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CITY OF SANTA FE, NEW MEXICO
ORDINANCE NO. 2019-21

AN ORDINANCE

AMENDING SECTION 2-16 SFCC 1987, OFFICE OF EMERGENCY MANAGEMENT, TO ESTABLISH DEFINITIONS AND TO PROVIDE FOR EXPANDED PLANNING PERIODS FOR THE OFFICE OF EMERGENCY MANAGEMENT; AMENDING SECTION 20-1 SFCC 1987, POWERS OF MAYOR DURING AN EMERGENCY, TO INCLUDE DECLARATION OF AN EMERGENCY AND OTHER POWERS OF THE MAYOR IN AN EMERGENCY; AND ESTABLISHING ORDERS OF SUCCESSION FOR ELECTED OFFICIALS AND CITY MANAGEMENT.

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

Section 1. Section 2-16.1 SFCC 1987 (being Ord. #1974-30 (as amended)) is amended to read:

2-16 OFFICE OF EMERGENCY MANAGEMENT.

2-16.1 Established; Composition.

There is established under the city manager's direction, in accordance with Section 12-10-5 NMSA 1978, the "office of emergency management," which shall consist of:

- A. An emergency manager who shall be appointed in accordance with Section 12-10-5 NMSA 1978, and who shall be subject to the personnel system of the city;
- B. Additional professional and administrative personnel as may be required to effectively carry out the emergency management program; and
- C. All other city officers and employees, together with those volunteer forces

1 enrolled to aid the city during periods of disaster or emergency.

2 **2-16.2 Definitions.**

3 *Civil Emergency* means conditions of unrest, including but not limited to riot, civil
4 disturbance, unlawful assembly, hostile military or paramilitary action, war, terrorism, or
5 sabotage.

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

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

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

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

23 *Emergency Management* means an approach to prevent, protect against, respond to,
24 recover from, and mitigate the effects of incidents.

25 *Emergency Operations Center (EOC)* means the physical location at which the

1 coordination of information and resources to support incident management (on-scene operations)
2 activities normally takes place.

3 *Emergency Plan* means an ongoing plan for responding to a wide variety of potential
4 hazards.

5 *Hazard Mitigation Plan* means the representation of the city's commitment to reduce
6 risks from natural hazards, serving as a guide for decision makers as they commit resources to
7 reducing the effects of natural hazards.

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

11 **2-16.2]3 Purpose.**

12 A. The purpose of the office of emergency management is to coordinate the efforts
13 of all municipal agencies and employees, nongovernmental agencies, and private sector partners
14 to prepare for and function in the event of disasters and emergencies endangering the lives of
15 persons in the city, property of the residents of the city, or public property in the city.

16 B. The duty of the office of emergency management is to coordinate the
17 development of emergency plans for the effective employment of municipal resources to protect
18 the lives and health of the residents of the city and the private and public property therein from
19 the effects of emergencies or natural or man-caused disasters.

20 C. The office of emergency management shall coordinate the implementation of
21 such plans in preparation for, during, and after periods of emergency or disaster. Such plans shall
22 be coordinated with those of the county and in consonance with the state emergency management
23 plans.

24 **2-16.4 Emergency Manager.**

25 The emergency manager shall:

1 A. Be responsible to the city manager for the organization, administration, and
2 operation of the emergency management program of the city;

3 B. Coordinate the emergency management activities of all municipal departments
4 and agencies of the city, nongovernmental agencies, and private sector partners;

5 C. Be the liaison and cooperate with the emergency management agencies of the
6 federal government, the state, the county, and the other political subdivisions therein;

7 D. Develop an organizational structure for the office of emergency management,
8 subject to the approval of the governing body and recommend appointments to fill the positions
9 established therein subject to the city manager's authority;

10 E. Manage the emergency operations center ("EOC"); establish the overall
11 structure, roles, responsibilities, and direction for the operation of the EOC; and ensure that the
12 EOC is appropriately sited, staffed, equipped, and maintained;

13 F. Maintain written emergency plans, including but not limited to all chapters,
14 annexes, and appendices of the Comprehensive Emergency Management Plan and Hazard
15 Mitigation Plan, and annually review the plans to identify any recommendations for revisions;
16 and

17 G. Maintain records documenting compliance with requirements of federal and state
18 emergency management programs, including the National Incident Management System.

19 **2-16.5 Financing.**

20 A. Funds for necessary expenses of the office of emergency management, including
21 salaries for approved positions, may be made available through appropriations by the governing
22 body in accordance with Section 12-10-7 NMSA 1978.

23 B. The emergency manager shall prepare and submit to the governing body an
24 annual proposed budget for emergency management expenditures and shall indicate those
25 amounts eligible for matching funds under the federal grant programs.

1 C. During an emergency, purchases may be exempt from the city's procurement
2 code, as permitted pursuant to Section 11-13 SFCC 1987.

3 **Section 2. Section 20-1 SFCC 1987 (being Ord. #2005-7 (as amended)) is**
4 **amended to read:**

5 **20-1 DECLARATION OF AN EMERGENCY; POWERS OF MAYOR DURING**
6 **AN EMERGENCY.**

7 **20-1.1 Short Title; Purpose.**

8 A. This section may be cited as the Emergency Declaration Ordinance.

9 B. For the protection of life and property and for the preservation of the public
10 peace and safety, it is necessary to codify the powers of the city and the mayor when the mayor
11 finds that a public disorder, riot, disaster, or emergency exists in the municipality. The mayor's
12 powers are the same as those expressly authorized in Section 12-10-21 NMSA 1978 of the Riot
13 Control Act for powers other than the governor to maintain the public peace and safety. It is also
14 necessary to codify the process for the city to request that the governor proclaim a state of
15 emergency pursuant to the Riot Control Act, Sections 12-10-16 through 12-10-20 NMSA 1978.

16 **20-1.2 Proclamation of Emergency; Regulations.**

17 When the mayor, or in the event of the mayor's inability to act, the mayor pro tem,
18 determines in consultation with the emergency manager, chief of police, and/or fire chief that a
19 civil emergency, disaster, or emergency exists in the municipality, the mayor may proclaim a
20 state of emergency in the area affected and may also request that the governor proclaim a state of
21 emergency. During the existence of a state of emergency, the mayor may, by proclamation:

22 A. Prohibit any person being on the public streets, in the public parks, or at any
23 other public place during the hours proclaimed by the mayor to be a period of curfew;

24 B. Prohibit any designated number of persons from assembling or gathering on the
25 public streets, public parks, or other open areas, either public or private, or in any public building;

1 C. Prohibit the manufacture, transfer, use, possession, or transportation of any
2 device or object designed to explode or produce uncontained combustion;

3 D. Prohibit the transportation, possession or use of combustible, flammable or
4 explosive materials in a glass or uncapped container of any kind, except in connection with the
5 normal operation of motor vehicles, normal home use, or legitimate commercial use;

6 E. Prohibit the possession of firearms or any other deadly weapon by a person in
7 any place other than the person's place of residence or business, except for peace officers;

8 F. Prohibit the sale, purchase, or dispensing of alcoholic beverages or other
9 commodities or goods designated by the mayor;

10 G. Prohibit the use of certain streets or highways by the public;

11 H. Control routes related to ingress and egress throughout the city based on the
12 needs of emergency services responding to the emergency or disaster;

13 I. Prohibit other activities the mayor reasonably believes necessary to help maintain
14 life, property, or the public peace;

15 J. Require evacuation of residents in the area effected by the emergency or disaster;

16 K. Require the city manager to direct city employees, as applicable, to perform
17 emergency functions;

18 L. Require the use of all available resources of the city as reasonably necessary;

19 M. Utilize the services of non-city personnel and resources necessary to adequately
20 respond to the declared emergency; and

21 N. Designate a substitute signatory for emergency obligation of funds during the
22 pendency of the declared emergency.

23 **20-1.3 Term of Proclamation.**

24 A. Effective Date. Any proclamation issued under this section becomes effective
25 immediately upon its signing by the mayor, but the mayor shall give public notice of its contents

1 through the public press and other news media. The restrictions may be imposed during times,
2 upon conditions, with exceptions, and in areas of the municipality designated by the proclamation
3 of the mayor.

4 B. Length of Emergency. Any state of emergency proclaimed under the Emergency
5 Declaration Ordinance, Section 20-1 SFCC 1987, along with any restrictions imposed for control
6 of that emergency, terminates automatically at noon on the third (3rd) day after it becomes
7 effective.

8 C. Extension of Emergency. Should an emergency be proclaimed as defined in
9 Section 2-16.2 SFCC 1987, the governing body may extend the proclamation declaring a state of
10 emergency for up to seven (7) days.

11 D. Termination of Emergency. Any state of emergency proclaimed shall terminate
12 at noon on the third (3rd) day after it becomes effective unless sooner terminated by proclamation
13 of the mayor or by a majority vote of the governing body.

14 **20-1.4 Orders of Succession; Governing Body Meetings.**

15 A. Elected officials. The line of succession of authority to declare a disaster or
16 emergency is as follows:

- 17 a. the mayor;
- 18 b. the mayor pro tem;
- 19 c. the chair of the finance committee;
- 20 d. the chair of the public works committee;
- 21 e. the chair of the public utilities committee;
- 22 f. the chair of the public safety committee; and then
- 23 g. the remaining councilors in order of seniority.

24 B. City management. The line of succession to manage a disaster or emergency is as
25 follows:

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- a. the city manager;
- b. the deputy city manager;
- c. the police chief;
- d. the fire chief;
- e. the public works director;
- f. the public utilities director; and then
- g. the finance director.
- i. The person authorized to manage a disaster or emergency is the person listed first in the line of succession that is available to do so.


C. Meetings for governing body. During a declared emergency, if it is difficult or impossible for a governing body member to attend a meeting in person, the member may participate in meetings by conference telephone or other similar communications equipment, as permitted pursuant to Section 10-15-1 NMSA 1978, as amended. In the event an emergency prevents the governing body from having a quorum established by members participating either in person or otherwise as permitted in this subsection, and after a good faith effort to make it possible for governing body members to participate in a meeting called during a declared emergency, the governing body's quorum requirements are suspended.

20-1.5 Penalty.

During a state of emergency, any person who fails to comply with restrictions imposed by proclamation of the mayor under the Emergency Declaration Ordinance, Section 20-1 SFCC 1987, is guilty of a petty misdemeanor. Upon conviction of a second or subsequent offense under this Section, a person is guilty of a fourth degree felony and should be referred to the district attorney's office for prosecution.

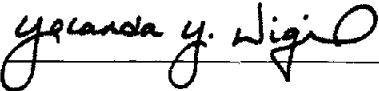
PASSED, APPROVED, and ADOPTED this 11th day of September, 2019

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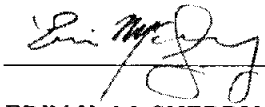
ALAN M. WEBBER, MAYOR

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

Bill No. 2019-20

Legislation/2019/Ordinances/2019-21 Emergency Management and Preparedness