



Agenda

CHARTER REVIEW COMMISSION

Monday, July 1, 2013
Santa Fe Public Library
145 Washington Avenue
Community Room
4:00 pm to 6:00 pm

1. Roll Call
2. Approval of Agenda
3. Approval of June 27, 2013 Minutes
4. Public Comment
5. Discussion and possible action on proposal to publish notice of budget and capital outlay and improvement projects

[Language for proposal was submitted at May 28, 2013 meeting]

6. Discussion and possible action on topics presented at prior meetings

POLICY ISSUES

- a. Proposal for Gun violence prevention ordinances
- b. Proposal re Children's Issues and Concerns
- c. Proposal for Marijuana Adult Personal Possession and use to be Lowest Priority for Law Enforcement and prosecution
- d. Proposal on Water Resource and Conservation Issues
- e. Proposal regarding Immigration policies and enforcement
- f. Proposal for preservation of Neighborhoods and neighborhood integrity
- g. Proposal regarding prevention and protection from adverse impacts of electromagnetic radiation (WARN proposed language)
- h. Technological improvements for City Business

[Specific Language for Proposals or Amendment are requested to be submitted to the Charter Review Commission, c/o Irene Romero at City Attorney's Office, at least 48 hours prior to the meeting.]

7. Discussion/Possible Action Agenda Items for Future Meetings
8. Discussion and possible action regarding report to Governing Body
9. Communication from Charter Commission Members
10. Public Comment
11. 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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CHARTER REVIEW COMMISSION
Monday, July 1, 2013**

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**MINUTES OF THE
CHARTER REVIEW COMMISSION
July 1, 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 the Honorable Patricio Serna, Chair, at approximately 4:00 p.m., on July 1, 2013, in the Community Room at the Santa Fe Public Library, 145 Washington Avenue.

1. ROLL CALL

Roll call indicated the presence of a quorum as follows:

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

MEMBERS EXCUSED

Roman Abeyta [Resigned]

OTHERS ATTENDING

Zach Shandler, Assistant City Attorney
Geri Bowen, City Attorney's Office [for Irene Romero]
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance.

2. APPROVAL OF AGENDA

Commissioner Farber proposed that the Commission hear Item #5 after Item #6, since most of the people are here to hear Item #5.

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

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

3. APPROVAL OF JUNE 27, 2013 MINUTES

There were no minutes for approval.

4. PUBLIC COMMENT

A copy of a letter dated July 1, 2013, to the Charter Review Commission, from Dr. Felicia Trujillo, regarding Neighborhood Protection, containing the proposed policy statement, is incorporated herewith to these minutes as Exhibit "1."

An email to Irene Romero dated June 28, 2013, from Cheri Johansen, forwarding an email she received from Dr. Trujillo on June 27, 2013, regarding the Precautionary Principle, is incorporated herewith to these minutes as Exhibit "2."

Dr. Felicia Trujillo provided a copy of her corrected proposal. She said because of the 1996 Telecommunications Act, it is illegal for any community to judge against or resist cell towers on the basis of health or environmental concerns, so she has corrected her proposal. Dr. Trujillo read into the record the corrected amendment from Exhibit "2," noting #3 is the most important to include. Please see Exhibit "2" for the text of Dr. Trujillo's proposed amendment.

Chair Serna said, with regard to Item #3, he would suggest changing "specified" to "specific."

Dr. Trujillo said she is willing to make that change. She said she just wanted to be sure there is nothing in the policy about EMF's, commenting she would not do that.

Commissioner Farber said there will be public input at the time the agenda item is considered. He said he submitted the language she corrected, because he thinks that is what the law should be. He said he believes that local communities should be able, notwithstanding the Telecommunications Act, to have a say in the health, welfare and safety of its residents with regard to these issues.

Cheri Johansen, President of the Neighborhood Network, commended the Charter Commission and the staff. She acknowledged her Board members Rick Martinez, Fred Rowe, Joyce Roberts, Marilyn Bane and Karen Heldmeyer, for their attendance at the meetings, noting the language on page 5 of the matrix is what was approved by the Neighborhood Network.

6. DISCUSSION AND ACTION ON TOPICS PRESENTED AT PRIOR MEETINGS:

POLICY ISSUES

A. PROPOSAL FOR GUN VIOLENCE PREVENTION ORDINANCES

A copy of a proposed Policy Statement *Gun Violence Prevention Ordinance*, submitted for the record by Commissioner Farber, is incorporated herewith to these minutes as Exhibit "3."

Chair Serna asked if we want to proceed with this inasmuch as the Council just had a major meeting with 80 people testifying, and lasting for many hours, and it was not successful. He asked the thought of the Commission in this matter.

Vice-Chair Nancy Long asked if this is an ordinance that is envisioned, because it is a policy that requires an ordinance, and asked what would be in a Gun Violence Prevention ordinance, because she doesn't want to get into what happen a week and a half ago with a Council resolution on ammunition for guns. She said the Resolution even lost one of its sponsors, and they debated past 10:00 p.m., and she doesn't want to spend a lot of time on something that is futile or won't be well accepted. She said Commissioner Farber is the proponent and asked him if he is still proposing to do this.

Commissioner Farber said, "Number one, the proposal is that there be a requirement that the City Council adopt, within six months, a gun violence prevention ordinance or ordinances." He read the proposed language into the record. Please see Exhibit "3" for the text of the proposal.

Commissioner Farber said at the City Council last Wednesday, that there was a unanimity of the Councilors, regardless of how they voted, that everybody was against gun violence. There seemed to be a unanimity in the audience that everybody was against gun violence. What there was a disagreement about was the meaning of ammunition as it relates to Article II, Section 6 of the Constitution of New Mexico. And it was that particular ordinance that was defeated by a vote of 6-2. It was an ordinance that was modeled after legislation that was introduced in the U.S. Congress by Senator Bloomenthal from Connecticut. And there were discussions that in Connecticut, New York, our sister state of Colorado, that there have been comprehensive assault-type weapon bans, gun violence protection ordinances. That's not what this goes to specifically. What this creates would be a requirement that the City Council continue the discussion, which they all seemed to indicate they wanted to have, rather than let them drop the ball, and come up with something that would be beneficial for this community. It would be up to the Council to decide in its wisdom what particular ordinances they have a consensus that they could pass. I think that an excessive capacity magazine ordinance, depending on what happens in the election of March 2014, could pass, based on the comments that people made."

Commissioner Farber continued, "There could be gun violence prevention, suicide prevention, prevention of suicide by firearm, gun safety ordinances, a program authorized by the City and formalized through ordinances for a gun buyback program, the redirection of monies by the City to mental health

counseling for people who are at need and risk. This would just say you have to something. You cannot just drop this conversation. They all said they wanted to continue the conversation, but the question is whether, politically, people will do it. So I say let's have the community vote on this. If the community says they don't want to have gun violence prevention ordinances, then the community has spoken. But if they want gun violence prevention ordinances, then it requires the Governing Body to move forward and try to find some kind of compromise that can be passed. That's what it's about."

Commissioner Romero-Wirth said except the only thing he hasn't mentioned are the Constitutional issues, noting the State Constitution says local governments can't regulate guns, and therefore it seems that everything he has talked about as a possibility, they should do by Ordinance. She said, "This is not the kind of thing that should be in our Charter, our City constitution."

Vice-Chair Long said she believes the City already has a gun buyback program.

Commissioner Romero-Wirth said, "The City can do that without it coming down saying they have to.

Commissioner Farber said, "Article II, Section 6... I went to that meeting. And I stated there and I'll state here, I know I am the only person in this room who has ever actively defended the reach of Article II, Section 6, while I was defending a man who had shot [someone] on his own property. So, I've researched the issue. That provision deals with firearms. And I think that there is a difference between ammunition and firearms. Aside from that particular point, when you discuss ancillary type programs that are required by ordinance, such as a suicide by firearm prevention program or intervention, a gun education program, helping subsidize the purchase of gun locks or helping redirect funds through ordinance to mental health counseling, you're doing something affirmative. You're making a statement that has absolutely nothing to do, legally, with Article II, Section 6, but rather is a policy that the Governing Body could adopt. I think that this community should have the right to vote on a lot of these policy statements, because the community can say this a value that we honor."

Commissioner Romero-Wirth said if the community to wants to vote on these things, she thinks the path to that is through referendum and initiative. She said, "To me, this is an end run around that path, and while, again, I've said this before, there's a lot of stuff on this list that I think we, as a community, a State, whatever, need to be doing something about such as gun violence, but I don't believe that belongs in the City Charter."

Commissioner Farber said this is the second time he's heard Commissioner Romero-Wirth say it's an end run around initiative or referendum. He said there are alternative ways of developing legislation within a community. One of them is initiative or referendum, and elected official recall. Another is through the Charter provisions. It's not an end run around anything, because it has to go through this Charter Commission, if it gets votes, if it is vetted at the City Council level and then gets put on a ballot, that's not an end run about anything. And there is an amendment process through the Home Rule Charter statutes, which require 5% of the voters at a Mayoral election. So there are alternative ways of getting things to the public that are not an end run about anything. It's a legitimate exercise of authority we were given in the resolution. You may disagree with it, think it's bad policy, may not think the community should require that

the Council have these kinds of ordinances. I understand that, but I don't think it's an end run. So that's what the proposal is."

MOTION: Commissioner Farber moved adoption of the proposed policy. **THE MOTION DIED FOR LACK OF A SECOND.**

B. PROPOSAL REGARDING CHILDREN'S ISSUES AND CONCERNS

Commissioner Farber said the proposed language is on 6 of the Matrix

Vice-Chair Long said this is the proposal from United Way.

Chair Serna asked if the person who presented the proposal is in attendance, and Vice-Chair Long said no.

Commissioner Farber said this is a good proposal, and it is thoughtful, noting United Way is an important organization in Santa Fe, and he believes this policy statement should be in the Charter. Commissioner Farber read the proposed language into the record as follows: *"Our children are Santa Fe's most valuable asset. In order to nurture and protect our children, and to enhance our children's ability to thrive and to grow into productive members of society, the Governing Body shall take into account, the effects of any action on our children, and shall take action to support and protect our children. To effect these ends, the Governing Body may take whatever action is necessary and may enact ordinances and may establish appropriate commissions with jurisdiction authority and steps sufficient to effectively administer this policy."*

MOTION: Commissioner Farber moved, seconded by Commissioner Gutierrez, to include the aforementioned language in the Charter.

DISCUSSION: Vice-Chair Long said her concern with this policy statement as well as some others we are considering, is that these are matters that we are putting into the Charter which can be dealt with effectively by the City through ordinances or resolutions. She said, in particular regarding this statement, she believes the City should have a strong commitment to children, and the policy is admirable, commenting that she has contributed a lot in the community to working with children's issues and has raised two children herself. She said she is having a hard time understanding what is meant by the statement, "The Governing Body shall take into account the effects of any action on our children" and we're putting something like this in the Charter, putting it out to the voters, asking the Council to understand what this means, as well as some other phrasing in here, and to me, it's not clear and understandable. She said, "I admire the statement of policy and it certainly is something the City already does with its Commissions on Youth and other policymaking bodies. But I don't know that we should have something like this in the Charter, because it can be dealt with effectively in other ways."

Commissioner Hiatt said we've probably saved the hardest for the last. He said the others seemed much clearer to him. He has had great sympathy for all of the people that have come before the Commission.

He has learned a lot, and he has always been in favor of children, commenting he has 6 daughters and 7 grandchildren. They are our future. I just think the policy statements should be very straightforward and simple and I am going to vote tonight to be very limited in terms of moving these forward. He agrees with the Vice-Chair that our policy statements should be limited, and said that probably will reflect in his vote. He said he wants to be on the record in favor of children, against improper immigration practices. He said he is unsure if he is favor of marijuana, but would like to see less marijuana enforcement. He thanked everyone for their participation, and for sharing their opinions and educating this Commission.

Commissioner Romero-Wirth said these lengthy paragraphs of really broad language could have unintended consequences. Once something is in the Charter, it is very difficult to tweak it. If it's an ordinance, and something isn't working, it can be changed. Changing a charter is a very difficult process, and she thinks we should err with a lot of caution in the language we put into the Charter. She has two children and is for children, and has done a lot for the children in the community. However, she feels the Charter is not the proper place for this. She believes it can be accomplished through Ordinance through our elected officials. She said she won't support the motion.

Commissioner Johansen said he is in favor of children and these are issues which are important. He said water is important, and he would like to see less people going to jail for possession of marijuana. He agrees that once things are in the Charter, they are hard to change. He said while he may support the principle and idea behind what has been proposed in this statement, he will not be supporting this one and some of the other ones, because he doesn't want to bog down the City and the Charter at this time. He would rather support the Council to enact ordinances that can help strengthen the children of our community.

Commissioner Gutierrez said he does agree that this statement is too long, but he would like to see something in the Charter about children, but this isn't it.

Commissioner Farber said, "One had to actually sit through the meeting the other night with regard to gun violence, everyone wring their hands and saying it's important and we need to do something, of course we all agree. And today, when we're given the opportunity to vote on 20 words, everybody says, oh, we can't do this here. We can't give our statement of approval to move forward, so the Council can keep up the dialogue and the community can keep up the pressure so something actually gets done. And in this particular provision, 8 lines of text, starts out with 'Our Children are Santa Fe's most valuable asset,' and I think most of us would agree with that. I have 4 children, I raised them all here. I have grandchildren, unfortunately they don't live here."

Commissioner Farber continued, " A lot of us here in this room have children. I don't find it hard to understand what it says. It's a statement of principle. I read it. It doesn't require the Governing Body to do anything, other than to take into account the effects of any action on the children, and then take affirmative action to support and protect our children. It doesn't tell the Council that they have to vote yes or no on an ordinance, it just says think about it. We want you to think about it. It's a concern of ours. It's a value we should have. It's similar to other policy statements that are found in our Charter, like the Code of Ethics under 2.01. Human and Civil Rights under 2.02. Environmental Protections under 2.03." He thinks these, and believes others in the community would think, that these things are important, the

statements are general, positive, forward-thinking and appropriate.

Chair Serna said, "Before I call for the vote, I also want to go on record saying that all my life I have supported children. During my judicial tenure, I supported children, and all my life I will support children. I can't vote, but I think everybody does support children."

VOTE: The motion failed to pass on a voice vote, with Commissioners Gutierrez and Farber voting in favor of the motion, Commissioners Long, Hiatt, Johansen and Romero- Wirth voting against, and Commissioner Werwath absent for the vote.

C. PROPOSAL FOR MARIJUANA ADULT PERSONAL POSSESSION AND USE TO BE LOWEST PRIORITY FOR LAW ENFORCEMENT AND POSSESSION.

Commissioner Farber said Emily Kaltenbach was here earlier and he would like to give her an opportunity to speak on this issue if she returns, so he would like to postpone discussion of this item to later on the agenda.

MOTION: Commissioner Farber moved, seconded by Commissioner Gutierrez, to reconsider the previous action to approve the agenda, that this item be placed to be heard after Item H, and to approve the agenda as amended.

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

D. PROPOSAL ON WATER RESOURCE AND CONSERVATION ISSUES.

A copy of a Memo dated June 27, 2013, to the Santa Fe Charter Review Commission, from the League of Women Voters of Santa Fe County, regarding *Water amendment to the policy statements in the Santa Fe City Charter*, submitted for the record by Neva Von Peski, is incorporated herewith to these minutes as Exhibit "4."

Neva Von Peski, League of Women Voters of Santa Fe County, distributed a Memo to the Commission [Exhibit "4"]. Ms. Von Peski read the proposed policy statement into the record as follows: *Because water quality and availability are extremely important to the citizens of Santa Fe, the governing body shall protect, preserve and enhance the City's water resources through regulation, conservation, and tying development to water availability.*

Ms. Von Peski said Section 2.03 does not specifically mention water, and the League feels water deserves special attention, because it is a necessity of life. She said we have experienced problems with water in the recent past and may continue to do so. She said the City government plays a huge role in the

management of local water resources because of its partnership in the Buckman Direct Diversion and other regional water projects, and in its Water and Land Use Laws. This is one of the most important issues facing Santa Fe, and it is essential to be in the Charter. She said, "I see that there is a great deal of opposition to including things in the Charter just because they are nice things people agree with. So the question in your mind is what will be gained by putting this particular sentence into the Charter, will it actually tie the hands of the Council in the way the Constitution of the United States ties actions of Congress. I honestly don't know. There are lawyers on this Commission and I am not one. But, to the extent that it does, I think that it would be a good thing."

Ms. Von Peski continued, "The City has a history of running out of its current water resources every couple of decades, and getting a new one. And, sometimes a drought is the precipitating factor, and sometimes just growth is the precipitating factor. In this drought, we're lucky, because we just recently got our newest addition to our water resources. So, we haven't really experienced the effects of this drought this time. We haven't had to have stringent water conservation rules and such. I think this time is different, because I think we've come to the end of water we can get, unless there are some huge national projects, such as bringing water through pipelines from the Mississippi or something. I don't think there is anything else. So I think it is good to have a policy that the Council will consider, whenever it considers allowing more development, or allowing some development to proceed without having water rights."

Dr. Felicia Trujillo said through some of her patients she has had access to information from scientist, Jim Hanson, who accurately predicted the melting of the ice caps and ice bergs and what is called global warming. She said Jim Hanson has now predicted that the Southwest will have no water within decades, "not a drought, permanent, none. And so far he's been pretty accurate as a weather predictor for 40 years, and has been right on the spot." She said, "I just want to add our support, because it is a very short little sentence, but the fact is no one is taking this seriously in Santa Fe in terms of the general population and education and development and golf courses, things like that. And so I just wanted to add our words to this, that leading weather predictors are saying there will be no water. And as you know, many corporations are purchasing water, purchasing water rights to rivers, etc. So I think if we got started now with a statement like this, we might almost be ready to deal with this problem as it gets more and more serious."

Judy Williams said she is sympathetic with Commissioner Romero-Wirth's comment that not everything should go into the Charter, and the Charter should be the bare bones instruction to the City Council, and the City Council has a responsibility to take action. She said, in this case, she would be happy with the second half of the sentence that says, "The Governing Body shall protect, preserve, and enhance the City's water resources through regulation, conservation and tying development to water availability." She said we are aware, or should be, that we are facing enormous challenges in terms of water supply in the future and in the present. She said we have problems with the Rio Grande, Rio Chama and San Juan because the Rockies haven't gotten enough snow pack the last several years. We have problems with aquifers and well water. We know it isn't going to get better, even it is mitigated in short periods. She said it's time to step back and think about why we should be separating development from water. She said the State Engineer makes the water plans, but the localities do their own development.

She said, "I feel this is a critical issue and there should be a brief comment in the Charter that says we must be aware of the shortness of resources."

Commissioner Farber asked Former Councilor Heldmeyer if she knows the number of undeveloped lots that existed in the City when she was on the Council.

Former Councilor Heldmeyer said she doesn't, because more are being created all the time as others are filled up. She said both the local and State League of Women Voters have very long and extensive positions on water. She said what you are getting is one sentence that distills all of that, and when it says tying water to development, it doesn't necessarily mean don't develop. It means to have proactive policies that connect development with water. And those can be toilet programs, retrofit programs, and any number of things. It doesn't mean don't develop, it just means realize that these two things are connected.

Marilyn Bane said she thinks the City Council would appreciate your recommending this to them. She thinks in the near future we will need some stringent conservation measures put into place. She said they are going to need all the help they can get, and having this to say we have a mandate to this, put it before the people, because she knows we are going to run into a lot of problems.

MOTION: Commissioner Hiatt moved, seconded by Commissioner Farber, to adopt the proposed amendment to Section 2.03 Environmental Protection.

DISCUSSION: Vice-Chair Long said she agrees that this statement is more concise, at least for her, than some of the other statements we've been considering, and seems to be more in line with policy than the details of whatever that policy would be. She said, "Ms. Williams said that the end of this statement was really what she was most supportive of, tying development to water availability. That part of it, I think, is to me, less of a policy, concisely put statement. And also, I'm not sure... I think again that's sort of the hamstringing we don't want to engage in. The City already has, I would say, tied development to water availability, or attempted to do so through several routes, some failed, some worked. Councilor Heldmeyer was mentioning some, such as the toilet retrofit program. There was a time in Santa Fe where there was a proposal for a water budget, and people envisioned that sort of raising the door come January 1, and once everyone got their development approvals in, the first ones in the door then shut it down. There was only so much water that would be available, and then that would be the rest of that year, and they would start again the next year. Well, that didn't go anywhere."

Vice-Chair Long continued, "But there are ordinances in place that do deal with development already, such as the City requires that developers bring water rights to the City. That is certainly tying development to water, I'm not sure what availability means here, because there also are issues of water rights that the City has, but also there are drought conditions. And that could be interpreted to come under availability. And of course those change from year to year, where we're in a drought now, but it may not be the same in two years. I'm saying that the last part of that statement, I do actually have some difficulty with."

Commissioner Hiatt asked if she would like to offer an amendment so we can get to a vote.

Commissioner Romero-Wirth said she agrees with Vice-Chair Long, saying this is a topic she knows quite a lot about. She said, "I am published in water. I've worked the State Legislature on water. It is extraordinarily complicated. Santa Fe is one of the most progressive cities in the State, if not beyond, in terms of water conservation. I think the state of our world is going to be such that you have to pay attention to water. We don't need to tell the City Council to do this. The reality is they already are, they have been. They have been at the front of this, and as somebody mentioned, part of the reason we are, at the moment, in a fairly good place. I would disagree that we're not going to feel this, and I think that is just because we have a new water resource in the San Juan/Chama water. There is some debate as to whether that water will be there when we actually need it. I don't see that they have a choice, so again, putting this kind of language in Charter, the last part of it, tying development to water availability, again, let's put that into an ordinance where we can tweak it as it's interpreted to mean things, and we can decide whether or not that's something we can live with. I also think that we already have this in the Charter, in 2.03, water is a natural resource. I think we cover it, and I think the reality is we're going to be doing this kind of stuff whether we put these few words in the Charter or not. Again, it's a very complicated area, and I'm hesitant about putting this in."

Commissioner Farber said Albuquerque's charter specifically mentions air and water in its charter. He thinks it is appropriate to add "water" somewhere in the paragraph under Environmental Protection. He said, "I respectfully disagree with my colleagues on the Commission that this is not the kind of statement that should be there. I think all these issues are complicated for a variety of different reasons, but that does not mean that we should not move forward on them. In fact, I think we're in a better position than the Council because we're not running for any elections, and therefore, there shouldn't be any kind of political pressures on us other than to do what we think, in our conscience and in our hearts, feelings and minds is the appropriate thing. It seems to me this is a well thought out, considered issue, submitted by the League of Women Voters."

Commissioner Romero-Wirth asked about just adding "air and water" to Section 2.03, "...the quality of both the natural and built environment, including air and water, within and around the City...." She said this section already covers it, "but if you need to see the words water to make you sleep at night, then let's insert it."

Commissioner Hiatt would like to move forward with the motion. He said if someone is concerned about tying development to water, to propose an amendment, so we can move forward with a vote. If the main motion fails, he would like to come back to Commissioner Romero-Wirth's idea.

Vice-Chair Long said she believes Section 2.03 of the Charter covers air and water, and natural resources, and would rather not have separate charter provision on this.

VOTE: The motion was approved on a show of hands with Commissioners Hiatt, Farber and Gutierrez voting in favor of the motion, and Commissioners Long, Romero-Wirth and Johansen voting against, and Commissioner Werwath absent for the vote. The resulting vote was a tie vote, and Chair Serna voted in favor of the motion, to pass the motion on a 4-3 vote.

E. PROPOSAL REGARDING IMMIGRATION POLICIES AND ENFORCEMENT.

Commissioner Farber said he recalls there was some concern about the wording of this by members of the Immigration Committee, so he is reluctant to move something forward without input from the Immigration Committee, noting he is in favor of this proposal.

Vice-Chair Long said the proponent is the City Immigration Committee, and asked if they have problems with the language.

Commissioner Farber said he recalls there were some problems, but not what specifically, noting the proposed language is on page 5 of the matrix, as follows: *No municipal resources will be used to identify or apprehend any non-citizen resident on the sole basis of immigration status unless otherwise required by law to do so.*

MOTION: Commissioner Farber moved to approve the aforementioned language, as proposed. **THE MOTION DIED FOR LACK OF A SECOND.**

Vice-Chair Long said there already is a long standing City policy, and she heard nothing from the Committee that indicated that it wasn't an active endeavor of the City to work immigrants and immigration policy, "so I don't believe that we need to fix anything that isn't broken."

Commissioner Farber said, "Maria Christina Lopez spoke to this Commission, and she said, generally there are no problems, but that it is also good and important to have additional authority to be able to use where there may be confusion on the part of various law enforcement officers, or City offices or officers, or whatever. As I recall, she was fairly strong that this was an important thing that should be given further emphasis within the City.

F. PROPOSAL FOR PRESERVATION OF NEIGHBORHOODS AND NEIGHBORHOOD INTEGRITY.

A copy of Suggested Added Policy Segment as 2.04(B) Neighborhood Protection, presented for the record by Cheri Johansen, is incorporated herewith to these minutes as Exhibit "5."

Cheri Johansen, President, Neighborhood Network, said she understands the Commission's

feelings about adding policy statements to the Charter. She said, "I took a pretty good look at the Charter, and in the preamble to the Charter, it emphasizes that "The People of Santa Fe recognize our right to define our way of life, and our form of government. And with this Charter, we affirm that the right to express our determination to secure for ourselves and children the continuity of our cultural values, our personal freedoms and our well being.' I think the policy statements go to that particular statement, 'the right of the City to determine the quality of life that we extract.' And I think that statement... We've been talking about amendments to the Constitution of the United States. Of the ratified amendments to the Constitution, 7 of them dealt with freedom which had changed over the course of time in the United States – the right to vote for women, those issues. So the majority of the ratified amendments to the Constitution of the United States dealt with quality of life issues and freedom [inaudible]."

Ms. Johansen continued, "I represent the Neighborhood Network. [Inaudible because of noise overlay]. And to assure that neighborhoods are given a prominent role in participating and commenting on projects and proposals that will affect use. So, basically our organization has worked with neighborhoods in the City and with the City government to make sure that we have democracy at a very broad level. This is the I think the statement should be included in the Charter, because we are the basic form of democracy. You have talked about how the voters will react to this. If you've ever been to an ENN meeting or a Board of Adjustment meeting, these issues are the things that the people of Santa Fe actually care about. They care about their home which is basically the most important financial investment they make in their whole lives. So what happens next door and in the surrounding area is one of the most important things that they know about, so they would be in favor of anything [inaudible]."

Ms. Johansen said, "I would also like you to know that other cities have neighborhood ordinances that they coordinated with the advisory councils in their charter. [inaudible] She said something about Los Angeles and other municipalities having something in their Charter. She said, "I would urge you to adopt the proposal that is in your packets. And I just have conferred with my fellow Board members, and this is the proposal we would like to present." Ms. Johansen read the proposal into the record, as follows:

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.~~

Daniel Werwath arrived at the meeting

Commissioner Romero-Wirth said she is concerned about one piece of this, in that it might backfire if you are trying to revitalize the neighborhood. She wonders about the word "protected." She asked what happens if there are two sides, and one side wants to revitalize and the other side doesn't. She said her concern with all of the policy statements is that it is really hard to change the language, once it is in the Charter, commenting they are making this almost in "cement." She worries that these policy

statements have the potential to backfire in ways we may not be able to understand. She supports neighborhoods, and thinks what they do at the Neighborhood Network is great stuff and we should give neighborhoods a voice in changes that go on in their areas. She said you just never know how these words will be interpreted, and then you can't change it.

Commissioner Farber said the Charter Commission votes on what goes forward to the Council, and the Council has the right to accept or change the language. He said hopefully, from his perspective, the Council will keep the language the Charter Commission uses for the most part. He said it isn't a fixed thing, reiterating that the Council has the discretion to change language.

Commissioner Romero-Wirth said once voted on by voters and it is in the Charter, and there is a challenge and there is a legal process, and there is a court decision, and the court interprets it one way or another, it may be as we intended, but it may not be what we intended. She said to go back then and change it, when it's in the constitution, you have to go through this process again to make a change. She said this seems to be something which should be in an Ordinance, approved by the elected officials, where it can be tweaked to be more clear as it is used if it is used in ways that are not what you have intended. She said this is the scary about what we're doing here, and why she thinks we need to have an abundance of caution as to what we put in the Charter.

Ms. Johansen said there are some ordinances, but unfortunately they seem to "be applied randomly. She said having this statement in the Charter would give much more emphasis that neighborhoods are important in the City, and people should have a say in what happens in their neighborhood.

Chair Serna said that will avoid selective enforcement.

Commissioner Werwath said it also can empower selective enforcement on the other side. He said he can say from sitting on the Board of Adjustment, a lot of the times the wishes of the neighborhood are at odds with basic land use law. So what neighborhoods want and what a person is entitled to by law, through this fabric that creates equality across land ownership is the fundamental conflict. He said you can't address that issue fundamentally with this or anything else, which is the ongoing problem. He said neighborhoods have legitimate concerns, but "zoning is zoning," and it says you can do one thing or another. He said it is part of the much bigger problem.

Commissioner Farber said he looks at this as a statement of principle and believes it is appropriate and proper to be in the Charter. It is guiding language that those on the Governing Body, hopefully, will look to as they make deliberations and determinations about what is appropriate and proper. It seems to him that when we recognize the legitimate role that neighborhood groups and neighborhoods play in the fabric of this community as was stated in the Preamble and in other provisions of the Charter, that this is an extension of that, that is positive, and something we should embrace, rather than being fearful. He said it reminds him of the discussion last week at the Council, and in listening to people as they explained their votes, they could easily have voted in favor of the Ordinance, at least he thought so. However, they voted no, because they were afraid. He said, "I say, let's not be afraid. Let's move forward."

MOTION: Commissioner Farber moved, seconded by Commissioner Hiatt, for purposes of discussion, for approval of the policy statement as presented to the Commission, with Ms. Johansen's amendment.

DISCUSSION: **Fred Rowe** said he is a founding Board member of the Neighborhood Network, and a founding Board member of the Neighborhood Law Center, noting he was a law professor during the 1950's, 1960's and 1970's. He said he has tremendous regard for the Commission and its work as well the importance of treating the Charter as a constitution, not to be lightly tampered with, lightly amended or lightly played around with. He said, "However, neighborhoods in the Santa Fe community and civic culture are an essential integument. They are the adobe that binds neighbors and people together. Neighborhood associations are the voice of neighbors through which they assert and plead for the quality of life in the neighborhoods in which they live and for the individual families that comprise the neighborhood. It is difficult for me to acknowledge that this Commission would negate the mention of the word neighborhood in the Charter. Now you may disagree with what some court may interpret this provision to mean 4-5 years from now. However, the approval by the Commission, if the Commission approves the addition of the Neighborhood Preservation Protection concept, is not the last word. The Council may well change the wording. The electorate may well change the wording. And I would think we would be happy to take our chances and not worry that this may backfire if this Commission should state that neighborhoods are deserving of preservation or protection, so recognizing like freedom of speech, due process of law, are concepts that are subject to interpretation, so is preservation of neighborhoods. But I would submit that a positive inclusion of the word neighborhood and neighborhood associations in the recommendations by this Commission for amending the Charter would have a beneficial and positive civic effect on this entire community."

Commissioner Romero-Wirth said, for clarification, the electorate will not change the wording. We can present wording, and the Council can take it or change it, or delete it, but the electorate votes it up or down as it is.

Mr. Rowe said she is correct and he didn't mean to confuse the issue by indicating otherwise.

Commissioner Romero-Wirth said, "This article on Cultural Preservation doesn't work for you all, any of you, 2.04 Cultural Preservation."

Marilyn Bane said it would help her enormously if it mentions neighborhoods. She said she has attended the last five Neighborhood Law Center CLE's. She said for 5 years they discussed the same topic which was how to balance, level the playing field between neighborhoods and development, builders or contractors, or Karl Sommer. She said one of the tools was going to be a neighborhood plan. The City Council voted and said there was going to be a Neighborhood Planner and we don't have a Neighborhood Planner, noting that was cut back. She said we have a Senior Planner with neighborhood responsibilities. She said there have been additions to the list of neighborhood associations since the beginning of the year that have been incorporated by the Senior Planner with neighborhood responsibilities, but it hasn't been distributed to the people who need to set up ENNs. She is the president of the Historic Neighborhood Association and she hasn't received anything.

Ms. Bane continued saying they are looking for a way to communicate the importance of the grass roots

neighborhood associations in a way that the importance of neighborhoods will be more effectively communicated. She said she will be thrilled with however we can get there. She said she has heard Frank Herdman say repeatedly, we need a balance, neighborhood advocates, an appeals process. She said the statement doesn't have to be a paragraph, and it could be added wherever it makes sense to the Commission. She said they think it would give them a little bit more edge in encouraging involvement in the neighborhood associations. She said if we lose our argument in the upcoming Planning Commission meeting on July 11, 2013, then there will be tow trucks in every neighborhood in Santa Fe, legally. She said they will be working to get support. She said they would be grateful if the Commission would include their policy statement.

FRIENDLY AMENDMENT: Commissioner Romero-Wirth would like to amend Cultural Preservation 2.04(A) to add "for that cultural and neighborhood heritage." She said it would be added 3 times, you would add "neighborhoods" after "stories," after "cultural." Commissioner Farber said he thought her intent was so it was clear that this paragraph is to say "cultural and neighborhood" preservation. Commissioner Romero-Wirth said yes, to change the title of 2.04(A), with four changes. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND.**

WITHDRAWAL OF THE MOTION BY THE MAKER AND SECOND: The maker and second withdrew their motion and second, so Commissioner Romero-Wirth can make a new motion to amend Section 2.04, rather than creating a new one.

MOTION: Commissioner Romero-Wirth moved, seconded by Commissioner Farber, to amend Section 2.04 of the City Charter so it reads as follows: *2.04 Cultural and Neighborhood Preservation. The people of Santa Fe derive invaluable benefits from our multi-cultural heritage. The multi-ethnic and multi-racial residents who have made their homes here over the centuries have each left their unique cultural mark on our city, producing a rich blend of stories, ~~and~~ traditions and neighborhoods. The result is a community that treasures a variety of artistic, literary and musical forms, that symbolizes an architectural style, and that celebrates the diversity of those who have chosen to live here. We therefore declare that the multi-cultural heritage and neighborhoods of Santa Fe is are essential to the people of this community and that public officials shall at all times exercise their powers with sensitivity to and respect for that cultural and neighborhood heritage.*

VOTE: The motion was approved unanimously on a show of hands.

Commissioner Hiatt said, "I want to clarify the last motion made by Commissioner Romero-Wirth, and the reporter's concern that we didn't use the consistent language that we have used in the past 6 months, in terms of making a recommendation to the City Council. I want to make clear, if possible among those of us who voted in favor, which was all of us, that the motion was intended to include a recommendation to the City Council, not just an amendment."

G. PROPOSAL REGARDING PREVENTION AND PROTECTION FROM CELL PHONE TOWER ADVERSE IMPACTS.

Dr. Felicia Trujillo said the actual proposal has no mention of EMF's or cell towers. She said she was asked by Commissioner Werwath to put this into language saying it would be worked over at several points and this was not to be considered permanent, so she did what she could. Referring to Exhibit "1," Dr. Trujillo said this is a general statement of protection of neighborhoods supported by the Neighborhood Network members Rick Martinez and Cheri Johansen, under Article 2. Dr. Trujillo read the proposed policy statement into the record as follows:

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 any toxins classified as such by the World Health Organization.*
- 3) shall ensure that specified input from citizens and neighborhoods regarding proposed or existing technology and/or chemical exposures be given the same weight as the input from industry representatives submitting applications.*

She said #3 is the one she is especially fond of, and it has been put into city ordinance at about 50 cities. She thanked the Commission for its hard work in this regard.

Vice-Chair Long said Dr. Trujillo has been very diligent in educating us, attending the meetings and providing studies and information. She said the proposal is tied to neighborhood protect, neighborhoods are mentioned in the preamble and in Items #1 and #3 of her proposal. She said we have just passed a general policy recommendation. She said in a broad sense this is already covered this issue, without having to try to tweak some of the definitions, such as "safety zones," and "business plans," and that sort of thing.

Commissioner Farber asked Dr. Trujillo if she thinks Section 2.04 of the Charter covers her concerns that she has expressed in the proposal she just read to the Commission.

Dr. Trujillo said not at all. She said she appreciates Vice Chair Long's statement. She said, "However, what we have found, and I've been involved in this for about 3 years, is that, especially the third one, that citizens in neighborhoods do not... their input does not carry the same weight, as out of state industry representatives that are submitting applications. As I said, cities across the country that are putting this in [inaudible]. And certainly, I'm so pleased that you put in those changes regarding neighborhoods, but this doesn't delineate safety zones near all schools or in any way address toxic exposures. And I see that Santa Fe is kind of a plum, and we can't guess what kind of future corporate

interests there could be in exposing neighborhoods to various things such as toxic. And it doesn't address the fact that there is no real transparency. If I have to leave my office and stand in line to hear about future plans for putting various technologies into a neighborhood, and there are only 3 people who are able to do that over years, that is not transparency. And I think neighborhoods have a right to know when they are going to be affected. They may decide it's fine. I'm not stating that, just that they should be informed in a general way. So these are 3 very separate things. And I apologize for their length."

Commissioner Werwath said, "You talk about you and wanting to access this information, but then you talk about neighborhoods. And as someone who has been involved in this at a certain level, I serve on the Board of Adjustment and sat through several of your appeals of telecommunications towers."

Dr. Trujillo said, "Not my guys, but certain people."

Commissioner Werwath said, "But people you've been associated with and testified with. I guess my question is that in a lot of these instances it isn't neighborhoods that are upset about this, it's people who are activists around this specific issue...."

Dr. Trujillo said, "And that's why I'm not associated with..."

Chair Serna asked people to speak one at a time and not interrupt one another.

Commissioner Werwath said, "But I guess my point is that this part of my concern, other than the general broadness of this language which is almost impossible to enforce, having seen how these unfold in public. The City is very hamstrung in terms of how they can deal with the telecommunications issues, because it's mandated by federal law that that's not under the jurisdiction of local land use and the change to our language is going to change that. That's case law, and fresh case law."

Dr. Trujillo said, "And it's federal and 6409 is added to it. I am acquainted with that, and that's why this doesn't address any of that. What I'm saying is that the nice neighborhoods, the reason they're active to carry this fight, is because they're the only ones willing to stand in line to file the papers and to read applications and all of that. And, I'm not associated with those groups. I have my own which is Doctors W.A.R.N., but I think that neighborhoods, if this information were published in local newspapers, neighborhoods could have a response, certainly around Gonzales Community School. That neighborhood has responded. The School Board has responded, because they were made aware of the question. She said there was no way they would have been made aware of that issue."

Commissioner Werwath said if you want formal process in the City's land use review process, you would need an ordinance in Chapter 14, not language in the Charter. He said the Charter doesn't spell out how the City conducts specific reviews, that is in Chapter 14 of the City Code, and where that advocacy needs to happen. He said many things we have come up against are worthy causes, and causes supported by the citizens, but they are not meant to be in a charter. He said there is a vagueness in the proposed language in installing technology or otherwise changing a neighborhood. He said putting in a new telephone system is installing technology, which is his business, and asked if that means he should file an application. He said it is these kinds of things about which he is concerned..

Dr. Trujillo said she knows it is vague, but she said, "I was asked by you to bring what wording I could scrape together. I'm not an attorney and I was told that I would be getting help from attorneys if you thought it was worthwhile."

Commissioner Romero-Wirth said she thinks this is the sort of thing that is better left to elected officials and ordinance. She said once you put the language in the Charter, it's really hard to change it if it doesn't do what you want it to do, or does something absolutely fundamentally different than what you wanted it to do. She reiterated that this one is problematic, even though she is sympathetic and appreciates all of the effort and the time involved.

Dr. Trujillo said, "I tried to meet with you ahead of time and get better language."

Commissioner Werwath said it is not just a language issue, it is that these issues you are trying to deal with here, despite you taking it to the highest level, and in the vaguest terms possible, are not issues that he believes belong the Charter. These are issues involved with case law, federal regulation. He asked her if she has looked at the full list of toxins from the World Health Organization, noting there are ingredients in Coca Cola that are on the list of toxins. He said these are expansive kinds of things which, if we are talking about regulating how people do business in the City, we're talking about regulating land use in the City and ordinances are needed to carry out those mechanics. He said it isn't that hard sometimes to get strange ordinances passed in Santa Fe.

Dr. Trujillo said they procured the services of the top telecommunication specialist attorney, Andrew Campanelli, who did put together some tightening of the ordinance that was proposed by Assistant City Attorney Kelley Brennan, and she received them warmly and they were voted in by the City Council. They were later made null and void by 6409. She said we did pass something [inaudible] by using the proper language of the Telecommunications Act. She has been very impressed with the City throughout and with the City Council. She thanked him for his input.

Commissioner Farber said he read a statement in some of her materials that said "it appearing that there is significant if not conclusive evidence of the carcinogenic potential of exposure to low frequency electromagnetic fields from cell towers, especially for children." He asked her if she believes that to be a true statement.

Dr. Trujillo said, "Absolutely. At this point this forms the largest amount of the World Health Organization's decision to classify EMF as a Class 2B possible human carcinogen, along with lead, DDT and [inaudible]. And the reason was because when children are exposed to this, there are thousands of studies showing that they develop leukemia. And so this has been documented in this country and I think in just about every industrialized country in the world."

Commissioner Farber asked Dr. Trujillo if she has an opinion about whether cell phone towers and antennae have esthetic impacts.

Dr. Trujillo said she was born and raised in Santa Fe, and it looks horrendous to her. She said the one thing we've got to market and barter is our beauty, our beauty and our uniqueness. And if we end up looking like Detroit, we have sold that down the River in my personal opinion, as a native Santa Fean.

Commissioner Farber said it doesn't appear that anyone will move for the approval of the language as proposed in her letter [Exhibit "1"]. He agrees with Commissioner Werwath on the wording "business plan to install technology," noting technology is a wide spread thing it would apply to installing computers. He said, "I feel comfortable having heard you just give us your professional opinion and that of Dr. Singer, and state that there are studies that are now indicating that there are worrisome problems from electro magnetic radiation. I know that it's a buzz word and people want to avoid it. I don't think we can."

MOTION: Commissioner Farber moved that we have a separate provision in the Charter that says, "*It appearing that there is significant, if not conclusive evidence of the carcinogenic potential of exposure to low frequency electromagnetic fields from cell towers, especially for children, and that cell phone towers and antennae have esthetic impacts, the Governing Body shall take all necessary and appropriate action to protect health, safety and welfare and esthetic impacts in the City of Santa Fe from electromagnetic radiation and cell phone towers and antennae, including steps to prevent the placement of cell phone towers and antennae near schools and public facilities.*" **THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Farber said he would rather be in front of this, rather than behind it, and we need to address it.

H. TECHNOLOGICAL IMPROVEMENTS FOR CITY BUSINESS.

MOTION: Commissioner Werwath moved, seconded by Commissioner Hiatt, to remove this item from consideration by the Commission.

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

C. PROPOSAL FOR MARIJUANA ADULT PERSONAL POSSESSION AND USE TO BE LOWEST PRIORITY FOR LAW ENFORCEMENT AND PROSECUTION

A copy of a proposed policy statement for *Enforcement Priority: Marijuana*, entered for the record by Commissioner Farber, is incorporated herewith to these minutes as Exhibit "6."

Responding to the Chair, Commissioner Farber said Emily Kaltenbach did not return, and he is prepared to move forward.

Commissioner Farber gave a brief history of this issue as it relates to the work of this Commission, and the various documents he provided to the Commission at the Charter Review Commission meeting on April 9, 2013, at the Public Schools Administration Building. Please see these minutes for a list of the documents which were handed out by Commissioner Farber at that meeting.

Commissioner Farber said, "There's a change happening in this country with regard to people's views about the medicinal qualities of cannabis, going back to biblical times, when people actually took the time to research it. Science is occurring in Europe and in Israel and in other parts of the world, although it being restricted by federal [inaudible]. States are taking it upon themselves to move forward, citizens of states. 17 states and the District of Columbia now have medical cannabis programs. Our sister State of Colorado has voted to legalize the personal possession of small amounts of marijuana for adult use, as has the State of Washington. Society has not fallen apart, all the doom from reefer madness has been seen to not be true. Prohibition does not work. Kids and adults get arrested, and we were told at our meeting at the School Administration Building, disproportionately minority members get stopped and picked up and arrested. It would be easy, and easier to issue citations."

Commissioner Farber continued, "We have no power, I understand completely. We have no power to legalize the adult or juvenile possession of marijuana. That's not the intent. But what we can do, as a group of people is to say this policy of arresting individuals for small amounts of marijuana for their own personal use is a low law enforcement priority. We should be spending our time and our effort on other major crime problems in this community. This is not a matter that's on the back page any more. In yesterday's paper, on the front page, there was article stating that states are having to come to grips with the reality of the change that's happening with regard to people's attitudes."

Commissioner Farber continued, talking about an hour long program this weekend on CNN attempting to show the reality of what is happening in America. He said, "I think we as a community can set forth a value that says: *The Santa Fe Police Department and the Santa Fe City Attorney's Office shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority.*

Commissioner Farber said he is sorry Emily Kaltenbach of the Drug Policy Alliance was unable to return and talk about her work in this area. He is open to any questions. He said the proposed policy statement sets forth a policy which will stop kids from being labeled as criminals for the rest of their lives because they had a substance, which is basically benign, not that it is not without problems, for sure there are problems that can happen. But that can be dealt with through education, without people having to disclose, for the rest of their lives, that they had a small quantity of marijuana, which can stop adverse impact on financial aid applications and the like.

MOTION: Commissioner Farber moved to approve his proposed policy statement as follows: *The Santa Fe Police Department and the Santa Fe City Attorney's Office shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority.* **THE MOTION DIED FOR LACK OF A SECOND.**

Commissioner Werwath said, "I agree 100% with everything Commissioner Farber has said here. And I've seen, first hand, the effects of this on youth, particularly Hispanic youth who are profiled by the police and shaken down for pot consistently, and then thrown into a cycle of negativity and incarceration that only gets worse. I don't feel it belongs in the Charter, but I do believe it's a big issue in the community, and I appreciate that Commissioner Farber went to such great lengths to educate us about this and to make a stand about this issue."

[Specific language for proposals or amendments are requested to be submitted to the Charter Review Commission, c/o Irene Romero at the City Attorneys Office, at least 48 hours prior to the meeting.]

5. DISCUSSION AND POSSIBLE ACTION ON PROPOSAL TO PUBLISH NOTICE OF BUDGET AND CAPITAL OUTLAY AND IMPROVEMENT PROJECTS

Item #5 was withdrawn by the sponsor.

7. DISCUSSION/POSSIBLE ACTION AGENDA ITEMS FOR FUTURE MEETINGS

Chair Serna said we may need one future meeting to approve the Final Report to the Governing Body. He said he will be gone for a month in a few days, but the Vice-Chair will preside over such meeting, and that ties into Item #8.

It was the consensus among the Committee to hold its final meeting on July 17, 2013.

8. DISCUSSION AND POSSIBLE ACTION REGARDING REPORT TO GOVERNING BODY

Chair Serna said he understands Commissioner Hiatt is preparing a draft Report to the Governing Body. He said he would suggest that Commissioner Hiatt circulate the report to the Commission, and ask for comment and that the Commission then meet and give the final approval, and modifications before it is submitted to the Governing Body.

Chair Serna said, "I want the record to reflect that I have duly authorized the Vice-Chair to sign my name on the letter of transmittal, the Final Report and to any outstanding minutes."

The Commission commented and asked questions as follows:

- Commissioner Hiatt said he used Jim Harrington's last report as a model in drafting the final report. However, he had a lot of commentary and he isn't prone to do that. He said it seems we should tell the Council what our recommendations are, the thing that we didn't recommend, "and move on." He asked if that fits with the ideas of the Commission.

It was the consensus among the Commission to proceed as recommended by Commissioner Hiatt.

- Commissioner Werwath suggested a couple of sentences setting out the reasons this Commission acted the way it did, although that seems difficult.
- Commissioner Hiatt agreed, saying he isn't the Chair of the Commission.

- Commissioner Hiatt asked Mr. Shandler if he circulated any laws, particularly the Open Meetings Act.
- Mr. Shandler said, "The position of the City Attorney's Office is to provide comment to you, and you can compile it. If you have disputes with that, then we can use the next meeting for a transparent discussion about disputed language."
- Commissioner Hiatt said then if he circulates it to everybody, don't reply to all, just reply to Jack Hiatt, and the Chair said this is correct.
- Commissioner Romero-Wirth said there are extensive minutes and there should be plenty of background as to what we struggled with and what the issues are. She said the minutes speak volumes if the people are interested.

Commissioner Hiatt said, "Let me suggest this. Let me put the bare bones out to you, and then if you have suggestions about how to put in comments, then send them back to me and let me see how they fit. I'm not opposed to it, I just don't want to spend that much time reviewing the minutes."

Commissioner Werwath said the matrix was designed with the intent to speed in the writing of the final report. He said the Report has to be on file with the City by July 22, 2013, and we need to meet before that time.

It was the consensus among the Commission to include the votes on the various issues in the report.

9. COMMUNICATION FROM CHARTER COMMISSION MEMBERS

Commissioner Farber said he raised very difficult issues, and he knows how hard public service is, and the difficulty the Commissioners had in contributing their time and effort to this process. He said he has enjoyed getting to know the people on the Commission. He said there are issues which aren't going away, and as a society and community, we will need to deal with these issues in the future. He said he deeply appreciates the kind, sensitive Chair.

Chair Serna said he appreciates the hard work, diligence and the dedicated research done by Commissioner Farber. He said, "My hat's off to you for your dedication and your good heart."

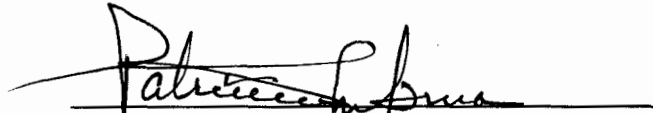
10. PUBLIC COMMENT

Marilyn Bane thanked the Chair for his hard work, and congratulated him for being designated as a living treasure, commenting that it is deeply deserved.


11. ADJOURNMENT

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 6:45 p.m.



The Honorable Patricio Serna, Chair



Melessia Helberg, Stenographer

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

July 1, 2013

Below is a general statement of protection of neighborhoods supported by Neighborhood Network members, Rick Martinez and Cheri Johansen.

(C)1999 by Felicia N. Trujillo

Under Article II:

NEIGHBORHOOD PROTECTION

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 any toxins classified as such by the World Health Organization.
- 3) shall ensure that specified input from citizens and neighborhoods regarding proposed or existing technology and/or chemical exposures be given the same weight as the input from industry representatives submitting applications.

Thank you for your consideration, hours of listening and hard work.

Felicia N. Trujillo, ND

Members include 94 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 "1"

ROMERO, IRENE K.

From: Cheri Johansen <cherijohansen@gmail.com>
Sent: Friday, June 28, 2013 8:57 AM
To: ROMERO, IRENE K.
Subject: FW: hullo from Felicia -- wording below!

Irene, Felicia sent this to me. Do you have this for the packet? This is not a Neighborhood Network proposal. I think she did not have your email???

cheri johansen
Johansen Enterprises
2369 Botolph
Santa Fe, NM 87505
505.930.1946

From: Felicia N Trujillo [<mailto:felitru11@fastmail.fm>]
Sent: Thursday, June 27, 2013 10:17 PM
To: cherijohansen@gmail.com
Subject: hullo from Felicia -- wording below!

Hullo Cheri,
Well, it was worth sitting through that meeting just to meet YOU! Below is my original wording for the policy
My number is 471-4194 if you have any questions or would just like to visit.

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

**International Precautionary Principle:
Neighborhood Protection**

[Definition] 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.

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.

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 specified input from citizens and neighborhoods regarding proposed or existing technology and/or chemical exposures be given the same weight as the input from industry representatives submitting applications.

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"Democracy--only works if you work it."

Agenda Item 7 (A)

POLICY STATEMENT

Separate Provision: _____

Gun Violence Prevention Ordinances:

The governing body shall adopt a gun violence prevention ordinance or ordinances within six months of the adoption of this provision.

Exhibit "3"



LEAGUE OF WOMEN VOTERS®
OF SANTA FE COUNTY

To: The Santa Fe Charter Review Commission

From: The League of Women Voters Santa Fe County

Date: June 27, 2013

Topic: Water amendment to the policy statements in the Santa Fe City Charter

As was already submitted, the League of Women Voters of Santa Fe County proposes the following language about water be incorporated into the Charter, specifically as an addition to Article II, Policy Statements, Section 2.03, Environmental protection.

The new language: **Article II. Policy Statements**

2.03. Environmental protection

Insert after the second sentence: **Because water quality and availability are extremely important to the citizens of Santa Fe, the governing body shall protect, preserve, and enhance the city's water resources through regulation, conservation, and tying development to water availability.**

The LWV has developed positions on water in New Mexico at both the local and state levels and these positions support the proposed amendment. As with all League positions, these were approved by the League after extensive study and discussion by League members with expertise in water issues.

Although Section 2.03 does discuss the city's "physical attributes", it does not specifically mention water. The League thinks that water merits special attention because:

- a) the availability of high quality water is a necessity of life;
- b) the city has experienced problems with the availability and quality of water in both the ancient and recent past, and continues to do so because of the arid conditions in the region; and
- c) city government plays a huge role in the management of local water resources through its ownership of the water company, its partnership in the Buckman Direct Diversion Project and other regional water projects, and in the water and land use laws that it enacts to deal with the water situation in Santa Fe. This is one of the most important challenges facing Santa Fe and it is essential that it is included in the Charter.

Exhibit "4"

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.

Exhibit "5"

Agenda Item 7 (c)

POLICY STATEMENT

Separate Provision: _____

Enforcement Priority: Marijuana

The Santa Fe Police Department and the Santa Fe City Attorney's Office shall make the investigation, arrest, and prosecution of marijuana offenses, where the marijuana was intended for adult person use, the City's lowest law enforcement priority.

Exhibit "6"