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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2026-16

INTRODUCED BY:

Mayor Michael Garcia

Councilor Paul Bustamante

Councilor Alma Castro

Councilor Elizabeth Barrett

Councilor Pilar Faulkner

A BILL

**PROHIBITING AND REGULATING THE USE OF CITY PROPERTY FOR
IMMIGRATION ENFORCEMENT PURPOSES AND REQUIRING NOTIFICATION OF
IMMIGRATION ENFORCEMENT AND I-9 AUDITS.**

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

**Section 1. [NEW MATERIAL] A new Section 20-6.1 of SFCC 1987 is hereby
ordained to read:**

20-6.1 Short Title.

This section may be cited as the “Community Refuge Ordinance.”

**Section 2. [NEW MATERIAL] A new Section 20-6.2 of SFCC 1987 is hereby ordained
to read:**

20-6.2 Legislative findings.

The governing body of the City of Santa Fe finds that:

- A. The City of Santa Fe is committed to welcoming and encouraging immigrants to live,
work, and study in Santa Fe and to participate in community affairs, as evidenced in
the city’s Charter in Articles 2.02 and 2.04;

- 1 B. Immigration enforcement activity has historically undermined community trust,
2 spread fear, and created barriers impeding residents from accessing essential city
3 services;
- 4 C. The use of city property for immigration enforcement is inconsistent with the city's
5 support of immigrant communities and its residents, interferes with the city's
6 authority over its own resources, property and personnel, and infringes on the city's
7 exercise of home rule authority to safeguard its residents' health, welfare, and safety;
- 8 D. Allowing the use of city property for immigration enforcement erodes trust between
9 residents and law enforcement, weakening the relationships that are essential to
10 ensuring public safety and effective community policing, and is against city policy,
11 as established in Resolution No. 1999-06 and Santa Fe Police Department rules.

12 **Section 3. [NEW MATERIAL] A new Section 20-6.3 of SFCC 1987 is hereby ordained**

13 **to read:**

14 **20-6.3 Authority of the City of Santa Fe.**

15 The Community Refuge Ordinance is adopted pursuant to the general welfare and police powers
16 conferred upon the City of Santa Fe by NMSA 1978 Section 3-17-1 et seq. and Section 3-18-1(C)
17 & (F), pursuant to the powers conferred upon the City of Santa Fe by the New Mexico Constitution,
18 Article X §§ 6(D) and 6(E) and the NMSA 1978 Municipal Charter Act Section 3-15-1 et seq.,
19 which have been exercised by the city's adoption of its "Santa Fe Municipal Charter".

20 **Section 4. [NEW MATERIAL] A new Section 20-6.4 of SFCC 1987 is hereby**

21 **ordained to read:**

22 **20-6.4 Purpose.**

23 The purpose of this ordinance is for the City of Santa Fe to manage its property in accordance with
24 the city's Charter.

25 **Section 5. [NEW MATERIAL] A new Section 20-6.5 of SFCC 1987 is hereby**

1 **ordained to read:**

2 **20-6.5 Definitions.**

3 For the purpose of this section, the following definitions shall apply:

4 *Affected Employee* is an employee identified by the immigration agency to be an individual
5 who may lack work authorization, or an individual whose work authorization documents
6 have been identified by the immigration agency inspection to have deficiencies.

7 *Employee's Authorized Representative* is an exclusive collective bargaining representative.

8 *Nonpublic forum* is public property that is not designated or traditionally considered an
9 arena for public communication. In the context of this ordinance, it is a "community
10 refuge."

11 *Public Forum* is public property where people traditionally gather to express ideas and
12 exchange views.

13 *Staging* refers to the use of city property to assemble, mobilize, and deploy vehicles,
14 equipment, or materials, and related personnel, for the purpose of carrying out immigration
15 enforcement.

16 **Section 6. [NEW MATERIAL] A new Section 20-6.6 of SFCC 1987 is hereby**
17 **ordained to read:**

18 **20-6.6 Community Refuges.**

19 A. Community Refuges

20 (1) Under the city's authority to ensure its inhabitants may access the resources
21 and spaces necessary to promote their health, safety, and welfare in a manner
22 free from discrimination, the city shall designate at least the following city-
23 owned or operated facilities as Community Refuges:

24 (a) Places where children routinely gather such as city-owned parks, teen
25 centers, and recreation complexes;

- (b) City-designated disaster and emergency response sites;
- (c) Community resource centers and direct service providers, including city-owned homeless shelters, sexual and domestic violence providers; work zones and construction sites on city property and within city rights of way;
- (d) Municipal courthouses and judicial facilities;
- (e) Municipal libraries, community centers, and cultural centers;
- (f) Public transportation facilities, transit, and transit centers;
- (g) Any location where city services are delivered to the public; or
- (h) Other similar locations, as determined by the city.

B. Entry into a Community Refuge

- (1) The city shall develop the necessary policies to prohibit a Community Refuge from providing voluntary consent to law enforcement agents engaged in or supporting immigration enforcement from entering nonpublic, city-owned, property;
- (2) This section does not prevent a Community Refuge from complying with a valid judicial warrant authorizing a search of the nonpublic area;
- (3) The city shall develop and implement a policy to ensure staff training and the posting of clear signage marking nonpublic spaces within city buildings and city funded facilities.

Section 7. [NEW MATERIAL] A new Section 20-6.7 of SFCC 1987 is hereby ordained to read:

20-6.7 Implementation

- A. No city-owned and operated structure or venue, including but not limited to parking lots, vacant lots, garages, parks, or similar structures or venues, shall be used for immigration enforcement purposes, including as a staging area, processing location,

or operations base.

(1) City departments shall collaborate to identify city-owned and controlled structures or venues, including but not limited to parking lots, vacant lots, garages, parks, and similar structures or venues that either have been used, or are likely to be used in the future, as a staging area, processing location, or operations base for the purpose of immigration enforcement. Where appropriate, city departments shall ensure that all such properties have clear signage stating:

This property is owned and controlled by the City of Santa Fe

It may not be used for immigration enforcement as a

Staging Area, Processing Location, or Operations Base,

Pursuant to Ordinance No.____.

B. City departments shall, whenever appropriate and consistent with this section,

secure access to city-owned or city-controlled structures or venues, including but not limited to parking lots, vacant lots, garages, or parks by means including, but not limited to, locked gates or barriers.

C. City departments shall develop the procedures necessary to implement this section. These implementing procedures shall provide that any city employee who becomes aware of the attempted or actual use of a city-owned or city-controlled parking lot, vacant lot, garage, or park as a staging area, processing location, or operations base for immigration enforcement shall immediately report to their supervisor, who will communicate with the mayor, city attorney and city manager.

Section 8. [NEW MATERIAL] A new Section 20-6.8 of SFCC 1987 is hereby ordained to read:

20-6.8 Notification of I-9 Inspection and Immigration Enforcement and Penalties for Lack of

1 **Notification**

2 D. Worker Notification of I-9 Inspection.

3 (1) An employer shall provide written notice to all current employees of an
4 inspection by an immigration agency of I-9 Employment Eligibility
5 Verification forms or other employment records, except as otherwise
6 required by federal law.

7 (2) An employer must provide this notice no later than twenty-four (24) hours
8 after receiving a notice of inspection by an immigration agency by posting a
9 notice in a conspicuous and accessible location at the place of employment
10 and by making reasonable attempts to individually distribute notification to
11 employees in the language the employer normally uses to communicate
12 employment-related information to the employee.

13 (3) The notice to employees shall include:

14 (a) The name of the immigration agency conducting the inspection;

15 (b) The date the employer received the notice of inspection;

16 (c) A link to the city website that provides information provided by
17 community organizations related to immigrant and refugee
18 rights or workers' rights;

19 (d) A copy of the notice of inspection.

20 (4) Such written notice shall also be given within twenty-four (24) hours to the
21 employee's authorized representative, if any;

22 (5) The city shall make a template notice available on the city website so that it
23 is accessible to any employer.

24 E. Notice After I-9 Inspection.

25 (1) Except as otherwise required by federal law, if during an inspection of the

1 employer's I-9 Employment Eligibility Verification forms by a federal
2 government agency, the agency makes a determination that an employee's
3 work authorization documents do not establish that the employee is
4 authorized to work in the United States and provides the employer with
5 notice of its determination, the employer shall provide written notice to
6 each affected employee, and to their authorized representative, if any,
7 within twenty-four (24) hours. The notice of determination shall contain
8 the following:

9 (a) A description of any and all deficiencies or other terms identified
10 in the written immigration inspection notice related to the
11 affected employee;

12 (b) The time and date of any meeting with the employer and
13 employee to correct any identified deficiencies;

14 (c) A reminder that the employee has the right to representation
15 during any meeting scheduled with the employer.

16 (2) The employer shall send the city manager a copy of the notice sent to the
17 employees when it notifies its employees of the determination.

18 (3) The notice of determination shall relate to the affected employee only and
19 shall be delivered as soon as possible to the affected employee and the
20 employee's authorized representative, whether that be by text message,
21 email, or by hand at the workplace.

22 F. Notifying Workers of Immigration Enforcement.

23 (1) If a law enforcement agent engaging in or supporting immigration
24 enforcement, including serving a subpoena or warrant, is present at a place
25 of work, the business shall provide notice to all current employees,

1 contractors, and others performing work for the employer for
2 renumeration. The business must provide this notice within twenty-four
3 (24) hours of a law enforcement agent engaging in or supporting
4 immigration enforcement at a place of work. The notice to employees,
5 contractors, and other performing work for the employer for renumeration
6 shall include:

7 (a) The name of the agency;

8 (b) The date the law enforcement agent was present at the place of
9 work;

10 (c) The nature of the law enforcement agent's actions.

11 (2) These notices shall be provided by the business in the language normally
12 used by the employer to communicate work-related information to
13 employees, contractors, or others performing work for the employer for
14 renumeration, and may be provided by electronic means such as email.

15 (3) If the law enforcement agency is seeking a particular individual but was
16 unsuccessful in apprehending that individual at the place of work, the
17 employer shall:

18 (a) Notify all employees, contractors, and others performing work for
19 the employer for renumeration that such enforcement activity took
20 place without identifying the individual by name;

21 (b) Notify the specific individual that was sought that the enforcement
22 activity was directed at them;

23 (4) The city shall make a template notice available on the city website so that
24 it is accessible to any employer.

25 G. *Complaints.* If an employer fails to provide notice under this section, an employee,

their family member, or domestic partner may submit a written complaint to the City Manager summarizing the facts of the failure to notify an employee of a violation of this section. The city manager may request additional information from the complainant. The city manager shall also request a response to the complaint from the employer. Should the city manager find probable cause of a violation of this section, the city manager may recommend that the employer's business license be suspended.

H. *Penalty.* The Finance Committee may suspend the business license of an employer found to be in violation of this section, at the recommendation of the city manager. The City shall follow the procedures in SFCC Sections 18-1.6 through 18-1.9 for any license revoked under this section.

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

MICHAEL J. GARCIA, MAYOR

1 ATTEST:

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4 GERALYN F. CARDENAS, CITY CLERK

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8 APPROVED AS TO FORM:

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10 Marcos D. Martínez
11 Marcos D. Martínez (Sep 4, 2026 15:39:09 MDT)
12 MARCOS D. MARTÍNEZ, CITY ATTORNEY

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25 *Legislation/2026/Bill/Prohibit Use of City Property for Civil Immigration Enforcement*