here is a list of ideas and topics that have been raised before our Commission, and we would like to hear what you have to say about these and any issues. This is a way to have a structured discussion if we're out in the Districts. He said at the end of those 4 meetings, we synthesize it all and we are in a position to create more formal structured meetings to discuss what we have heard and what we've talked about.

Chair Serna asked if we are going to list all 10 topics.

Commissioner Farber said perhaps we could say, here are ideas which have been presented, and ask them what they think about them, and if they have other ideas, in terms of the structure of the announcement.

Commissioner Hiatt said, if we follow Commissioner Werwath's suggestion, which I think is an amendment to the motion, to move those four hearings up. And if people don't show up, why don't we just talk about the substantive issues. Take our opportunities. He said if we have two hours and if nobody shows up except the same 4 people that have been showing up religiously and said "thank you," to them. He said he would think we could take that opportunity to begin the discussion itself.

Commissioner Romero-Wirth asked if it wouldn't be good to schedule two substantive presentations on a particular thing, just pull one out, for example, a full-time Mayor. Who knows about that, and who's an authority about that and who can give us some information about how many cities have full time Mayors. She thinks we should use that time, but not just to talk among ourselves, but to hear information on that topic.

Chair Serna said we have already had someone to address the November elections issue.

Former Councilor Heldmeyer said it is Fall elections, not November elections. September or October would be okay.

Commissioner Hiatt said he agrees with Commissioner Romero-Wirth, and said to accommodate that, we should "cherry-pick" the easy ones first, but he is unsure he knows what the easy ones are.

[Commissioner Long's remarks here were inaudible.]

FRIENDLY AMENDMENT: Commissioner Werwath said to clarify, he would also say that if we are going to move the outreach meetings to the beginning that perhaps for sake of simplicity that we make the first outreach meeting the District 1 presentation in the Council Chambers, to allow for time to schedule the others at other locations. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

Commissioner Farber thanked Marcos Martinez, Assistant City Attorney, for providing the two Memos, the one today about term limits and the other about at-large elections. He said there is another issue with regard to Councilors with staggered terms "that their terms wouldn't end at the time of the Mayor's election, and whether they would have to resign to run for Mayor." He wants to know the legal implications.

Commissioner Werwath said, as a point of order, he would like to resolve the motion on the floor before getting into this discussion. He said this issue is covered under another Agenda item.

Commissioner Farber said this gets into some of the substance of what he wants for a particular meeting date.

Commissioner Werwath said that is covered under Agenda Item #7.

Former Councilor Heldmeyer said, "Mr Chair, will you take a comment from the floor on this issue."

Chair Serna said, "Yes."

Former Councilor Heldmeyer said, "Which is, we appreciate that the Commission wants to get going. We like that. However, this list that is given of possible topics is not exhaustive, even of the topics that you have been presented with. I count 8 issues raised by the League of Women Voters that are not on this list, and so whenever you put out whatever it is you're going to put out, please make sure that you include everything that people have been bringing up. Some of the things that the League has talked about are essentially corrections to the Charter and those may not be as important. One, mail-in ballots for non-candidate elections is a major change, and should be discussed."

Commissioner Farber asked, for clarification, if Commissioner Werwath just wants a motion that says we're going to have these proposed meetings on such and such a date, community outreach without substance of what's in those meetings to start, and then flush out some substantive issues, but not to vote on.

Commissioner Werwath said, "Yes, essentially the amendments that we've discussed, where we are now is removing the specific topics from the meeting dates and just having slots, these 3 full meetings to review the total realm of things that are proposed, but not to program those individual meetings at this time, but to propose that we would have a series of 4 outreach meetings, followed by a series of essentially, I guess we have room now for 4 meetings about the individual substantive issue with ample time for staff and other groups to prepare important information for the Commission, and that, followed by a final meeting where we vote on the individual recommendations."

Commissioner Farber asked, for further clarification, with regard to just the next meeting, what is it that you would like to be the general topic of the next meeting.

Commissioner Werwath said, as currently proposed and amended, the motion on the floor would be to have a District 1 outreach presentation at City Council Chambers on February 28, 2013.

RESTATED MOTION: Commissioner Hiatt moved, seconded by Commissioner Long, to adopt the recommendations of the Outreach/Communications Subcommittee, in terms of Social Media and more specifically, the proposed meeting dates, with an amendment to move the four District presentations as follows: February 28, District 1, March 12, District 4, March 28, District 3, April 9 District 2; and then address Commissioner Romero-Wirth's issue after the vote.

VOTE: The motion, as amended, was approved unanimously on a voice vote.

Commissioner Hiatt said, "Before we address the next issue, I would like to ask Councilor Heldmeyer, I don't want to miss these topics, so if you've got them right there in front of you, could you tell us what we've missed, please."

Former Councilor Heldmeyer said, "This is off of the thing that we handed out the first time: A policy statement about water; revisiting how many signatures one needs to collect for referendum and initiative, and by extension, presumably recall, but the League does not have a position on recall; supporting the idea that all tax and bond measure elections should be preceded by a clear and comprehensive schedule of proposed expenditures; all-mail ballot elections for non-candidate elections; a limit on gifts and contributions to candidates who are not taking public funds, and that was also brought up by Councilor Farber; the ability of the Mayor to vote on all issues; and then corrections/clarifications, that the Mayor is listed as Chief Executive Officer in the Charter, but it never says what that means and secondly that it says the City Manager has the power to hire and fire all City employees, but in point of fact, the City Attorney and the City Clerk serve at the pleasure of the Governing Body, and the last two are just cleanup. But the other ones are substantive issues."

Commissioner Hiatt thanked Former Councilor Heldmeyer and the Chair.

Chair Serna directed staff to include those on the list which we are compiling.

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 Hiatt said, going back to Commissioner Romero-Wirth, if you have some suggestions about what to take to our first meeting, to put some topics on, I am happy to listen."

Commissioner Romero-Wirth said, "The only recommendation I have is, let's do the easy ones. I would say let's do the easy ones that we can actually do. Just again, I agree we need to get moving, so I'm not sure which, since I don't have a comprehensive list in front of me, which ones seem like they would be the ones we know there are folks who can give us some information. I don't know. I defer to the rest of you as well."

Chair Serna said the easiest ones would be those that are precluded by law.

Commissioner Romero-Wirth asked why we would want to do those that we know we can't do.

Chair Serna said that is something we could even do today, because they are on the list there.

Commissioner Romero-Wirth asked, "Why don't we have the League come and tell us all about this. They seem like a knowledgeable bunch."

Former Councilor Heldmeyer said the League has a lot on their plate.

Commissioner Hiatt said he thinks Commissioner Romero-Wirth's suggestion is good, because the League of Women Voters are always here, always prepared, and asked their suggestions about things

they might like to hear about at the next meeting, which are substantive which we can take up substantively, and perhaps you can give us recommendations now about where “to suck all the information out of if you want us to get more,” or if you want to make the presentation, or if we want to make some recommendations about where to get more information, we’d be glad to do it. But as the Commissioner says, you’re always here.”

Commissioner Farber said he doesn’t believe we should put the League of Women Voters on the spot today to make a report, and give them some ample notice to be able to do that. He wonders if it would be appropriate just to talk about some issues, to be able to make requests for information from the City Attorney’s Office. For example, whether contributions can be limited to anyone who is running for Mayor or City Council who isn’t accepting public financing. We need to know the answer to that, because “that would mean there wouldn’t be a 15 minute discussion about something that is very clear.”

Commissioner Abeyta said that is a good suggestion, and at some point, Legal does need to look at our list of issues, and then wipe out the ones where we have no authority to move forward, so we don’t waste our time.

Chair Serna likes that idea and asked if he would put that in the form of a motion.

Commissioner Hiatt said, before we do that, he would like to ask Mr. Martinez if he feels he has a general response for all of these topics in advance and pick off the ones that would go to research. He said, “I think Commissioner Farber just made a request and I think you should respond to that.”

Commissioner Gutierrez said, “Well, they’re legal, that’s their job. That’s what they’re here for. I think, I may be wrong, but....”

Commissioner Farber suggested perhaps we should prioritize how we get that information, because we can’t over-load Legal. He said we need direction in terms of how much pressure that we are putting on Mr. Martinez by making requests. He said, “I don’t want to put you on the spot.”

Commissioner Romero-Wirth said perhaps we can develop a comprehensive list and say, would you look at 5 of these and break them off in workable chunks. She said, “If I had a comprehensive list in front of me and the rest of us, I think we could prioritize that these are these are the ones we’re really interested in, and these are maybe less so. I want to be sensitive to their work load. We’re not the only agenda item they have.”

Commissioner Werwath said perhaps a logical way to break these down. He said, “There are certainly ones that won’t need extensive legal research, such as a policy statement on water or firearms or on marijuana.” He said once we have a comprehensive list we could separate them into two groups and begin work initially on the more simple issues facing us which don’t require extensive research or legal research.

Commissioner Long said it sounds as if we have our agenda for the next meeting, assuming that turnout is not going to be very high. It sounds like we will have a comprehensive list in front of us for our

next meeting. And we can probably do as Commissioner Werwath suggested, break it off and ask City staff which one of those they can work on, so we will have something substantive to do at the next meeting, commenting we probably won't have a packed house of constituents who are concerned about this.

[Commissioner Long's comments here are inaudible.]

Commissioner Farber would like for the City Attorney's Office, if it is okay with the Chair, to try to answer the question about political contributions and if there is a limit that can be imposed on someone who has chosen not to accept public financing. He also would like to know the legal ramifications of requiring a Councilor to resign from a duly elected term to run for office.

[Mr. Martinez's remarks here are for the most part are inaudible, but I believe he said you can't do either.]

Commissioner Farber would like to have this in writing – we need something that says that.

Chair Serna said he would like for Legal to provide a brief memorandum on these two issues.

Commissioner Hiatt asked if we are thinking, at the next meeting, of having a substantive discussion because, if so, perhaps we can talk about the policy issues which won't require legal input that we could begin to flush out among ourselves. He said, "Without trying to put my fellow Commissioner on the hook here, you brought it up, maybe we ought to talk about marijuana next time."

Commissioner Romero-Wirth said she disagrees that it doesn't have any legal ramification, and believes there is a legal ramification as to whether we have the authority, or whether this is the proper place to be putting policy statements. We could have a generic discussion about that.

Commissioner Hiatt asked how are we ever going to get to it, if we don't put it on an agenda, and Mr. Martinez needs to weigh into this. He said, "It seems to me that we as a Commission will have a discussion among ourselves. You are going to raise it as a policy issue, and then we, as a group, have to make a decision as to whether it is a decision that it should be a policy statement in the charter."

Commissioner Romero-Wirth said we should keep it as a philosophical issue and not get into the merits, pro or con, and all the things we could make policy statements about.

Commissioner Hiatt said, "It seems to me that he raised it as a policy question and it is a topic that we have to deal with."

Commissioner Romero-Wirth said we might as well resolve it sooner, rather than later, because it may be something we don't want to take out to the Districts, or maybe it is something we want public input on, if we decide to go forward with it. So it would be a good idea to decide one way or another what our policy is on policy statements.

Chair Serna said a majority vote of the Commission would be sufficient to strike it or continue it.

Commissioner Long said we could have a discussion on policy statements on matters over which the City would not have legal authority.

Commissioner Romero-Wirth questioned adding policy statements in a governing document.

Commissioner Farber suggested she look at Charter Section 2.02 on Human and Civil Rights, that actually sets forth a policy of the City regarding discrimination and respect for human rights. It isn't an ordinance, but it's setting forth values.

Commissioner Long said we can have a conversation about what form these things take and how broadly do we do this and is there a line at which something isn't proper.

Commissioner Hiatt said wherever it comes from, in this case from another Commissioner, he's raised a question that he wants us to consider to recommend to the Council that would come in the form of a policy statement, which he just read. He agrees that there are policies that can do that. He said, "And I agree with Commissioner Romero-Wirth that the conversation should be, is this a topic that we want to take up. And you can't talk about it, unless you put the topic on the agenda." He thinks we should have that conversation on the agenda in the meeting.

Commissioner Long said she would agree, but her point is we need to understand the policy statement, or if it is more of a policy that requests attitudes [inaudible].

Commissioner Farber said agrees with Commissioner Long's support to have that discussion. He said, "But with regard to two particular issues, I would suggest that we wait until the end of the Legislature, because there is legislation proposed by Representative Easley for an assault weapons ban and a ban on ammunition feeding devices. There is also legislation to decriminalize certain amounts of marijuana. Whether it passes, or if it passes, the Governor vetoes it or not, I don't know that we necessarily want to have a half hour or hour discussion of that when the City might be in a position to do something or might not be in a position. So I would suggest putting those two topics off until after the Legislative Session when things will become clearer."

Chair Serna said he agrees, and asked if the other Commissioners agree.

Commissioner Werwath said he is confused by this, because it seems contradictory. On one hand you're saying these have no binding effect on policy, but then you're saying we should wait until we can find out if we can make policies on these things before we talk about them.

Commissioner Farber said, "An example. Kids get a conviction, and it stays with them with their entire lives, for having an ounce or less of marijuana. The City could say, as a matter of policy, we think it should be the lowest enforcement or the Police Department. It's not a law, it's just a policy prioritization. But, if the law gets passed where possession of X amount of ounces or less is not even considered a

criminal offense, we could still say, as a matter of policy, we think the City should do this, but we would then have the support of the Legislature having changed State law.”

Commissioner Werwath asked if it would change the policy statement in the Charter.

Commissioner Farber said not necessarily.

Commissioner Werwath said, “But we can enforce policy through a Charter regardless. You can establish....”

Commissioner Farber said, “No, you can set forth a policy like this Human Rights Policy.”

Commissioner Werwath said, “Sure, and we could have something about safety. I don’t think the outcomes of the Legislature have bearing on that. I think it makes perfect sense to pursue at the next meeting, a general discussion of policy statements, including the ones I formerly mentioned. And regardless, if something changes between now and the end of the process, there will be ample meeting time to amend our decisions around that.”

Commissioner Farber said, “I just thought from a practical standpoint, it made it easier, but I’m happy to have that kind of policy discussion.”

Commissioner Romero-Wirth said, “Now that you’ve brought it up, I’m not sure that we want to start there, and I don’t think that’s where we want to start. Maybe we ought to start with the election stuff that we know about, and let’s make a list of all the election changes that have been made, and figure out what we know about them and what we don’t know about them, and where we need information, and let’s start with something that this document actually does govern that does makes some good sense.”

Commissioner Long said, “I’ll second that motion.”

Commissioner Romero-Wirth said, “No, I like that idea. I think it’s good for us to do that.”

Chair Serna asked if there is discussion on that motion.

Commissioner Hiatt said then we’re taking elections at the first meeting in some format, commenting that there are a lot of election issues.

Commissioner Long asked Commissioner Romero-Wirth if she is actually making a motion to do that, and Commissioner Romero-Wirth said, yes, I’ll make a motion.

MOTION: Commissioner Romero-Wirth moved, seconded by Commissioner Long, that at the next meeting we take on the ideas around elections that have been brought to us, and part of that is developing a list.

DISCUSSION: Commissioner Romero-Wirth said, “Then we can look at that list and we can make sure it’s comprehensive, and we can start to talk about it, start to talk about what we know or don’t know. And

maybe we don't have the full proposal on what election changes need to be made. Let's do that one because it is one of the primary that this document governs for real."

VOTE: The motion was approved unanimously approved on a voice vote.

Chair Serna said Items 2, 3, 4, 5 and possibly even 6 have been covered with that motion.

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

This was discussed under Items #3 and #4.

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

This was discussed under Items #3 and #5.

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

A Memorandum to the members of the City Charter Commission, from Marcos D. Martinez, Assistant City Attorney, regarding whether the New Mexico Constitution prohibits home-rule charter municipalities from imposing term limits, is incorporated herewith to these minutes as Exhibit "5."

Commissioner Long said we need to discuss how we get information on the topics raised which was discussed today and in a previous meeting. We don't have staff or independent resources to research these items, and she doesn't know how to work this. She asked how we are going to fully inform ourselves on all of the issues. She said, "I think to some extent, the information that we received from the League of Women Voters on other charter cities is one resource on the kinds of things they have in their documents. I don't know that we are going to find any underlying research on that, but I think it's going to be a challenge for us and we have to work on that."

Commissioner Werwath said, "I would suggest once we have the comprehensive list of things currently under consideration, a first round would be to assess those and as a group, decide which ones we want further legal research on from the City staff, because we do have some staff resources. It's not totally volunteer, Marcus has been assigned to us. But I don't think all of these things need legal research but several of them do, and we've already eliminated some through that process. I think we should open it to the members of the Commission also to propose potential other community groups, such as the League of Women Voters to actively solicit policy briefs or something of that nature from them."

Commissioner Farber thanked Commissioner Romero-Wirth for focusing us on a particular area to start, so we can talk about working that. He recalled the City Attorney said they provide legal analysis, and he's "presuming the Charter Commission has the power and the City has the power to have a full time deputy, I'm presuming, but the City Attorney said they don't provide us with policy information. So in order for us to really think about this issue, I think that we owe it to ourselves to be informed of the pros and cons of that particular proposition. And I raise the issue the issue about who we get that information from."

Commissioner Long said once we get the list together, we might have some idea about community resources on the legal issue and make some suggestions.

Commissioner Farber said, with regard to a full time Mayor, he hasn't been on the Council for 20 years and he doesn't know what all of the current issues are in terms of the pros and cons. It seems to him that we need input about "one works, one doesn't work," and we need to make a request to somebody, whether it's to the Council or the Mayor or whomever, but that could take a month as opposed to two weeks, or six weeks, for that kind of information, those kinds of arguments, the rationale, cost issues to figure it out. He said he is just throwing this out as a question of process.

Commissioner Werwath said he thinks it's up to us to come up with the questions we want answered. He said, "I don't think it's fair to say, this is the topic, tell us everything there is to know about this. I think we ask specific questions, as to the issue of a full time Mayor. I think there's serious questions, like how many municipalities in the State have full time Mayors, is this a common practice. I think coming up with questions like that, that we can actually direct staff toward finding answers, and reasonable expectations would be a way to move forward, I think."

Chair Serna said the Director of the New Mexico Municipal League could tell us a lot from the top of his head, and perhaps we should invite him to a future meeting and ask him these questions. And what he can't answer, he can get the information for us in a general way. He said this is just a suggestion.

Commissioner Werwath said he thinks it's a good suggestion.

Commissioner Long said we have mentioned a few times during this meeting that there are certain issues such as contribution limits... she said was reading through the resolution establishing this Committee, and the Governing Body recognized that term limits are [inaudible] in the resolution, still wanting us to consider that question [inaudible]. So there are some issues that we think we could cross off our list.

Chair Serna noted tomorrow is the last day to introduce legislation to introduce that issue.

Chair Serna welcomed City Councilors Trujillo, Dimas, Rivera and Dominguez to the meeting.

Chair Serna said term limits are unconstitutional at the present time. He asked the Councilors if they know if there is legislation to amend the Constitution to provide for term limits and they said no. He reiterated tomorrow is the last day to introduce Legislation, and observed that then takes one item off the list.

Chair Serna asked the Councilors if they have concerns, or matters they would like the Commission to know about, because we're not only considering what was in the Resolution, we're also considering quite a few other issues. He said the League of Women Voters brought in a rather long list, which you have access to, so there are a lot of issues we're going to be addressing.

Councilor Trujillo thanked everyone for serving on the Commission. He said one of the things that has come to him sometimes is looking at other cities with the same population of Santa Fe, and people ask him about the Mayor becoming a full time position. He said he doesn't know if that has been brought to this Commission and the Chair said it has. Councilor Trujillo said other than that issue, he is going to let the Commission do their job. He said when the Commission has its meeting in District 4 he will definitely attend and he is talking to constituents in his District who will be attending, commenting there are quite a few who want to address the Commission.

Chair Serna said they are requesting the charters from the 11 cities so they can study them carefully.

Councilor Dominguez thanked the members of the Commission for their service to the community. He said home rule has been very successful in Santa Fe and it is a huge influence in the way we do our business. He said the only thing he would ask is that the Commission do the best that it can to be sure we get as much public participation as possible. He said the City will do everything we can to help the Commission with notices, or anything else that you need to get that participation. He said in District 3 it is particularly difficult to get that kind of participation from the constituency. He is making himself available to do everything he can to try to get people out. He looks forward to the work the Commission will be completing very soon.

Councilor Dimas said he also would thank the Commission for doing the job which is ahead of them, which is a difficult job, and he expresses his sincere appreciation for the time they are contributing to this effort. He has nothing specific, but he is sure he will be addressing many things, once the Commission makes its recommendations, when the Council decides what is and isn't going forward. He said when he served on the Council in the 1980's they didn't have a Charter or home rule, and they did everything "on the cuff," but it worked well and they got things done.

Councilor Rivera thanked the Commission for all of the hard work it is doing, commenting that it is a huge task. He said he knows the Council didn't give the Commission a lot of advice about which way to go, but he's going to take a stab at something he thinks needs to be considered and a lot of thought put into the process. He said there was discussion about the off-year Councilors and the Mayoral election and what would happen with the off-year Councilors if they chose to run for Mayor. He said currently, they are allowed to run and to continue to hold their Council seat while they are running. If that were changed, and they were forced to resign if they decided to run for Mayor, who would fit in that position. Would it be a Mayor appointed position. If that Councilor lost, would that person continue to hold a seat, or would the previous Councilor come back and retain their elected position. These are difficult questions to deal with. He said you definitely don't want a City Council that has 3 off-year Councilors that may decide to run for Mayor and then have those positions appointed by the Mayor and then have basically a Mayor-stacked Council. Those are all things to consider and difficult decisions to make, and whatever way you go, each

decision will be tough, and he is sure the Commission will all consider that. He said, "I am an off-year [Councilor], so that is something that I considered. I'm not considering running for Mayor, but it's something that I'll think about, maybe in a few years, and maybe 10 years down the road, we'll see what tough decisions you have to make and I appreciate your efforts and all your time, and thank you for what you're doing for the community."

Chair Serna said the bottom line is that we're looking at these issues, and there are many things that go into it, and said, "I can assure you we will be fair."

Councilor Rivera said, "I'm sure you will. And I appreciate the comment about fairness, because I think that's all we're looking for. Thank you."

Chair Serna said, "Let me ask you a question. I'm going to be going to KSWV and announcing the agendas and asked them if they have a number of constituents that listen to KSWV."

Councilor Rivera said, "I think we do in District 3. I think there are all over the City, especially in the mornings. I'm sure you will be there in the mornings."

Chair Serna said yes, between 7:00 and 8:00 a.m.

Councilor Rivera said for the Chair to tell Patricia and Mr. Michaels that we all say hello.

Commissioner Hiatt said he and Councilor Dimas used to be disc jockeys on that station and we know exactly how many people listen in, six.

Councilor Dimas said there were seven, but one died.

Commissioner Hiatt said he also would like the Councilors to know when we pick the subjects starting next time, it will begin on elections. So we'll be spending a lot of time on elections coming up, so if that's of interest to you, in addition to your interest, it is an overall topic as well.

Councilor Dominguez said, "If there is anything that you can do also to just do what you can to make sure that the Governing Body is informed on what you are doing."

Commissioner Hiatt said the Governing Body gets copies of their minutes.

Councilor Dominguez said he hasn't gotten them, although he knows they are available, and perhaps he hasn't asked for him.

Chair Serna said he will be sure they get copies of the minutes.

Councilor Dominguez said they get the agenda and they look at it.

Commissioner Long said the Social Media helps.

Commissioner Werwath thanked the Councilors for coming to the meeting, noting today the Commission adopted a plan for outreach to the community which involves the City website and the social media component. He said hopefully very soon, you can go to the Charter Commission page on the City website and get all of the up to date information, including agendas, minutes and the topics currently being considered.

Commissioner Farber said the website has copies of the minutes of the Commission, so the Councilors don't have to go and look for them.

Chair Serna said this would be beneficial to them, because ultimately the Governing Body will be making the final decision, because this Commission only makes recommendations to the Governing Body. He said the Councilors are welcome to visit the meeting at any time.

Chair Serna noted there are 15 minutes left in the meeting.

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.

Commissioner Werwath said he would suggest we covered this topic in an earlier discussion around process.

9. COMMUNICATIONS FROM CHARTER COMMISSION MEMBERS

Chair Serna said as announced at the previous meeting, he will not be attending the February 28th meeting, because he will be out of state. He said Vice-Chair Long has agreed to preside over that meeting and knows she will do an outstanding job.

Commissioner Gutierrez said as discussed with City Attorney Zamora, as disclosure, he does have a Towing Service which is on the Santa Fe City Police rotation, and if anything should come up regarding that, he will be recusing himself.

Commissioner Farber said, for the Agenda Committee, he would like the Commissioners to choose some of the election issues to put on the agenda for discussion.

Commissioner Romero-Wirth asked for a list of the known items to date. She said, "Let's take a stab at trying to get the universe, even if it's not a perfect universe." She said we could choose the top 4-5 that we would look at next time. She thinks we need the entire universe as well as the top 4-5 issues.

Commissioner Hiatt said they will break those out.

Chair Serna said if they meet at a place where they have a telephone he would be able to participate telephonically, so he can hear what everybody is saying but he wouldn't preside,.

Irene Romero said the meeting will be in Council Chambers and they will try to reach Chair Serna at that time.

10. PUBLIC COMMENT

Jody Larsen, 407 Tierra Rica, representing the League of Women Voters of Santa Fe County, said, "Everything that was in that list that we gave you, were from our positions that are developed through study and a consensus process, during which we do indeed examine pros and cons. But then we move into an action phase, which means 'bugging' people like you, and thank you for your service. We can certainly stay on top of the agendas and try to find members who actually participated in the studies from which these positions emerge, and bring them to talk about what the League talked about as pros and cons at the time, to extent that might be helpful. But I think that right now, you have a present context, and there are a lot of other individuals and community groups that will be also trying to bring the current pros and cons before you. When you saw that 'deer in the headlights look,' it was because League of Women Voters don't normally comment unless they've been authorized by the Board. So Karen and I have a limited agenda of things we can talk to you about. We'll just try to keep that updated as you go along."

Chair Serna said he would be happy to appear before her Board and let them know how important you are and how we need you.

Ms. Larson thanked him, saying she will convey his expression of esteem for the League to the Action Committee and the Board.

Former Councilor Heldmeyer said, "And my part of this is, A) my suggestions about moving the date of the election are not a Board decision, and I hope that clear and you kept those separate. And in that capacity, however, I'm kind of taking the 'you break it you buy it' position that if I'm suggesting an amendment to the Charter, it's kind of my responsibility to bring to you information about what I'm suggesting, and I've already started doing that research, and that might be useful to bring some of the people who have brought other ideas. If somebody thinks a full-time Mayor is a better idea than what we have now, maybe it's their job to bring to you the reasons that that is a good idea. So you'll be seeing more from me on moving the date of the election. There are pros and cons, I've been working on those already. The League has taught me well on that. Some of the things you'll see will not be controversial. They'll just be 'fix-its,' but a lot of the stuff you're going to be looking at is controversial, and for the people who bring it up in the first place, I think it's their responsibility to be bringing you information, especially since you don't have much in terms of staff."

John Otter, 2300 West Alameda, said, "There was quite a bit of comment about whether or not to accept suggestions for the Charter if current State law fulfills the item. And I have once such item that I'm interested in, so it would be helpful if perhaps the Commission wished to make a decision as to whether or

not to consider those kinds of items, as Commissioner Long pointed out, there is one such item in the Whereas [inaudible], but I see where there is some question about the appropriateness of that. And I heard mention that public comment was a way to introduce new subjects for the Commission. I didn't hear any comment about any other possible way of doing that, and so I thought it might be useful for the Commission to decide on a way that people who could not, or would not attend a Commission meeting would be able to submit a suggestion. Maybe that's already been discussed and I didn't catch it."

Commissioner Johansen said, "Just for the record, we intend to build a function into the website that would allow you, when you are taking the survey of the issue we're looking at, to then suggest your own. So you could go on the internet and do that from your home or office without having to appear."

Mr. Otter said he appreciates that. He said, "However, there are people who don't use the internet."

Commissioner Romero-Wirth said there's not just one way, and what we need to make clear through our Social Media and through our meetings are the ways you can get your ideas before the Commission, and we need to make that clear, and there should not be one way only in which you can do that.

Commissioner Werwath said, "And I would add that I think a simple addition would be to provide an address where people could also mail suggestions to."

Commissioner Hiatt asked Mr. Otter what is the topic he wants to address.

Mr. Otter said it is multi-member districts, so it's call at-large.

Commissioner Hiatt noted we have a memo from the City Attorney which is right on point.

Mr. Otter said he attempted to get Legislation introduced in the current session to revise the State Constitution to allow municipalities to have those kinds of election. He said he was unsuccessful, noting he was told right before this meeting that the last day to introduce legislation was yesterday.

Commissioner Romero-Wirth said, "Let me clarify that. So there is a date at which Legislators can request to the Legislative Council Service that legislation be drawn, that date has passed. It was Monday at 5:00 p.m. Tomorrow is the last day legislation can be introduced. And so what happens, they give the bill drafting staff at Legislative council two days to process all those request. And if Legislators are serious about moving forward with legislation, then they actually introduce it. So as of tomorrow, generally speaking the universe of bills that will be considered in this session will be introduced, but if you don't have somebody who has made that request already, they can't any more."

Mr. Otter said when we have the meetings in the Districts they are open to everybody in the City and encouraged the Commission to make that communication to the public.

11. COMMENTS FROM STAFF

There were no comments from staff.

12. 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 6:05 p.m.


The Honorable Patricio Serra, Chair


Melessia Helberg, Stenographer

**Report to the Charter Commission from the League of Women Voters Santa Fe County
(LWVSFC)**

January 14, 2013

We appreciate the Commission's willingness to accept public input on the items you are considering. However, we are somewhat concerned about the agenda listing "possible action" on items relating to the first four articles of the charter.

There has been very little publicity about this meeting, and many people have only been informed of it in the last day or two. We know that some groups and individuals (including the LWVSFC) will be presenting new ideas pertaining to the charter today, but in the interest of openness and transparency, we think that those ideas should be made available to the public for comment before the Commission takes any action upon them.

We also hope that the Commission is gathering as much information as it can from outside sources to inform itself about what it is possible to do with a city charter. To that end, we think it would be helpful for this Commission to request copies of the charters of the eleven other charter cities in New Mexico (Alamogordo, Albuquerque, Clovis, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Los Alamos, Rio Rancho, and Silver City).

That being said, the LWVSFC would like to propose that the Commission consider the following possible amendments to the charter. All of these are based on League positions that have been arrived at through the traditional LWV study and consensus process. As the Charter Commission progresses, the LWVSFC may present other ideas or comment on ideas that have been presented by others, particularly if LWVSFC contributions to earlier versions of the charter are under discussion.

Article II. Policy Statements

2.03. The policy statement on Environmental Protection should include specific mention about protecting the city's water supply and tying development to water availability.

Article III. Citizen Rights

3.01. Referendum and 3.02 Initiative

The LWVSFC supports both referendum and initiative. We ask the Commission to consider broadening the availability of these tools of democracy by making it easier to collect signatures for such measures (15% - 25% of actual voters) and by extending the power of referendum to other matters, such as real estate sales and rentals.

Article IV. Elections

4.01. Elections.

The LWVSFC supports nonpartisan municipal elections.

The LWVSFC supports true run-off elections.

Exhibit "1"

The LWVSFC supports the idea that all tax and bond measure elections should be preceded by a clear and comprehensive schedule of proposed expenditures.

in order to increase voter participation, the LWVSFC supports all-mailed ballot elections as approved by resolution of the governing body for any bond election, any election on the imposition of a mill levy or a property tax rate for a specified purpose, or any special election at which no candidates are to be nominated for or elected to office, subject to the following considerations: The governing body judges that the mailing can be done in an accurate and timely manner. The governing body should develop a timetable that ensures there is adequate time for the ballots to be received and returned. Drop stations with adequate security are provided around the jurisdiction to provide an alternative to returning the ballots by mail. If information in addition to the ballot is included in the mailing, it should be objective and balanced.

4.05. Public campaign financing.

The LWVSFC supports limits on gifts and contributions to candidates for elected offices and to the holders of elected and appointed offices.

Article V. The Mayor

5.01. Powers and duties.

The LWVSFC supports the ability of the mayor to vote on all issues facing the governing body.

We note that in Section 5.01(C), the mayor is listed as the “chief executive officer” of the city but this term is undefined.

Article VI. The Governing Body

6.03. Districts.

The LWVSFC continues to support a city council made up of four dual-member districts.

Article VII. Municipal Court

7.03. Eligibility.

The LWVSFC continues to support a municipal judge who is a member of the New Mexico Bar.

Article VIII. City Manager

8.03. Powers and duties.

This section states that the city manager shall have the power to hire and fire all city employees, but the city attorney and city clerk currently serve at the pleasure of the governing body. This contradiction should be corrected.

Article IX. Miscellaneous Governmental Issues

Apportionment and redistricting

The LWVSFC supports a redistricting process and standards that provide the people with a meaningful choice in electing their representatives and facilitate holding government accountable.

The criteria for preparing redistricting maps should require that districts meet all Federal criteria including equal population and the provisions of the Voting Rights Act. In addition, it is important that districts:

- be contiguous**
- be reasonably compact, in terms of travel time from one part of the district to another**
- avoid crossing geographic barriers to travel, such as mountain ranges**
- minimize the partition of major jurisdictions (counties, municipalities) to the extent possible**
- not intentionally favor any political party.**

The League supports having an independent commission or other independent group develop redistricting plans meeting these criteria to be considered by the governing body.

The public must have access to all information used in the redistricting process on a timely basis, and have the opportunity to comment and be heard on the proposed redistricting processes, criteria, and results.

Home Rule Charter Cities in New Mexico

City	Election Date	Runoff?
Alamogordo	March/even numbered years	No
Albuquerque	October/odd numbered years	Yes
Clovis	March/even numbered years	No
Gallup	March/odd numbered years	Yes
Grants	March/even numbered years	No
Hobbs	March/even numbered years	Yes
Las Cruces	November/odd numbered years	Yes
Las Vegas	March/even numbered years	Not verified
Los Alamos ¹	November/even numbered years	See below
Rio Rancho	March/even numbered years	Yes
Santa Fe	March/even numbered years	No
Silver City ²	March/even numbered years	Not verified

¹ Holds partisan elections during regular election season but with a different format than other state-governed elections.

² Has a historic city charter

REPORT FROM PROCESS AND OUTREACH SUBCOMMITTEE MEETING

February 6th 2013

BACKGROUND

At the January 14th 2013 meeting of the Charter Review Commission, Commission Chair Justice Serna appointed Commissioner Werwath to "to develop an outline of the Charter review process". At the January 29th 2013 meeting of the Charter Review Commission that subcommittee was confirmed to include Commissioner Werwath as Chair, with Commissioner Johansen and Commissioner Gutierrez serving as members and the scope of the subcommittee was expanded to include the creation of a public outreach strategy for the commission and its process, with an emphasis on social media and other new outreach technologies. The subcommittee met on February 6th 2013 and developed the following plan and report.

USE OF SOCIAL MEDIA IN OUTREACH

In the interest of transparency and engendering maximum public participation and knowledge of the process, the subcommittee recommends the following actions:

City Website (partially created)

Create a page on the city's website that includes

- An outline of the charter review process
- A description of the purpose of a city charter
- Membership and brief bio of the commission members with email contact information.
- Hotlinks to the current city charter, meeting agendas and minutes
- A list of charter amendments currently under consideration
- A constituent survey
- A detailed outline of the process and proposed meeting activities, purpose, date and location

Constituent Survey

The purpose of the survey is to have people rank their interest in the full list of Charter Amendments under consideration with a proposed format for rating of 0-5 0 being disagree, 5 being strongly agree, as well as a field for people to submit their own ideas regarding changes to the form and structure of government. The survey should also include a field for name and address so as to ensure we are gathering input from bona fide constituents. The survey information would not be used in an absolute way, but as one of multiple ways for commissioners to weigh the various charter amendment options.

Facebook Page

The subcommittee further recommends that the charter commission create a Facebook page as a way of informing the public about commission meeting dates

Exhibit "3"

and to engage a broader constituency in the charter review process. Volunteer members of the commission and city staff would manage this page. Formal events would be created for each meeting and "status updates" would be given the day of meetings to inform people as to the purpose and location of the upcoming meeting. The Facebook page would further be used to direct constituents to the city Charter Review Commission Webpage and Survey.

Twitter Page

This would be used to essentially mirror messages and meetings posted on Facebook, through the twitter platform.

Press Release

Once this process of creating the city Charter Review Commission webpage and facebook page is complete and a formal meeting structure and process has been adopted by the committee, a press release should be generated by the city and sent to all possible media outlets.

PROPOSED OUTREACH AND MEETING SCHEDULE

After reviewing the proposed meeting structure created by the Agenda Subcommittee, the Process and Outreach Subcommittee proposes the following approach.

First-Round Vetting of Current Proposed Amendments

The goal of the first round vetting process would be to briefly review the Charter Amendments currently identified for consideration over the course of three meetings. The desired outcome of these three meetings would be to narrow down the broad set of potential amendments currently being considered to a smaller group that would then be presented to the public for consideration and feedback.

Constituent Outreach Meetings

Constituent input would be gathered at a series of four public meetings held in each of the four city council districts and advertised with large visible signage as well as web, social media and traditional media outreach.

Final Consideration and Adoption

This would be followed by two meetings to consider additional input and potential amendments gathered from public meetings and ultimately, committee decisions on a final set of recommendations through a vote by the commission.

It is the recommendation of the subcommittee to make a final decision about dates, locations and topic as soon as possible. A proposed outline of meeting dates, topics covered, times and locations is included.

PROPOSED MEETING DATES

Meeting Date	Meeting Purpose	Meeting Location
2/13/13	Present, amend and adopt process	Council Chambers
2/28/13	-Firearms -Full Time Mayor -Redistricting by Independent - Commission	Council Chambers
3/12/13	-November Elections -Councilor Resignation for Mayoral Campaign -Partial Redistricting	Council Chambers
3/28/13	-Marijuana -Charter Amendments -Ballots counted by Machine -Term Limits	Council Chambers
4/9/13	District Four Presentation	Genoveva Chavez Center
4/28/13	District Three Presentations	Southside Library
5/9/13	District Two Presentation	Senior Center of SFPS Building
5/22/13	District One Presentation	Council Chambers
6/13/13	Consider public input and additional amendment recommendations	Council Chambers
6/22/13	Adopt final recommendations through commission vote	Council Chambers



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Charter Review Commission

Charter Review Commission



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Purpose and Membership

The Charter Review Commission was formed at the end of 2012 by adoption of [Resolution 2012-45](#). To read the official Municipal Charter, click [here](#).

The purpose of the Charter Review Commission is to be a model of transparency in government. The public will have every opportunity to participate at its meetings. According to Commission Chair Retired Justice Patricio Serna, "nothing will be done in secrecy and the final arbiters of the recommended changes will be the electorate of the City of Santa Fe."

Commission members are: Nancy Long, Vice Chair, [Steven Farber](#), [Houston Johansen](#), [Daniel Werwath](#), Carol Romero-Wirth, Brian P. Gutierrez, [John B. Hiatt](#), and Roman Abeyta.

Staff liaisons are:
City Attorney [Geno Zamora](#)

Assistant City Attorney [Marcos Martinez](#)

Paralegal/Office Manager [Irene Romero](#)

Meetings and Minutes

The next meeting of the Charter Review Commission is Thursday, February 28, 2013 at 4 p.m. in the City Council Chambers, 200 Lincoln.

Meeting Minutes

[February 13, 2013](#)

[January 29, 2013](#)

[January 14, 2013](#)

[December 17, 2012](#)



Charter Review Commission Chair
Retired Justice Patricio Serna

Exhibit "4"

To: Charter Commission Members
From: Marcos D. Martinez
Re: Whether the NM Constitution prohibits home-rule charter municipalities from imposing term limits?

Short Answer

Yes, the NM Constitution prohibits term limits as an additional qualification to hold elected office beyond what is required by the New Mexico constitution.

Brief Discussion

In 1994 the City of Albuquerque amended its home-rule charter to limit the terms of its City Councilors to two terms. City Councilors challenged the provision and the Court of Appeals held that the charter amendment violated the qualifications clause of the N.M. Constitution and exceeded the City's home rule authority:

In sum, Charter Section 13, which requires that candidates for the Albuquerque City Council not have served two prior terms, is imposed as an additional qualification for candidacy. We hold that such a restriction on the eligibility for elected office is unconstitutional because it exceeds a home rule municipality's authority as conferred by the New Mexico Constitution.

Cottrell v. Santillanes, 120 N.M. 367, 371, 901 P.2d 785, 789 (Ct. App. 1995).

The New Mexico Supreme Court denied certiorari, declining to review the Court of Appeals decision. Therefore term-limits are impermissible.