



Agenda

CITY CLERK'S OFFICE

DATE 9/27/13 TIME 3:20p

SERVED BY _____

RECEIVED BY [Signature]

SPECIAL CITY COUNCIL MEETING

OCTOBER 3, 2013

5:30 P.M.

**SANTA FE PUBLIC SCHOOLS EDUCATION SERVICE CENTER
(ADMINISTRATION BUILDING)
610 ALTA VISTA STREET**

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 and Councilor Wurzbarger) (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. (Councilor Ives and Councilor Wurzbarger) (Zachary Shandler)
5. Adjourn

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

**SUMMARY INDEX
SPECIAL MEETING OF THE
GOVERNING BODY
October 3, 2013**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	2
PRESENTATION BY VICE-CHAIR OF THE CURRENT CHARTER COMMISSION	Information	2
<u>DISCUSSION AND PUBLIC HEARING CHARTER AMENDMENTS</u>		
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	Information/discussion	3-4
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	Information/discussion	3-4

ITEM**ACTION****PAGE #**

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

Information/discussion

3-4

PUBLIC COMMENT

Discussion

4-15

ADJOURN

15

**MINUTES OF THE
SPECIAL MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
October 3, 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 Pro-Tem Rebecca Wurzbarger, on October 3, 2013, at approximately 5:30 p.m., at the Administration Building, in the Santa Fe Public Schools Education Service Center.

2. ROLL CALL

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

Members Present

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
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

Mayor David Coss
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

Mayor Pro-Tem Wurzbarger said after discussions with the Mayor, they would like to request an additional item be added to allow a spokesperson from the Charter Commission to give a brief overview of their process.

MOTION: Councilor Ives moved, seconded by Councilor Ives, to approve the Agenda, as amended.

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

4-A PRESENTATION BY THE CHARTER REVIEW COMMISSION

Nancy Long, Vice-Chair, Charter Commission, said she is here on behalf of the Chair of the Charter Review Commission, Justice Patricio Serna. She said Justice Serna will be attending the next Special Meeting of the Council. She said many of the Governing Body members attended their meetings and participated, and the members of the Commission appreciated that. She said the Charter had its first meeting in December 2012, and met over 7 months, and spent many hours in meetings over that time, and made an effort to get out into the community to get more public comment about what they thought. She said they were presented with many ideas, some of which the Commission recommended and some which they did not. She thanked the Governing Body for its efforts to put together a wonderful group of Santa Fe citizens to serve on the Commission, of different ages and backgrounds. She said it was an honor to serve on the Charter Commission, and they appreciate that you trusted them to get the process done fairly, open and timely.

Ms. Long said the Commission kept in mind that this is a policy document. She said they had to remind themselves that this Charter, our constitution doesn't get changed very often, so they wanted to provide broad parameters about how the City should be governed, but not to get into the details which are more appropriately taken up by the Governing Body, our representatives, in the form of ordinances that can be changed more easily over times to address changing issues. She said it was tempting to get into legislative details, but that was not their job and what they thought was their role.

Ms. Long said the Commission was convened by the Governing Body, and with the task by Resolution to come up with a report and recommendations. She said, "After all those many meetings and input and hearing from the public, and lots of debate and hearing from you, we did come up with our recommendations, and I know you all have seen those now. As a Commission, we did not take a vote on this, but I can tell you, knowing that you will take those seriously and consider them. And we've hoping the voters of the City get the chance to weigh in on the issues as well. We understand you can accept our recommendations, count all of them, or have your own ideas about them and we appreciate that process. But we really did want you to know the effort we put into it, and that we were trusted and honored to do that."

4. DISCUSSION AND PUBLIC HEARING – CHARTER AMENDMENTS:

A copy of a proposed amendment to Item 4(b), proposed by Councilor Bushee, is incorporated herewith to these minutes as Exhibit "1."

- 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)**

Zachary Shandler reviewed the contents of the packet. Mr. Shandler said beginning on page 2 of the packet there is a menu with the proposed charter amendments. He said Items #1-7 are considered policy statements to the constitution, noting in Column A are the Charter Commission Recommendations, Column B has one item on that menu and C has some different things, such as keeping the Mayor as a part time position.

Mr. Shandler said on the bottom of page 5, Menu B and C do have some policy items, and Menu B has added the childrens issues and concerns, and C discusses the runoff elections. Mr. Shandler noted the proposal for economic development is under C [Exhibit "1"].

Mr. Shandler said the Charter Recommendations begin on page 11 of the packet, and reviewed those provisions. Mr. Shandler said for the record, both Councilor Calvert and Councilor Bushee have proposed an ordinance with regard to the proposed ban on contributions from business entities and City contractors.

Mr. Shandler said, for the record, at the next Council meeting Bill No. 2013-35, sponsored by

Councilors Calvert, Bushee, Ives and Rivera, will be debated, which requires, within 30 days of adoption of an Election Resolution authorizing the placing of questions on the ballot, the City shall provide information to the electorate regarding the purpose of the bonds or taxes.

Councilor Bushee said she introduced an amendment at the last Finance Committee, "A local economy is critical to a healthy and prosperous community. The governing body shall wherever possible, support local business and a strong local entrepreneurial spirit." She asked if that will be inserted after new section 4.07B.

Mr. Shandler said that might be a logical place. He said this is a new provision, a new proposal, and an item in Menu B, and it would have the one sentence as follows: *"Proposed Section 2.08 Support for local business. A local economy is critical to a healthy and prosperous community. The governing body shall wherever possible, support local business and a strong local entrepreneurial spirit."*

Councilor Bushee said she has to attend a neighborhood meeting, noting Councilor Calvert is there, which started at 5:30 p.m. She wants to make sure her amendment was introduced properly.

[Councilor Bushee departed the meeting]

Mr. Shandler said he would point out on the menu, the Charter Commission debated, but did not recommend language regarding children's issues and concerns. He said on column B, that is being reintroduced for your consideration, and in column C, the policy issue about runoff elections where they have to get at least 40% of the vote, and if not, there would be a runoff election.

Mr. Shandler reviewed the menu on Governance issues, and the differences between the various proposals.

8. PUBLIC COMMENT

A copy of a Memorandum dated October 3, 2013, to Mayor Coss, Santa Fe City Councilors, from Chris Furlanetto, Vice President, League of Women Voters of Santa Fe County, setting out the "Strong Mayor Pros and Cons," is incorporated herewith to these minutes as Exhibit "2"

A copy of *Legislation with fiscal impact from May 8, 2013 to present*, entered for the record by Councilor Ives, is incorporated herewith to these minutes as Exhibit "3."

Mayor Pro-Tem Wurzbarger limited commentary to two minutes

Mayor Pro-Tem Wurzbarger asked for commentary on the issues, beginning on page 1 of 4 of the Proposed Amendments, asking for commentary on the individual issues as follows:.

1. Water Conservation

There was no public comment.

2. *Neighborhood Preservation*

There was no public comment

3. *Independent Redistricting Commission*

Jim Harrington, Chair of previous Charter Commission, said he would like to compliment the Chart Commission, noting he attended most of its meetings. He said the Commission "greatly outdid us in attracting public participation. He said he has reservations about the run-off proposal, commenting the previous Commission recommended ranked choice voting. He said the runoff proposal is inconsistent, with the ranked choice voting and doesn't contain a repeal of it. He said we know that machines are available somewhere, and work has to be done to get them in the Secretary of State's procedures. He said if that happened and ranked choice became possible, the Council, under existing Charter language would be obligated to implement ranked choice voting and you can't do both. He said, speaking as the State Chair of Common Cause, they generally support the Charter Commission's recommendations, but most are outside their purview of campaign plans, and the only one on which they have a really strong position, is the Redistricting Commission. [The balance of Mr. Harrington's remarks here are inaudible.]

4. *Campaign Contribution Limits*

There was no public comment.

5. *Ban on contributions from business entities and City contractors.*

There was no public comment.

6. *Requirement to have timely disclosure of the purposes of tax increases and bond measures.*

There was no public comment.

7. *Create an Audit Committee*

There was no public comment

8. *Powers and duties of the Mayor*
9. *Powers and duties of the Governing Body*
10. *Appointment of the City Manager*
11. *Powers and duties of the City Manager*
12. *Removal of the City Manager*

[NOTE: Commentary on Items #8, #9, #10, #11 and #12 tended to run together, therefore all that commentary follows.]

Chris Furlanetto, Vice-President and Chair of Action & Advocacy, for the League of Women Voters of Santa Fe County, said Jody Larson reviewed their position on various items. Ms. Furlanetto presented her statement for the record regarding the pros and cons for the Strong Mayor proposal [Exhibit "2"].

Mary Schruben asked, regarding 8A, if the Mayor has a vote on all matters coming before the Governing Body, if that also means in 12, the Mayor can be considered as a member of the super majority of the Governing Body. Ms. Schruben asked Councilor Ives and Wurzburger the reason there are differences between their two proposals other than Items #1-7, and why there are differences in the two proposals in #8.

Mayor Pro-Tem Wurzburger asked the City Attorney to respond to Ms. Schruben's first question, and Councilor Ives to answer her second question.

Geno Zamora, City Attorney, said the answer to the first question, is the mayor capable of voting. The Mayor is a member of the Governing Body and therefore technically would be capable of voting to created a super majority. That's the short answer."

Councilor Ives said he believes the intent of that provision is if the Council was acting to remove the City Manager in the second proposal, that it would be a super majority of the Council as the Mayor already has other delineated powers, so I think that super majority would apply strictly to the Council, at least that would be his sense of it in this instance.

Councilor Ives said, with regard to Ms. Schruben's second question on the two proposals. He said there had been some sense that the initial proposal adopting the recommendations of the Charter Review Commission needed to be expanded so other alternatives could be constructively reviewed as part and parcel of this process. He said whatever is on the ballot will be subject to Council approval to stimulate full debate and get as much input as possible, and alternatives. He said the Mayor has removed his name as sponsor, and he and Councilor Wurzburger wanted that considered as a part of the process. It was simply a procedural circumstance that led to the introduction of the two measures to be sure we had sufficient and full public debate on the various matters that have been put forward.

Rick Martinez said he wants to voice his opposition to the strong Mayor proposal. He said he expects the two Councilors from his District to represent him fairly. He said giving too much power to the Mayor takes away the power that he gives the Councilors to represent him. He said he doesn't think it's right to give more power to the mayor. He said as far as the City Manager is concerned, giving him the super majority isn't right either, and thinks it should stay as it is. He said the Councilors represent us more than the Mayor and are the main votes. He does not think a strong mayor should be part of the proposal.

Mary Dyson said she isn't representing any large group. She has "tremendous tremendous concern about giving more power to the Mayor. She is frustrated with what is happening in Washington right now. She said we need to police and double check. She said, "To give unlimited powers is like saying sig heil somewhere down the line, and I really don't like it. So, we all we must be observant of each other, of groups that may be working against each other. I'm thinking of asphalt and cement all this stuff that was going on in the City. And we need to scrutinize and have people far more accountable than they are."

Rachel Wexler, City employee, said she has a concern regarding Item #11, an organization chart question. She understands that the Mayor would be the supervisor of the department directors, and if that is the case.... #11 gives the City Manager authority to fire any employees, except for the ones that report to the Mayor. She doesn't understand how that works on the organizational chart. She said, "If my department director is, in the chain of command, supervisor of me, yet he reports to the Mayor, but the City Manager can employee any employee except for the department director. As a City employee, I'm concerned about the consequences. I don't understand the implications of that from an org chart perspective and in terms of the chain of command. And a related concern that I have is... I was not involved, I didn't go to any of these meetings, I'm coming to this late, but I'm unclear about the difference of duties between the Mayor and the City Manager with this proposed Strong Mayor. And I haven't been able to find that laid out, and so this relates to that concern."

Mayor Pro-Tem asked Mr. Zamora to speak to this question.

Mr. Zamora said, "When you refer to Item #11 in proposal A and proposal C, it's clarification language that under both scenarios, including the current scenario, there are people that the City Manager does not have hire and fire over. I like terming it this way. The weak Mayor system, which the public may not really be aware that that's how they term the current system in Santa Fe. So, there's the weak Mayor system. Proposal C would be a stronger Mayor system, because it's stronger than it is now. And Proposal A would be strong Mayor, because there are very strong duties in that proposal. That's just how I refer to them to keep them straight in my mind."

Councilor Dominguez asked if that has to be explicit. He said, "If you look at this from a policy perspective, we could pose some trouble to folks that are City employees, or not, and I think it needs to be much more explicit, and I don't know how you say that."

Mr. Zamora said, "On Item #11 we have to read it in context with the revisions above. So if you read Item #11, [inaudible], 'Have the power to hire and fire all City employees – the City Manager shall have that power to hire and fire all City employees – except for those employees whom the Mayor has the exclusive authority to appoint and remove.' But when you reference above, under Proposal A, that's division directors, and City Attorney and the City Clerk. Under proposal C, it's just clarification language in the Charter to remind everybody that the City Manager can hire and fire everyone except the City Attorney and the City Clerk. Which is of course, how you've always read it. It's just clarification language so there isn't a mixup in the Charter with the City Manager has the authority to fire the City Attorney and the City Clerk."

Ms. Wexler said she is uncertain that answers the question that was raised. She said, "I hear what you're saying, so let me rephrase the question. Under our current system, it's not my understanding that the City Manager would be able to fire a City employee, other than the division directors. I have not seen City Managers firing people in different divisions, and I think that's the concern which has been expressed, and why I was askance when you said it. And I know that none of the proposals, at least that's not the intention of the one that we worked on. There's some language change that needs to be necessary."

Mr. Zamora said, "Currently, under the Charter, the City Manager has authority to hire and fire all employees at the City."

Ms. Wexler said, "Really, I never realized that. I've never seen it happen."

[Mr. Zamora's remarks here are inaudible because Ms. Wexler was talking at the same time]

Mr. Zamora continued, "And the final sign-off on every paper work is the City Manager."

Ms. Wexler said, "I'm aware of that."

Mr. Zamora said, "So the final arbiter... it may be the supervisor that recommends hiring, recommends termination, but the final arbiter is the City Manager."

Councilor Dominguez said, "In terms of recommending is that actual City policy, or can the City Manager just do their own thing. Do they have to take the recommendation, or can they just basically say I'm doing my own thing."

Mr. Zamora said, "Because the City Manager under both the Charter and the Ordinances implementing that portion of the Charter, because the City Manager has the final decision making authority, the City Manager can disagree with the supervisor's recommendation for hire or termination."

Councilor Dominguez said that isn't his question. He said his question is, "Is the City Manager obligated to take a recommendation."

Mr. Zamora said no.

Councilor Ives said, "The Charter in its Miscellaneous Government Issues, Article 9.03 provides, '*Personnel System. The hiring, supervision, promotion, and discharge of all city employees shall be governed by a personnel system based on principles of efficiency, ability, and non-discrimination. The governing body shall by ordinance adopt a merit personnel system consistent with these principles, and any duly adopted collective bargaining agreements.*' So, there are, arguably, limitations on the City Manager's capacity in that regard, insofar in that there is this requirement to comply with our H.R. Policies, generally. So it's not a willy-nilly thing, and certainly those H.R. Policies have been developed over the course of many many years, and we update them regularly, and have, in the past year, on issues such as benefits for domestic partners and a host of other thing. So, I think it is not fully subject to what somebody had for breakfast that morning, if they're the City Manager, whether they have to be guided by the City's policies in that regard. And please correct me if I'm incorrect."

Mr. Zamora said, "I will read that in context with the City Manager's Authority. Councilor Ives is correct that the Charter requires a due process for removal of employees. But going to '*Section 8.03 powers and duties of the City Manager, The City Manager shall: A. Be the chief administrative officer of the city; B. have the power to hire and fire all city employees; and C. have such other powers as are provided for in City ordinances and state law.*' So under the Charter, the City Manager is the chief administrator, does all the hiring and firing, and then later in the Charter it says subject to appropriate due process. In short, it's a small technicality. The City Attorney and City Clerk are exempt from that hire and fire. However, for our staff's hiring and firing, the ultimate decider, that authority is within the City [inaudible].

Councilor Rivera said he believes Councilor Ives is right, that everything is done through due process. But, currently, the City Manager is the final say in hiring and firing."

Mr. Zamora said that is correct.

Councilor Rivera said, "Under the new proposal, and I'm going to take a little different approach in Ms. Wexler's question, I still don't think we've answered. So, under the new proposal, the department director will not answer to the City Manager at all, correct. Is that correct."

Mr. Shandler said, "I think we've been talking about Item #11, Mayor Pro-Tem, but that also applies, if you go all the way up to D and E, in terms of... right now the Mayor does not appoint the department director. And I should say for the audience, org charts for cities of similar size are on pages 45-50 for comparison purposes. So back to Governance, C and D discusses... right now the Mayor does not appoint the department director. And A would allow that authority. Also that they could.... the Mayor could fire the department director. [inaudible] In discussing this, the Charter Commission discussed does the Mayor really already appoint the department director. And I think there was a variety of discussion. Some of those minutes are on page 90."

Councilor Rivera said that may be true, but currently the department directors answer to the City Manager, and Mr. Shandler said yes.

Councilor Rivera said, "Under the new proposal, they would not answer to the City Manager at all. Is that correct."

Mr. Shandler said he thinks this is the question which was debated by the Charter Commission. And I just had a citation for that, but I don't want to be a policy advocate. I'm going to turn to page 92 in the packet."

Councilor Rivera asked him to look at page 5, #11, and it says, "The powers and duties of the City Manager. Has the power to hire and fire all City employees, except those employees that the Mayor has the exclusive authority to appoint and remove." He said, "Those are the department directors and those 3 behind you. In the first proposal, C. So it's my understanding that the department directors would not answer to the City Manager."

Mr. Shandler said he sees the reading of that. He said, "I'd always just read it just in the context to make clear that the City Manager could not fire these people. But the way you read it, and construe the two together, it does appear that the Mayor does have the authority to hire and fire all City employees, and that is inclusive of the department director. Then, the question is, in the org chart would the department directors naturally report to the Mayor. And that's the question Commissioner Farber has on page 92, and these are his words, where he talks about the potential situation where you have 2 people who could be making these decisions, and then you see Daniel's response."

Councilor Rivera said, "Since the City Manager has the authority to hire and fire all other employees, besides department directors, hire and fire, a department director would not have the authority to hire his own people or people he felt would be best in his department. That would be the City Manager's responsibility."

Mr. Shandler said, "I see the logic to that, yes."

Councilor Rivera said, "Back to the org chart that I think Ms. Wexler was talking about, you really have the Mayor up on top with then a whole lot of department directors, which I guess somewhere the City Manager fits in line with them, because the City Manager does not have the authority to hire or fire any of them, so they're really equals. But then each department director does not have authority to really manage their own department, their own division."

Mr. Shandler said, "I see the policy issue, and I don't want to get into the policy issues. But I think you have identified policy issues to debate."

Councilor Rivera said, as we've heard so many times, "The devil is in the details." He said the public wants to know these details. He said it is confusing to him to figure out where all these people would fit, how they would fit, how a strong Mayor form of government would be better than what we have right now, and they still don't see it.

Councilor Ives said, "Councilor Rivera seems to be suggesting that currently, division directors under our Charter, have some capacity to do all of their own hiring and firing. But the Charter currently provides that that power resides in the City Manager, so in that sense that power, beyond the division director is not being changed at all and remains with the City Manager. Let me just finish, because I don't want to lose my train of thought. There's a difference between having a capacity to hire and fire, and having reporting chains. And I think some folks are suggesting that if the Mayor has the authority to hire and fire that he would be necessarily taking all the direct reports from all the division directors. Not necessarily the case, certainly could be the case, and hopefully, the Mayor is always going to be interested in what the division directors are doing. But having that power to hire and fire is different from having a supervisory chain of command so you're hearing reports. I know the City Manager currently sits with each of our division directors on a weekly basis to discuss with them matters that affect the City and what's happening and I would doubt seriously if that would change under a strong Mayor proposal. What's being shifted is the capacity to hire and fire that position, and shifting that to the Mayor as opposed to the City Manager."

Councilor Rivera said he understands that, but under the current system, they all answer to the City Manager, and "he's at the top of the rung."

Councilor Rivera said, "Based on your other comment, H.R. policies and procedures state that you are directly over a position which, in this case, makes it sound like the Mayor would be directly over all the department directors, and he or she would be responsible for the evaluations of those employees as well, which have to be done yearly, by law I believe. So really, the supervisor for those positions would be the Mayor."

Councilor Ives said, "Again, I can certainly debate that with you. I don't think it's a requirement here. I think there is a distinction between the power to hire and fire and to have some supervisory control. Look at the City manager now, who has the capacity to hire and fire, presumably, all City employees, and yet all City employees report to their supervisors all the way up to the division directors. So, again, I don't think what you're suggesting is necessarily what is implied by the change. And I think that having an efficiently functioning government would be the ultimate point of view that everybody is certainly looking for here."

Councilor Dominguez said, "I've listened. And without really understanding and knowing H.R. policies [inaudible], if the policy isn't explicit and it's not clear, then I think that there could be room for some interpretation. I think the intent is good, that we have a functional working government, and that it be efficient and effective, etc. But, if we're not careful with the details then it could provide the opportunity for others to abuse it. I think, when it comes to at least this issue, even seeing the reaction by the City Attorney, if it's not explicit and not as detailed as it can be, we could get a City Manager or City Attorney that could say, well that's not the way I interpret it. And so, I think it just needs to be as clear as possible. The is great, I understand it, but it just isn't explicit enough for me."

Councilor Ives said, "Just a guess that what is being proposed lacks any more specificity, than the system we've been functioning under, I think is incorrect."

Councilor Dominguez said that's not what he said.

Councilor Ives said, "I understand, but you're saying you want the details, but we seem to have a functioning form of government, to a degree, under our existing system, where many of those details aren't specified out. For me, this is very much a process circumstance. We formed a Charter Review of leaders throughout our community who have spent 7 months, taking testimony and considering numerous proposals. And after due deliberation this group who were selected by this Governing Body, put forth proposals they feel will result in our City moving forward. I think as part of that process, we have an obligation, arguably, to allow those matters to be considered, and certainly taking public input on all these matters is most significant." He said we went through the process not to throw it aside and do what we want to. He said we do have to approve what goes to the voters. However, we have to respect the process that has been gone through and the measures brought forward. There are people that feel these changes will be affirmative and ultimately, "I believe we have to let the voters take a look at that and try to decide what they feel is the best for the City."

Mayor Pro-Tem Wurzbarger said, "I feel like I'm back in Mississippi, where we're really looking at how you parse sentences. And I think we're focused on the wrong part of the sentence, and I'm not at all dismissing what you're saying. I'm shocked to hear the idea. It raises the question to me about the existing Charter, which that's not our purpose tonight, and we're all going to talk about that I assure you before we have our next meeting. So I don't go these now. I think it's important from the debate and the original intention with respect to Item #11. The focus was not on the first part of the sentence. The focus, from my perspective, was on the last part of the sentence, the 'except for those employees whom the Mayor has the exclusive authority to appoint and remove.' The intention of the debate is that there are parts of the system that aren't working. Some of us felt that it's not okay that Councilors can get involved in many ways with the City Manager to make decisions about people lower in the organizational structure, and that the Mayor should, at least for certain positions, including the City Manager, have the authority to be the sole person to hire and fire."

Mayor Pro-Tem Wurzbarger continued, "Now, I know that there are many other issues that have been brought up here, but I don't want to have that issue get lost as we continue to debate this, and this is my first night to be here with you all to do that. So I just want to put that on the table. I do want to do some more good looking at the existing Charter, I know the Charter Commission didn't do that, but to better understand the organizational development issues of having 1,500 people, and even though it's a paper thing, it's how you do it. The same thing is saying the Mayor should have sole responsibility for doing the Legislative agenda of the Council. Well to say that, you would be, I think, a fool, because first of all the Council would destroy it. But more importantly, in terms of a model of governance of developing a consensus and a consistent view of where the City is going, you have to have a model of inclusion and division of labor. And that's part of this problem that you've raised for me as well, that organizationally, looking at a structure that is not only efficient but that provides clarity for all the people who work in it, with respect to does have the hire and fire authority, and who you go to, no matter where you are within the organization."

Carol Romero-Wirth, a member of the Charter Review Commission, said, "Not to speak for the Commission, but I will tell you a little bit about how I thought about this, and maybe it will help your thinking. I think one thing you should keep in mind, as state earlier, is that this is the constitution here is sort of a broad outline of how it will work. And you may want more specificity through ordinance. This is a big broad power. The way I thought about it, and what helped me, is that the Mayor is the elected official. The City Manager might begin to look and feel more like a Chief of Staff. And that person would do, as the Mayor is wanting, carry those things about, but everybody is working together and you would be delegating authority down a chain that is really linear, rather than having different powers trying to work together. And I think that's the problem right now, is that you've got different people with different authority, and it's not all streamlined. And so I don't know if that's helpful as you think about that. And there may be points that still need to be clarified, but I also think you need to remember that this is the Constitution for the broad scheme, and you may want more detail later."

Councilor Ives said he has comment on his reaction to some of the discussion at the last meeting which left him frustrated, which he hoped to address on this proposal.

Councilor Ives said at the last Special meeting, we spent a not insignificant amount of time discussing the powers of the Mayor and the City Manager. He didn't have a copy of the Charter at that time, but it is in the packet this evening. He said the Charter does lay out all of the specifics for us. He said Article 5.01 describe those powers. He said Article 8.03 covers the powers of the City Manager. He said some of our discussion tonight has been about wanting more detail. He said we have been functioning without that level of detail since the Charter was adopted. He said some of that has not raised any such questions previously. He doesn't think we should get lost in those details which are set forth in the Charter. He would encourage folks to look at the Charter provisions to see that it does answer many of the questions asked at the previous meeting.

Councilor Ives continued, saying another item which was discussed was compensation for the strong Mayor. He said Section 6.02(C) of the Charter provides "The governing body, by ordinance shall fix the annual salaries of the mayor, the municipal judge and councilors and shall review those salaries not less than every four years." He said this body has been doing that since the Charter was adopted. He said the proposed changes in the Charter amendments were adopted that this Governing Body should take up consideration of compensation of what we have been called to do since the Charter was adopted.

Councilor Ives continued, saying there was discussion that we don't have funding to cover any kind of change in the Mayor's Office, to give that position a salary commensurate with full time pay, noting it is the same as the Council at \$29,000 to \$30,000 a year. He said some suggest changing it would make it more difficult to become Mayor. He believes paying a reasonable compensation would bring people with passion and interest to provide full-time leadership.

Councilor Ives continued, saying he asked staff to provide a short summary of various legislative items considered by the Council since we approved the budget for 2013/2014 [Exhibit "3"]. He said new budget monies were found for various proposals, including some up to several hundred thousand dollars, in excess of what we would potential pay the Mayoral position if it were full time. He said when it's something we believe in, as a Governing Body, and there is a will to find the funds, we make every effort to

do that, looking to the City Manager and others to help us solve problems in moving forward. He said, "Saying, We cannot afford this, is not the argument we should be focusing on, but on the fact that we enabled the Charter Review Commission to make proposals for consideration by the voters in the next election." He believes we have an obligation to put those before the people of Santa Fe.

Mayor Pro-Tem Wurzbarger said it is important to build on each meeting as we move forward, and thanked him for bringing that issue forward..

Bill Miller said he is in support of the strong Mayor proposal. He said, however, we don't seem to be addressing whether the current system is working. He said it was hard for him, and for Mayor Coss, referring to pages 89 through the end of the section in the handout, where the Mayor candidly talks about the fact that we have had 10-11 City Managers since 1995. He said it is like turning over your COO in a corporate setting every 21 months, which doesn't provide for efficient government, continuity, or long term planning. He is curious how this is working. He said currently the Mayor has no power, is part time, and the Council has almost all of the power, including the power to fire, and the Mayor does now, the City Manager. He said it seems we have a system which isn't working well. He said the Charter Commission decided there had to be a better way to do this, and the genesis for their recommendation. He would like to know if the Councilors think this a working system which provides what they need to manage the City.

Councilor Dominguez said he is glad to hear the public speak, and appreciates Mr. Miller's comment. He said in terms of the details, it is something the public has asked about and a City employ got up and asked the question. He said this is the purpose of these meetings – to get this input from the public since they will be voting on these pieces. He appreciates the work done by Councilor Ives and Wurzbarger, the Charter Review Commission, and those who participate in and provided input at the meeting. He said there is always room for improvement and change for the sake of change isn't something he always believes in, but this is our opportunity consider change for the City. He said he looks forward to the next public hearings, and hopes even more people will attend.

Mr. Zamora said at page 41 of the packet, at the request of the Government, they included the forms of municipal government in New Mexico, and that can be studied for future meetings.

13. *Childrens Issues and concerns.*

There was no public comment

14. *Runoff Elections*

There was no further comment.

15. *Economic Development Proposal by Councilor Bushee [Exhibit "1"]*

Councilor Wurzbarger said early in the process, she spoke with Simon Brackley and mentioned that she felt this was an omission, and she glad to see this proposed amendment come forward, noting she personally is very supportive of it.

Councilor Ives explained content of Exhibit "1." He said during his time on the Council, we have struggled to contract with local entities, organizations and workers, noting there are legal strictures on limiting too strictly the opportunity to go local. He would like the City Attorney to take a strong look at the amendment as proposed, and that language be provided that is appropriate, commenting he is concerned about the language, "wherever possible." He supports the provision wholeheartedly, but wants to be sure we have the best legal language possible.

Councilor Trujillo said this is the time to tweak the amendments. However, this is the work we assigned to the Charter Commission. He said, "We didn't just appoint them just to say we're going to this, and now all of us up here are going make our own rules. No. That's why they spent the last 7 months doing what they did, and I think we can tweak a little bit, but all in all, we need to send everything that the Commission has given us, send it to the voters. They're the ones who will make the ultimate and final decision. He does respect a lot coming to us, but at the same time, he wants to be true to what the Charter Commission did. They didn't spend the last 7 months doing nothing." He doesn't want to see the Governing Body change everything at the last minute, and reiterated we need to go by what the Charter Commission said.

Councilor Dimas said he is used to listening to all sides of an issue, considering everything being said. He said when the amendments come for a final vote the Governing Body will look at them carefully. He thanked everyone for expressing their opinion, and for participating.


Councilor Ives said people often say if we create this strong Mayor's position, "what if they go gallivanting after some unlaudable goal through some nefarious purpose. I just wanted to remind everyone that we do have a recall provision in the current Charter at Section 3.03, which details out all of that."

Councilor Ives said he would like the City Attorney, for our next meeting, to look into NMSA §3-10-7, which deals with removal of public officers from office. He is curious if that statute has any applicability here. here since Santa Fe is a Home Rule Charter Municipality.

9. ADJOURN

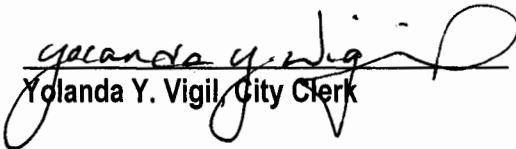
The was no further business to come before the Governing Body, and the meeting was adjourned at approximately p.m.

Approved by:



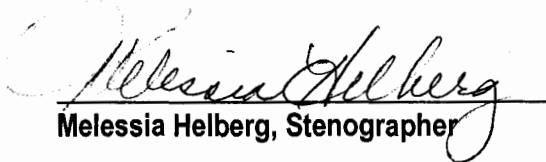
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Stenographer

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2013-__
Charter Amendment Proposals – Councilor Bushee

Mayor and Members of the City Council:

I propose the following amendment to Resolution No. 2013-__:

1. On page 2, line 8, after “2014” *insert* the following:
“; and

WHEREAS, the Governing Body desires that an additional proposed Charter amendment be proposed to the voters that would establish a policy in the Charter related to the support of local businesses and a strong local entrepreneurial spirit”

2. On page 7, line 2, *insert* the following resolve clause:

“BE IT FURTHER RESOLVED that the Governing Body hereby calls for a proposed amendment to the Santa Fe Municipal Charter to be placed on the ballot of a special election to be held in conjunction with the regular municipal election on March 4, 2014, with a question for the voters of the city of Santa Fe to decide whether or not to amend Article II, Policy Statements of the Charter as follows:

“Support for Local Business. Create a new section 2.08 to read:

2.08 Support for local business.

A local economy is critical to a healthy and prosperous community. The governing body shall wherever possible, support local business and a strong local entrepreneurial spirit.”

Respectfully submitted,

Patti Bushee, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "1"

Chris Furlanetto



LEAGUE OF WOMEN VOTERS
OF SANTA FE COUNTY

October 3, 2013

To: Mayor Coss, Santa Fe City Councilors

Re: "Strong Mayor" Pros and Cons

The "Strong Mayor" proposal is made up of a number of amendments to different sections of the charter. At this time, it is not clear whether they will be voted on separately or as one package. Therefore, pros and cons will be presented individually for each section.

However, the League hopes that the different sections of this set of amendments that are not specifically interdependent on one another will be presented to the voters as separate amendments so that the voters can make their wishes clearly known. Areas interdependent on each other are Charter Articles Section 5.01 (D), (E), and (F) with Charter Articles Section 6.02 (A), Section 8.03 (B), and Section 8.04.

Overview

Overall, proponents of the "strong mayor" proposal say that it will allow the mayor to have more authority to enact the agenda on which he or she was elected, to stop the turnover of city managers at city hall, and to recognize the mayor's job as a full-time responsibility.

Opponents say that the proposal puts too much power in the hands of the mayor without the checks and balances provided by city council and will not prevent turnover in the city manager position, as many city managers have left because of conflicts with mayors or for personal reasons. Since 1972, 17 city managers (excluding acting managers) have been appointed; they have served an average term of 2.4 years, with only 6 managers serving 3 or more years each (see page 5).

Article V: The Mayor

The following changes are proposed in the powers and duties of the mayor in the Santa Fe Charter:

Section 5.01 (A). That the mayor shall have a vote on all matters that come before the governing body. (currently, the mayor votes only when there is a tie or in other cases where the mayor's vote is needed to make the necessary number of votes for an action)

Exhibit "2"

Note: the LWVSFC has a position supporting this particular charter amendment, so that voters will know where the mayor stands on all city issues.

Section 5.01(C). That the position of mayor shall be no less than full time (forty (40) hours per week), and that the mayor shall not be otherwise employed or self-employed (this issue is not addressed in the current charter)

Pro: Candidates and voters will know what kind of time commitment will be expected of the mayor and the mayor will be required to eliminate outside distractions and sources of conflict.

Con: Anyone running for mayor should already know what kind of time commitment is required. The provision that the mayor not have any other employment will limit the number of candidates who will be eligible to run for mayor and may be particularly difficult for small business owners.

Note: There is currently no provision for amending the charter to say that the mayor should receive a full-time salary and benefits. The Charter Review Commission recommended that the current language, in which the city council sets the mayor's salary without providing any details of how that would be done, remain in place.

Section 5.01(E). That the mayor appoint department directors (a new power; currently, this is done by the city manager)

Pro: This gives the mayor the power to appoint department directors that will carry out the mayor's policy agenda.

Con: Although they are at-will employees, department directors should be professionals who have appropriate qualifications to do their jobs. Having a professional city manager appoint these people will result in a more professional, less political city hall.

Section 5.01(F). The mayor shall have sole authority to remove the city manager, city attorney, city clerk, and department directors (currently, council consent is needed to appoint or remove the city manager, city clerk, and city attorney, while the city manager currently has the power to appoint or remove department directors).

Pro: This gives the mayor clear authority over appointments and allows the mayor to work with his or her appointees without interference from council.

Con: This drastically increases the power of the mayor and presents no safeguard if any of these mayoral appointees are not doing their jobs and the mayor, for whatever reason, does not want to remove them. In particular, critics have suggested that this could result in a mayor and a city manager who could collude with each other and that there would be no recourse, other than recalling the mayor, to correct this situation.

Section 5.01 (J). The mayor will work with City personnel and timely prepare an annual budget and proposed spending priorities for review and approval by the finance committee and the City Council (this issue is not addressed in the current charter)

Pro: This clarifies that the budget is a part of the mayor's overall agenda but gives the city council review and approval authority over the budget.

Con: It may be beneficial to allow the city council to have earlier input into the budget.

Section 5.01(L). That the annual state of the city message shall identify, among other matters, the mayor's legislative agenda for the upcoming year (the current charter calls for an annual state of the city message but does not specify content).

Pro: This will inform the public about the mayor's recommended agenda for the coming year.

Con: If the council's legislative agenda is different from that of the mayor, it is not clear how the public will be informed about those differences.

Article VI: The Governing Body

Section 6.02 (A). That the governing body shall consider the legislative agenda put forth by the mayor and propose amendments to existing policies and propose new policies (this is a big change, as the current charter says that the governing body as a whole, not just the mayor, shall be principal policy maker for the city.)

Pro: This will allow the mayor to better carry out his or her agenda.

Con: This diminishes the role of the city council in policy primarily to reacting to the mayor's proposals.

Article VIII: City Manager

Section 8.03 (B) The city manager shall have the power to hire and fire all city employees except for those employees whom the mayor has the exclusive authority to appoint and remove (the charter currently allows the city manager to hire and fire department heads).

Pro: This simply clarifies the authority of the city manager under the proposed amendments to the mayor's authority.

Con: By taking away the authority of the professional city manager to appoint department directors, city hall becomes more politicized and this may result in less-competent people being appointed in these positions and more turnover in these positions after an election.

Section 8.04. The city manager may be removed by the mayor.

Pro: Ensures that the city manager and the mayor are working on a unified agenda and that there is continuity in the city manager's office.

Con: This presents no safeguard if a city manager is negligent or corrupt and the mayor, for whatever reason, does not want to remove that manager. In particular, critics have suggested that this could result in a mayor and a city manager who could collude with each other and that there would be no recourse, other than recalling the mayor, to correct this situation. There may not be continuity in the city manager's office if there is conflict between the mayor and the manager

Effective Date: It is proposed that the effective date of these amendments be after the March 6, 2018 election.

Pro: This effective date will not interfere with March, 2014 elections.

Con: If a vote on these charter amendments is delayed until the 2016 election or later, voters will have a greater opportunity to view city government under different administrations in light of these proposed amendments, and this will give voters a clearer understanding of what these amendments may involve.

Note: It would be possible to have a vote on these amendments in the 2016 city elections and still retain the effective date of March, 2018.

City Managers	Appointment Date	End of Appointment	Years of Service as City Manager
Brian Snyder	05/29/2013		
Robert Romero	01/14/2010	12/31/2013	3.92
Galen Buller	12/02/2006	01/15/2010	3.08
Aseneth Kepler	04/26/2006	11/29/2006	0.58
Mike Lujan	10/14/2004	05/06/2006	1.58
Jim Romero	02/05/2001	10/22/2004	3.67
Frank Di Luzio	01/10/2000	07/31/2001	1.50
Mike Mier	04/13/1998	03/31/2000	1.92
Ron Curry	02/03/1997	03/09/1998	1.08
Frank Diluzo (acting)	10/14/1996	01/31/1997	0.25
David Coss	04/10/1996	10/18/1996	0.50
Isaac Pino	03/17/1994	04/13/1996	2.08
David Sena	07/17/1993	12/31/1994	1.42
Isaac Pino	05/25/1991	08/06/1993	2.25
Suzanne Huebner	05/27/1989	05/24/1991	2.00
Tom Baca	03/14/1986	05/31/1989	3.17
Jerry Manzagol	06/21/1982	07/18/1986	4.08
William Sisneros	11/12/1979	03/18/1982	2.33
unknown			
Mike Trujillo (acting)	04/03/1978	07/17/1978	0.25
Phillip Baca	08/21/1972	03/31/1978	5.58

LEGISLATION WITH FISCAL IMPACT FROM MAY 8, 2013 TO PRESENT**RESOLUTIONS**

Resolution #	Date Adopted	Fiscal Impact
2013-46 Free Bus Fares	May 8, 2013	\$6,500 (Recurring for Fare Box Fares)
2013-55 Reclaimed WW Plan	May 29, 2013	\$10,000 (Costs Absorbed)
2013-58 SFCCC Courtyard Naming	June 12, 2013	\$1,000 (costs absorbed)
2013-59 Rail Trail	June 12, 2013	\$55,000 (city match)
2013-60 Bus Pass Program	June 12, 2013	\$50,000 (CIP bond reallocation)
2013-63 Airport Master Plan	June 26, 2013	\$17,500 (city match)
2013-70 Gun Safety PSAs	July 10, 2013	\$2,270 (new budget)
2013-71 Cerletti Park	July 10, 2013	\$52,000 (new budget for employee)
2013-76 LEAD Task Force Recommendations	July 31, 2013	\$100,000 – 1 st year \$200,000 – 2 nd year (new budget)
2013-78 TAP Funding (Cerro Gordo & SF River Trail)	August 14, 2013	14.56% City Match Required
2013-80 Park Bond Audit	August 27, 2013	\$8,000 to \$40,000 (new budget)
2013-81 Herrera/Paseo Project	August 27, 2013	\$307,000 (additional impact fees)
2013-82 Charter Amendment Process	August 27, 2013	\$3,200 (special election costs)
2013-85 TAP Funding River Trail Connections	September 25, 2013	\$42,603 (city match)

ORDINANCES

2013-26 League Fees/City Sports Fields	June 12, 2013	Loss in Revenue from Permit Fees
2013-29 Bag Ordinance		\$9,000 for purchase of reusable bags

Exhibit 3