



Date: September 4, 2026

To: Governing Body, Immigration Committee, Public Works and Utilities Committee, and Quality of Life Committee

From: Sam Burnett, Public Works Director 
[JOHN BURNETT](#)

Via: Brian Moya, City Manager
Andrea Phillips, Deputy City Manager *AP*

RE: Prohibit Use of City Property for Civil Immigration Enforcement and Requiring Employer Notification of Immigration Enforcement and I-9 Audits

EXECUTIVE SUMMARY:

The proposed bill prohibits and regulates the use of City of Santa Fe (“City”) property for immigration enforcement purposes and requires employers to notify employees of immigration enforcement and I-9 audits or risk having their business license revoked.

Specific to the prohibition against the use of City property for immigration enforcement purposes, the proposed bill prohibits immigration enforcement agents from entering nonpublic areas of City-owned spaces, which have been designated “Community Refuges,” without a judicial warrant. Additionally, this bill prohibits immigration enforcement agents from using any City-owned or operated structure or venue for immigration enforcement purposes, including as a staging area, processing location, or operations base. Should this bill be adopted, the City will be responsible for developing policies and procedures necessary to implement this bill, including policies for staff training and procedures for ensuring appropriate signage.

Specific to immigration enforcement at places of business in the City, this bill establishes the following requirements:

- 1) Employers in Santa Fe must provide written notice to employees no later than twenty-four (24) hours after receiving notice by a federal immigration agency of an I-9 audit;
- 2) Employers must provide written notice no later than twenty-four (24) hours after a federal government agency determines that an employee’s work authorization documents do not establish that the employee is authorized to work in the United States, if the employer is notified of such determination; and
- 3) Employers must provide written notice no later than twenty-four (24) hours after a law enforcement agency engaging in or supporting immigration enforcement is present at a place of work.

Further, if an employer fails to provide notice to an employee in the circumstances listed above, the employee, their family member, or domestic partner may submit a written complaint to the city manager. The employer may respond to this complaint and based on the complaint and response, the city manager may recommend that the employer’s business license be suspended. Hearings to suspend business licenses shall be heard by the Finance

Committee of the Governing Body in line with the existing procedures for license revocation under SFCC 1987 Sections 18-1.6 to 1.9.

BACKGROUND:

The City is committed to welcoming and encouraging immigrants to live, work, and study in Santa Fe and to participate in community affairs, as established in the City's Charter, Articles 2.02 and 2.04, as well as in Resolution Nos. 1985-129, 1999-06, 2002-03, 2014-82, and 2017-19. The ordinance would be adopted pursuant to the general welfare and police powers conferred upon the City of Santa Fe by NMSA 1978 Section 3-17-1 et seq., Section 3-18-1(C) & (F); the power conferred upon the City of Santa Fe by the New Mexico Constitution, Article X §§ 6 (D) and 6(E); and the NMSA 1978 Municipal Charter Act Section 3-15-1 et seq.

The bill states that the purpose of the ordinance would be to protect the City's exercise of its home rule authority to safeguard its residents' health, welfare, and safety. The City of Santa Fe ("City") Charter, Article II, Section 2.02, "Human and Civil Rights", states that the City holds human and civil rights as inviolate and states that these rights "shall not be diminished or otherwise infringed" regardless of "ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition or citizenship status." Pursuant to Article X, Section 6 of the New Mexico Constitution, as a home rule municipality, the City may exercise all legislative powers and perform all functions not expressly denied by general law or charter. The City of Santa Fe has the authority to manage its property in accordance with its Charter. The City may exercise powers to protect the property of its inhabitants and preserve peace and order. The City of Santa Fe is committed to ensuring the health, welfare, and safety of all its residents, regardless of race, religion, immigration status, or national origin.

ATTACHMENTS:

Bill
Fiscal Impact Report

Signature: 
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