



Agenda

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CHARTER REVIEW COMMISSION

Wednesday

May 22, 2013

City Council Chambers

4:00 pm to 6:00 pm

1. Roll Call
2. Approval of Agenda
3. Approval of May 9, 2013 Minutes
4. Public Comment
5. Discussion of the Role of Policy Statements in Charter
6. Introduction of and Deadline for submission of Topics for Consideration by Charter Commission Not Previously Presented to Commission and possible Discussion
7. Discussion and Action on topics previously discussed and ready for vote by Commission
 - a. Limit on amount of Contributions to Candidates That Do and Do Not Accept Public Financing
 - b. All mail ballot for elections
 - c. At large City Council districts
 - d. Councilors resign to run for Mayor
 - e. Term limits for Mayor and Councilors
8. Discussion/Possible Action Setting Agenda Items and dates for votes at Future Meetings
 - a. Election Issues
 - b. Governance Issues
 - c. Policy Statements
9. Communication from Charter Commission Members
10. Public Comment
11. Adjournment

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City Attorney's Office at 955-6512, five (5) working days prior to meeting date.

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Wednesday, May 22, 2013

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**MINUTES OF THE
CHARTER REVIEW COMMISSION
May 22, 2013
City Council Chambers
4:00 p.m. to 6:00 p.m.**

CALL TO ORDER.

A meeting of the Charter Review Commission was called to order by Vice-Chair Nancy Long, at approximately 4:00 p.m., on Wednesday, May 22, 2013, in the City Council Chambers, 200 Lincoln Avenue, Santa Fe, New Mexico.

1. ROLL CALL

Roll call indicated the presence of a quorum as follows:

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

MEMBERS EXCUSED

The Honorable Patricio Serna, Chair
Roman Abeyta [Resigned]

OTHERS ATTENDING

Jamison Barkley, Assistant City Attorney
Irene Romero, City Attorney's Office
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance.

2. APPROVAL OF AGENDA

Vice-Chair noted Commissioner Abeyta has resigned from the Commission because of work commitments, and didn't feel he could continue to serve.

Vice-Chair Long move would like to move Item #5 to be heard after Item #7, noting this is an item Commissioner Romero-Wirth wanted on the agenda, and it is hoped she will arrive before that Item is heard.

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

VOTE: The motion was approved on a voice vote, with Commissioners Farber, Gutierrez, Hiatt, Johansen, and Werwath voting in favor of the motion, no one voting against and Commissioner Romero-Wirth absent for the vote.

3. APPROVAL OF MAY 9, 2013 MINUTES

The following correction was made to the minutes:

Page 27, paragraph 1, line 8, correct as follows: "~~Inaudible because several people were talking at the same time~~ Telecommunications Act."

MOTION: Commissioner Hiatt moved, seconded by Commissioner Werwath, to approve the minutes of the meeting of May 9, 2013, as amended.

VOTE: The motion was approved on a voice vote, with Commissioners Hiatt, Farber, Johansen, Gutierrez and Werwath, no one voting against and Commissioner Romero-Wirth absent for the vote.

4. PUBLIC COMMENT

Carol Romero-Wirth arrived at the meeting

A copy of a list of physicians and health care professionals belonging to the Wireless And Radiation Network [WARN], submitted for the record by Dr. Felicia Trujillo, is incorporated herewith to these minutes as Exhibit "1."

A letter dated May 22, 2013, with attached letter from Janice Simmons dated May 13, 2013, regarding proposed language for the Charter, submitted for the record by Dr. Felicia Trujillo, is incorporated herewith to these minutes as Exhibit "2."

A memorandum dated May 22, 2013, to the City of Santa Fe Charter Review Commission, from listed neighborhood associations and the Neighborhood Network, submitted for the record by Marilyn Bane, is incorporated herewith to these minutes as Exhibit "3."

Dr. Felicia Trujillo said she was touched by the Commission's careful listening to her information last week. She has two handouts, one is a list of health care professionals in their group, and one is the

application opposing the cell tower at Burger King. She said the original is 89 pages and she is providing 19 pages with regard to the "hoops" and things the group had to go through. She is speaking on behalf of local health care professionals and scientists who have concerns there is no policy to protect the children and Santa Fe's unique legacy from hazards created by cell towers and other toxic exposures. She appreciated the Commission's response on May 9, 2013, which led to the Commission asking her to submit language expressing these concerns, and she has attempted to do so. She said there were 100 picketers at Burger King, and the proper terminology for Dr. Kashner of Los Alamos, is that he has multiple degrees in applied physics, engineers and 15 years as a fissile materials handler. He has primarily procured the data in opposition to that cell tower.

Ms. Trujillo said to illustrate the need for a policy, she read a letter into the record from Janice Simmons, a homeowner in Tierra Contenta who couldn't be here. Please see Exhibit "3," for the text of Ms. Simmons' letter.

Dr. Trujillo proposed a new section under Article 2 Policy Statements, and read the proposed language for the Charter into the record. Please see Exhibit "3," for the text of the proposed language.

Commissioner Farber requested copies of the two handouts for the members of the Commission.

Dr. Trujillo thanked the Commission for its attention to this matter.

Marilyn Bane said she is here representing the Board of the Santa Fe Neighborhood Network, and the East Side Historic Neighborhood Association. Ms. Bane said they are concerned about whether this Commission will consider additional policy statements for the Charter. She said they are here to ask the Commission to please consider them. She said she had never read the full Charter and the Constitution, but she did so, and realized that it is an outline of our values of our City. She said it became clear when we were arguing over the Community Workforce Agreement, one of the reasons it was defeated is because there was discrimination against non-union employees. She noted there is anti-discrimination language in the Charter, which is of great value. She said, "I would ask you please to consider policy statements very carefully."

Councilor Patti J. Bushee thanked the Commission for its service. She said the one thing she strongly favors is an independent commission to consider future districting. She said it is something which is very important which should be taken out of the "Council's hands." She believes politics needs to be removed, noting everyone has a vested interest, and believes it is important to have an independent commission. She said there are concerns about how much to weigh down the Charter with policy statements. However, the Charter is viewed as our constitution, and the members of the Commission have considered those statements carefully and "we have stood by them." She said she believes it means something to put the language in the Charter. She said she would suggest this Commission consider that. She understands legislation will have to come forward after many of the statements. She believes it sends a thoughtful message for the Council to consider. She said there are few ways for the public to participate in local government, and given the Charter is somewhat like the constitution for the City, it initially limited

how the public could have input. She thinks it is important to consider allowing public input and then consider policy statements. She thanked the Commission for its efforts and looks forward to seeing what is sent back to the Governing Body.

Paul Schmitt New Mexicans for Gun Safety, said he is here to support including policy statements in the new Charter. He is disappointed because the issues which face the community are getting more intense and demanding to be addressed rapidly - issues such as gun safety, campaign finance reform, immigration and accountability. He said the increasing number of lobbyists at the State and federal level, composed of special interests — money and corporate interests — have influenced the base bodies with their power, making it almost impossible to provide solutions on a real community level. He is finding that the local elected bodies, such as city councils are more interested in community needs and solutions. He is asking the Commission to support Commissioner Farber's efforts to include a policy statement in the revised Charter. He thanked former Councilor Farber for his efforts, noting Councilor Farber understands non-traditional approaches to problem solving.

Stacy Quinn, United Way, noted she previously presented a policy statement regarding children to the Commission. She said she would like to address the role of policy statements in the City Charter. She agrees with the 3 previous speakers. She noted there already are policy statements in the Charter, and the reason they brought forth their proposal as a policy statement. She said policy statements are an expression of the core values. She said the "nuts and bolts" of government are set forth in the first 3 articles of the U.S. Constitution. However, the preamble to the Constitution provides, in part, "...and secure the blessings of liberty to ourselves and our posterity." She said the founding fathers discovered the Constitution did not do that without the Bill of Rights, an expression of the core values of individual freedom.

Ms. Quinn said their proposal was based on research of other city charters, many of which include language around children and the values expressed in their proposal. She said they choose "general 30,000 foot language," to give guidance to future governments with regard to core values without specifying exactly what that was and recognize communities have to come together around issues. She noted the members of United Way participated in the Harvard Institute study regarding the shootings at Sandy Hook Elementary in Newtown, Connecticut, to decide whether to go forward with a new school. She said the premise is in order to be effective, community need to come together around their shared ideals to come to a conclusion into which everyone can buy-in. She said it is the general policy statements which grant individual liberties to our citizens.

Marcela Diaz, Santa Fe Immigration Committee, said she is representing the Immigration Committee this afternoon, noting Ms. Lopez couldn't be here today, but was at the last meeting. She said they are suggesting the inclusion of strong language around human and civil rights being included in the City Charter. She said she had never read the Charter until this week, and she is proud of the current Charter language which protects people and states in the Charter that, "... no City Ordinance, Resolution or policy shall be enacted or adopted that would discriminate against categories of residents of Santa Fe that

are particularly vulnerable. She said citizenship status might have been used as a proxy for immigration status, since this City has enacted many resolutions and policies which protects the public, regardless of immigration status. She said they are requesting the City amend the current policy statement to be clear that "we do not condone policies which would discriminate in terms of citizenship or immigration status."

Ms. Diaz noted that about 14% of Santa Fe are immigrant families, and are clearly integral to the workforce, the economy, and the culture of Santa Fe. She said because of the mixed immigrant status we are vulnerable to exploitation, discrimination, etc. She said although this already is in the charter, they would like to make sure the statement is clearer and stronger and represents the policies enacted by the City Council over the past 15 years. She said there is a difference between citizenship status and immigration status, and spoke about that status, for example, they have given a temporary two-year work permit to work legally in the United States, New Mexico and Santa Fe. This is one kind of status, temporary protected status. There are also legal permanent residents, people in the process of applying for asylum or becoming a permanent citizen, as well as undocumented. She said we want to make it very clear that the City won't discriminate based on these kinds of civil immigration status. She said if the Commission has questions, they can contact her or other members of the Immigration Committee because they have all of this information.

Linda Wilder Flat, Las Acequias Association, a member of the Neighborhood Network. Ms. Wilder said they would like the Commission "to strongly consider having policy statements added to the Charter." It is important for neighborhoods to add the statement dealing with neighborhood protection. She said Las Acequias is a very large community and they have gone through many battles trying to survive as an established community. They feel the communities and neighborhoods are an integral part of a larger Santa Fe area, and hopes the Commission considers favorably having policy statements in the Charter, especially the one dealing with neighborhood protection.

Fred Rowe, Founding Board Member of the Neighborhood Network as well as a member of the Neighborhood Law Center, and the greater Callecita Neighborhood Association. Mr. Rowe said the Law Center has not spoken about these matters before the Commission. He said he fully endorses and supports the consensus of the previous speakers, particularly Councilor Bushee and Marilyn Bane, that this Commission should positively should consider policy statements. He said, "A refusal to consider policy statements is actually a backhanded way of nullifying and disapproving the important proposal for neighborhood protection that has been previously submitted. I think and it's not news that neighborhoods are a prime, cultural and environmental asset of the City of Santa Fe." He noted that neighborhoods are represented by about 100 neighborhood associations, registered with the City of Santa Fe. He said annually, for two days in December, the Law Center sponsors a seminar informing people concerning their neighborhoods. He said, "I respectfully ask you to consider the neighborhood policy statement, previously submitted, which I will not go into detail, because deleting or disapproving policy statements across the Board is in effect a lawyer's negation of the proposal without having to say so. I respectfully urge you to please consider this proposal and consider it and vote on it up or down, but do not play possum with neighborhoods."

6. INTRODUCTION OF AND DEADLINE FOR SUBMISSION OF TOPICS FOR CONSIDERATION BY CHARTER COMMISSION NOT PREVIOUSLY PRESENTED TO COMMISSION AND POSSIBLE DISCUSSION

A copy of *Ban on Contributions from Business Entities and City Contractors*, submitted for the record by Commissioner Farber, is incorporated herewith to these minutes as Exhibit "4."

A copy of a proposed Charter provision *Notice of Budget and Recommended Capital Program*, submitted for the record by Commissioner Farber, is incorporated herewith to these minutes as Exhibit "5."

Responding to the Vice-Chair, Jamison Barkley said she would read the agenda as "making today the deadline for submission of topics for consideration which have not been previously presented to the Commission."

Commissioner Farber introduced two proposals as follows:

1. A Ban on contributions by business entities and contractors, people who do business with and have contracts with the City in an amount in excess of \$20,000, should not be allowed to contribute to a campaign. Commissioner Farber provided copies of his proposal to the Commission [Exhibit "4"]. He said the intent of this proposal is that any corporation, LLC, partnership, sole proprietorship and such with a contract as defined couldn't contribute to the campaign of someone running for public office in the City. And there would be a requirement for the Finance Department within 4 days to determine if a listed contributor is a contractor. If there is a mistake, the funds would be returned. If above a certain amount, the City Clerk would assign it to an appropriate Committee, probably the Ethics and Rules Committee and/or other authorities. He would like this to be considered without debating it today.

Commissioner Farber noted Albuquerque's Charter reads like a list of ordinances and is sort of its own eclectic mix such as Santa Fe's.

2. Requirement that there be a public notification of the budget for the City of Santa Fe, which came from the Grants Charter. He said the content of the budget will provide a complete financial plan for the coming year, and there will be a public hearing on the budget. This is somewhat similar to the League of Women Voter's proposal for bonds. He said very few people know what is involved in the CIP program, noting he just learned that \$2 million of those funds have been appropriated for a tunnel under St. Francis. He said the proposed Charter amendment is intended to notify the people what the City is doing in the budget process through publication.

Commissioner Farber said he would like to discuss the issue of annexation. He read an article recently which discusses the fact that before the next election there will be approximately 13,000 more voters in the City in a particular District, which would seem to "throw out of whack" the percentages and allocations among the various districts. He said this potentially creates serious repercussions in the

upcoming election, because there isn't equal representation among the districts. He would like to have a discussion to talk about what we might could do as a Commission or even make a statement to the City Council.

Vice-Chair Long said then Commissioner Farber isn't thinking of an amendment or provision for the Charter but just to just take it up as a matter about which he is concerned in relation to the next election.

Commissioner Farber said it could be both or it could be a statement for the "future that this shall not happen within X period of time within an election, or perhaps it is part of the independent commission for redistricting." He said it is very surprising to him that so many people could be brought into the City on the eve of an election and this needs to be discussed somewhere.

Commissioner Hiatt said he also is concerned, and would ask counsel to discuss this and bring a memorandum for the next meeting. He said if Phase 2 of the annexation happens in January this would mean that more people would be added to the voting rolls than voted for the Mayor in the last election, which is significant. He said it probably is impossible to redistrict between January and March. He would like for the City Attorney to give us any guidance possible about the annexation. His personal preference is that Phase 2 annexation is delayed until after March 2014, commenting this isn't our role here and that is his personal preference.

Vice-Chair Long said perhaps that has been considered in the amendment to the Settlement Agreement between the City and County.

Commissioner Farber said there may be an agreement, but the consequences of that agreement on any election perhaps was not considered, or has not been discussed, which is a concern and how it impacts districting before an election.

Vice-Chair Long said we don't know because we weren't part of that process.

7. DISCUSSION AND ACTION ON TOPICS PREVIOUSLY DISCUSSED AND READY FOR VOTE BY COMMISSION:

A. LIMIT ON AMOUNT OF CONTRIBUTIONS TO CANDIDATES THAT DO AND DO NOT ACCEPT PUBLIC FINANCING

Vice-Chair Long said there is an Ordinance in place, but the proponents of this Charter amendment would like a general policy statement that the Governing Body shall limit campaign contributions without a specific amount included, leaving it to the Governing Body to address over time. They advocated for this amendment to ensure the permanency of campaign contribution limits over time.

Commissioner Hiatt said this Commission has now considered about 30 issues, based on those that have been removed. This is of substantial concern to him since we only have two more meetings and we are supposed to complete our work by the end of June. He said there has to be something which drives us the point that we want to change the Charter. He said there are few of the 30 topics he could support. He said there is a real need to narrow this down, and this is not one which has driven him to feel it needs to be a part of the Charter. He is prepared to make motions on the next 5, for various reasons. He said for this particular one, there is an ordinance in place and the memo from the City Attorney's Office dated February 26, 2013, is sufficient to bring him to the point of making a motion.

MOTION: Commissioner Hiatt moved to remove this item from further consideration.

THE MOTION DIED FOR LACK OF A SECOND.

Commissioner Romero-Wirth asked if we have the language for each of the 5 issues, and Commissioner Farber said no.

Commissioner Romero-Wirth said she is concerned about process. She said we have to have the language, commenting she isn't going to vote on something as a concept, and we have to agree on the language.

Commissioner Hiatt said the League of Women Voters has been most resilient at attending all of our meetings and hearing us propose over and over again that we want specific language. He said he isn't offended if we don't have specific language, but he is prepared to move on and not consider this issue further with or without language.

Vice-Chair Long said we have had memos on the current legality on some of these issues, and probably the reason language wasn't prepared.

Commissioner Romero-Wirth said that may be so, but not for these.

Vice-Chair Long said we know from the Resolution there has been a push to include items in the Charter in the hope there would be enabling legislation or State Constitutional amendments and then the Charter language could kick-in. So we have the issue that, although it may not be allowed currently, before there is another Charter Commission, it could be legal.

Commissioner Farber agrees that the bulk of the time, there should be specific language so we know what we are voting on. However, there is a difference conceptually between something with specific language versus the others where we might just vote not to include them. However, if someone makes a positive statement about them, then we would need specific language. He said, "I, in my mind, at least for this agenda, seek two different ways of approaching it [*inaudible here because someone was talking*]."

Commissioner Romero-Wirth said she shares Commissioner Hiatt's concern that we have a plethora of ideas here, and is concerned about how they will be presented to the voters, and that they are done in ways that the voters understand what they're voting on and how we're changing things.

Commissioner Romero-Wirth said, "I could support this, depending on what else we're tinkering with in perhaps that section or that area of the Charter, where you could put it under one umbrella question to voters. So I think the way we talked about how this is presented to voters, they might get a concept, and there might be 5 changes relating to that concept, then I think it's okay, but 30 separate questions put to voters seems like too much. I guess the problem is I can't see the forest through the trees. Does that make sense."

Vice-Chair Long and Commissioner Hiatt said it does. Vice-Chair Long said at this point she would like to take public comment on this if there is to be a vote.

Commissioner Farber said he has heard expressions of concern about the number of issues. *[Commissioner Farber's remarks here are for the most part inaudible because his microphone was not turned on.]* He is saying he sees this eventually as a stand alone provision and the voters wouldn't be confused. He said Albuquerque has elections all the time, and up to 12 changes to the Charter at a time. He doesn't think we should shy away from dealing with issues. He thinks we need to figure out how we will do it specifically.

Vice-Chair Long said we've talked about that for 5 months and believes that will be done.

Commissioner Romero-Wirth said she doesn't want to talk about the specifics of this proposals, she wants to talk about process.

Commissioner Long said her thought is that we should hear from the public before the final vote is taken, but she is hearing now there will be no motion, and instead there is a discussion about process and perhaps tabling all of these.

Carol Romero-Wirth said she sees merit in this, but there is the larger issue as to how these things are packaged. She said, "And I don't know whether we can figure out what things we think we're serious about, and look at them in whole cloth before a final vote, and then we understand. And then, maybe we're looking at.... your point, do we really want... is that something that should be of the highest priority right now. Do we change it, give that we already have an ordinance, given all the other things we're doing"

MOTION: Commissioner Farber moved, seconded by Commissioner Werwath, to add a new provision in the Charter to accompany the provisions dealing with campaign financing, in and around the area of the Election Code, that would read, "The Governing Body shall have an ordinance that limits the amount of campaign contributions that can be accepted by all candidates."

DISCUSSION: Commissioner Romero-Wirth asked where this takes us that is different from before.

Vice-Chair Long said we led the public to believe we weren't going to consider the merits of this, so this might be a motion that is more palatable. She asked if there is any input on this proposed Charter amendment.

Former Councilor Heldmeyer thanked Commissioner Farber for coming up with this language. She said it is different from the other 4 items, in that it is, a) very specific; b) it is intended to be a specific change to the Charter, it was proposed as a specific change to the Charter. It is not a change to the policy statement. It's directing Council to do specific things. It happens to be something they actually do right now, but there is no guarantee in the future that will continue to be the case, and this is a very strong policy of the League of Women Voters and the reason the League suggested this change. She said, additionally, it is something which is also supported strongly by Common Cause.

Jim Harrington, Common Cause said they do support this change. He said there are provisions in the Ordinance, but it wouldn't be impossible to repeal or modify the Ordinance. He said he thinks they have come together on the issue of redistricting and the language. He said Common Cause does support the motion.

Commissioner Farber said, "The reason I made this motion, is because I appreciated the input from the League of Women Voters. I'm sensitive to a lot of their issues, some of the issues I may not think are appropriate for the Charter, some are. I think this is one that is, because though there is a and I agree that this is probably not as important as the independent commission for redistricting, but it is important in the sense that the City has an ordinance, but if it's in the Charter, then there will be a requirement that the City have an ordinance, as opposed to some subsequent Council down the road deciding it doesn't want an ordinance. So this just codifies in our Charter that there shall be a campaign contribution limit ordinance. I think it's appropriate. I don't think it's that controversial, and so I would ask for the support of the Commission for the League of Women Voters proposal."

Commissioner Romero-Wirth said, "Then in this other language, the Governing Body shall limit the amount of campaign contributions that can be accepted by candidates, which is shorter, you don't like that."

Commissioner Farber said it didn't have the words "by ordinance," and the reason for his language.

Vice-Chair Long said then he feels strongly it should be by Ordinance, which is the way it would be done.

Commissioner Farber said it could be done by Resolution which wouldn't be as effective as an ordinance.

Vice-Chair Long said a Resolution wouldn't bind the Council to do anything.

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

Commissioner Romero-Wirth asked, in the future, if we can look at these grouped in the manner in which they will be presented to voters.

Vice-Chair Long said this is a good idea, and perhaps a provision to be voted on would require amendments in more than one area of the Charter. Commissioner Farber said that is a great suggestion and Vice-Chair Long agreed.

Commissioner Farber said Ms. Barkley has done incredible work on the matrix, and asked if it can be numbered, and categorized and characterized so the issues are together/lumped together, and it will make it easier to decide how we want to approach the various votes.

Commissioner Romero-Wirth wants to be sure that when it is all put together it makes sense, and we're not doing something which makes it unclear or is contradictory.

Vice-Chair Long said it may be more than that, and we would need to know if there are other provisions of the Charter which would need to be amended because of any one amendment, and perhaps prepare a red-line version.

Commissioner Romero-Wirth doesn't like "voting on this stuff sort of in the air. She said, "Just to take the next one, all mail ballot for elections. We don't have any language, I don't know what that means."

B. ALL MAIL BALLOT FOR ELECTIONS

Commissioner Farber said he thinks Commissioner Hiatt is going to move to delete the remainder of the items from consideration, which would be a relatively simple motion. However, when Ms. Vigil was here, she said this already is in the Charter.

Vice-Chair Long thought there was some movement that was positive in providing for mail-in ballots.

Ms. Jamison said this already is provided by Statute and she doesn't recall the reason Ms. Vigil said we don't do mail-in ballots, but we have the capacity.

Commissioner Werwath said we came to a consensus at a previous meeting that this is an item we no longer need to consider.

Vice-Chair Long said this is because we can do it, but we don't for whatever reasons Ms. Vigil stated.

MOTION: Commissioner Werwath moved, seconded by Commissioner Farber, to remove All Mail Ballot for Elections from the topics for further discussion and possible action by this Commission.

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

C. AT LARGE CITY COUNCIL DISTRICTS

Commissioner Romero-Wirth said there is some confusion about this. She asked who really understands what the idea really is here.

Commissioner Hiatt said it actually is for partial at-large. He said he thought when we received the Memo from Marcos Martinez that this isn't something we can consider under these circumstances and he has been willing to remove this item for some time. He noted he had a call from Karen Walker who suggested this, saying she couldn't attend today.

Vice-Chair Long asked if partial districting is legal. She said she thought when we looked at it initially, it was on the general question if Councilors can be elected at large.

Commissioner Romero-Wirth said we took the suggestion to be that everyone should be elected at large.

Mr. Werwath quoted from Mr. Martinez's Memorandum as follows: "New Mexico law provides that members of Governing Bodies, excluding Mayors, of municipalities having a population in excess of 10,000 shall reside in and be elected from single-member districts." He said this precludes any at-large representation by members of the City Council.

Ms. Barkley said she did some research after the last meeting, and would disagree saying the Memo perceived the suggestion to be that it would change to all at-large Councilors, and believes it is arguable that if there were 4 Councilors from Districts it would satisfy the single-member district requirement and the remaining four could be at large.

Commissioner Romero-Wirth said we should postpone this item until we have clarity. Her understanding of this is that we've been confused about this and thought it was illegal.

MOTION: Commissioner Hiatt moved, seconded by Commissioner Romero-Wirth, to postpone this item to a future meeting of the Commission.

DISCUSSION: Commissioner Hiatt said as we formulate the next agendas we follow "your" recommendation which is to clump together all of the election issues and wait to hear from Ms. Barkley.

Commissioner Farber said the only person we've received input on this is from Karen Walker, and he believes there are consequences to having 4 Councilors from 1 district and 4 Councilors at large, in terms of terms and structure of government which we haven't discussed or received input on. We need input or language in this regard.

Commissioner Romero-Wirth said, "There are a lot of things we're not doing, but should be doing, because we're doing a whole bunch of other stuff. We need to start focusing on some of these things. I agree, because I've had people approach me outside of this body that this should be something we ought to look at, and I would like to hear more from the experts, assuming it's possible, what are the implications of doing it."

Vice-Chair Long said, "We will."

CLARIFICATION: Ms. Helberg asked the date certain for postponement of this agenda item.

Vice-Chair Long said it is postponed to a "date certain to be determined by the Agenda Committee."

Commissioner Romero-Wirth said, "With the idea that we will lump these together, and try to consider things that are similar together."

FRIENDLY AMENDMENT: Ms. Barkley suggested it be postponed to the next meeting, and if it needs to be postponed again, it can be done at the next meeting. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

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

D. COUNCILORS RESIGN TO RUN FOR MAYOR

Responding to the Vice-Chair Commissioner Werwath said this is in the enabling Resolution.

MOTION: Commissioner Farber moved, seconded by Commissioner Hiatt, to remove Councilors Resign to Run for Mayor, from the topics for further discussion and possible action by this Commission.

DISCUSSION: Vice-Chair Long said this is more a representation issue than a property issue.

Too many people talking here at the same time to transcribe

Commissioner Romero-Wirth said she doesn't believe City Councilors own their seats.

Commissioner Farber said the constituents have the right to have you to serve the term to which they elected you, and the person who is elected has the right to serve out the term.

Commissioner Romero-Wirth said it is that you have been elected to represent people, and those people deserve representation and that is who she is concerned about, and Vice-Chair Long said she is concerned about this as well.

Ms. Barkley said she did research on this after it was brought to her attention by Commissioner Farber at the last meeting outside of the forum. She said, "I hate to give conflicting advice or conflicting information than our esteemed Chair, and when I looked at this, there actually isn't a due process right. There's no property right in an elected seat."

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Ms. Barkley continued, "In terms of the elected officials themselves, they have no recourse essentially if one were to cut their term short, in terms of a due process right. They may have some other recourse, but there's no property interest. I've got the cases right here, if you like to look at them, and I can also send them to you."

Commissioner Farber said, "No, I'll accept your representation. It just seems to me that it would be difficult, whatever way, to limit the term of someone who has been elected."

Commissioner Romero-Wirth said, "If you look at this from the voters' perspective, they deserve to be represented and if somebody is forced to resign their seat, they are without representation. That's the problem I have with this proposal."

Ms. Barkley said, "I think the way it was discussed is that it would be decided for some time out into the future, so for example, it would be decided in 2014, but it wouldn't go into effect until 2018, so there would be no Councilor that has already been through their election and has a seat and it would affect them. It would affect whoever runs for election in 2018, and they would know in advance they were going to get a lesser term than what had been anticipated in prior year."

Commissioner Farber asked if he can withdraw his motion and make a new motion, and Commissioner Romero-Wirth said his motion is sort of okay.

CLARIFICATION OF THE MOTION BY THE MAKER: Commissioner Farber said, "My motion is essentially to leave the system the way it is."

VOTE: The motion was approved on a voice vote, with Commissioners Farber, Gutierrez, Hiatt, Johansen, and Romero-Wirth voting in favor of the motion and Commissioner Werwath voting against.

Commissioner Werwath said it's in the enabling Resolution.

Commissioner Hiatt asked the reason it makes a difference if it is in the enabling Resolution.

Mr. Werwath said we are convened by this Commission to consider these issues, and at one point we made an arbitrary decision about not considering things which are precluded by State law. And the enabling Resolution explicitly states that regardless if it is precluded by State law, they wanted us to consider it on its merits and he doesn't think we've done that.

Commissioner Romero-Wirth asked if he would be more comfortable if the Commission just voted it down, noting this is another way to do it. She said just because it's in the enabling Resolution doesn't mean we have to approve it, noting we have considered it. She said, "I personally, as I've stated several time have a problem with it because it would deny people representation, and so I would vote against putting this provision in, on that basis. So would you feel better if we voted it down."

Commissioner Werwath said he was just voting on his own feelings.

Vice-Chair Long said if you are one of the 4 Councilors that runs for Mayor and wins, then what happens to the voters from your District then. It's the same problem and representation issue.

Commissioner Romero-Wirth said, "But there is a way to fill the seat."

Vice-Chair Long said there is a way to fill the seat, but not by the voters that elected that Councilor. The new Mayor can then appoint someone to fill the vacancy.

Commissioner Romero Wirth said, "I have no problem with that, because that's the way we fill a seat. I have a problem with the fact that if you announce your candidacy you have to resign and nothing can happen until the election which could be 1-2 years from the time you announce, and those people are without representation during that period. Once you are elected to something else, your seat has to be filled."

Commissioner Werwath said it would be filled by appointment, and there are alternative schemes for solving the problem. He said, "To me, it's a fundamental equity issue that there are weighted seats on the City Council that are worth more than other seats, and we can look at that a bunch of different ways. People can take that and say I'm running this year, because I want to be able to be a City Councilor and run for Mayor without having to resign. It's a fundamental equity issue among the highest level policymakers in the City and that bugs me, and that's why I voted against it."

E. TERM LIMITS FOR MAYOR AND COUNCILORS

Commissioner Werwath said he feels strongly about reconsidering this one. He said at one point we talked about not considering it further because it is precluded by State law. He said the language on page 2 of the enabling Resolution, lines 12-22, is very explicit that this needs to be considered by the group on its merits. He said, regardless that it is precluded by State law, we don't have specific language for this, so he is uncomfortable voting one way or another without more consideration.

Vice-Chair Long said Commissioner Hiatt is going to make a motion.

Commissioner Hiatt asked what is the suggested language change, noting it comes through the enabling Resolution. He said none of the Councilors have shown up to make a recommendation.

Commissioner Werwath noted at least 6 Councilors voted to approve the Resolution.

Commissioner Werwath said it isn't in our purview to disqualify something because of our perception of its validity under State law, when it is explicitly mentioned in the Resolution, and he believes the issue has the right to be considered by the City Council. We're simply considering the merits of this issue and then advising the City Council.

Commissioner Romero-Wirth asked, if it is not legal under State law, why would we consider the merits, noting this isn't the proper level to change it.

Commissioner Werwath said the language in the enabling resolution references that the Charter Commission is convened only every 10 years, and because of the possibility of changes made to the State Constitution during that period, that we would consider term limits.

Commissioner Romero-Wirth said she thinks it's a dangerous precedent..

Commissioner Farber said, "I don't think it was enabling language. It was in a Whereas clause that led up to a "Be It Therefore Resolved."

Commissioner Werwath said he is speaking of constitutional term limits.

Commissioner Farber said if the law changes, in the future another Charter Commission could be formed and say we want this.

Commission Werwath said, "I would just like to refer back to the core logical pillar of my argument here. We made the decision based on the State law precluding this. And our enabling Resolution explicitly said that's not the issue by which we should judge this matter."

MOTION: Commissioner Hiatt moved, seconded by Commissioner Johansen, to remove Term Limits for Mayor and Councilor, from the topics for further discussion and possible action by this Commission.

VOTE: The motion was approved on a show of hands at the request of the Vice-Chair, with Commissioners Farber, Gutierrez, Hiatt, Johansen, and Romero-Wirth voting in favor of the motion and Commissioner Werwath and Vice-Chair Long voting against.

Responding to Commissioner Hiatt, Vice-Chair Long said she said she was persuaded by Commissioner Werwath that we should consider it on the merits, based on the language in the enabling Resolution, noting a lot of thought went into that Resolution.

Commissioner Farber said, "I would like to make a statement for the record. I am opposed to term limits for municipal officials. I think it's a mistake for the County and I think it would be a terrible mistake for the City. I think it's been said before, the term limit is the election. If you're not doing a good job, then you'll get voted out. I ran against a very popular incumbent, but on issues that obviously resonated with the community."

Vice-Chair Long said, "You would be one voter."

Commissioner Farber said he understands, but on a substantive basis he is opposed to term limits, and he would like to have his position in the minutes.

5. DISCUSSION OF THE ROLE OF POLICY STATEMENTS IN THE CHARTER

Vice-Chair Long said we heard quite a big of public testimony at the beginning of the meeting on this issue.

Commissioner Werwath said, "I would just like to clarify some things that were brought up during public comment. I don't think anyone here has made the suggestion that we not consider any policy

statements whatsoever. That's never been discussed, and we don't intend to totally preclude any suggestion of new policy statements. I think the thing I wrestled with personally as a Commissioner, is that this is the highest level document in City government. It is a constitution. It pertains to the form and structure of City government, and as such should be very specific as to what it includes and what it does not. And I think that's the conversation we need to have. And I don't necessarily think we need to come to a consensus, but we as a group need to come to an understanding of what level of detail we want in this. A lot of what I've heard sounds like ordinances to me, and that makes me uncomfortable. I don't want to put ordinances in the City constitution."

Commissioner Werwath continued, "I want to include important principles, and I think we have heard several of those, but to me we already have a substantial Charter, and I lean to the side of including only the most essential policy statements. For instance, Mr. Farber your suggestion of something around firearms, I believe in that. But for me, the Charter level language around that is about safety of all citizens and could include something about firearms. It's a symbolic issue, it's not a principle of government, and to me, that's where we want to hone in on policy statements which are principles of government. And if you want to put forward a policy statement about how the City of Santa Fe will strive to ensure the safety of all residents, including firearms, I agree wholeheartedly with that."

Vice Chair Long said she agrees with that as well.

Commissioner Farber said, "I want to use principles in a different way, because I think that a Charter should also set forth principles and core values. When we talk about principles of governance, and we're talking about that, but just using the example of firearms. I think that, by and large, unlike the Albuquerque Charter, our Charter does not have the descriptive detail the Albuquerque Charter does, although I came up with two things that I thought were helpful, and maybe they can be boiled down. But my idea with regard to and thought with regard to firearms, was to have something that would say, 'The City of Santa Fe shall have gun violence protection ordinances.' Have that in the Charter, and then leave it to the Council to determine what the gun violence protection ordinances are. We're setting forth a value that says, essentially, we're against gun violence. Now whether it's the excessive magazine clips issue, I can see lots of other things. The City of Santa Fe could decide it wants to have gun protection ordinances and set education courses at City expense. It could have a structured gun firearm buyback program. It could have provisions for suicide prevention by firearm. It could be any of a number of different things, but it's a core value."

Commissioner Farber continued, "Just like some people might think the other issue that I've talked about, not that the others aren't important, but my concern about young people being labeled as criminals and even older people being labeled as criminals because they have a small amount of marijuana in their possession. I think it could be a value that says, as far as we're concerned as a City, it's a low, law enforcement priority and it's in our Charter. And we know that."

Commissioner Werwath said, "My point of view is that all makes total sense and you can call them core values or you can call them principles, but these are ordinances, because you are referring back to ordinances that will be enacted as the result of these things. It is challenging for me to understand how

things fit elegantly into the document we currently have. Just like that I agree wholeheartedly and I feel strongly about several of these things myself."

Commissioner Farber said, "I understand this Daniel, and I think if one looks at the Constitution and the enabling, the preamble, which is similar to our provision...."

Commissioner Werwath said, "Can you explain to me why it isn't about safety and that firearms is a part of safety. To me, it's when hundreds of people get hit every day by cars in Santa Fe walking across the street at St. Michael's Drive. Right. Not hundreds every day, but it is the most dangerous intersection in our City. There are 7 people who got hit there last year. Right. But to me safety, is a core value and a principle we want to put forth."

Commission Farber said, "If I may, maybe it's almost like the, I forget, NPR had this thing where you went back and forth and debated, and you and I can talk about this, but talking on a cell phone while you drive is very dangerous. I present...from the University of Utah, it's equivalent to a .08 which is the presumptive level for alcohol intoxication. If you do this stuff like I do, at .08 some people can walk better than some people at .05. I would be in favor of something that talks about safety. But I do think there's something that is significant about gun violence that we, as a community should think about and allow the voters to have a vote, if the Council allows them to have a vote, and say this is our value. This is what we want, either yes or no. The same with issues... Karen Heldmeyer came forward on behalf of the League with regard to an issue about water, and she was in some ways challenged about that, but water was not in our Charter, but water is mentioned specifically in the Albuquerque Charter as is air."

Vice-Chair Long said it is arguable whether there is language that includes water in our Charter now.

Commission Farber said it is arguable, but it's very clear in Albuquerque's, they say air, they say water.

Commissioner Werwath said there is a significant difference between adding the word water to the rambling list of things that we value, or in the case of immigration which I feel strongly about, the conversations we've had around this which probably could be enacted by changing a couple of words of existing language to include those. Those to me, I feel a lot more comfortable about, than adding a whole statement about, say firearms, which is a very very specific issue."

Commissioner Farber said it's one sentence, just like the immigration thing can be one sentence, an added provision. Just like neighborhood protection could be one sentence. It doesn't have to be paragraphs. Just like some of the other campaign issues and redistricting. They can be done in 1 or 2 sentences, but as different provisions, so it's very clear what people are voting on, and they have a vote and it's yes or no. And it's a way of differentiating Santa Fe from other places. It's a way of saying, this is something that is important to us as a community. He said some may differ with him with regard to some of his proposals or proposals others have presented. He believes we should give the voters the opportunity to vote on these issues, because they affect our lives.

Vice-Chair Long said what she is hearing from this discussion is that there will be consideration, noting the Commission has never said there would not be consideration of policy statements. We have always known that the specific wording/language for these will be difficult. And this is where we could have some disagreement. She said the Commission has the policy statements, they have been introduced, the deadline is past and the Commission will be considering those. She said we will have to do this in a more succinct way.

Commissioner Romero-Wirth said she has struggled with this issue. She said she agrees with Daniel that she isn't interested in putting ordinances into the Charter, but perhaps some broad principles and core values, but "so so selectively." She doesn't believe we want to create an incredible laundry list. She said once in the Charter, things like this are very hard to change. We have to be very careful what kinds of things we put forward and the language is important to the overall document. She said the other thing she has struggled with is whether this high government Charter, constitution, is the proper place for these things. She said a lot of this should be dealt with by the elected officials. She was not put on the Commission representing a constituency, and doesn't feel she has the benefit of people telling her their thoughts and then trying to represent that. She said she may have no problem with a lot of these. She said she doesn't believe we've heard both sides of all of these issues, and she isn't in the best position to be making these kinds of decisions on what to put in the document. She also feels like it is somewhat of an end-run around referendum and initiative. She said these kinds of conversations belong at the City Council level and if you aren't getting a response, then you have to take it to initiative and referendum. She reiterated it feels a bit like an end-run to her and she is uncomfortable with it and she would like more feedback.

Commission Farber said the U.S. Constitution provides that no person shall be deprived of life, liberty or property without due process of law, noting due process of law isn't defined anywhere in the Constitution. It has taken years and volumes to decide what due process of law is, but it is a core value which gets evolved in the Constitution. The same is equal protection under the law, the same as the right to be free from slavery. He said the second Amendment to the Constitution says Congress shall have the power to enforce this article by appropriate legislation. He said following that model, we set forth a principle, and the Council then implements it by adopting an ordinance that enforces the principle. The check and balance is whether people agree with the various policy statements or not, and they have to get passed up to the Council. The Council can "pretty much do over or redo anything we do." If they think it is appropriate, they then submit it to the voters who then put it into the Charter. So, that is "the check and balance that we're not acting in any improper way."

Vice-Chair Long said Commissioner Werwath is saying the same thing, that there are core principles that he believes could be in the Charter. She said getting into that detail is where our issue will arise.

[Too many people talking at the same time here to transcribe]

Commissioner Werwath said, "Safety is a core principle, and firearms is an aspect. That's my interpretation. To me, a core value is ensuring the safety of all citizens. That's the type of thing I would want to see in the Constitution. That's the level of thinking. The broadness of thinking that belongs in a

constitution. And I think you could enumerate multiple things under safety. But to call out a specific section around a specific issue to me, feels uncomfortable to me and very much does reflect something that is making ordinances in a governing document that should be about principles."

Commissioner Farber said this is not an ordinance. He said, "The only thing, just continuing this dialogue, today, when I saw the thing about the budget in the Grants Charter, that made some sense to me, because there should be public disclosure about these things. When I read about the campaign contribution from contractors being prohibited in the Albuquerque Charter, that resonated with me. Those are details and I will present them. That's why I handed it out because I worked on *[inaudible because he was interrupted]*."

Commissioner Werwath said it is a detail pertaining to the structure and functioning of the government. It is a detail that outlines how the government runs, which is part of the purpose of this document.

Commissioner Farber said he isn't suggesting we follow the Albuquerque model, but with some of the issues they need more detail. "And others, like I explained with regard to gun violence prevention, that's a statement of principle. 18-20 years ago, when I was on the Council, these are the same issues that this community has been dealing with. Children. The value that we place on children."

Commissioner Werwath said that's a principle with which he agrees. He said he just doesn't want to get into the specifics right now.

Vice-Chair Long said, "I don't know that we want to get into the merits of each one, and we have 5 minutes left, so we need to move on."

Commissioner Farber said, "I'm not talking about the merits, I'm talking about process. The issues that have been raised are all, I believe, significant to a lot of segments of this community which will resonate with a lot of the community."

Commissioner Romero-Wirth said, "Then why hasn't the City Council adopted ordinances around all of these things. Why are these people coming to us. If it is resonated so much with the City of Santa Fe, the people who should be doing this are the elected officials at the City Council level."

Commissioner Farber said, "It resonates with people and maybe politics gets in the way at the Council level, and maybe there's a body of us *[inaudible because he was interrupted]*."

Carol Romero-Wirth said, "Or maybe they're represented.....*[inaudible because she was interrupted]*."

Commissioner Farber said, "There is the imprimatur, and someone says, a group of people said, this is important, consider it City Council. They don't have to consider it, but at least it's been discussed and various people come forward with regard to issues that are important to this community, I believe at least."

Commissioner Romero-Wirth said, "I don't disagree that they're not important issues for this community, I'm just not sure this is the proper forum for these things. I'm not sure that they should be in the City Charter. These things should be ordinances coming from our elected representatives."

Commissioner Werwath said, "... that have binding effect..."

Commissioner Romero-Wirth continued, "...that have binding effect and where you get a full policy debate, pros and cons. We haven't had that here really. We've had advocates for particular things. And again, the merits aside, I don't have a problem with a lot of what has been presented here. It's just whether this is the proper place to be putting it."

Commissioner Werwath said, "The one thing I want to add on the structural level of this conversation is that I think we need to think very hard about the precedence that it sets. As a Charter Commission, when we hone in on very very specific issues, and we're inclusive to those issues because they have advocates in the community, and that creates a precedent for future commissions. It creates a precedent when you read the Charter, and there's a laundry list. And it's well, we forgot like people that take care of pets. I just think there's a real risk to getting too specific in what isn't included in the Charter, because it is, in fact, core values. Core values like safety, equality, equal treatment of all citizens."

Commissioner Romero-Wirth said it is also due process.

Commissioner Farber said it is protection for non-citizens as well.

Commissioner Hiatt said we are having trouble coming to a conclusion on this, and "I don't think we are going to reach a conclusion. I think that the answer will come as we face the issues in the next 2-3 meetings and we get to vote on this. And I know Commissioner Romero-Wirth kind of opened the door for this the last meeting. We haven't had this kind of attendance in a long time. We appreciate everybody coming out." He said he would like to move on to the next issue.

Vice-Chair Long agreed we need to move on, commenting that the discussion was really helpful and we are going to have to address the policy statements, individually and take up these issues.

8. DISCUSSION/POSSIBLE ACTION SETTING ITEMS AND DATES FOR VOTES AT FUTURE MEETINGS

- A. ELECTION ISSUES**
- B. GOVERNANCE ISSUES**
- C. POLICY STATEMENTS**

Vice-Chair Long said we have an agenda committee that will work on these issues. She noted Commissioner Romero-Wirth has asked to see all of the proposed changes grouped together, so we can see where and how it would be presented in the Charter which is important.

Responding to the Vice-Chair, Irene Romero said the next meeting is June 13, 2013.

Commissioner Romero-Wirth asked how many more meetings we have.

Commissioner Farber asked if there is a reason we couldn't have 1-2 more meetings if we needed.

Commissioner Werwath said we probably could have one more meeting, but any longer than that, we start to bump up against the election timetable and adoption by the City Council.

Commissioner Romero-Wirth would like the timeline outlined in writing.

Commissioner Werwath said he has that and he can provide that information, noting the idea was to provide ample time for this to work through the City Committee process and the City Council hearing process in sufficient time to be approved by the Council and included in the Election Resolution which he believes will be adopted in late August or early September. He said he worked backward from the election deadlines with the City Clerk.

9. COMMUNICATION FROM CHARTER COMMISSION MEMBERS

Commissioner Farber said he very much shares Commissioner Romero-Wirth's concerns on process issues. He said we need to decide what will be on the agenda, and allocate time to those.

Commissioner Hiatt said we're going to have to load up the agenda "big time," even if we have another meeting, reminding the Commission there are a lot of topics.

Ms. Barkley suggested that the Commission pick one of the groups/categories of issues, and put all of the remaining issues in that regard on the agenda for action at the next meeting. She said there's no requirement to vote, and if you aren't ready to vote it isn't necessary, but there would be an opportunity to do so if you would like.

Vice-Chair Long said the agenda committee will need to decide how many to load up. She said it's better to be over-inclusive in case we can get to all of the items. She said we will need specific language for all policy issues on the agenda, so we can look at that in advance.

Commissioner Romero-Wirth said we need language on everything, and the Vice-Chair agreed.

Commissioner Farber suggested considering election/governance issues distilled from the matrix, in an order that makes sense, and cover those at the meeting on June 13, 2013. And we then consider the policy statements at the June 27, 2013 meetings.

Commissioner Romero-Wirth said she agrees, and do all of the policy statements together. She said if we don't finish elections/governance, items can be carried over with the policy statements at the last meeting.

Commissioner Farber explained the process of setting an agenda for the Chair's review and approval and then publication notice.

Commissioner Werwath said there has been little structure and guidance to the Charter Commission and how they approach it. He said, "I actually feel the public meeting, formal Commission format is a huge detriment to the function of a group like this. We could have been sitting around with people coming up with language this whole time, but we've been going through Robert's Rules of Order and it just, to me, for the future, and for the City to think about how this is conducted in the future. I think as a Commission, this can function much more informally and much more effectively if we weren't sitting in City Councilor's chairs."

Commissioner Farber said part of the difficulty is, "Geno Zamora, the City Attorney has, by his communications, restricted in some ways our communications amongst one another to try to work out some language that might be acceptable to the group."

Commissioner Werwath said, "We could have appointed a subcommittee. I'm just saying the overall formality of this meeting format and structure, the public meeting notice process really hinders the efficiency. We should have had this done a long time ago for the amount of time that we've put into it. Just my communication."

The Commission discussed setting an additional meeting on June 19 or 20, and after discussion, asked Ms. Romero to look at the availability of the Council Chambers, and let the members know if a meeting could be scheduled at that time.

10. PUBLIC COMMENT

Jim Harrington said he has a suggestion. The Commission needs to find out the process for the Charter revisions once they leave here – the process between here and the ballot. He said the Charter Commission he chaired actually voted on and recommended the amendment language for the ballot, noting they adopted 98% of that. He said they recommended a few strikeouts and underlinings to change percentages and such. The City Council directed the City Attorney to prepare the language appropriate for a ballot. He said you might find out the process, because that might inform the consideration by this Commission as to what to put before the voters.

Marilyn Bane said "we learn from hearing you talk." She said, "We are flying as blind as you are in so many ways. If we're going to have a point made, we really think it would help the community for you who are not political, not City Councilors, to look to the highest good. And that's exactly what we've been trying to do. We're having many of the same conversations that you are having. I think you would be interested in our dialogues. It's very important to us, for example, to know if we're trying to make a point, is perhaps the way we're thinking of making it, not the right the right way to do it. Should we be sending, instead of another policy statement, should we in fact just be adding 2-3 more words to an existing policy, and give you reasons why we think that it important. Things change. We've had many things happen over

the last 5-6 years, and you are in the unique position because you're not an elected official to say, what has happened in our culture that we want to protect. What has evolved through all this that we think really is an important policy, whatever it is."

Ms. Bane continued, "And so I would hope you'd look to that, whether you agree with the one I'm interested in or not. I would hope you would look to that and say, we need to give the Council a little bit of direction here. There are advocate groups for the Council and the Council does respond to large numbers of people in a room and what have you. You don't have to do that, you're absolutely correct, but what you do have to do or what you should do, is think about what does need to be clarified a little more or what should be in your opinion. The Councilors say thanks very much, appreciate your time, bye. You know, we don't like any of them, or we like all of them or whatever. I just mean that it... thank you for going through what you're going through and I'll let you go home now."

Marcela Diaz said, "At the earlier public comment period, I communicated from another City body. The Santa Fe Immigration Committee had a very specific recommendation on language that isn't a part of the matrix. And I just want to know, if you guys are going to vote on policy, it's to change 2 words in a policy statement that is already in there. How do you guys end up voting on that so it actually gets a vote in the future. I don't know what to do now."

Ms. Barkley said she took the language from the prior meeting and it will be an alternate box in the matrix.

Ms. Diaz said she assumes it will be considered at the meeting on June 27th, and the Vice-Chair said yes.

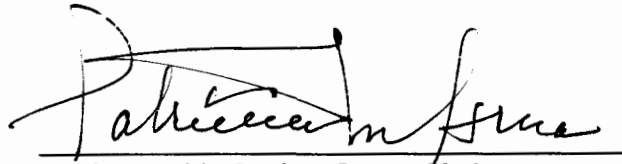
Ms. Diaz said the Immigration Committee meets the first Tuesday of the month at 4:00 p.m., and invited the Commission to attend, noting they also have to follow Robert's Rules of Order, but there is an informality and an openness with the community at their meetings.

Jamison Barkley said Marcos Martinez will be covering the next meeting and subsequent meetings, because she is leaving the City, noting next Wednesday is her last day. She will make sure Mr. Martinez has all of the information and will be available to the Commissioners. She will make the changes discussed this evening before she passes the matrix to him.

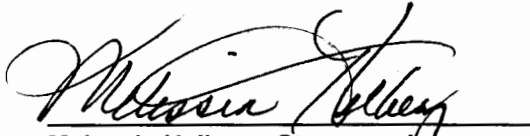
10. ADJOURNMENT

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

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:15 p.m.

A handwritten signature in black ink, appearing to read 'Patricio Serna', written over a horizontal line.

The Honorable Patricio Serna, Chair

A handwritten signature in black ink, appearing to read 'Melessia Helberg', written over a horizontal line.

Melessia Helberg, Stenographer

Santa Fe Health

W.A. 111

For a complete list of our community health workers, please contact Santa Fe Health at 505.255.1111

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| <p>Bill Wells, DDS
Sam Barne, OD, FCOVD
Constance Buck, PhD
Andrew Graham, British DOJ
Jerry Deusch, MS, LN
Jean Bergeron, MEd, BC
Howard H. Blacker, DDS
Harriet Quinn, DOM
Ted Anderson, DC
Gerhard Dietrich, LMT
Seth Friedman, PhD
Pamela Burnham, PhD
Carolyn Dechaine, LMSW
Robin Gress, M.A., LPC
Grace Elena Woods, Reflexologist
David Shupin, PhD
Martha Davis, LPCC</p> | <p>Wendy Ogden, CHT
Sorrel Page, LMT
Vince Palladino, DC
Elizabeth M. Rose, LMT
Ned Schwartz, DC
Michael Schmitt, Dr. PH
Philippine Beavara, LMT
Debra Sherry, DMt, D-HHP
Jan Jones, DNM
Elena Sue St. Pierre, OTR
Lisa Wilson, DOM
Ralph Steele, MA, LMFT
Harold Stanberg, DC, CCN
Lon Rankin, MA, LPCC</p> | <p>Michael Hays, ND
Jon Trapp, DOM
Dorell Ventham, LMT
Celia Ventham, LMT
Chris Schaefer, DC, APC
Jana Sherten, DOM
Donald K. Smith, OMT
Alexandra Hope, RN
Nina Zelenitsky, MA, LPCC
Fidelia N. Trujillo, ND, GCFP
Zoe Van Andren, LMT
Wendy Larson, ND
JoAnne Walters, RN, MEd.
Sudastian Arben, critical asst.
Darling Horcasitas, PA
Patricia Ziegler, MT
Life Vessel Santa Fe
Santa Fe Soul Health & Healing Ctr.</p> |
|--|--|--|

If you are a healthcare professional and would like to have your name added to this list please contact
SantafedoctorsWARN@gmail.com

WARN

Exhibit 111

SANTA FE DOCTORS W.A.R.N. WIRELESS AND RADIATION NETWORK

(505) 471-4194

P O Box 28068, Santa Fe, New Mexico 87592-8068

To the Members of the Charter Review Commission

May 22, 2013

I am speaking again for Santa Fe Doctors W.A.R.N., an association of local health care professionals and scientists who have grave concerns that there is no City policy to protect our children and Santa Fe's unique historic legacy from potential hazards created by cell towers and other toxic exposures. I very much appreciated your response to my letter of May 9, which led to your request for me to submit language addressing these concerns in brief and concrete language. I have attempted to do so below.

First, to best illustrate the very real need for such a policy, I wish to read a short letter from a homeowner in Tierra Contenta, Janice Simmons, who is unable to attend this meeting today. [See attached.]

To be inserted as new section under Article II. Policy Statements:

International Precautionary Principle in Neighborhood Protection

Santa Fe's unique historic legacy of aesthetics, architecture and culture can best be preserved by our children. In order that neighborhoods are able to protect their cultures and their children, the City of Santa Fe hereby becomes the first U.S. city to incorporate the International Precautionary Principle, now a statutory requirement in the European Union and many other countries.

This principle allows policy makers to make discretionary decisions in situations where there is the possibility of harm from taking a particular course or making a certain decision when extensive scientific knowledge on the matter is lacking. The principle implies that there is a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk.

To ensure that citizens can actively participate in protecting their neighborhoods, the City of Santa Fe

- 1) shall require transparency of any business plan to install technology, disperse chemicals, or otherwise change any neighborhood environment by immediately printing such applications in the local newspapers.
- 2) shall delineate "safety zones" near all schools to prevent possible toxic exposures of Santa Fe children to chemicals, microwave radiation, or other toxins classified as such by the World Health Organization.
- 3) shall ensure that input from citizens and neighborhoods regarding proposed or existing technology and/or chemical exposures be given the same weight as the marketing industry representatives regarding submitting specified evidence.

Yours truly,

Felicia N. Trujillo, MD

Felicia N. Trujillo, ND, Doctors W.A.R.N.

Members include 93 concerned scientists and health care professionals including local Medical Doctors, Dentists, Doctors of Optometry, Nurses, Physical Therapists, Psychiatrists, Physicists, Osteopathic and Naturopathic Physicians, Acupuncturists, and Massage Therapists who have supported more protective laws and legislation for the State of New Mexico.

*Coordinators:
Felicia N. Trujillo, ND,
Feldenkrais® Practitioner
Michael Blanshan,
Traditional Naturopath*

Exhibit "2"

May 13, 2013

To To the Members of the Charter Review Commission:

On December 6, 2012, an appeal was issued to Catherine Martinez, Division Director of Construction Industries Division of the State of New Mexico to protest the AT&T cell tower at 4851 Paseo Del Sol. This land was leased to AT&T by the New Mexico School for the Deaf, and is owned by the State of New Mexico.

Head Board Member for the School for the Deaf, Lynn Barbero, stated that the state was pressuring the school to stimulate income from this land and that the board agreed to AT&T's offer to lease the land for a cell tower. Ms. Barbero was under the impression that cell towers posed no threat to children or adults. She did agree willingly, however, to receive studies and information about the published, peer-reviewed effects of Electromagnetic Fields (EMFs).

No notice was given to Principal Channell Wilson-Segura of Capital High School who was shocked to discover the cell tower next to her school. No other schools nearby were apprised of this plan, including Cesar Chavez Elementary, Ortiz Middle School, and Sweeney Elementary. No neighbors were given notice or allowed input. Posting for this tower was not made available until after 3 weeks of construction and the posting was then displayed away from the public view, which required one to trespass in order to read the notice.

The tower is approximately 30 feet from the Capital High School playing field, 500 feet from student buildings, and approximately 500 feet from the Little Paws Day Care Center. It is also adjacent to the newly built Sage residential development.

The Appeal was signed by Principal Channell Wilson-Segura of Capital High School, Principal Mike Lee of Gonzales Community School, Principal Theresa Ulibarri of Sweeney Elementary, Janice Simmons, a neighbor and Felicia N. Trujillo, ND.

To date we have received no response from Catherine Martinez or the State of New Mexico in regards to this appeal.

JANICE SIMMONS

Janice Simmons
4452 Paseo Del Sol
Santa Fe, New Mexico
(505) 992-8438

May 22, 2013

To: The Santa Fe Charter Review Commission
Re: The Role of Policy Statements in the Charter/Neighborhood Protection

The Preamble to the Santa Fe Municipal Charter offers a broad overview of our city's values and principles; the Policy Statements specify them in greater detail, and direct that appropriate action protecting and defending these values and principles will be undertaken.

Just recently, Policy Statement 2.02. Human and civil rights was referenced in City Council testimony during discussion of a proposed Community Workforce Agreement. The CWA was rejected, largely because it discriminated against non-union workers in the Ordinance, and such discrimination was against the law as written in this specific city Policy Statement.

The agenda for this afternoon indicates that there is to be discussion as to whether or not additional Policy Statements should be considered by this Charter Commission.

Santa Fe Neighborhood Associations and the Santa Fe Neighborhood Network feel that city neighborhoods are often endangered, and that they deserve greater acknowledgement of their legitimate needs and concerns. We believe that articulating this fact as a Charter Revision would help focus city departments in protecting and preserving this cultural heritage and these valuable city assets.

Many other cities with neighborhoods reflecting cultural heritages have been cognizant of the need for neighborhood preservation, and have included specific protections for those neighborhoods in their Municipal Charters. We ask the same protections from this Commission.

We respectfully request that you (1) do not preclude consideration of additional Policy Statements as a category, and that you (2) do consider including Neighborhood protection in an added Policy Statement segment. We are attaching a suggested segment for your review.

Thank you for your consideration of these matters.

Sincerely,

The Arroyo Chamisa/Sol y Lomas Neighborhood Association,
The Historic Neighborhood Association,
The Canyon Neighborhood Association,
The Las Acequias Neighborhood Association,
The Candlelight Neighborhood Association,
The Don Gaspar Neighborhood Association
The Nuevo Casa Solana Neighborhood Association
The La Joya Neighborhood Association, and
The Board of Directors of the Santa Fe Neighborhood Network

Exhibit '3'

Suggested Added Policy Segment:

2.04. (A) Cultural preservation

2.04. (B) Neighborhood protection

The Santa Fe community is defined not only by the cultural composition of its citizens, but also by the variety and diversity of the neighborhoods in which these citizens reside. Santa Fe neighborhoods have distinct features that reflect a cultural and architectural heritage, and legitimate interests which affect the quality of life of their residents. These features and interests should be recognized, promoted and protected. To this end, the governing body shall encourage Neighborhood Associations to represent and articulate the legitimate interests of individual neighborhoods, and shall enact ordinances and establish appropriate commissions/commissioners with jurisdiction, authority, and staff sufficient to effectively administer this policy.

Ban on Contributions from Business Entities and City Contractors

- I. In order to provide for transparency in government and to also further the purposes of the City of Santa Fe Ethics Code there shall be enacted the following provision:
 - a) *Ban on Contributions from Business Entities and City Contractors.*
 - b) No candidate for public office shall accept a contribution in support of the candidate's campaign from any corporation, limited liability company, firm, partnership, joint stock company or similar business entity or any agent, or sole proprietor making a contribution on behalf of such a business entity or sole proprietorship who at the time of the contribution is in a contractual relationship or who has business dealings with the City to provide goods or services to the City.
 - c) Within 48 hours of the receipt of a statement from a candidate listing campaign contributors, or as soon thereafter as reasonably possible, the Finance Director shall determine if any contributor has a contract or business dealings in the nature of a contract with the city. For the purposes of this section, a person is deemed to have a contract or business dealings if the person or in the case of an individual, the contributor's principal business or the contributor's employer has received \$20,000 or more pursuant to a contract with the city in the 24 months prior to the date of contribution. The Finance Director shall immediately notify the City Clerk of any campaign contributors who have business dealings with the city and the City Clerk shall post that information (including: contribution amount, recipient and business relationship) on the city's website.
 - d) The remedy for an unknowing violation of this subsection shall be the return of the contribution and notification to the public of the amount of the contribution and directive to return the contribution. The remedy for a knowing violation of this prohibition shall be a referral by the City Clerk to the appropriate City Committee and authorities.

Exhibit "4"

There shall be a new provision enacted:

Notice of Budget and Recommended Capital Program

Section ____ Recommended Budget and Message; Recommended Capital Program.

A. The City Manager shall prepare a recommended budget for the each fiscal year, an accompanying recommended budget message, and a recommended capital program and Capital Improvement Program (CIP) as per the ordinances of the City of Santa Fe and as consistent with the policies and practices of the New Mexico Department of Finance and Administration-Local Government Division;

B. The recommended budget, budget message, capital program, and CIP shall be submitted to the governing body by the City Manager not later than the first regularly scheduled meeting in May, unless proper extension of time is requested by the City Manager and an extension of time is granted by the Governing Body.

Section ____ Contents.

A. The recommended budget shall provide a complete financial plan of all City funds and activities for the next fiscal year and, except as required by law or this Charter shall be in such form as the City Manager deems desirable or the governing body may require.

B. The City Manager's recommended budget message shall explain the recommended budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the next fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the City's debt position and include such other material as the City Manager deems desirable.

C. As consistent with the CIP of the New Mexico Department of Finance and Administration – Local Government Division, the recommended capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the following three (3) fiscal years, with appropriate supporting information as to the necessity for each;

Exhibit "5"

- (3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;
- (4) Method of financing upon which each capital expenditure is to be based; and
- (5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

D. Yearly Revision. The requirements set forth in Subsection C shall be revised and extended each year with regard to capital improvements still pending, or in the process of construction or acquisition.

Section _____ Governing Body Action on Budget and Capital Program.

A. Notice and Hearing. The governing body shall cause to be published a notice in a newspaper of general circulation, on its website, and through available copies for public review stating:

- (1) The times and places where copies of the budget, budget message, capital program, and CIP and Specific CIP Projects and components thereof are available for inspection by the public, and
- (2) the time and place, not less than two (2) weeks after such publication, for a public hearing on the budget, the capital program, and CIP.

B. Amendment before Adoption. After the public hearing, the governing body may adopt the budget, capital program, and CIP with or without amendment. In amending the budget, capital program or CIP it may add or increase programs or amounts; it may delete or decrease any programs or amounts, except expenditures required by law for debt service or for an estimated cash deficit: provided that no amendment shall increase the total authorized expenditures to an amount greater than total estimated income.

C. Adoption. The governing body shall adopt the budget, capital program and CIP by separate resolutions.

D. If the budget is not adopted by the beginning of the fiscal year, then the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the next fiscal year on a month-to-month basis, with all items prorated accordingly until the governing body adopts a budget. Nothing herein shall preclude the City from meeting all bond payments and debt service when due.