



LEAGUE OF WOMEN VOTERS®
OF SANTA FE COUNTY

December 4, 2013

As the proposed governance amendments to the charter went through various iterations, the League of Women Voters of Santa Fe County (LWVSFC) developed pros and cons for each of the amendments. Listed below are the final pro-con documents on the amendments that are being considered by the governing body on December 11.

COMMENTS ON PROCESS

The League is in favor of a transparent, inclusive process in all government deliberations. We support the public voting on potential charter amendments, but we strongly believe that this should take place only after sufficient public education and discussion have taken place.

COMMENTS ON CONTENT

The LWVSFC has the following positions on governance:

The Mayor should serve as a member of the Council and vote on all business before the Council.

The governing body (the Mayor and the Council) of the City shall serve as the principal policy maker for the City. It shall appoint the city manager and the city boards and commissions.

The city manager shall be professionally trained or have had executive and administrative experience. The city manager shall be the chief administrative officer and have the power to hire and fire all City employees including department heads. The choice of a city manager need not be limited to the inhabitants of the City or State.

Given these positions, the League has the following comments about the proposed charter amendments concerning governance:

Charter Amendment 8 Mayor's Voting Powers

Amending Article V, Section 5.01 to allow the mayor to have a vote on all matters that come before the governing body.

Effective date: May 5, 2014

We support this provision.

Charter Amendment 9 Full-Time Mayor Position

Amending Article V, Section 5.01 to establish that the mayoral position will be a full-time position.

Effective Date: March 12, 2018

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 potential sources of conflict.

Con: Anyone running for mayor should already know what kind of time commitment is required.

Unlike earlier versions of this amendment, the current proposed amendment does not specify what having the mayoralty as a full-time position entails, leading to possible confusion for candidates and the public. Will this amendment require a mayor who has another job to relinquish that position, and how will this affect those who own or operate a small business? These are questions that need to be answered in order to inform the public of the meaning of this amendment.

Charter Amendment 10 Full-Time Mayor Salary

Amending Article V, Section 5.10 and Article VI, Section 6.03, to establish that a full-time mayor will earn a salary of \$74,000 until such time that an independent salary commission is established and the independent salary commission reviews and sets a salary for the mayor.

Effective Date: March 12, 2018

Pro: This increases the salary of the mayor to a higher level, which may allow some candidates who currently cannot afford to take on the office of mayor to be able to do so.

It also calls for the the appointment of an independent salary commission to review and set the salary of the mayor, taking this decision out the hands of the city council and reducing the political aspects of this decision.

Con: It may not be appropriate to have specific information, such as the mayor's salary, in the charter when it should be determined by ordinance.

When voters see a particular salary figure in the charter, they may believe that this amount is a salary cap, although the salary review commission could decide on a higher figure.

The figure of \$74,000 was arrived at somewhat arbitrarily at the November 13, 2013 city council meeting. If a particular salary is going to be placed in the charter, it should be the result of due consideration of all factors affecting the salary.

Charter Amendment 11 Mayor Supervision Over City Manager, City Attorney and City Clerk

Amending Article V, Section 5.01 and Article VIII, Section 8.04, to allow the mayor to have supervisory authority over the city manager, city attorney, and city clerk and have the authority to suspend and fire the city manager, city attorney, and city clerk, without council consideration.

Effective Date: March 12, 2018

Pro: Because the mayor will exercise control over the three chief officers in the city, the mayor can fulfill his or her agenda and be held accountable for their performance.

Con: Because the mayor will exercise control over the three chief officers in the city, those officers are accountable primarily to the mayor and may ignore direction received from the governing body as a whole.

This increases the power of the mayor, gives the governing body no say over the appointment or removal of the city attorney and city clerk, and presents no safeguard if these appointees are not doing their job and the mayor, for whatever reason, does not want to remove them.

Unless Charter Amendment 16 is also passed, this drastically increases the power of the mayor, gives the governing body no say over the removal of a city manager, and presents no safeguard if the manager is not doing his or her job and the mayor, for whatever reason, does not want to remove the manager. In particular, if Charter Amendment 16 is not also passed, 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 these positions if there is a conflict between the mayor and those appointed officials.

Charter Amendment 12 Remove Provision that the Mayor Perform Other Duties Required by the Governing Body

Amending Article V, Section 5.01 to remove the provision that requires the mayor to perform other duties compatible with the nature of the office as the governing body may from time to time require.

Effective Date: May 5, 2018

Pro: This will prevent the governing body from adding additional duties for the mayor, duties that may detract from the mayor's core mission.

If this provision of the charter has not been invoked, it may not be necessary.

Proponents of this amendment say it is necessary to prevent the council from ordering the mayor to do anything that is contrary to the charter.

Con: It is not clear that this provision of the charter has ever been invoked, but it may be present in the charter to address unforeseen contingencies.

This charter section did not receive independent discussion at the Charter Review Commission.

Opponents of this amendment say that the original provision in the charter is necessary in order to cover any unusual situations that may arise and need the mayor's attention. They say that nothing in the original language allows a mayor to do anything contrary to the charter.

Charter Amendment 13 Proposed Annual Budget

Amending Article V, Section 5.01 to require the mayor to work with city staff to prepare an annual budget for review and approval by the finance committee and the governing body.

Effective Date: March 12, 2018

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

Con: It may be beneficial to allow the governing body to have earlier input into the budget.

Charter Amendment 14 Mayor's Proposed Annual Legislative Agenda

Amending Article V, Section 5.01 and Article VI, Section 6.02, to require the mayor to identify his/her legislative agenda for each upcoming year and require the governing body to consider the mayor's legislative agenda.

Effective Date: March 12, 2018

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

Con: If the council's legislative agenda differs from that of the mayor, it is not clear how these two differing views shall be resolved. It would be preferable if the mayor developed a legislative agenda in concert with the rest of the governing body.

Charter Amendment 15 City Manager Qualifications, Powers and Duties

Amending Article VIII, Sections 8.02 and 8.03 to require that the city manager have the necessary administrative and managerial skills to manage the municipality and have the authority to hire and fire all city employees, except for the city attorney and city clerk.

Effective Date: March 12, 2018

The League supports these qualifications for the city manager and the clarification of the manager's hiring and firing authority. However, if Charter Amendment 11 does not pass, it is not clear who would have authority over the city attorney and city clerk.

Charter Amendment 16 Removal of the City Manager

Amending Article VIII to provide that the city manager may be removed by the mayor or by a vote of six councilors at a regularly scheduled meeting.

Pro: This provides a safeguard if the city manager is negligent or corrupt and the mayor, for whatever reason, chooses not to remove the manager.

Con: A supermajority of the governing body may remove a city manager without good cause.

A note on the placement of these amendments on the ballot:

The League urges the governing body to carefully consider the placement of these governance amendments on the ballot. Items that can be considered as independent items, such as proposed

Charter Amendment 8, should be placed on the ballot as a single item. Items that are interdependent, such as proposed Charter Amendments 9 and 10, should be grouped together as one amendment so that no conflicts will occur if only one of these proposed amendments passes. Careful consideration also needs to be given to conflicts that may occur between the existing charter language and the amendments if voters approve only some of the amendments.

We are also concerned that the different effective dates for the various amendments may be confusing to voters.