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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2023-__

INTRODUCED BY:

Mayor Alan Webber

AN ORDINANCE

AMENDING SECTION 2-8.2(A), “CREATION OF DEPARTMENT” BY REMOVING LANGUAGE THAT PRESCRIBES A “RECREATION DIVISION” AS A DIVISION OF THE COMMUNITY HEALTH AND SAFETY DEPARTMENT AND “FAMILY AND YOUTH SERVICES” AS A COMPONENT OF THE COMMUNITY SERVICES DEPARTMENT; AND BY REMOVING THE TERM “SAFETY” FROM THE NAME OF THE “OFFICE OF EMERGENCY MANAGEMENT AND SAFETY”.

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

Section 1. Section 2-8.2 of SFCC 1987 (being Ord. No. 2020-22, § 3) is amended to read:

2-8.2 Community Health and Safety Department.

A. *Creation of Department.* There is created a department of city government to be known as the "community health and safety department", which ~~[comprised of five divisions:]~~ includes, but is not limited to, the police department, the fire department, the community services department, ~~[the recreation division,]~~ and the office of emergency management~~[-and safety].~~

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B. *Police Department.*

(1) Powers and duties generally. Police officers shall execute and return all writs and processes directed to them by the municipal judge and, in criminal cases or cases of violations of city ordinances, they may serve the same in any part of the country. They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons within the city and shall pursue and arrest any person fleeing from justice. They shall apprehend any person in the act of committing any offense against the laws of the state or the ordinances of the city, and forthwith bring such persons before a competent authority for examination and trial. They shall have, in the discharge of their proper duties, like powers and be subject to like responsibilities as sheriffs or constables in similar cases.

(2) Appointment of police officers; commissions. No person shall assume or exercise the functions, powers, duties and privileges incident or belonging to the office of municipal police officers without first having received an appointment in writing, known as a "commission", from the governing body. The advice of the chief of police shall be obtained in the employment and commissioning of all police officers of the department.

(3) Training schools and examinations.

(a) There shall be held and conducted at such times as may be prescribed by the chief of police, with the approval of the governing body, schools for training in modern police methods and practices. The schools for training and the checking of the qualifications and general fitness of applicants for positions in the police department shall be under the direction and supervision of the chief of police.

(b) All members of the police department shall take such

1 examinations as may be prescribed.

2 (c) In the taking of all written examinations there shall be assigned
3 to each applicant a number which shall be endorsed on the applicant's
4 examination papers, and the grading of the examinations shall be by number
5 only.

6 (d) Except as otherwise provided, no member shall be retained in the
7 police department and no applicant shall be appointed to the police department
8 unless such member or applicant, after taking the prescribed training courses, has
9 successfully passed the prescribed examinations, written and oral; provided, that
10 the minimum educational qualifications required by the City Personnel Act shall
11 not apply to members of the present police department who are otherwise
12 qualified under the provisions hereof; provided further, that in passing on the
13 qualifications of members of the present police department, consideration shall
14 be given to:

15 (i) Length of service and faithfulness to duty; and

16 (ii) General aptitude for police work as disclosed by the
17 individual records of such members to be confirmed by oral
18 examinations.

19 (4) Extra or emergency police officers. The city manager may employ on
20 behalf of the city such extra or emergency police officers as may be required in the proper
21 administration of municipal affairs.

22 (5) Police department reserve.

23 (a) Created. There is created the city "police department reserve
24 force", hereinafter referred to as the "reserve".

25 (b) Control by Chief of Police. The reserve is under the exclusive

1 control of the chief of the city police department who shall have the sole and
2 exclusive authority to:

3 (i) Summarily discipline or dismiss members without
4 appeal to any body or tribunal;

5 (ii) Approve or disapprove all bylaws, rules and regulations
6 of the reserve; and

7 (iii) Approve or disapprove all officers, employees or agents
8 of the reserve.

9 (c) Authority. The reserve and its individual members shall only
10 have authority in law enforcement on specific request by the city police chief. A
11 specific request shall be made for each individual instance of service.

12 (d) Powers and Duties.

13 (i) The duties of the reserve are to assist in enforcement of
14 law by cooperating with all law enforcement agencies and regulatory
15 bodies.

16 (ii) The reserve or its members when acting upon call, and
17 only when acting upon call, of the city police chief, for the city or for
18 another law enforcement agency or regulatory authority, shall be
19 possessed of the same powers and duties as a city police officer or an
20 officer of such law enforcement agency or regulatory authority.

21 (e) Call of Members. When the city police chief calls up the
22 members of the reserve, the call shall be in writing, list the names of each
23 member of the reserve called, the purpose of the call, and the date and time the
24 call begins and terminates. Except when on call, reserve members shall have no
25 more authority in law enforcement than that of any private citizen.

1 (f) Requests for Assistance. Should any law enforcement agency or
2 regulatory body desire assistance from the reserve, the request shall be made to
3 the city police chief who may authorize it, if:

4 (i) Reserve members are fully covered by the workman's
5 compensation insurance policy of the assisted agency or body, and this
6 is evidenced by a writing presented to the chief; and

7 (ii) Any and all liability that may arise against the city, its
8 officers, employees or agents, the reserve, or its members as a result of
9 such assistance, is assumed in writing by the assisted agency or body.

10 (g) Worker's Compensation. The city shall immediately take steps
11 to provide necessary worker's compensation insurance for the reserve and
12 necessary liability insurance covering liability that may arise against the city, its
13 officers, employees or agents as a result of the activities of the reserve on behalf
14 of the city. If any or a portion of such liability is to be self-insured, the self-
15 insurance fund shall be increased accordingly.

16 C. Fire Department.

17 (1) Department authority and powers.

18 (a) Pursuant to Section 3-18-1F. and G. NMSA 1978 and 3-18-
19 11B(1), the city may provide proper means for protection from fire and protect
20 the property of its municipality and its inhabitants and preserve the health, safety,
21 peace and order within the municipality. Therefore, the stated purpose of this
22 subsection is to grant the fire department all authority necessary to protect life
23 and property from the hazards created by fire, explosion, and similar
24 emergencies.

25 (b) The fire department shall have full and complete authority in

1 connection with fighting, mitigating, and preventing the spread of any fire that
2 may arise within the city, with the power to do and perform all necessary or
3 expedient acts for the fighting of fire. When called to a fire, the fire department
4 shall have:

5 (i) Full and complete authority of the premises to which it
6 has been summoned until the fire has been extinguished and the premises
7 are deemed safe by the fire department; and

8 (ii) By emergency vehicle or by foot, the right of ingress and
9 egress on all public or private streets, alleyways, roads, driveways, and
10 thoroughfares located within the city limits or the city annexation areas.

11 (c) The fire department shall have full and complete authority in
12 connection with the provision of prehospital emergency medical services within
13 the city, with the power to do and perform all necessary or expedient acts for the
14 provision of these services.

15 (d) The fire chief shall have full authority to sign agreements,
16 approved by the city attorney's office, with landowners to implement fire hazard
17 mitigation activities.

18 (3) Department members designated as special police officers. Every
19 member duly enrolled and in good standing in the fire department shall be a special police
20 officer of the city with power to act as such from the time of the sounding of any fire
21 alarm until the apparatus and equipment for fighting fire has been returned to the fire
22 station.

23 (4) Obstructing or interfering with firefighters. It is unlawful for any person
24 to obstruct, or interfere with firefighters while in the discharge of their duties.

25 D. Community Services Department. The community services department includes,

1 but is not limited to, senior services, and libraries~~[, and family and youth services]~~.

2 E. Office of Emergency Management~~[and Safety]~~.

3 (1) In accordance with Section 12-10-5 NMSA 1978, the "office of
4 emergency management~~[and safety]~~," shall consist of:

5 (a) An emergency manager who shall be appointed in accordance
6 with Section 12-10-5 NMSA 1978, and who shall be subject to the personnel
7 system of the city;

8 (b) Additional professional and administrative personnel as may be
9 required to effectively carry out the emergency management program; and

10 (c) All other city officers and employees, together with those
11 volunteer forces enrolled to aid the city during periods of disaster or emergency.

12 (2) Definitions.

13 *Civil emergency* means conditions of unrest, including but not limited to riot, civil
14 disturbance, unlawful assembly, hostile military or paramilitary action, war, terrorism, or
15 sabotage.

16 *Comprehensive emergency management plan (CEMP)* means a written document that
17 describes the city's overall emergency management plan. A CEMP specifies the purpose,
18 organization, responsibilities, and facilities of the agencies and officials of the city in the
19 mitigation of, preparation for, response to, and recovery from emergencies and disasters.

20 *Curfew* means a period of time declared by the mayor, during which no person or
21 persons, other than persons authorized by the mayor by administrative order, may be upon the
22 public streets, sidewalks, grounds, or semi-public property, either on foot or in vehicles of any
23 type, within the city.

24 *Disaster* means the occurrence of a natural catastrophe, technological accident, or
25 human-caused event that has resulted in environmental damage, property damage, deaths, and/or

1 multiple injuries, which may exceed the response capability of the local jurisdiction,
2 necessitating state, and potentially federal, involvement.

3 *Emergency* means any occasion or instance, such as a terrorist attack, terrorist threat,
4 civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft
5 accident, earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public
6 health or medical emergency, other occurrence requiring an emergency response, or any other
7 condition that warrants action to protect life, property, or the environment.

8 *Emergency management* means an approach to prevent, protect against, respond to,
9 recover from, and mitigate the effects of incidents.

10 *Emergency operations center (EOC)* means the physical location at which the
11 coordination of information and resources to support incident management (on-scene operations)
12 activities normally takes place.

13 *Emergency plan* means an ongoing plan for responding to a wide variety of potential
14 hazards.

15 *Hazard mitigation plan* means the representation of the city's commitment to reduce risks
16 from natural hazards, serving as a guide for decision makers as they commit resources to reducing
17 the effects of natural hazards.

18 *National Incident Management System (NIMS)* means the federal government's
19 standardized framework of doctrines, concepts, principles, terminology, and organizational
20 processes for emergency management.

21 (3) Purpose.

22 (a) The purpose of the office of emergency management~~[-and safety]~~
23 is to coordinate the efforts of all municipal agencies and employees,
24 nongovernmental agencies, and private sector partners to prepare for and
25 function in the event of disasters and emergencies endangering the lives of

1 persons in the city, property of the residents of the city, or public property in the
2 city.

3 (b) The duty of the office of emergency management~~[-and safety]~~ is
4 to coordinate the development of emergency plans for the effective employment
5 of municipal resources to protect the lives and health of the residents of the city
6 and the private and public property therein from the effects of emergencies or
7 natural or man-caused disasters.

8 (c) The office of emergency management~~[-and safety]~~ shall
9 coordinate the implementation of such plans in preparation for, during, and after
10 periods of emergency or disaster. Such plans shall be coordinated with those of
11 the county and in consonance with the state emergency management plans.

12 (d) The office of emergency management and safety shall ensure
13 that the safety of all city employees is a priority throughout the city's operations
14 and coordinate and oversee safety protocols and implementation for the city.

15 (4) Emergency manager. The emergency manager shall:

16 (a) Be responsible to the director of community health and safety for
17 the organization, administration, and operation of the emergency management
18 program of the city;

19 (b) Coordinate the emergency management activities of all
20 municipal departments and agencies of the city, nongovernmental agencies, and
21 private sector partners;

22 (c) Be the liaison and cooperate with the emergency management
23 agencies of the federal government, the state, the county, and the other political
24 subdivisions therein;

25 (d) Develop an organizational structure for the office of emergency

1 management~~[and safety]~~, subject to the approval of the governing body and
2 recommend appointments to fill the positions established therein subject to the
3 city manager's authority;

4 (e) Manage the EOC; establish the overall structure, roles,
5 responsibilities, and direction for the operation of the EOC; and ensure that the
6 EOC is appropriately sited, staffed, equipped, and maintained;

7 (f) Maintain written emergency plans~~[and safety protocols]~~,
8 including but not limited to all chapters, annexes, and appendices of the
9 comprehensive emergency management plan and hazard mitigation plan, and
10 annually review the plans to identify any recommendations for revisions; and

11 (g) Maintain records documenting compliance with requirements of
12 federal and state emergency management programs, including the NIMS.

13 (5) Financing.

14 (a) Funds for necessary expenses of the office of emergency
15 management~~[and safety]~~, including salaries for approved positions, may be made
16 available through appropriations by the governing body in accordance with
17 Section 12-10-7 NMSA 1978.

18 (b) The emergency manager shall prepare and submit to the
19 governing body an annual proposed budget for emergency management~~[and~~
20 ~~safety]~~ expenditures and shall indicate those amounts eligible for matching funds
21 under the federal grant programs.

22 (c) During an emergency, purchases may be exempt from the city's
23 procurement code, as permitted pursuant to Section 11-13 SFCC 1987.

24 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2023.

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APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2023/Bills/Renaming the Community Health and Safety Department