



Agenda

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SPECIAL CITY COUNCIL MEETING

September 24, 2013

5:30 P.M.

GENOVEVA CHAVEZ COMMUNITY CENTER
COMMUNITY ROOM
3221 RODEO ROAD

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. DISCUSSION AND PUBLIC HEARING -- CHARTER AMENDMENTS:
 - a) A Resolution Calling for Santa Fe Municipal Charter Amendments Recommended by the Charter Review Commission be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Ives, Mayor Coss and Councilor Wurzburger) (Zachary Shandler)
 - b) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to Water Protection and Conservation, Neighborhood Preservation, an Independent Redistricting Commission, Timely Disclosure of the Purposes of Tax Increases and Bond Measures, Campaign Contribution Limits, an Audit Committee and Children's Issues and Concerns be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Councilor Bushee) (Zachary Shandler)
 - c) A Resolution Calling for Santa Fe Municipal Charter Amendment Questions Related to the Powers and Duties of the Mayor; Removal of the City Manager and the Establishment of a Runoff Election Provision; and Authorizing that Such Amendments be Placed on the Ballot of a Special Election to be Held in Conjunction with the Regular Municipal Election on March 4, 2014. (Mayor Coss, Councilor Ives, Councilor Wurzburger and Councilor Bushee) (Zachary Shandler)
5. Public Comment.
6. Adjourn

Persons with Disabilities in Need of Accommodations, Contact the City Clerk's Office at 955-6521, Five (5) Days Prior to Meeting Date.

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GOVERNING BODY
September 24, 2013

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**MINUTES OF THE
SPECIAL MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
September 24, 2013**

1. CALL TO ORDER

A special meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on September 24, 2013, at approximately 5:30 p.m., in the Community Room at the Genoveva Chavez Community Center, 3221 Rodeo Road, Santa Fe, New Mexico.

2. ROLL CALL

Roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Christopher Calvert

Others Attending

Brian K. Snyder, City Manager
Gino Zamora, Assistant City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

NOTE: All items in the Council packet for all agenda items are incorporated herewith by reference. The original Council packet is on file in the Office of the City Clerk.

3. APPROVAL OF AGENDA

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve the Agenda as published.

DISCUSSION: Councilor Bushee said she is removing her name as a cosponsor of Item 4(c). She thought it was just about runoff, but it's more than that, so she is removing her name from the bill.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Dimas, Dominguez, Ives, Rivera and Trujillo voting in favor of the motion and none voting against.

4. DISCUSSION AND PUBLIC HEARING – CHARTER AMENDMENTS:

- a) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RECOMMENDED BY THE CHARTER REVIEW COMMISSION BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR ELECTION ON MARCH 4, 2014 (COUNCILOR IVES, MAYOR COSS AND COUNCILOR WURZBURGER). (ZACHARY SHANDLER)**
- b) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENT QUESTIONS RELATED TO WATER PROTECTION AND CONSERVATION, NEIGHBORHOOD PRESERVATION, AN INDEPENDENT REDISTRICTING COMMISSION, TIMELY DISCLOSURE OF THE PURPOSES OF TAX INCREASES AND BOND MEASURES, CAMPAIGN CONTRIBUTION LIMITS, AND AUDIT COMMITTEE AND CHILDREN'S ISSUES AND CONCERNS BE PLACED ON THE BALLOT OF THE MARCH 4, 2014 REGULAR MUNICIPAL ELECTION (COUNCILOR BUSHEE). (ZACHARY SHANDLER)**
- c) **A RESOLUTION CALLING FOR SANTA FE MUNICIPAL CHARTER AMENDMENTS RELATED TO THE POWERS AND DUTIES OF THE MAYOR; REMOVAL OF THE CITY MANAGER AND THE ESTABLISHMENT OF A RUNOFF ELECTION PROVISION; AND AUTHORIZING THAT SUCH AMENDMENTS BE PLACED ON THE BALLOT OF A SPECIAL ELECTION TO BE HELD IN CONJUNCTION WITH THE REGULAR MUNICIPAL ELECTION ON MARCH 4, 2014 (MAYOR COSS, COUNCILOR IVES, COUNCILOR WURZBURGER AND COUNCILOR BUSHEE). (ZACHARY SHANDLER)**

Mayor Coss noted there are three Resolutions before the Council, but we won't vote on those this evening.

Mr. Shandler reviewed the contents of the packet.

Councilor Bushee said in the Resolution she introduced, she left out the ban on contributions from business entities and City contractors, because it is her understanding we were moving forward with an ordinance at this time and "I didn't know if it was wise to put it out to the voters." She asked if that is happening, and Mr. Shandler said it is his understanding that Councilor Calvert has introduced that Ordinance.

Councilor Bushee asked his recommendation on the Resolution.

Mr. Shandler said the Resolution is being finalized, and will be scheduled for the ECRB when that body meets. He said, with regard to her question as to whether to put something into the City Charter or the Constitution, or not, that is a policy decision to which he will defer to the policymakers.

Councilor Bushee asked, "If we already passed an ordinance, would it be confusing to the voters to have us entertain it in a [inaudible].

Mr. Shandler said he believes it would be legally sufficient, but in terms of the order operations, again he would defer to the policymakers.

8. PUBLIC COMMENT

A copy of the statement for the record by Jody Larson, regarding the positions of the League of Women Voters of Santa Fe County on various Charter positions, is incorporated herewith to these minutes as Exhibit "1."

A copy of Resolution No. 2007-103, sponsored by Mayor Coss, and adopted by the Governing Body, is incorporated herewith to these minutes as Exhibit "2."

Mayor Coss gave everyone 3 minutes to speak to the issues.

Cheri Johansen, 2369 Botolph, President of the Neighborhood network, said she is representing the Network this evening. She thanked the Charter Commission for its work. She said, "I am hoping in regard to the amended Charter Section 2.04, considering the Cultural and Neighborhood Preservation on page 3 [of the packet], that you as a Governing Body would support this change to the City Charter. The Neighborhood Network and the neighbors we represent believe it's really important for the preservation of our culture, and our unique City to also preserve the neighborhoods and their individual character. So we would hope you would support that and it will go on the ballot."

Jody Larson, 107 Tierra Rica, representing the League of Women Voters of Santa Fe County, read a statement into the record regarding the positions of the League of Women Voters on the various Charter provisions being considered. Please see Exhibit "1" for the text of this statement.

Simon Brackley, President, Santa Fe Chamber of Commerce, said the Chamber is in support of the letter of concern, in the front part of the packet, by Commissioner Carol Romero-Wirth, drawing attention to some language tying development to water availability, and supports her suggestion to tighten up the language, and her suggested amendment. Secondly, he would suggest, given the importance of local business to our community, language in the Charter amendments to recognize the importance of ongoing, strong local business community to the future. He has no specific language, and would suggest this would appear somewhere in the final version of the Charter amendments.

Mayor Coss asked Mr. Brackley to submit specific language in this regard, and Mr. Brackley said he will do so.

Rick Martinez, 735 Mesilla Road, said he is in support of the proposed language regarding neighborhood protection. He said having this on the ballot is an important part of the City in making sure the integrity of the neighborhoods is still there throughout the City.

The Governing Body commented and asked questions as follows:

Councilor Bushee thanked everyone for taking the time to follow this issue. She asked the dates for the two remaining public hearings.

Yolanda Vigil, City Clerk, said the next meeting will be on October 3, 2013, at the Public Schools Administration Building on Alta Vista and the third will be on October 15, 2013, in the City Hall Council Chambers.

Councilor Bushee said she was asked to mention that a lot of people who have been following this issue, who intended to be here today were unable to be here today because of illness or family emergencies, and will attend the next two hearings. She said there has been a request that the last public hearing in the Council Chambers could be televised so more people could be informed.

Councilor Bushee said she doesn't know the procedure for amendments, but she would like to put the contractors ban back into the Resolution she is sponsoring, in terms of policy issues.

Councilor Bushee said she would request that each and every item that has been recommended by the Charter Commission be voted on separately by the Council, and offered separately to the voters.

Councilor Bushee asked at what point will we have very clear language as to what we will be offering to the public. She said, "Please let us know when new language is going to appear."

Councilor Bushee said, speaking to the last Resolution which came from Mayor Coss, she still would like for the Council to deal with some kind of runoff consideration, but she is not interested in coupling it with other items that are covered in another Resolution. She asked if there is a way to discuss that separately.

Councilor Bushee said, "I am still unclear to some degree, about the new legal opinion, that the Mayor mentioned when he introduced this, with regard to why IRV isn't allowed by State law. So, if I could get that in writing, I would also appreciate that."

Gino Zamora, City Attorney, said, "I'll get you a copy of the opinion that we provided, I believe in Spring 2011, and that we have also provided throughout this Charter process."

Councilor Bushee said then it's not really new information, it still has to do with machines, because the Mayor mentioned a change to State law.

Mr. Zamora said, "At the request of the Council, we did this analysis in 2011, and the State law prohibits municipalities from purchasing their own voting machines. Municipalities must use their County

voting machines. The counties must use the machines that are certified by the Secretary of State, and the Secretary of State does not require ranked choice voting on voting machines, therefore those do not exist in New Mexico machines, and the City is not capable of purchasing and maintaining its own machines."

Councilor Bushee said, "If the County were to pursue, or those machines were to be made available to Santa Fe County, then no requirement to change the State law."

Mr. Zamora said, "If the Secretary of State designates specifications requiring ranked choice voting, then the counties can order according to those specifications, and then the City can use that. So it really starts at the Secretary of State's office."

Councilor Bushee said, "So, it's not something that has to be changed at the legislative level."

Mr. Zamora said, "The only alternative at this point, because the Secretary of State does not designate specifications for ranked choice voting, the only alternative for the City is to seek a statutory change so the City can purchase voting machines for municipal elections."

Councilor Bushee said, "However, so let me understand, again, the Secretary of State could issue specifications and we would not need to go the route of trying to have a statutory change."

Mr. Zamora said, "She could, but it's not foreseeable that she would, because there is no State requirement for ranked choice voting in State elections, and to date, the City of Santa Fe is the only ranked choice voting governmental entity in the State."

Councilor Bushee said, "Again, I'm just trying to follow up with what the voters asked us to do back in 2008."

Mr. Zamora said, "And that's why we did the research, to see if we could implement what the voters said, and to date we're not able to implement it."

Councilor Bushee asked Mr. Zamora to send a copy of that memorandum to her, and Mr. Zamora said he will do so.

Councilor Ives thanked people for coming this evening to provide input to the Council. He said any time we have Charter amendments, there will be of things of great interest to all the people in Santa Fe, and hopes we can use this opportunity to invigorate people and to get them out to vote at the March 2014 City election. Councilor Ives said he doesn't know what we did to advertise this meeting, other than posting notice of the meeting and such. He said the next two meetings are on October 3rd and October 15th, and hopes we can engage people in this audience to let their membership know about those meetings to get people out to comment. He said the issues are significant and getting people to the meetings is important to get people to participate in the discussions which these measures need and require.

Councilor Dominguez thanked everyone for coming here this evening, and thanked the Charter Commission for its work to get us to this point. Councilor Dominguez asked what is the process in terms of when we vote and when they can expect us to start taking some action on the Charter amendments.

Yolanda Vigil, City Clerk, said, "If you are going to have your last meeting on October 15th, we could probably put something on the Council agenda on October 30th."

Councilor Dominguez asked if the last public hearing is on October 15th.

Ms. Vigil said it depends on how you want it set up. The Resolution calls for three public hearings, this one, and one on October 3rd and then on October 15th. If the Governing Body would like one more public hearing at Council, we could put that on the regular Council agenda as a public hearing.

Councilor Dominguez asked if there are requirements to notice anything other than the public hearings and then a vote.

Ms. Vigil said at the end, the Governing Body will adopt an Election Resolution, which is not required to be adopted at a public hearing, and that can be done in the Afternoon Session. She said it will totally depend on what the Council wants to do – consider everything on October 30, 2013, or at the Council meeting on November 13, 2013 and adopt the Election Resolution at that time. She said on October 30th you could give staff direction, and make your decision on everything you want to appear on the ballot. Staff can come back with the Election Resolution that will contain all of the questions that would appear on the ballot. She said October 15th is a Special City Council meeting, but the Governing Body could decide to take action at that meeting.

Mayor Coss said he wants to follow up on Councilor Bushee's question. He said he heard the League of Women Voters say they would like to see the issue of the Mayor voting every time on the ballot. However, that is part of the strong Mayor provision. He said if we don't put the whole thing forward, then that little piece wouldn't be voted on. He said he also believes we will get into the issue of how many or how few questions we put to the public for a vote.

Councilor Bushee said she brought up the issue of how to make amendments to the Charter questions. She wants to include the amendment on the ban on contractors in her Resolution, as well as the provision of the Mayor voting on every provision as a separate item, perhaps as a second "Therefore be it Resolved" that it go to the voters among the policy issues she would like to move forward. She is still undecided what she is going to do about run-off elections.

Councilor Dominguez said then we will have the ability to separate any of these items if we want, and we could have a "ton of questions on the ballot." He said we also can take "pieces out of each of these pieces of legislation and vote on them separately, if we move to separate, and asked if this is correct.

Mr. Shandler said that is correct. "In 2008, in the last comprehensive Charter reform, the Election Resolution, and I want to pass out copies for you to study [Exhibit "2"], you can see how the City Attorney and

the City Clerk worded the Election Resolution that the Governing Body voted on, and how that Resolution then translates into the ballot. So it will give you a sense of how the questions were oriented, and how you might want to break them out individually."

Mayor Coss said so this will just give us what the questions were for the 2008 Election. He said, "I think that's going to be part of the sausage making, is what questions are you actually put in front of the public to vote on."

Mr. Shandler said, "Right. Right now, the report is kind of in Legislative style, with underscores and strike-throughs. You will see what you will be working towards, or at least was followed in 2008 was much more of a narrative. It provided kind of a concise explanation to the voters on what they would be voting on, and it will be up to you as to how to break those out, and how long you want to make them."

Councilor Bushee said, "I would ask that staff, I guess the Legal Department and maybe the Clerk's office, attempt to break down each Resolution, so the first one adopts all of the Charter Commission provisions into something like this, and take a stab at the language so that it's really clear what the voters will be looking at and so that people can comment in these public hearings. And I would also ask, because it's been a little bit unfair I think, on the strong Mayor proposal, I think salary is an important component, and I think somebody needs to narrow that down before we're voting on what we put out to the voters. And I know you want to say that's a policymaker decision. But I read all the minutes and am still unclear as to what is being proposed with regard to salary on the Mayor's position. Sorry to anticipate."

Councilor Bushee continued, "So, if you could give a range of options, or what was really thought of by staff, because we saw a lot in the papers. I think really it would be very helpful. And if then if there's some way to disseminate each and every piece, so the first Resolution we were going to look at tonight, if it could be broken down like this. The second one the same. The third, with the amendments I am recommending, for mine, at least. And then go ahead and try to formulate language, and we can wordsmith in the meetings. But, if there was a way through the League, or otherwise, to get some of that information out to the public, I know, on our agenda. I think it's important. People that are following this want to see the language very clearly what's going to put out to the voters, and separately."

Mr. Zamora said, "I just pose the question, because there are significant proposals out there, and staff is willing to invest significant amount of time to do that breakdown of language. I was just wondering if, through the progression of these special meetings, we are going to see a narrowing of the proposals, because we can do this. But to draft out full language for each of the proposals at this stage, before we narrow them down, could be a very significant investment of staff time."

Councilor Bushee said, "You've got to start somewhere, and the first one is all-encompassing, the first Resolution. It says take what the Charter recommended, and so I think it's Important, since they spent 6 months crafting that, and then we're having public hearings on what they crafted, yet it's not spelled out clearly, each provision, I think that's your starting point to be honest. I'm being clear, at least on my Resolution, the policy recommendations have not changed, other than I'm making sure we put back in the ban on contractors. And then I am also adding a provision with regard to the Mayor voting on all issues, and I will

consider an additional point on runoff once I have done a little bit more exploration on IRV again. And that's it for me, so if you need any more clarification on that... the third one is the Mayor's, so he'll have to speak to that."

Councilor Trujillo said with regard to the provision on the Mayor's salary, "we're going to come up with that, that's what you're saying, because in my opinion wouldn't that be breaking it down between, I don't know, \$20,000 or \$30,000, even if it goes up to \$100,00, but shouldn't that be an issue that's also taken up by the voters, or we're going to make that decision."

Mr. Shandler said yes, the Governing Body will make that decision. The Charter Commission asked us to try to find out what would be a full time mayor's salary, and we looked to an equivalent to the City Manager's salary, in terms of flat salary and benefits, and that was the number that was presented to the Charter Commission. I didn't follow all the newspaper articles. I don't know if the number that was presented to the Charter Commission was in the newspaper articles, but that was the methodology for providing a number to the Charter Commission. Staff is happy to provide that number again in this breakdown to you."

Councilor Dominguez said he would like to see a breakdown, but believes the voters should have the opportunity to vote on that salary. He said, "If we're running for Mayor, we can say half a million dollars. Let's keep it right and sensible that the Mayor here in this City make, of course it's a full time position, but not an outrageous amount of money as well." Mr. Shandler said, "Okay, we'll try to draft language for you to look at."

Councilor Dominguez thanked the staff for providing us the information during the process of the Charter Commission meetings. He said one of the things he would like are the minutes and/or any information which was presented regarding the youth provision requested by Councilor Bushee. He wants to see the context of the discussion, and Mr. Shandler said he will provide that to him.

Carol Romero-Wirth, member Charter Commission, said other Commissioners are here, Jack Hiatt and Brian Gutierrez. She said the Charter Commission did not recommend a salary level, because "we didn't think that was our job, or something that should be put in the constitution. So it was definitely something the paper picked up. People who are opposed to the idea of a full-time Mayor, kind of hung their hat on it as a way to say that is something we should have. But we, as a Commission made no statement as to the level a full-time mayor would be paid, because it was our understand that you have another process by which that is determined. And I don't mean to speak on behalf of the Commission, but my recollection is that we did not recommend a salary level because we didn't think it should be put in the constitution which only gets changed ever 10 years and by the voters. So I just wanted you to have that background."

Mr. Zamora said, "To provide some clarification regarding the Charter and ordinances, currently the process for the Municipal Judge is that the Municipal Judge and duties are created in the Charter, but it is by ordinance and by consideration by the entire Governing Body that the salary is set. So the proposal is currently consistent with how it is done from the municipal level. But the decision on how to do it is a policy question for the Governing Body."

Councilor Rivera said the Charter Commission did not recommend removal of the City Manager, and he is unclear as to what the separation of duties will be between what a strong Mayor would do and what a City Manager would do. He would like to get that more clear before sending it to the voters.

Mr. Shandler said the Charter Commission discussed the two different duties, and he can provide the specific portion of the minutes where that was discussed. He said, absent the Commissioners providing insight, it is a policy decision and he would defer to the policy making body.

Councilor Rivera asked if the Commission looked at the current duties of the City Manager, and Mr. Shandler said there was extensive discussion about the duties and he can provide those minutes.

Councilor Rivera said it seems that a strong Mayor would have overlapping duties with the current City Manager, and was there specific discussion about separating those duties.

Mr. Shandler said yes, there was discussion about that, and whether a full time Mayor would obviate the need for a City Manager. He said the minutes speak to the Commission's final conclusion.

Councilor Rivera asked if there was a recommendation to remove the City Manager if the strong Mayor form of government was accepted by the voters, and Mr. Shandler said he recalls no discussion about eliminating the City Manager entirely, but there was discussion about who would do what and whether the City Manager would become minimized in his or her role.

Councilor Rivera asked if the City Manager's job description ever "pulled into this and looked at it thoroughly."

Mr. Shandler said the duties weren't discussed. The Mayor did appear and there were extensive questions about the Mayor's duties, but he doesn't remember a long discussion about the City Manager's duties and job descriptions.

Councilor Rivera asked if the City Manager attend the meetings, and questioned about job duties, and Mr. Shandler said he doesn't believe the City Manager attended the meetings.

Councilor Rivera would like that part of the minutes regarding separation of the two, and the reason there was a decision to keep the City Manager, instead of removing that position.

Councilor Bushee said there was some review of the Albuquerque model, and asked if there was a discussion of the model where there is a Council President. She asked if Albuquerque is considered a strong City Manager form of government or a strong Mayor form of government. She doesn't know of any model with a strong Mayor and a strong City Manager form of government. It is hard for her to understand. She is also concerned about "the removal of the checks and balances on the part of the Council." She said she had read the minutes and didn't find these answers. She asked how you would categorize Albuquerque's current system and the President of Council model.

Mr. Shandler said he doesn't know that a third model was discussed and doesn't recall that from reviewing the minutes. He recalls there may have been some discussion of the Albuquerque model. He isn't an expert on the Albuquerque model, but he will provide an organizational chart or anything in the minutes that refers to that.

Councilor Bushee would like the job descriptions from the Albuquerque Charter which defines the roles of the Mayor, City Manager or the CAO, and also how they derived the President of the Council model. She is still in the same place as Councilor Rivera in terms of trying to delineate what every job would be. She said our current Code is pretty vague and says the Mayor is the CEO of the City, which has never been defined structurally, and has been defined more by personalities. She said, with regard to salary, the round number she hear was \$150,000 which included benefits which is close to what the City Manager makes, noting the Council sets the City Manager. She said, "I would guess, just a survey, not having seen a model for a strong Mayor and strong City Manager, and having those roles clearly defined enough, I would like some basis from which to start from in that discussion." She was unable to find any models. She thinks narrowing the salary is important. She noted the Council salaries are set according to the County Commissioners salary. She said in Albuquerque they make less than the Councilors in Santa Fe. She said all of that information would be helpful for this discussion.

Mr. Zamora said staff will provide a lot of detail on that question. He said, "With regard to Albuquerque, the Mayor is a full time position and salary. The Mayor is an executive and separate from the legislative body. Therefore the Council meets on its own without the mayor, and elect a President of the Council to govern the meetings. The Mayor has veto authority over bills, and bills have to go back for a super majority vote to survive veto. The Mayor doesn't participate in the meetings. There is a strong mayor, full-time and paid, but there also is a Chief Administrative Officer who parallels the Chief of Staff that makes hiring and firing decisions in consultation with the Mayor and in day to day operations."

Councilor Bushee wants the definitions of those two roles and what are the salaries.

Mr. Zamora said he can get that information for her. He said, "Because they are separate executive and legislative branches, the legislators have a legislative staff."

Councilor Bushee would like him to look at the budgets for each of those including staff. She would like him also to look at how the Las Cruces City Council operates, the budget and the definitions of the roles, and r. Shandler said Albuquerque has a sunshine portal, and anyone can go there and get the salaries.

Councilor Dimas asked how we will pay for a full-time Mayor up to \$150,000, especially in view of the hard time we are having funding City government. He asked the reasoning behind the strong Mayor, and Mr. Shandler said there is a statement on page 9 of the Charter Commission Report where they indicate spent a lot of time trying to explain their policy justification.

Daniel Werwath, member of the Charter Commission, said he can speak only for the reason he came to support this proposal, after a long deliberation and research to support this particular proposal, which, at the heart of it, is a desire to see a professionally-run organization in the City. He said he has worked

closely with the City for the past 10 years on affordable housing issues, and sees the operations of the City Council and City government at a great level of detail which isn't afforded to our citizens. He said, for him personally, he felt this was a logical step for the size City, for the history of being pulled in a lot of different direction that we see. He said, "No offense, but we have 7 little Mayors, and in my mind we need to see some clear executive leadership, and stop seeing the top level staff at the City getting pulled around by the threat of firing. We need to stop seeing staff being bossed around by policymakers. For him, it was an issue of effective organizations." He said strong and effective organizations are built through strong leadership. He doesn't believe that can be accomplished by City, and is accomplished through a strong leader. He said he would also like to see more strength in a City-wide position. He appreciates each of the Councilors and the constituencies they serve, but he wants someone making decisions for the whole City.

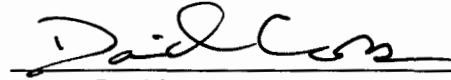
Mr. Werwath continued, saying on the issue of cost \$150,000, it is a trivial amount compared to the time that can be saved by resolving the lack of efficiencies caused by the current structure, and it would more than would pay for itself in the first year. He said there are myriad things which will be solved with a strong Mayor, such as that it is a figure-head position, and someone who makes promises on what they will try to do, but have no real power. They face the accountability, with no power to affect the direction of the City. He understands there are reservations, and the fear of having one, powerful, singular person in charge. He said he believes the checks and balances will address those issues. He said we can see nationally where the policymakers have ground the federal government to a halt. He wants Santa Fe to be poised to grow in the future, to meet the needs of our residents, and in the future. He said the recommendations of the Commission are a starting point, and could be refined. He said they never talked about salary, and that isn't something he believes needs to be enshrined in the constitution. He said having a professional salary gives the opportunity to attract candidates who aren't retired, or don't have other opportunities to take a 1/4 paid position. We want talented, strong people in positions of leadership and we have to pay for that, which is the modern reality. He said he can't afford to serve on the Council, noting we are lucky to have good people to be Mayor because they could.

Carol Romero-Wirth, responding to Councilor Dimas, said the Commission were provided with charters of other cities, and the reason Albuquerque came up is because the Mayor isn't on the Council, but that wasn't sent forward as a recommendation. She said academic papers were distributed to the Commission, which are available, about how the municipal structures are changing. She said there is no best way.

Councilor Dimas said he would like to see those comparisons to cities the size of Santa Fe.

Mr. Werwath said he did a lot of his own personal research. He said he learned is that there is no best way and we need to craft something unique for each city, and there is no standard or best or right way of doing it. He said there are down sides to each, and we need to find a balance, and he thinks the best way right now is to add more power to the Mayor's position. He said Mayor Coss said it best that it's time to take a step in that direction. We are at that size where we need to start stepping in that direction.

Approved by:



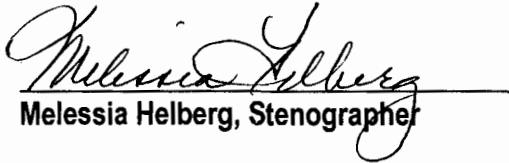
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer

The League of Women Voters of Santa Fe County has been very active in monitoring the Charter Commission meetings and presenting League positions for inclusion as amendments to the charter. Although the Charter Commission meetings were sparsely attended, League members were present at every meeting, presenting League positions and providing research on some issues to members of the Commission.

Several League-proposed amendments were recommended by the Charter Commission:

Water Protection and Conservation: The League has long supported protecting local water resources through regulation, conservation, and tying development to water availability. Although the amendment does not specify how this is to be done, it establishes a requirement for the governing body to ensure its accomplishment.

Independent Redistricting Commission (co-sponsored by Common Cause): This would require that redistricting of City Council districts be done by an independent citizens' commission, instead of the current practice of having the Council do the redistricting. This would decrease the role of politics in the redistricting process. It is based on a national League position which has led to independent redistricting commissions in many states and municipalities.

Campaign Contribution Limits (co-sponsored by Common Cause): This would require the city to place a limit on campaign donations. This currently exists in ordinance, but a charter amendment would ensure that such an ordinance would always exist.

Requirement to have timely disclosure of the purposes of tax increases and bond measures: This will ensure that voters have accurate and complete information about how taxes and bond issues will be used before the voters vote on such measures.

Requirement for the mayor to vote on all issues before the governing body: This would allow voters to know where the mayor stands on the issues facing the governing body. **Please note** that this League-proposed amendment has been rolled into a package collectively titled "Change the Duties and Powers of the Mayor" and commonly referred to as the "strong mayor" amendment. At this time, the League is neither supporting nor opposing the other "strong mayor" provisions, but we do urge the governing body to vote separately on each provision, and to present each one that it approves on the ballot separately for voters' individual consideration.

Thank you for your consideration of these comments, and for the transparency with which the project has been managed. The League appreciates the Commission's many efforts to include input from the community, and the governing body's provision of these public hearings.

Exhibit "1"

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2007-103

INTRODUCED BY:

David Coss

A RESOLUTION

CALLING FOR A REGULAR MUNICIPAL ELECTION TO BE HELD MARCH 4, 2008
FOR THE PURPOSE OF ELECTING ONE CITY COUNCILOR FROM EACH
COUNCIL DISTRICT AND ELECTING ONE MUNICIPAL JUDGE AT-LARGE; AND
VOTING FOR OR AGAINST AMENDMENTS TO THE SANTA FE MUNICIPAL
CHARTER REGARDING REFERENDUM, INITIATIVE, RECALL, PUBLIC
FINANCING OF CAMPAIGNS, RANKED CHOICE VOTING, THE POWERS AND
DUTIES OF THE MAYOR AND THE QUALIFICATIONS OF THE MUNICIPAL
JUDGE.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. PURPOSE AND DATE OF ELECTION. A regular municipal
election shall be held on Tuesday, March 4, 2008 for the purpose of electing:

- A. One City Councilor from District 1 to a four-year term;
- B. One City Councilor from District 2 to a four-year term;
- C. One City Councilor from District 3 to a four-year term;

1 D. One City Councilor from District 4 to a four-year term; and

2 E. One Municipal Judge elected at-large to a four year term.

3 **Section 2. CHARTER AMENDMENTS TO BE SUBMITTED.** The following
4 proposed Charter amendments shall be submitted to the qualified electors of the City of Santa Fe
5 at the regular municipal election on March 4, 2008.

6 **CHARTER AMENDMENT 1**

7 **REFERENDUM**

8 Proposing to amend the Santa Fe Municipal Charter, Article III, Section 3.01 to
9 extend the time period for collecting petition signatures from 60 days to 90 days; to
10 change the method used to determine the number of petition signatures required from
11 20% of registered voters to 33^{1/3}% of actual voters voting for mayor in the last mayoral
12 election, including at least 10% of the actual voters, instead of registered voters, for
13 mayor in each council district; to permit referendums on any ordinance instead of only
14 those ordinances that were enacted within the previous 60 days; and to include other
15 technical amendments, with an effective date of May 5, 2008.

16 Based on the number of registered voters and actual voters at the last municipal
17 election, the effect of these changes would be to reduce the number of signatures required
18 by approximately 50%.

19 For ☐ Against ☐

20 **CHARTER AMENDMENT 2**

21 **INITIATIVE**

22 Proposing to amend the Santa Fe Municipal Charter, Article III, Section 3.02 to
23 extend the time period for collecting petition signatures from 60 days to 90 days; to
24 change the method used to determine the number of petition signatures required from
25 20% of registered voters to 33^{1/3}% of actual voters voting for mayor in the last mayoral

1 election, including at least 10% of the actual voters, instead of registered voters, for
2 mayor in each council district; and to include other technical amendments, with an
3 effective date of May 5, 2008.

4 Based on the number of registered voters and actual voters at the last municipal
5 election, the effect of these changes would be to reduce the number of signatures required
6 by approximately 50%.

7 For ☐ Against ☐

8 **CHARTER AMENDMENT 3**

9 **RECALL**

10 Proposing to amend the Santa Fe Municipal Charter, Article III, Section 3.03,
11 with an effective date of May 5, 2008:

12 (1) to extend the time period for collecting petition signatures for recall of
13 mayor and councilors from 60 days to ninety 90 days; and

14 (2) to change the method used to determine the number of petition signatures
15 required for an election to recall the mayor from 20% of registered voters to 33^{1/3}% of the
16 number of actual voters voting for mayor in the last mayoral election, including at least
17 15% of the actual voters, rather than registered voters, for mayor in each council district;
18 and

19 (3) to change the method used to determine the number of petition signatures
20 required for an election to recall a councilor from 20% of registered voters to 33^{1/3}% of
21 the number of actual voters, voting for mayor, at the last mayoral election in the district
22 from which the councilor was elected.

23 Based on the number of registered voters and actual voters at the last municipal
24 election, the effect of these changes would be to reduce the number of signatures required
25 by approximately 50%.

1 For ☐ Against ☐

2 **CHARTER AMENDMENT 4**

3 **PUBLIC FINANCING OF CAMPAIGNS**

4 Proposing to amend the Santa Fe Municipal Charter, Article II, Section 2.05 and
5 Article IV, Section 4.05 to require the governing body of the City of Santa Fe to adopt an
6 ordinance, within two years after the effective date of this amendment, which would
7 provide meaningful public financing of election campaigns for all municipal elected
8 officials, with an effective date of May 5, 2008.

9 For ☐ Against ☐

10 **CHARTER AMENDMENT 5**

11 **RANKED CHOICE VOTING**

12 Proposing to amend the Santa Fe Municipal Charter, Article IV, to create a new
13 Section 4.06 to require that candidates for municipal office be elected by a majority of
14 voters through a ranked choice voting system that combines the initial vote with an
15 "instant" runoff in a single election. The instant runoff is achieved by allowing voters to
16 rank, in order of their preference, each candidate for mayor, city councilor and municipal
17 judge. If, after counting all voters' first choices listed on their ballots for an office, no
18 candidate has received a majority of votes cast, the candidate with the fewest votes is
19 eliminated. Each ballot listing the eliminated candidate as first choice is then recounted
20 using that ballot's second choice. If still no candidate for the office has received a
21 majority, the process is repeated until a candidate receives a majority of votes for that
22 office.

23 Ranked choice voting would go into effect commencing with the regular
24 municipal election in March 2010 or as soon thereafter when equipment and software for
25 tabulating the votes and allowing correction of incorrectly marked, in-person ballots are

1 available at a reasonable price.

2 For ☐ Against ☐

3 **CHARTER AMENDMENT 6**

4 **POWERS AND DUTIES OF MAYOR**

5 Proposing to amend the Santa Fe Municipal Charter, Article V, Section 5.01 to
6 permit the mayor to vote when his or her vote will provide the required number of votes
7 required by law for taking action on an issue before the governing body, with an effective
8 date of May 5, 2008.

9 For ☐ Against ☐

10 **CHARTER AMENDMENT 7**

11 **MUNICIPAL JUDGE**

12 Proposing to amend the Santa Fe Municipal Charter, Article VII, Sections 7.03
13 and 7.05 to require that a candidate for municipal judge be a member of the New Mexico
14 State Bar; and to expand the circumstances under which the office of municipal judge
15 shall become vacant to include termination of membership in the New Mexico State Bar,
16 with an effective date of May 5, 2008.

17 For ☐ Against ☐

18 **Section 3. CLOSING OF REGISTRATION BOOKS.** Only qualified electors of
19 the City of Santa Fe may vote in the regular municipal election. A qualified elector is any person
20 whose affidavit of voter registration has been filed by the Santa Fe County Clerk on or before the
21 twenty-eighth (28th) day prior to the election, who is registered to vote in a general election
22 precinct established by the Santa Fe Board of County Commissioners that is wholly or partly
23 within the City of Santa Fe boundaries, and who is a resident of the City of Santa Fe.
24 Registration books for this election will be closed at 5:00 p.m. on February 5, 2008.

25 **Section 4. NOMINATING PETITIONS.** Candidates must file a Nominating