

City of Santa Fe, NM
Regular Committee
Wednesday, July 01, 2020
05:00 PM – Quality of Life Committee
Virtual - youtube.com/cityofsantafe

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF CONSENT AGENDA**
- 5. APPROVAL OF MINUTES - Approval of Minutes from the June 17th, 2020 Quality of Life Committee Meeting.**
June 17, 2020 Minutes
QOL 6-17-20.pdf

6. CONSENT AGENDA

- a. Request for the Approval of the State of New Mexico Children, Youth and Families Department (CYFD) - Alternative to Detention Grant in the Total Amount of \$345,324.00 for Alternative to Detention Services in the City of Santa Fe Contracts. (George Carrasco, gccarrasco@santafenm.gov; (505) 490-6330)

Committee Review:

Finance Committee (scheduled): June 29

Governing Body (scheduled): July 8

Item_a

- b. Request for the Approval of the Children and Youth Commission funding recommendations in the Total Amount of \$2,700,000.00 for Professional Services Contracts. (George Carrasco: gccarrasco@santafenm.gov, (505) 490-6330)

Committee Review:

Finance Committee (scheduled): June 29

Governing Body (scheduled): July 8

- c. Request approval of contracts awarded through RFP 20/15 to use affordable housing trust funds (AHTF) and general funds to support housing contracts, as follows:

NMIF Housing Corp \$200,000

SF Civic Housing Authority (Calle Resolana) \$200,000

SF Civic Housing Authority (Country Club) \$140,000

SF Habitat \$80,000

SF Recovery Center \$50,000

Youth Works \$40,000

NM Coalition To End Homelessness \$180,000

SFPS – Adelante - \$60,000

(Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 505-303-9868)

Committee Review:

Finance Committee (scheduled) June 29

Governing Body (scheduled): July 8

Item c

d. Request for the Approval of a restated and amended Joint Powers Agreement establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities by and among the incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the sovereign governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director: kamason@santafenm.gov, 505-955-6704)

Committee Review:

Finance Committee (scheduled): July 20

Governing Body (scheduled): July 29

Item d

e. Consideration of Bill No. 2020-__ : An Ordinance Amending Section 14-11.4 Of The Land Development Code To Adopt Civil Penalty Provisions, A Civil Fine Schedule, And Civil Citation Procedures For Land Use Code Enforcement Actions; And To Permit The Land Use Director To Order A One-Year Waiting Period For Application For Short-Term Rental Permit By A Person Who Has Violated The Short-Term Rental Ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber, Councilors Lindell, Romero-Wirth, Villarreal) (Eli Isaacson, Land Use Department Director, eaisaacson@santafenm.gov, 955-6830) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

Committee Review:

Planning Commission (postponed): 6/18/20

Public Works and Utilities Committee (scheduled): 7/6/20

City Council (request to publish) (scheduled): 7/8/20

Finance Committee (scheduled): 7/13/20

City Council (public hearing) (scheduled): 8/12/20

f. Bill No. 2020-__ ; An Ordinance Amending Section 10-9 SFCC 1987; Amending Section 10-9.2 To Align The Intent With The Purpose Of The Bill; Amending Section 10-9.3 To Amend And Add Definitions; Amending Section 10-9.4 To Make The Property Owner Responsible; Repealing And Readopting A New Section 10-9.5 To Establish A Process For A Nuisance Investigation And Abatement Process; Repealing And Readopting A New Section 10-9.6 To Establish Tenants Rights; Amending Section 10-9.7 To Establish Enforcement Provisions To Hold The Property Owner Accountable; Amending Section 10-9.8 Regarding Reservation Of Legal Options; Amending Section 10-9.9 Regarding Appeals; Amending Section 10-9.10 To Remove Reference To The City Filing A Civil Action In District Court Or First Judicial Court; Repealing Section 10-9.11 Regarding Supplementary Remedies For Public Nuisances; And Amending Section 10-9.13 Regarding The Right Of Entry. (Councilors Lindell, Villarreal, Romero-Wirth, Vigil Coppler) (Michael Prinz, Assistant City Attorney, mnprinz@santafenm.gov, 955-6554; Jennifer Faubion, Council Liaison, jrfaubion@santafenm.gov, 699-6386)

Committee Review:

Public Works and Utilities Committee (scheduled): 7/6/20

City Council (request to publish) (scheduled): 7/8/20

Finance Committee (scheduled): 7/13/20

City Council (public hearing) (scheduled): 7/29/20

7. PRESENTATION REGARDING THE SANTA FE POLICE DEPARTMENT'S EXISTING POLICIES ON USE OF CHOKEHOLDS, DUTY TO INTERVENE, AND DUTY TO ADMINISTER FIRST AID. (CHIEF ANDREW PADILLA, SANTA FE POLICE DEPARTMENT) (INFORMATIONAL ONLY)

8. MATTERS FROM STAFF

9. MATTERS FROM THE COMMITTEE

10. MATTERS FROM THE CHAIR - Next Meeting: July 15, 2020

11. ADJOURN

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: June 24, 2020

TIME: 2:49 PM

SUMMARY OF ACTION
QUALITY OF LIFE COMMITTEE MEETING
WEDNESDAY, July 1, 2020 – 5:00 PM

ITEM	ACTION	PAGE
1. CALL TO ORDER	The meeting of the Quality of Life Committee was called to order at 5:00 pm by Chair Romero-Wirth via virtual meeting (https://www.youtube.com/user/cityofsantaf) Wednesday June 3, 2020.	1
2. ROLL CALL	A quorum was established with roll call.	1
3. APPROVAL OF AGENDA	Approved as Amended	1
4. APPROVAL OF CONSENT AGENDA	Approved	2
5. APPROVAL OF MINUTES FROM June 17, 2020 QUALITY OF LIFE COMMITTEE MEETING	Approved	5
6. CONSENT – ACTION CALENDAR		
a. Request for the Approval of the State of New Mexico Children, Youth and Families Department (CYFD) - Alternative to Detention Grant in the Total Amount of \$345,324.00 for Alternative to Detention Services in the City of Santa Fe Contracts. (George Carrasco, gccarrasco@santafenm.gov (505) 490-6330)	Item removed	2
b. Request for the Approval of the Children and Youth Commission funding recommendations in the Total Amount of \$2,700,000.00 for Professional Services Contracts. (George Carrasco: gccarrasco@santafenm.gov (505) 490-6330)	Item was removed	2
c. Request approval of contracts awarded through RFP 20/15 to use affordable housing trust funds (AHTF) and general funds to support housing contracts, as follows: NMIF Housing Corp \$200,000 SF Civic Housing Authority (Calle Resolana) \$200,000 SF Civic Housing Authority (Country Club) \$140,000 SF Habitat \$80,000 SF Recovery Center \$50,000 Youth Works \$40,000 NM Coalition To End Homelessness \$180,000 SFPS – Adelante - \$60,000 (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov 505-303-9868)	Item approved on Consent	2-3
d. Request for the Approval of a restated and amended Joint Powers Agreement establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities	Approved	3-4

<p>by and among the incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the sovereign governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director: kamason@santafenm.gov , 505-955-6704)</p> <p>e. Consideration of Bill No. 2020-__ : An Ordinance Amending Section 14-11.4 Of The Land Development Code To Adopt Civil Penalty Provisions, A Civil Fine Schedule, And Civil Citation Procedures For Land Use Code Enforcement Actions; And To Permit The Land Use Director To Order A One-Year Waiting Period For Application For Short-Term Rental Permit By A Person Who Has Violated The Short-Term Rental Ordinance, Section 14- 6.2(A)(5) SFCC 1987. (Mayor Webber, Councilors Lindell, Romero-Wirth, Villarreal) (Eli Isaacson, Land Use Department Director, eaisaacson@santafenm.gov , 955-6830) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov , 955-6501)</p> <p>f. Bill No. 2020-__ ; An Ordinance Amending Section 10-9 SFCC 1987; Amending Section 10-9.2 To Align The Intent With The Purpose Of The Bill; Amending Section 10-9.3 To Amend And Add Definitions; Amending Section 10-9.4 To Make The Property Owner Responsible; Repealing And Readopting A New Section 10-9.5 To Establish A Process For A Nuisance Investigation And Abatement Process; Repealing And Readopting A New Section 10- 9.6 To Establish Tenants Rights; Amending Section 10-9.7 To Establish Enforcement Provisions To Hold The Property Owner Accountable; Amending Section 10-9.8 Regarding Reservation Of Legal Options; Amending Section 10-9.9 Regarding Appeals; Amending Section 10-9.10 To Remove Reference To The City Filing A Civil Action In District Court Or First Judicial Court; Repealing Section 10-9.11 Regarding Supplementary Remedies For Public Nuisances; And Amending Section 10-9.13 Regarding The Right Of Entry. (Councilors Lindell, Villarreal, Romero-Wirth, Vigil Coppler) (Michael Prinz, Assistant City Attorney, mnpinz@santafenm.gov , 955- 6554; Jennifer Faubion, Council Liaison, jrfaubion@santafenm.gov , 699-6386)</p>	<p>Approved without recommendation</p> <p>Approved</p>	<p>4-9</p> <p>9-11</p>
<p>7. PRESENTATION REGARDING THE SANTA FE POLICE DEPARTMENT'S EXISTING POLICIES ON USE OF CHOKEHOLDS, DUTY TO INTERVENE, AND DUTY TO ADMINISTER FIRST AID. (CHIEF ANDREW</p>	<p>Discussion Only</p>	<p>11-16</p>

PADILLA, SANTA FE POLICE DEPARTMENT) (INFORMATIONAL ONLY)		
9. MATTERS FROM STAFF	None	16
10. MATTERS FROM THE COMMITTEE	None	16
11. MATTERS FROM THE CHAIR	None	16
12. NEXT MEETING: WEDNESDAY, JULY 15, 2020		16
13. ADJOURN	With all business complete, the Quality of Life Committee adjourned at 7:49 p.m	16

MINUTES OF THE QUALITY OF LIFE COMMITTEE MEETING
WEDNESDAY JULY 1, 2020 – 5:00 PM
VIRTUALLY ATTENDED (<https://www.youtube.com/user/cityofsantafe>)

1. CALL TO ORDER

The meeting of the Quality of Life Committee was called to order at 5:02 pm by Chair Romero-Wirth via virtual meeting (<https://www.youtube.com/user/cityofsantafe>) Wednesday July 1, 2020.

2. ROLL CALL

Roll call indicated the presence of a quorum as follows:

Members Present:

Councilor Carol Romero-Wirth, Chair
Councilor Christopher Rivera
Councilor Jamie Cassutt-Sanchez
Councilor Renee Villarreal
Councilor Michael Garcia

Members Absent:

Others Present:

Jennifer Faubion, Council Liaison
Kristine Mihelcic, Council Services Director
Chief Andrew Padilla, Santa Fe Police Department
Sally Paez, City Attorney's Office
Michael Prinz, City Attorney's Office
Kyle Mason, City of Santa Fe
Eli Isaacson, City of Santa Fe
Linda Vigil, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file on the City of Santa Fe Website.

3. APPROVAL OF AGENDA

Ms. Faubion explained that items 6 a and b were incomplete and will not be heard.

MOTION: Councilor Villarreal moved to approve the agenda as amended with a second from Councilor Garcia.

ROLL CALL VOTE: Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

4. APPROVAL OF CONSENT AGENDA

Councilor Villarreal would like to pull item 6 d. Councilor Cassutt-Sanchez would like to pull item 6 f. Councilor Rivera and Councilor Garcia would like to pull item 6e.

MOTION: Councilor Villarreal moved to approve the consent agenda with a second from Councilor Rivera.

ROLL CALL VOTE: Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

5. APPROVAL OF MINUTES FROM THE JUNE 17, 2020 QUALITY OF LIFE COMMITTEE MEETING

MOTION: Councilor Garcia moved to approve the minutes of June 17, 2020 with a second from Councilor Cassutt-Sanchez.

ROLL CALL VOTE: Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

6. CONSENT – ACTION CALENDAR

- a. Request for the Approval of the State of New Mexico Children, Youth and Families Department (CYFD) - Alternative to Detention Grant in the Total Amount of \$345,324.00 for Alternative to Detention Services in the City of Santa Fe Contracts. (George Carrasco, gccarrasco@santafenm.gov (505) 490-6330)**

This item was removed.

- b. Request for the Approval of the Children and Youth Commission funding recommendations in the Total Amount of \$2,700,000.00 for Professional Services Contracts. (George Carrasco: gccarrasco@santafenm.gov (505) 490-6330)**

This item was removed.

- c. Request approval of contracts awarded through RFP 20/15 to use affordable housing trust funds (AHTF) and general funds to support housing contracts, as follows:**

NMIF Housing Corp \$200,000

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This item was approved on consent.

d. Request for the Approval of a restated and amended Joint Powers Agreement establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities by and among the incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the sovereign governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director: kamason@santafenm.gov , 505-955-6704)

Councilor Villarreal stated it would've been helpful to have a memo with this item giving a background on the coalition. Not sure why it is here, unless they are reconstructing the coalition.

Mr. Mason stated Councilor Garcia has more information on this item.

Councilor Garcia stated this is updated JPA (Joint Powers Agreement) to an existing one that the City of Santa Fe entered into and was in the process in November. For some reason it did not make it to Council for approval. Councilor Garcia is now the regional liaison for the coalition. The regional coalition is not being re-established, there has been change of leadership within the last few years. There are challenges but the new leadership has worked hard with Department Of Energy who provides the majority of the resources. It was amended last year and requested by the Governing Body and didn't make it through the process.

Councilor Villarreal asked what changed on the JPA.

Councilor Garcia states he would need to request a strike sheet to compare. He does not understand why it did not make its way to Council, it was dropped off.

Councilor Villarreal thinks it may a change in the fiscal agent. The City has a financial obligation to be part of the coalition, this JPA doesn't indicate an amount. If there is, they need that amount and they need an FIR to show the funding source. All of that is important. In the past, members have been skeptical on what the coalition actually does for the communities. They were never given clear indications on the role or given reports or told how they weigh in. There were Resolutions indicating stances on the non-proliferation of weapons and reducing plutonium pit production, and environmental justice accountability but they've never been shown how that is based on the coalitions priorities. In the past it may have been \$10,000 but she cannot recall if that is the amount. She would like to know all of that important information by the next Committee meeting. Also, if there are reports from the Councilor representatives, if there are things that show how they are a part of it and where they have a role in influencing policy decisions at LANL and with DOE.

Councilor Garcia will work on that, also having the Executive Director of the coalition come to a meeting may be helpful. He is the newest member, it is changing and they need to look at the cleanup. He will get the original JPA and request the Executive Director attend a meeting.

Councilor Rivera asked who is the fiscal agent.

Mr. Mason states he would defer to Councilor Garcia.

Councilor Garcia explained it is a new sponsor, he will look it up while they continue.

Councilor Rivera asked if any of the other members have signed.

Councilor Garcia states they are one of the last parties to sign.

Mr. Mason they can include that in the next committee memo. It appears that on page 5 it lists them as NMDFA, but nothing more specific.

Councilor Garcia states the sponsor is Chicanos por la Causa of NM, a non-profit. They are a national organization under the NM umbrella.

Councilor Cassutt-Sanchez on page 5 states they are a member.

Councilor Garcia states the fiscal agent is Los Alamos County.

Councilor Cassutt-Sanchez asked where the organization comes in.

Councilor Garcia states they are a programmatic entity.

Councilor Villarreal does not feel there is enough information. Where does it go next?

Mr. Mason states it goes to Finance and then to the Governing Body.

Councilor Villarreal suggests they move it along without recommendation.

MOTION: Councilor Villarreal moved to pass it on with no recommendation with a second from Councilor Cassutt-Sanchez.

Councilor Rivera asked if there are there any other time constraints.

Mr. Mason doesn't think there are a hard deadlines they are just wanting to have a stake at the table. They would like to have Councilor Garcia's attendance at a certain point.

ROLL CALL VOTE: Councilors Villarreal, Cassutt-Sanchez, Rivera and Romero-Wirth voted in favor, which passed by roll call vote. Councilor Garcia abstains since he is pushing this item through.

e. Consideration of Bill No. 2020-__ : An Ordinance Amending Section 14-11.4 Of The Land Development Code To Adopt Civil Penalty Provisions, A Civil Fine Schedule, And Civil Citation Procedures For Land Use Code Enforcement Actions; And To Permit The Land Use Director To Order A One-Year Waiting Period For

Application For Short-Term Rental Permit By A Person Who Has Violated The Short-Term Rental Ordinance, Section 14- 6.2(A)(5) SFCC 1987. (Mayor Webber, Councilors Lindell, Romero-Wirth, Villarreal) (Eli Isaacson, Land Use Department Director, eaisaacson@santafenm.gov , 955-6830) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov , 955-6501)

Chair Romero Wirth introduced the Bill and title. She explained there were two bills one is being held back after the planning commission meeting had public comment.

Ms. Paez explained this legislation is a companion to the amendments to the Short Term Rental Ordinance. The bill is broad and applies to Chapter 14 generally. They are amending Chapter 14-11.4, which is all land use code enforcement. A civil penalty and procedure for collection and appeals, they clarified the existing authority for the Land use Director to revoke permits. They have added language that the Land Use Director can revoke or withhold permits if the applicant violates a regulation or if the public welfare requires the permit be revoked. It is loosely based on state law related to business licenses. It also adds a one year waiting period for application period after a violation.

It would cover a rental agreement, it would apply to the other land use code. All rentals should be permitted and taxes should be paid. Right now there is a section related to penalties for construction permits. This would expand and set up a civil fine schedule. There is a provision for misrepresentation of fact on an application submitted. The applications now has the permittee affirm that if they are operating in compliance with the law and any private covenants.

For violations that can be remedied immediately it sets up a separate fine schedule. The first violation is \$100, a second would be \$250 and subsequent would be \$500 within a 36 month period. Under the NM Constitution they cannot impose a fine over \$500. There is a process for serving the civil citation to the owner. The notice must instruct the owner of the process for administrative hearings. It is based on the uniform traffic code. They are viewing this as a simple penalty type of enforcement.

Mr. Isaacson understands they haven't taken anyone to court as of yet. By enabling the civil penalties they will be more responsive and reactive to the violations.

Councilor Rivera asked them to explain the section where it mentions the limit of permits to one per natural person

Mr. Isaacson explained one per natural person was set to limit one short term rental per person, they are trying to limit the perforation on the short term rental industries. There has been questions if it conflicts with LLC's it would not be. Someone registered would be the holder and be held as the permit holder.

Chair Romero-Wirth states she would like to keep the discussion to this bill.

Mr. Isaacson states there was a memo that described how they changed course and where they are in the process.

Chair Rivera didn't realize there was another bill.

Chair Romero-Wirth explained they will have another opportunity at another date to discuss the other bill.

Councilor Rivera asked if they have the staff to enforce the new Ordinance and the new fines.

Mr. Isaacson states they are short staffed a few positions in code compliance. There have been some retirements and some remain open. He can't say if it will affect the enforcement, they don't necessarily have to build a case they can use less staff time.

Councilor Rivera asked how many staff do they have, do they people tasked with just short term rentals.

Mr. Isaacson explained there are five individuals all of whom are capable of enforcing the Ordinance. They have two staff working on permitting and licensing, the other is taking on the bulk of the work. The whole division can work on short term rental issues.

Councilor Rivera asked what if the police is involved. How does that get to the division so they can start to build a case.

Mr. Isaacson states they are looking at the past reports, the connection with the Police Department has always been a challenge. This is a chance to strengthen that. He is not sure how they would handle it. Hopefully the complaint would go to both departments and they can strengthen it.

Ms. Paez explained they are separate and in addition to the criminal penalties. They can file anything that rises to the criminal laws. A party may not be a civil fine but it leaves discussion for it. They are mostly focused on those renting without permits not paying taxes, lodgers tax and if they can prove more than renting once in a seven day period. Other issues would still be a police matter the way the code is written. They will coordinate with the Municipal Court.

Councilor Rivera asked how is that communicated for repeat violators, to the different departments.

Ms. Paez stated if they can show that they failed to pay the taxes and show the records it wouldn't apply to criminal enforcements.

Councilor Rivera asked who will track of the online platforms to make sure they are in compliance.

Mr. Isaacson states they have a private contractor that holds the list and they are better than the last vendor. They have an API that works with the intergov and they can use the data better.

Councilor Rivera asked if they can track multiple platforms.

Mr. Isaacson stated they are comprehensive, they track the largest listing sites.

Councilor Rivera asked if they will be able to issue violations to the owners of the property.

Ms. Paez states it would depend on the violation. It could be against the permit holder. Failure to pay taxes would be on the permit holder.

Councilor Rivera asked if it working with the contracted company falls under land use.

Mr. Isaacson states the contract is held by land use.

Chair Romero-Wirth states to the extent that the property becomes a nuisance is in the next bill.

Councilor Garcia states the residents have been pushing for enforcement. How many are licensed now.

Mr. Isaacson explained they are still tracking them all, right now they have roughly 825 permitted.

Councilor Garcia states there is roughly 1,400 in operation that leaves around 500 rental unpermitted. Are they going to offer a grace period or amnesty to become compliant.

Mr. Isaacson explained that has not been discussed, they have discussed a waiting list for those after the cap. Every year they have a significant number of owners who do not renew. That opens slots.

Councilor Garcia asked how long does it take to go through the approval process.

Mr. Isaacson thinks a new application can be approved or denied within 30 days, they are taking payments and applications online.

Councilor Garcia states it allows the current owners and the ones operating out of compliance to get back in order. He would like them to review when the bill would take affect.

Councilor Villarreal asked if this is for those who have never applied for a permit or know there is a process but haven't updated their information.

Councilor Garcia states he is speaking about all permittees. That would allow for time for them to get their house in order. Whether it is expires you are still out of compliance.

Councilor Villarreal states there was a grace period that allowed them to update their permits, it was extended.

Mr. Isaacson explained the process, they started taking renewals and applications all year. The renewal period is January 1-March 15 with no penalties. After there is a 30 day grace period to April 15 with \$100. This year they extended it another month. They think they have given notice, they sent letters about the extension and tried to get the word out.

Councilor Garcia states the penalties are vague. They need to re-inform the public of the new law. They will see the numbers jump once they realize they are out of compliance. Giving them a minimum of 30 days so they know they should have the license or pay the fines.

Mr. Isaacson states as these proposed amendments have been advertised there has been a rise in applications.

Councilor Garcia states the broader public keeping an eye on it will keep their licenses. There may be some that think they haven't enforced it before and let it go. For the businesses operating out of compliance what is the fine now.

Mr. Isaacson states now there is not a way to fine them. They can issue a notice of violation and be cited in Municipal Court.

Councilor Garcia meant his question towards businesses in general for those operating without a business license.

Ms. Paez isn't sure if there is a civil fine. There are criminal remedies, not sure if they are using one. The criminal fine is up to \$500.

Councilor Garcia asked why aren't they following it and keeping it under the criminal statute.

Ms. Paez explained in order to go to municipal court they need to collect evidence and it is cumbersome. It becomes resource intensive and they never really had that. In terms of the land use code enforcement they would have the civil penalties are easier to implement.

Councilor Garcia states with the determination to fine someone would need evidence, wouldn't that be the same evidence.

Ms. Paez explained they would need the standard of proof, it would have to be a strong case.

Councilor Garcia asked if the evidence goes in front of a hearing officer and a judge. How many additional hearing officers will they need?

Ms. Paez states they drafted this before the financial and COVID crisis. They will have to possibly use the pool. They are used for liquor license hearings, parking violations and a variety of hearings. In the draft, the money would be retained for enforcement it could be a source of revenue.

Councilor Garcia states they would still need the start up fund to hire them and they are on a hiring freeze. They need to have this in place and know how they will work that out. The seven day rental is not in affect, correct.

Ms. Paez states it is in the general provisions. They are carrying it over. In terms of enforcement it has been difficult to determine.

Councilor Garcia asked what if they get fines after fines.

Mr. Isaacson explained there is language to allow the Land Use Director to have the ability to revoke the permit. If the limit is reached you are at the end of the waiting list. That may be enough.

Councilor Garcia states they should put that in the penalty structure. If you incur so many penalties you give up the right to operate.

Chair Romero-Wirth states with the 1,400 out of compliance they cannot come in there is a cap of 1,000. The one rental every seven days complaints are the folks in the business district. The reason they are bringing it forth is the problems with the residential areas where they do not have neighborhoods anymore, it is just short-term rentals.

Councilor Garcia states he does not agree with the issue of more renters and more traffic. Unless it is multiple families and cars the traffic is going to be there.

Chair Romero-Wirth states those that are not in compliance will lose revenue. The fact that is moving through the process it is drawing attention.

Councilor Rivera states some of the questions he had were more towards the nuisance ordinance. He apologized for his questions.

Ms. Paez states the questions are related.

MOTION: Councilor Villarreal moved to approve with a second from Councilor Cassutt-Sanchez.

ROLL CALL VOTE: Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

f. Bill No. 2020-__ ; An Ordinance Amending Section 10-9 SFCC 1987; Amending Section 10-9.2 To Align The Intent With The Purpose Of The Bill; Amending Section 10-9.3 To Amend And Add Definitions; Amending Section 10-9.4 To Make The Property Owner Responsible; Repealing And Readopting A New Section 10-9.5 To Establish A Process For A Nuisance Investigation And Abatement Process; Repealing And Readopting A New Section 10- 9.6 To Establish Tenants Rights; Amending Section 10-9.7 To Establish Enforcement Provisions To Hold The Property Owner Accountable; Amending Section 10-9.8 Regarding Reservation Of Legal Options; Amending Section 10-9.9 Regarding Appeals; Amending Section 10-9.10 To Remove Reference To The City Filing A Civil Action In District Court Or First Judicial Court; Repealing Section 10-9.11 Regarding Supplementary Remedies For Public Nuisances; And Amending Section 10-9.13 Regarding The Right Of Entry. (Councilors Lindell, Villarreal, Romero-Wirth, Vigil Coppler) (Michael Prinz, Assistant City Attorney, mprinz@santafenm.gov , 955- 6554; Jennifer Faubion, Council Liaison, jrfaubion@santafenm.gov , 699-6386)

Ms. Faubion explained the old bill was vague and unenforceable. Similar to the Chapter 14 they are adding a civil penalty. There are twenty year old homes and are problematic.

Chair Romero-Wirth states there has been a lot of issues with blighted and derelict homes.

Mr. Prinz states this has not been a priority, the procedures will benefit the public, the City staff and get the outstanding properties taken care of.

Chair Romero-Wirth states Ms. Mihelcic is also available for questions.

Councilor Cassutt-Sanchez states she spoke to Ms. Faubion on who will take this on. Will there be an assignment to determine the nuisance and abatement plan.

Ms. Faubion explained they left it vague so that the bill will be a long term solution. Now it is housed in Constituent Services. They meet with departments every week to discuss. If the city attorney is involved it makes the case difficult.

Councilor Cassutt-Sanchez asked Ms. Faubion to discuss the improvement of technology for tracking.

Ms. Faubion states they are working on the three triggering data points to one have a consolidated notification system. They have the existing platform. They need to work on access.

Councilor Cassutt-Sanchez asked what if a landlord is having issues with a tenant and they are trying to remedy it they should have their own legal coverage. If they are getting fined but they have a lease what would occur.

Mr. Prinz states those are difficult situations, when renters are causing the problems. The lease should have an enforcement for eviction. Perhaps they can be more present and or have a property manager. That would be in the abatement plan. The Police can inform the owner of the nuisance and then contact code enforcement. This should be an improvement.

Councilor Cassutt-Sanchez states it sounds like an iterative process to look she appreciates the thought in how to work with the property owners. There may be some judgement calls, and who will be the final call. That is open for discussion. The City is working together as a team.

Ms. Faubion states in the process it is written if there is six calls in six months the investigation they will look at the nature of the calls and speak to the neighbors. If it is deemed to be a nuisance they will go through the abatement process. If they refuse and don't follow it is \$100 per pay for 90 days and then they will file in District Court they would have documentation. It gives the City more to stand on.

Mr. Prinz states Ms. Faubion worked hard on this. There will be due process and it will make it easier.

Councilor Villarreal states this will help protect the safety and well being of the residents. There will be a paper trail for a property there is one that has been an issue for over thirty years. She

would like the Chief of Police to explain the changes to support of the Police Department and how they will be trained and what is considered a repeat nuisance.

Ms. Mihelcic states the Police Department just changed their technology and they are able to collaborate.

Chief Padilla explained they will update the department who respond to the properties. They will have proper documentation. They primarily deal with the execution of a search warrant for criminal issues. If there is a call for a loud party, they will address it. As of now, if one isolated issue wouldn't be a nuisance.

Councilor Villarreal states before it was hard to designate nuisance this will allow some screening.

Ms. Faubion explained this Ordinance does not take any power away from the Police Department. There is now an expanded look at nuisances. Some can become larger issues with time.

Councilor Garcia thanked the sponsors and would like to be a co-sponsor.

MOTION: Councilor Villarreal moved to approve with a second from Councilor Garcia.

ROLL CALL VOTE: Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

7. PRESENTATION REGARDING THE SANTA FE POLICE DEPARTMENT'S EXISTING POLICIES ON USE OF CHOKEHOLDS, DUTY TO INTERVENE, AND DUTY TO ADMINISTER FIRST AID. (CHIEF ANDREW PADILLA, SANTA FE POLICE DEPARTMENT) (INFORMATIONAL ONLY)

Chief Padilla states this policy is in line with the use of force policy that was updated in 2016. Chief Padilla read aloud the introduction of the policy:

It is the Policy of the Santa Fe Police Department that employees shall use that force which is reasonably necessary and constitutionally permissible to protect the sanctity of human life. Preserve and protect individual liberties and to affect lawful objectives.

The use of force by members of law enforcement is a matter for critical concern both to the public and to the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force. Therefore law enforcement officers are sometimes called upon to use force in the performance of their duties is also recognized that law enforcement derive their authority from the public and therefore must be every mindful that they are not only the guardians but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. When warranted Department personnel shall objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve expose the Department and fellow officers to legal and fiscal hazards and violate the rights of individuals upon whom

unreasonable forces use. Conversely officers who fail to use force when warranted may endanger themselves the community and fellow officers.

That is how it starts off, that is the is the introduction page that they are all trained in. Chokeholds or throat or neck restraints are not permitted while they make an arrest. Officers have a duty to intervene when they witness another officer using excessive or unreasonable force in any situation. If an officer was to use another form of force ranging from an empty hand strike, taser, pepper spray all the way up to deadly force, at that point they have to render aid. They have to photograph the scene, they have to accompany that person to the hospital for medical clearance. The jail will need paperwork for medical clearance.

Chair Romero-Wirth asked if he could he speak on the issue at Big R. The duty to administer first aid came into play. It is a real life example of one of these policies.

Chief Padilla states he cannot speak about the investigation. A third officer assessed the scene and applied the tourniquet on his arm and chest until the paramedics arrived. He was transported to the hospital, this was a lifesaving effort.

Chief Padilla explained the supervisor is to document the incident and given to the professional standards division to determine training or discipline. They review the reports quarterly and then he reviews the committee's determination.

Chair Romero-Wirth asked if they are trained in the new situations and new techniques in law enforcement

Chief Padilla states the last policy was in 2016, if things were to change in the policy academy there is a dedicated Lt. working on the policies.

Councilor Garcia asked what actions are taken when an officer uses these forces, what are the next steps.

Chief Padilla states if there is a violation it would go through the supervisor and the chain of command. They would then launch an investigation.

Councilor Garcia asked how many cases have there been where an officer deems another officer of using excessive force and others in the last six months?

Chief Padilla stated within in the last year there was one case of excessive force. There was corrective action taken on the employee. All other actions that were used in applications of force were within policy.

Councilor Garcia states as they move forward it will be a sensitive issue with the public, what will be done to inform the public.

Chief Padilla stated there is an annual report that will have the stats. They know now they should be transparent and they cover in the monthly public safety meetings. The meetings may not be convene until September because of COVID. They are ready to keep the public informed. Perhaps they can compare to the numbers that were within the policy.

Councilor Garcia thanked him and the Department for keeping Santa Fe safe. It is a trying time in the country right now. He knows it is a stressful time.

Councilor Rivera asked about the use of cameras are they always used.

Chief Padilla states there is an in car camera policy for traffic stops and domestic violence calls. For the body cameras it has been in place for the last four years. If there is questioning they activate the camera.

Councilor Rivera asked if when rendering aid do they have training and tourniquets on hand.

Chief Padilla states all officers as well as himself all attend the class "Stop the Bleed" and they know how to stop bleeding. They all have them in the vehicle or on their person.

Councilor Rivera asked what gets investigated by an outside agency.

Chief Padilla explained if it involves great bodily injury or when a person passes away in an incident. They review and investigate and send to the District Attorney's office who determines if the application is justified. If it is found to not be justified charges could be filed.

Councilor Rivera asked if all other cases handled internally.

Chief Padilla explained the forms all get documented and all incidents get reviewed in house. The review committee creates a cover sheet with a synopsis and he gets to determine if that incident was in compliance.

Councilor Rivera is there a policy on how they apply handcuffs on someone

Chief Padilla explained they are all in line with the rescue position. Once calmed they should sit up or stand. They are never put in the position where they cannot breathe.

Councilor Rivera asked are they progressive compared to other Police Departments.

Chief Padilla states each situation is evolving, they follow the latest training procedures. Anytime there is a change of protocol they are open to changing.

Councilor Rivera how often do they train on these procedures.

Chief Padilla explained the tools and weapons they are assigned. The bean bag is trained annually. Tasers must be recertification's. Proficiency has to be maintained and shown.

Councilor Villarreal asked about the professional standards division, is that under State Police.

Chief Padilla explained it is a unit of the SFPD.

Councilor Villarreal asked if it goes through the internal process and then to State Police for further investigation.

Chief Padilla states if it is a deployment of deadly force. All other applications are internally handled.

Councilor Villarreal asked if they had more models that could work better.

Chief Padilla explained there are other models for example in Albuquerque there is the Citizens Oversight Committee. The procedures would have to be set with the committee first. Would they have the purview to review everything? They would need to set parameters. Nationally it is happening they can look at it, it is about transparency.

Councilor Villarreal asked about internally shouldn't always come through the public or policy makers. The police department should also be accountable, they can come up with the proactive policies as a department. How often do they look at alternative methods like de-escalations how often do they train.

Chief Padilla explained a year and a half ago they all trained for 40 hours with Troy Rogers. They had hands on training. Every officer had scenario based training. Chief Padilla explained the simulator training.

Chief Padilla explained the verbal commands when dealing with an armed individual.

Councilor Villarreal asked for the trainer's info and background.

Chief Padilla explained his name is Troy Rogers he is a local psychologist out of Albuquerque. He trains the crisis negotiation team members. They set aside the funding for it and were able to tap into it.

Councilor Villarreal asked about a case in Las Cruces where an officer used a prohibited tactic. How do they ensure they follow the procedures.

Chief Padilla stated each agency is different. The application of the chokehold is prohibited here.

Councilor Villarreal states it is a hard place, it would help to have another oversight process.

Councilor Cassutt-Sanchez asked about trainings and how they evaluate the effectiveness of the training. It is probably challenging because of the types of situations they get thrown into. Do they evaluate if the trainings are working.

Chief Padilla explained each incident is different they try to stay in line with the recommendations set forth by the Law Enforcement Academy. As of now everything is evaluated. There is always newer technology with new updated training with intermediate weapons.

Councilor Cassutt-Sanchez are they seeing situations where the decision process is not what they would like it to be. If there are trainings that aren't as affective as they'd like them.

Chief Padilla asked if she means a reality based training when an individual runs or an application for excessive force is needed. Chief Padilla states the training division would make decisions on any new trainings. The simulator training can be made available to the Councilors if they would like.

Councilor Cassutt-Sanchez asked if there are opportunities to use other forces. Are there are other situations where they can use other professionals.

Chief Padilla explained the pilot project with the Fire Department and some health professionals. The officers won't have to respond to every time others can respond and work hand in hand. If it gets established it would be the direction they need to go in. Perhaps by mid year they can evaluate it. The trained professionals can better asses the situations.

Councilor Cassutt-Sanchez is looking forward to it and wants to get updates on it. She appreciates them looking at ways to improve and innovative ways to help.

Councilor Villarreal asked how the project would be funded.

Chief Padilla states the Police department would provide an unmarked vehicle and have a selected officer then have them apply. Santa Fire Department would also have an internal employee. A mental health professional would need to be hired, that would be part of the proposal.

Councilor Villarreal asked who would fund the social worker or mental health worker.

Chief Padilla states they would need to work that out with Community Services.

Chair Romero-Wirth asked if the quarterly meetings are enough to review the documented incidents.

Chief Padilla believes it is sufficient time. It needs to go through the steps of review by supervisors.

Chair Romero-Wirth perhaps if they review them quarterly they can identify trends.

Chief Padilla states that is correct they will see if they need a refresher.

Chair Romero-Wirth asked for a description of the Public Safety Committee.

Chief Padilla stated it is a citizen committee who makes recommendation and they receive updates on staffing, great work highlights, and updates on events or blitzes.

Chair Romero- Wirth asked about the response time with the recent crime at the India Palace.

Chief Padilla explained the shifts and the officers on duty are dispatched out on cases with priority. Life is over property. That day they were busy and the wait time was long. They currently have 22 vacancies in the department and an additional 12 that are not on the streets alone yet. They take every call for service seriously but when the demand supersedes the manpower it will slow things down.

Chair Romero-Wirth thanked Chief Padilla asked that he pass along the Committee's thanks to the Officers as well.

8. MATTERS FROM STAFF

None.

9. MATTERS FROM THE COMMITTEE

None.

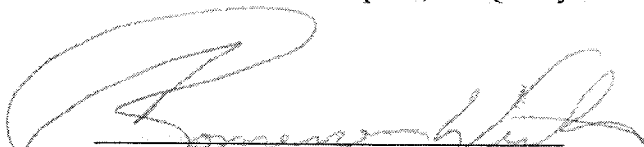

10. MATTERS FROM THE CHAIR

None.

11. NEXT MEETING: JULY 15, 2020

12. ADJOURN

With all business complete, the Quality of Life Committee adjourned at 7:49 p.m


Councilor Romero-Wirth Chair
Linda Vigil, Stenographer