

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2024-18

3 INTRODUCED BY:

4
5 Councilor Amanda Chavez

6 Councilor Pilar Faulkner

7 Councilor Lee Garcia

8
9 A BILL

10 RELATING TO CITY ADMINISTRATION; AMENDING SECTION 2-8, SFCC 1987 TO
11 CHANGE THE TITLE FROM "COMMUNITY HEALTH AND SAFETY DEPARTMENT"
12 TO "HEALTH AND HUMAN SERVICES DEPARTMENT"; REMOVE THE POLICE
13 DEPARTMENT AND THE FIRE DEPARTMENT FROM THAT SECTION; AND
14 CREATE TWO NEW SECTIONS, 2-8.8 AND 2-8.9, FOR THE POLICE DEPARTMENT
15 AND FIRE DEPARTMENT, RESPECTIVELY.

16
17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Section 2-8.2 of SFCC 1987 (being Ord. No. 2023-11, § 1, as amended)

19 is amended to read as follows:

20 2-8.2 [~~Community Health and Safety Department~~] Health and Human Services Department.

21 A. *Creation of Department.* There is created a department of city government to be known as
22 the "[~~community health and safety department~~] health and human department", which
23 includes, but is not limited to, the [~~police department, the fire department,~~] the community
24 services department [;] and the office of emergency management.

25 [~~B. *Police Department.*~~]

[bracketed material] = delete

underscoring material = new

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

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

17 ~~(2) Appointment of police officers; commissions. No person shall assume or exercise the~~
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20 ~~known as a "commission", from the governing body. The advice of the chief of police~~
21 ~~shall be obtained in the employment and commissioning of all police officers of the~~
22 ~~department.~~

23 ~~(3) Training schools and examinations.~~

24 ~~(a) There shall be held and conducted at such times as may be prescribed by the chief of~~

1 police, with the approval of the governing body, schools for training in modern police
2 methods and practices. The schools for training and the checking of the qualifications
3 and general fitness of applicants for positions in the police department shall be under
4 the direction and supervision of the chief of police.

5 ~~(b) All members of the police department shall take such examinations as may be~~
6 ~~prescribed.~~

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

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

18 ~~(i) Length of service and faithfulness to duty; and~~

19 ~~(ii) General aptitude for police work as disclosed by the individual records of such~~
20 ~~members to be confirmed by oral examinations.~~

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

24 ~~(5) *Police department reserve.*~~

1 ~~(a) *Created.* There is created the city "police department reserve force", hereinafter~~
2 ~~referred to as the "reserve".~~

3 ~~(b) *Control by Chief of Police.* The reserve is under the exclusive control of the chief of~~
4 ~~the city police department who shall have the sole and exclusive authority to:~~

5 ~~(i) Summarily discipline or dismiss members without appeal to any body or tribunal;~~

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

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

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

11 ~~(d) *Powers and Duties.*~~

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

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

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

24 ~~(f) *Requests for Assistance.* Should any law enforcement agency or regulatory body~~
25 ~~desire assistance from the reserve, the request shall be made to the city police chief~~

1 who may authorize it, if:

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

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

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

13 ~~C.—Fire Department.~~

14 ~~(1) Department authority and powers.~~

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

21 ~~(b) The fire department shall have full and complete authority in connection with~~
22 ~~fighting, mitigating, and preventing the spread of any fire that may arise within the~~
23 ~~city, with the power to do and perform all necessary or expedient acts for the fighting~~
24 ~~of fire. When called to a fire, the fire department shall have:~~

1 (i) ~~Full and complete authority of the premises to which it has been summoned until~~
2 ~~the fire has been extinguished and the premises are deemed safe by the fire~~
3 ~~department; and~~

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

7 (e) ~~The fire department shall have full and complete authority in connection with the~~
8 ~~provision of prehospital emergency medical services within the city, with the power~~
9 ~~to do and perform all necessary or expedient acts for the provision of these services.~~

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

12 ~~(2) Department members designated as special police officers. Every member duly~~
13 ~~enrolled and in good standing in the fire department shall be a special police officer of~~
14 ~~the city with power to act as such from the time of the sounding of any fire alarm until~~
15 ~~the apparatus and equipment for fighting fire has been returned to the fire station.~~

16 ~~(3) Obstructing or interfering with firefighters. It is unlawful for any person to obstruct or~~
17 ~~interfere with firefighters while in the discharge of their duties.]~~

18 ~~[D]~~ B. *Community Services Department.* The community services department includes, but is
19 not limited to, senior services, and libraries.

20 ~~[E]~~ C. *Office of Emergency Management.*

21 (1) In accordance with Section 12-10-5 NMSA 1978, the "office of emergency
22 management," shall consist of:

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

- 1 (b) Additional professional and administrative personnel as may be required to
2 effectively carry out the emergency management program; and
3 (c) All other city officers and employees, together with those volunteer forces enrolled to
4 aid the city during periods of disaster or emergency.

5 (2) *Definitions.*

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

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

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

18 *Disaster* means the occurrence of a natural catastrophe, technological accident, or
19 human-caused event that has resulted in environmental damage, property damage,
20 deaths, and/or multiple injuries, which may exceed the response capability of the local
21 jurisdiction, necessitating state, and potentially federal, involvement.

22 *Emergency* means any occasion or instance, such as a terrorist attack, terrorist
23 threat, civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear
24 accident, aircraft accident, earthquake, hurricane, tornado, tropical storm, tsunami,

1 war-related disaster, public health or medical emergency, other occurrence requiring
2 an emergency response, or any other condition that warrants action to protect life,
3 property, or the environment.

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

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

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

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

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

17 (3) *Purpose.*

18 (a) The purpose of the office of emergency management is to coordinate the efforts of all
19 municipal agencies and employees, nongovernmental agencies, and private sector
20 partners to prepare for and function in the event of disasters and emergencies
21 endangering the lives of persons in the city, property of the residents of the city, or
22 public property in the city.

23 (b) The duty of the office of emergency management is to coordinate the development of

1 emergency plans for the effective employment of municipal resources to protect the
2 lives and health of the residents of the city and the private and public property therein
3 from the effects of emergencies or natural or man-caused disasters.

4 (c) The office of emergency management shall coordinate the implementation of such
5 plans in preparation for, during, and after periods of emergency or disaster. Such
6 plans shall be coordinated with those of the county and in consonance with the state
7 emergency management plans.

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

11 (4) *Emergency manager.* The emergency manager shall:

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

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

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

18 (d) Develop an organizational structure for the office of emergency management, subject
19 to the approval of the governing body and recommend appointments to fill the
20 positions established therein subject to the city manager's authority;

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

24 (f) Maintain written emergency plans, including but not limited to all chapters, annexes,
25 and appendices of the comprehensive emergency management plan and hazard

1 mitigation plan, and annually review the plans to identify any recommendations for
2 revisions; and

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

5 (5) *Financing.*

6 (a) Funds for necessary expenses of the office of emergency management, including
7 salaries for approved positions, may be made available through appropriations by the
8 governing body in accordance with Section 12-10-7 NMSA 1978.

9 (b) The emergency manager shall prepare and submit to the governing body an annual
10 proposed budget for emergency management expenditures and shall indicate those
11 amounts eligible for matching funds under the federal grant programs.

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

14 **Section 2. [NEW SECTION] Creating Section 2-8.8 of SFCC 1987, retaining**
15 **language from current Section 2-8.2 (B) (being Ord. No. 2023-11, § 1 as amended), to read as**
16 **follows:**

17 **2-8.8 - Police Department.**

18 (1) *Powers and duties generally.* Police officers shall execute and return all writs and
19 processes directed to them by the municipal judge and, in criminal cases or cases of
20 violations of city ordinances, they may serve the same in any part of the country. They
21 shall suppress all riots, disturbances and breaches of the peace, apprehend all
22 disorderly persons within the city and shall pursue and arrest any person fleeing from
23 justice. They shall apprehend any person in the act of committing any offense against
24 the laws of the state or the ordinances of the city, and forthwith bring such persons

1 before a competent authority for examination and trial. They shall have, in the
2 discharge of their proper duties, like powers and be subject to like responsibilities as
3 sheriffs or constables in similar cases.

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

10 (3) *Training schools and examinations.*

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

16 (b) All members of the police department shall take such examinations as may be
17 prescribed.

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

21 (d) Except as otherwise provided, no member shall be retained in the police department
22 and no applicant shall be appointed to the police department unless such member or
23 applicant, after taking the prescribed training courses, has successfully passed the
24 prescribed examinations, written and oral; provided, that the minimum educational

1 qualifications required by the City Personnel Act shall not apply to members of the
2 present police department who are otherwise qualified under the provisions hereof;
3 provided further, that in passing on the qualifications of members of the present
4 police department, consideration shall be given to:

- 5 (i) Length of service and faithfulness to duty; and
- 6 (ii) General aptitude for police work as disclosed by the individual records of such
7 members to be confirmed by oral examinations.

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

11 (5) *Police department reserve.*

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

14 (b) *Control by Chief of Police.* The reserve is under the exclusive control of the chief of
15 the city police department who shall have the sole and exclusive authority to:

- 16 (i) Summarily discipline or dismiss members without appeal to any body or tribunal;
- 17 (ii) Approve or disapprove all bylaws, rules and regulations of the reserve; and
- 18 (iii) Approve or disapprove all officers, employees or agents of the reserve.

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

22 (d) *Powers and Duties.*

- 23 (i) The duties of the reserve are to assist in enforcement of law by cooperating with
24 all law enforcement agencies and regulatory bodies.

1 (ii) The reserve or its members when acting upon call, and only when acting upon
2 call, of the city police chief, for the city or for another law enforcement agency or
3 regulatory authority, shall be possessed of the same powers and duties as a city
4 police officer or an officer of such law enforcement agency or regulatory
5 authority.

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

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

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

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

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

25 **Section 3. [NEW SECTION] Creating Section 2-8.9 of SFCC 1987, retaining**

1 language from current Section 2-8.2 (C) (being Ord. No. 2023-11, § 1 as amended), to read as
2 follows:

3 **2.8.9 - Fire Department.**

4 (1) *Department authority and powers.*

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

11 (b) The fire department shall have full and complete authority in connection with
12 fighting, mitigating, and preventing the spread of any fire that may arise within the
13 city, with the power to do and perform all necessary or expedient acts for the fighting
14 of fire. When called to a fire, the fire department shall have:

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

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

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

24 (d) The fire chief shall have full authority to sign agreements, approved by the city

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attorney's office, with landowners to implement fire hazard mitigation activities.

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

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

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2025.

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY