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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2026-13

INTRODUCED BY:

Councilor Alma Castro

A BILL

AMENDING THE CITY OF SANTA FE’S PUBLIC CAMPAIGN FINANCE CODE, CHAPTER 9-3 SFCC 1987, TO INCREASE THE AMOUNT OF FUNDING AVAILABLE FOR PUBLICLY FINANCED CANDIDATES FOR MUNICIPAL OFFICE; INCREASING THE FUNDING AMOUNTS FOR CITY COUNCIL, MUNICIPAL JUDGE, AND MAYORAL CANDIDATES; REPEALING SECTION 9-3.12 SFCC 1987, QUALIFIED SMALL CONTRIBUTIONS; AND REPEALING SECTION 9-3.13 SFCC 1987, ADDITIONAL REPORTS OF QUALIFIED SMALL CONTRIBUTIONS; ADDITIONAL MATCHING PAYMENTS FROM THE FUND.

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

Section 1. Section 9-2.3 of SFCC 1987 (being Ord. No. 2023-13, § 2, as amended) is amended to read:

As used in the Campaign and Public Campaign Finance Codes:

- A. *Advertisement* means a communication referring to a candidate or ballot question that is published, disseminated, distributed, or displayed to the public by print, broadcast,

1 satellite, cable or electronic media, including recorded phone messages, or by printed
2 materials, including mailers, handbills, signs and billboards, but does not include any
3 of the following:

4 (1) A communication by a membership organization or corporation to its current
5 members, stockholders or executive or administrative personnel;

6 (2) A communication appearing in a news story or editorial distributed through a print,
7 broadcast, satellite, cable or electronic medium;

8 (3) A candidate debate or forum or a communication announcing a candidate debate
9 or forum paid for on behalf of the sponsor of the debate or forum; provided that
10 two or more candidates for the same position have been invited to participate or,
11 in the case of an uncontested election, that the sponsor invited the single candidate
12 for the position to participate;

13 (4) Nonpartisan voter guides allowed by the federal Internal Revenue code of 1986,
14 as amended, for Section 501(c)(3) organizations; or

15 (5) Statements made to a court or administrative board in the course of a formal
16 judicial or administrative proceeding.

17 B. *Anonymous contribution* means a contribution for which any of the information
18 required to be recorded or reported by the Campaign Code is unknown to the persons
19 who are required to record or report it.

20 C. *Ballot proposition* means any measure, amendment or other question submitted to, or
21 proposed for submission to, a popular vote at a Santa Fe election.

22 D. *Campaign depository* means a bank, mutual savings bank, saving and loan association
23 or credit union doing business in this state under which a campaign account or
24 accounts are maintained.

25 E. *Campaign finance statement* means a report of all contributions received and

expenditures made according to a form prescribed by the city clerk which, when completed and filed, provides the information required in the sections to follow.

F. *Campaign materials* means any published communication, electronic or otherwise, disseminated to more than one hundred (100) persons that either supports the election or defeat of any identifiable candidate or candidates or supports the approval or defeat of a ballot proposal, other than communications to, or editorials, reports, or commentary by news media.

G. *Campaign treasurer* means the individual who is responsible for keeping the financial records of the political committee or candidates (the candidate may be their own campaign treasurer or deputy campaign treasurer).

H. *Candidate* means any individual who seeks election to a Santa Fe municipal office. An individual shall be a candidate when:

- (1) The individual announces publicly;
- (2) The individual files for office;
- (3) The individual accepts contributions or makes expenditures; or
- (4) Any activity is held to promote an election campaign of the individual, if that activity is endorsed or supported by that individual or if the benefits of such activity are later accepted by the individual.

I. *Charity* means an organization that is exempted from federal taxation by Title 26 United States Code, Section 501(c)(3).

J. *Contribution* means a loan, loan guarantee, gift, advance, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not these items are legally enforceable, made directly or indirectly, to a candidate or political committee, or to a person obligated to file a report under Subsection 9-2.6 SFCC 1987, for the purpose of supporting the election or defeat of any identifiable candidate or the

1 approval or defeat of a ballot proposition.

2 (1) The term “contribution” includes:

- 3 (a) The transfer of funds or anything of value between political committees;
- 4 (b) The transfer of anything of value for less than full consideration;
- 5 (c) Interest, dividends or other income derived from the investment of campaign
- 6 funds;
- 7 (d) The payment for the services of an individual serving on behalf of a candidate
- 8 or political committee, which payments are made by a third party;
- 9 (e) The purchase of tickets for fundraising events such a dinners, rallies, raffles,
- 10 etc. and the proceeds of collections at fundraising events; and
- 11 (f) A coordinated expenditure.

12 (2) The term “contribution” does not include a volunteer’s personal services provided

13 without compensation or the travel or personal expenses of such a campaign

14 worker.

15 K. Contributor means:

16 (1) *Individual contributor* means an individual who makes a contribution from their

17 personal assets which are not those of a business, corporation, partnership, labor

18 organization, unincorporated association or political committee.

19 (2) *Business or organizational contributor* means an individual who uses the assets of

20 a business, corporation, partnership, labor organization, unincorporated

21 association or political committee as a contribution, or any business, corporation,

22 partnership, labor organization, unincorporated association or political committee

23 which makes a contribution.

24 L. *Coordinated expenditure* means an expenditure that is made

25 (1) By an individual or entity other than a candidate or the candidate’s political

committee; and

(2) In cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, his/her representatives or agents or the candidate's political committee, including but not limited to, the following examples in subsections 9-2.3(K)(2)(a)-(d):

(a) There has been substantial discussion between the individual or entity making the expenditure and the candidate, candidate's political committee, or his/her representatives or agents. Substantial discussion includes, but is not limited to, an exchange of campaign strategies, polling information, voter lists or any other similar information that would facilitate the election or defeat of a candidate.

(b) An entity making the expenditure is directly or indirectly formed or established by or at the request or suggestion of, or with the encouragement of the candidate, candidate's political committee, or his/her representatives or agents.

(c) The candidate, candidate's political committee or his/her representatives or agents has solicited funds or engaged in other fundraising activities on behalf of the person or entity making the expenditure during the twelve-month (12) period preceding the date of the expenditure. Fundraising activities include, but are not limited to, exchanging names of potential donors or other lists to be used in engaging in fundraising activity, regardless of whether or not the individual or entity pays fair market value for the names or lists provided; or being a featured guest or speaker at a fundraising event for the benefit of the entity making the expenditure.

(d) If the individual or entity making the expenditure has employed, has in a leadership position, or has accepted a donation of the campaign related

1 professional services of any person, who, during the twelve-month period
2 preceding the date of the expenditure, has been an employee of, has advised,
3 or provided or is providing services to the candidate or candidate's political
4 committee. These services include, but are not limited to, any services in
5 support of the candidate's or candidate's political committee's campaign
6 activities, such as advertising, message, strategy or policy services, polling,
7 allocation of resources, fundraising or campaign operations.

8 (e) An expenditure is not a coordinated expenditure solely because:

9 (f) The individual or entity and a candidate or candidate's political committee use
10 the same vendor to provide polling services, printing or distribution services
11 or physical space, provided that the vendor has in place prior to the expenditure
12 a firewall to ensure that there is no exchange of information between the
13 individual or entity and the candidate or campaign committee. Evidence of an
14 adequate firewall is a vendor's formal written policy or a contractual
15 agreement with the vendor prohibiting the exchange of information between
16 the individual or entity and the candidate or candidate's political committee,
17 which policy or contract is distributed to all relevant employees, consultants,
18 and clients affected by the policy or contract. The firewall shall be designed
19 and implemented to prohibit the flow of information between employees and
20 consultants providing services to the individual and entity and to those
21 currently or previously providing services to the candidate or candidate's
22 political committee. Coordination will be presumed in the absence of such a
23 firewall; or

24 (g) The individual or entity making the expenditure interviews a candidate; has
25 endorsed a candidate; has obtained from the candidate a biography of the

1 candidate or a position paper, press release, or similar material about the
2 candidate; has invited the candidate to make an appearance before the person's
3 members, employees or shareholders; or has shared space with a candidate or
4 candidate's political committee for one or more single events of limited
5 duration.

6 M. *Election* means any regular or special Santa Fe municipal election.

7 N. *Expenditure* means a payment, transfer, distribution, or obligation, or promise to pay,
8 transfer or distribute any money or other thing of value for a political purpose,
9 including payment of a debt incurred in an election campaign.

10 O. *Fund* means the public campaign finance fund created by subsection 9-3.4 SFCC 1987.

11 P. *Independent expenditure* means an expenditure that is

12 (1) Made by a person other than a candidate or campaign;

13 (2) Not a coordinated expenditure as defined in Section 9-2, the campaign code; and

14 (3) Made to pay for an advertisement that:

15 (a) Expressly advocates the election or defeat of an identifiable candidate or the
16 passage or defeat of an identifiable question;

17 (b) Is susceptible to no other reasonable interpretation than as an appeal to vote
18 for or against a clearly identified candidate or ballot question; or

19 (c) Refers to a clearly identified candidate or ballot question and is published and
20 disseminated to the electorate in Santa Fe within sixty (60) days before the
21 election at which the candidate or ballot question is on the ballot.

22 Q. *Non-participating candidate* means a candidate who is not a candidate participating in
23 the public campaign finance fund.

24 R. *Political committee* means any entity that:

25 (1) Is formed for the principal purpose of:

1 (a) Raising or collecting, and expending or contributing money or anything of
2 value for supporting the election or defeat of any identifiable candidate or
3 candidates or for supporting the approval or defeat of ballot propositions; or

4 (b) Coordinating or cooperating in efforts to support the election or defeat of any
5 identifiable candidates or of supporting the approval or defeat of any ballot
6 propositions; and

7 (2) Expends five thousand dollars (\$5,000.00) or more in the aggregate for these
8 principal purposes during a single election.

9 S. *Publicly financed candidate* means a candidate who has qualified and has been
10 certified pursuant to subsection 9-3.9 SFCC 1987 as eligible to receive payments from
11 the fund.

12 T. *Qualified elector* means a person who is registered to vote in the city of Santa Fe.

13 ~~[U. *Qualified small contribution* means a contribution of no more than one hundred dollars~~
14 ~~(\$100.00) made and accepted in compliance with the provisions of subsection 9-3.12~~
15 ~~SFCC 1987.]~~

16 ~~[V.]~~U. *Qualifying contribution* means a contribution of five dollars (\$5.00) that is received
17 from a qualifying elector during the qualifying period by a candidate seeking to
18 become a publicly financed candidate. A candidate for councilor shall only receive
19 qualifying contributions from qualified electors registered to vote in the council district
20 in which the candidate is running.

21 ~~[W.]~~V. *Qualifying period* means the period during which a candidate seeking to become a
22 publicly financed candidate is permitted to collect qualifying contributions and to
23 apply for certification as a publicly financed candidate. It begins one hundred eighty-
24 three (183) days before the election and ends one hundred six (106) days before the
25 election.

[X.]W. *Race* means the electoral process in which one (1) or more candidates run and one (1) candidate is elected to the office of mayor, municipal judge, or city councilor for a particular district.

[Y.]X. *Seed money contributions* means a contribution of no more than one hundred dollars (\$100.00) made and accepted in compliance with the provisions of subsection 9-3.6 SFCC 1987 and used exclusively for the purpose specified in that subsection.

[Z.]Y. *Uncontested race* means a race in which there is only one (1) candidate for the office sought.

Section 2. Section 9-3.4 of SFCC 1987 (being Ord. No. 2018-28, § 6) is amended to read:

9-3.4 Public Campaign Finance Fund.

A. A dedicated public campaign finance fund ("the fund") is established to be administered by the city clerk for the purpose of providing public financing for the election 5 campaigns of participating candidates. Monies in the fund and disbursed from the fund to 6 participating candidates are public monies entrusted to the candidates to be used solely for the 7 public purposes specified in this Section 9-3 SFCC 1987.

B. Each fiscal year, the sum of ~~one hundred fifty thousand dollars (\$150,000.00)]~~ three hundred thousand dollars (\$300,000.00) shall be deposited for and deposited in the fund.

C. The governing body shall appropriate and deposit in the fund such additional sums, if any, as may be necessary to ensure:

- (1) That the balance in the fund one hundred nineteen (119) days preceding each election for mayor and four (4) council seats is at least six hundred thousand dollars (\$600,000.00); and

(2) That the balance in the fund one hundred nineteen (119) days preceding each election for municipal judge and four (4) council seats is at least three hundred thousand dollars (\$300,000.00).

D. In addition to the deposits required by paragraphs B. and C. of this subsection, the following shall also be deposited in the fund:

- (1) All seed money contributions received by candidates seeking to become certified as participating candidates which remain unspent;
- (2) All qualifying contributions received by candidates seeking to become certified as participating candidates;
- (3) All amounts paid from the fund to participating candidates which have not been spent or obligated as of the date of the election;
- (4) All fines levied by the ethics and campaign review board or as decreed by a court of competent jurisdiction as a condition of probation
- (5) Voluntary donations made to the fund;
- (6) All interest and other income earned from investment of the fund; and
- (7) Such other appropriations to the fund as may be made by the governing body as necessary to fulfill the requirements of this section 9-3 SFCC 1987.

E. A deposit to the fund pursuant to paragraph B. of this subsection shall not be made if the balance in the fund prior to the deposit exceeds eight hundred thousand dollars (\$800,000.00). If a deposit to the fund pursuant to paragraph B. of this subsection would cause the balance in the fund to exceed eight hundred thousand dollars (\$800,000.00), only so much of the deposit shall be made as will increase the balance to that amount and no more.

Section 3. Section 9-3.10 of SFCC 1987 (being Ord. No. 2023-13, § 17) is

1 amended to read:

2 **9-3.10 – Payments to Publicly Financed Candidates.**

3 A. Within three (3) business days of certifying a candidate as a publicly financed
4 candidate, the city clerk shall disburse to the candidate from the fund:

5 (1) [~~Sixty thousand dollars (\$60,000.00)~~] One hundred twenty thousand
6 dollars (\$120,000) for a candidate in a contested race for the office of
7 mayor;

8 (2) [~~Fifteen thousand dollars (\$15,000.00)~~] Thirty thousand dollars (\$30,000)
9 for a candidate in a contested race for the office of city councilor;

10 (3) [~~Fifteen thousand dollars (\$15,000.00)~~] Thirty thousand dollars (\$30,000)
11 for a candidate in a contested race for the office of municipal judge; or

12 (4) For a candidate in an uncontested race, ten percent (10%) of the amount
13 would be due to a candidate in a contested race for the same office.

14 B. If the amounts required to be paid to candidates under paragraph A of this
15 subsection exceed the total amount available in the fund, each payment shall be
16 reduced in proportion to the amount of such excess. Any such proportionate
17 reduction in the payment due to any candidate under paragraph A of this subsection
18 shall give the candidate the option to reject the payment and to withdraw as a
19 publicly financed candidate. A candidate who withdraws as a publicly financed
20 candidate pursuant to this paragraph shall file an affidavit with the city clerk so
21 stating and shall thenceforth be treated for all purposes as a non-publicly financed
22 candidate relieved of all obligations and restrictions and excluded from all benefits
23 and exemptions imposed or conferred on a publicly financed candidate by
24 this Section 9-3 SFCC 1987.

25 C. Within five (5) business days of the candidate's receipt of the amount disbursed

1 under paragraph A of this subsection or the city clerk's refusal to certify the
2 candidate as a publicly financed candidate pursuant to paragraph A of
3 subsection 9-3.9 SFCC 1987, whichever is sooner, the candidate shall pay the city
4 clerk for deposit in the fund any amount of seed money that has been temporarily
5 retained by the candidate for the purpose of keeping open the bank account in the
6 campaign depository pursuant to paragraph E of subsection 9-3.6 SFCC 1987.

7 **Section 4. Section 9-3.12 of SFCC 1987 (being Ord 2023-13 § 18,) is repealed:**

8 ~~**[9-3.12—Qualified small contributions.**~~

- 9 A. ~~A Publicly financed candidate may solicit and accept qualified small contributions~~
10 ~~beginning on the date on which the candidate is certified as a publicly financed~~
11 ~~candidate pursuant to subsection 9-3.9(A) SFCC 1987.~~
- 12 B. ~~The aggregate amount of qualified small contributions from any one contributor to any~~
13 ~~one candidate shall not exceed one hundred dollars (\$100.00).~~
- 14 C. ~~The aggregate amount of qualified small contributions accepted by a publicly financed~~
15 ~~candidate shall not exceed:~~
- 16 ~~(1) For a candidate for mayor, fifty percent (50%) of the amount initially paid to the~~
17 ~~candidate pursuant to subsection 9-3.10 SFCC 1987; and~~
- 18 ~~(2) For a candidate for council or municipal judge, twenty five percent (25%) of the~~
19 ~~amount initially paid to the candidate pursuant to subsection 9-3.10 SFCC 1987.~~
- 20 D. ~~Each qualified small contribution shall be accompanied by a form signed by the~~
21 ~~contributor, which shall include the contributor's name, home address, telephone~~
22 ~~number, occupation, and name of employer. The city clerk shall accept electronic~~
23 ~~signatures and electronic conveyances that comply with the Uniform Electronic~~
24 ~~Transactions Act, Section 14-16-1 through 14-16-21 NMSA 1978.~~
- 25 E. ~~No person shall knowingly make, and no candidate shall knowingly receive, a qualified~~

1 ~~small contribution that is not from the person named on the form or for which the~~
2 ~~person named on the form has been or will be reimbursed or compensated by another~~
3 ~~person.~~

4 ~~F. Before soliciting or accepting qualified small contributions, a candidate shall appoint~~
5 ~~a treasurer and establish a campaign depository in the manner required by subsection~~
6 ~~9-2.8 SFCC 1987. All qualified small contributions received by a candidate shall be~~
7 ~~recorded by the candidate's campaign treasurer, deposited in a separate non-interest-~~
8 ~~bearing account in the campaign depository and used in the candidate's campaign or~~
9 ~~disposed of following the election in the manner required by subsection 9-2.9 SFCC~~
10 ~~1987. All such contributions shall be timely reported in a campaign finance statement~~
11 ~~prepared in the manner required by subsections 9-2.10 through 9-2.12 SFCC 1987 and~~
12 ~~filed on the dates required by subsection 9-2.10 SFCC 1987. Campaign finance~~
13 ~~statements reporting the receipt of qualified small contributions shall be accompanied~~
14 ~~by copies of the forms signed by each contributor pursuant to paragraph D of this~~
15 ~~subsection.]~~

16 **Section 5. Section 9-3.13 of SFCC 1987 (being Ord. No. 2023-13, § 19) is**
17 ~~repealed:~~

18 ~~**[9-3.13 — Additional Reports of Qualified Small Contributions; Additional Matching**~~
19 ~~**Payments From the Fund.**~~

20 ~~A. In addition to filing the campaign finance statements required by subsection 9-3.12(F)~~
21 ~~SFCC 1987, a publicly financed candidate may file one additional campaign finance~~
22 ~~statement reporting the receipt of qualified small contributions on the fifty-seventh (57th)~~
23 ~~day preceding the election.~~

24 ~~B. Within two (2) business days after the filing of a campaign finance statement by a~~
25 ~~publicly financed candidate reporting the receipt of qualified small contributions and~~

1 accompanied by copies of the forms signed by the contributors as required by paragraph D
2 of subsection 9-3.12 SFCC 1987, the city clerk shall disburse to the candidate an additional
3 payment from the fund equal to the total amount of the qualified small contributions
4 reported in the campaign finance statement; provided, however, that no such additional
5 matching payments shall be made for contributions reported in a campaign finance
6 statement filed after the twenty fifth (25th) day preceding the election.

7 C. Additional payments made to a publicly financed candidate pursuant to paragraph B of
8 this subsection shall be deposited in the separate account in the candidate's campaign
9 depository that was established by the candidate for the deposit of payments received from
10 the fund pursuant to paragraph A of subsection 9-3.11.

11 D. The aggregate amount of additional payments made to a publicly financed candidate
12 pursuant to paragraph B. of this subsection shall not exceed:

13 (1) For a candidate for mayor, fifty percent (50%) of the amount initially paid to
14 the candidate pursuant to subsection 9-3.10 SFCC 1987; and

15 (2) For a candidate for city council or municipal judge, twenty five percent (25%)
16 of the amount initially paid to the candidate pursuant to subsection 9-3.10 SFCC
17 1987.

18 E. If the amounts required to be paid to candidates under paragraph B of this subsection
19 exceed the total amount available in the fund, each payment shall be reduced in proportion
20 to the amount of such excess.]

21 Section 5. Section 9-3.14 of SFCC 1987 (being Ord. No. 2023-13, § 20) is
22 amended to read:

23 **9-3.14 – Reports of expenditures; exemption from certain reporting requirements.**

24 A. A publicly financed candidate shall file with the city clerk reports under oath of
25 expenditures made from the payments received from the fund, indicating that the

1 expenditures were made from that source and showing the date and amount of each
2 such expenditure, the name and address of the person or organization to whom it was
3 made, the purpose of the expenditure, the aggregate amount of such expenditures made
4 to each person or organization and the aggregate amount of all such expenditures made
5 by the candidate or by his or her campaign. A copy of each receipt, printed on 8½-inch
6 by 11-inch paper, shall be filled with the city clerk with the reports provided in this
7 subsection. Each report shall be accompanied by a copy of the most recent bank
8 statement for the separate account established by the candidate for the deposit of
9 payments from the funds pursuant to paragraph A of subsection 9-3.11 SFCC 1987.
10 Within ninety (90) days after the election, the candidate shall file a copy of a final bank
11 statement showing that all funds in the account have been expended or returned to the
12 city in the manner required by paragraphs A and C of subsection 9-3.11 SFCC 1987
13 and that the account has been closed.

- 14 B. The reports required by paragraph A of this subsection shall be filed on each of the
15 days prescribed for the filing of campaign finance statements by subsection 9-2.10
16 SFCC 1987.
- 17 C. A campaign finance statement filed by a publicly financed candidate to report qualified
18 small contributions pursuant to paragraph F of subsection 9-3.12 SFCC 1987 or
19 paragraph A of subsection 9-3.13 SFCC 1987 shall also include a report of all
20 expenditures made during the period covered by the statement from the separate
21 account established by the candidate for the deposit of such contributions pursuant to
22 paragraph F of subsection 9-3.12 SFCC 1987. The statement shall show that the
23 expenditures were made from that source and shall contain all the information
24 concerning the expenditures, account balance, and funds on hand that is required for
25 campaign finance statements filed pursuant to subsection 9-2.11 SFCC 1987.

1 D. Except as provided in paragraphs A through C of this subsection, paragraph C of this
2 subsection 9-3.8 SFCC 1987, paragraph F of subsection 9-3.12 SFCC 197, and
3 paragraph A of subsection 9-3.13 SFCC 1987, publicly financed candidates are exempt
4 from the requirement to file campaign finance statements imposed by subsections 9-
5 2.10 SFCC 1987 through 9-2.12 SFCC 1987 and from the requirements to file
6 campaign records with the city clerk imposed by paragraph D of subsection 9-2.9
7 SFCC 1987; provided, however, that campaign records shall be maintained in the
8 manner required by the applicable provisions of the Campaign Code (Section 9-2
9 SFCC 1987) and shall be made available upon request to the city clerk and the ethics
10 and campaign review board.

11 E. Seed money and qualifying contribution reports, campaign finance statements and
12 contribution and expenditure reports of a candidate for municipal judge are not
13 required to be signed or acknowledged by the candidate.

14 F. Any financial reporting shall be filed through the clerk's online portal for the campaign
15 finance if and when the portal becomes available.

16 **Section 6. Section 9-3.18 of SFCC 1987 (being Ord. No. 2023-13, § 13) is**
17 **amended to read:**

18 **9-3.18 – Reports and forms.**

19 A. All reports and forms that are required by Section 9-3 SFCC 1987 shall be signed
20 under oath and submitted on forms prescribed by the city clerk. If the clerk makes an
21 online portal available for submission, the candidate shall use the online portal.

22 B. The city clerk is authorized to reject any incomplete report or form. The city clerk shall
23 notify a publicly financed candidate that the report or form is incomplete.

24 C. The city clerk ~~[shall]~~ may assess a fine of one hundred dollars (\$100.00) for unexcused
25 late filing of reports or forms.

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PASSED, APPROVED, and ADOPTED this _____ day of _____, 2026.

APPROVED AS TO FORM:

Marcos Martinez
Marcos Martinez (Jul 7, 2026 16:22:54 MDT)

MARCOS D. MARTÍNEZ, CITY ATTORNEY