

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2023-11

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4
5 AN ORDINANCE

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

12
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

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

16 2-8.2 Community Health and Safety Department.

17 A. *Creation of Department.* There is created a department of city government to be
18 known as the "community health and safety department", which includes, but is not limited to,
19 the police department, the fire department, the community services department, and the office of
20 emergency management.

21 B. *Police Department.*

22 (1) Powers and duties generally. Police officers shall execute and return all
23 writs and processes directed to them by the municipal judge and, in criminal cases or
24 cases of violations of city ordinances, they may serve the same in any part of the country.

25 They shall suppress all riots, disturbances and breaches of the peace, apprehend all

1 disorderly persons within the city and shall pursue and arrest any person fleeing from
2 justice. They shall apprehend any person in the act of committing any offense against the
3 laws of the state or the ordinances of the city, and forthwith bring such persons before a
4 competent authority for examination and trial. They shall have, in the discharge of their
5 proper duties, like powers and be subject to like responsibilities as sheriffs or constables
6 in similar cases.

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

13 (3) Training schools and examinations.

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

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

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

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

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

11 (ii) General aptitude for police work as disclosed by the
12 individual records of such members to be confirmed by oral
13 examinations.

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

17 (5) Police department reserve.

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

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

23 (i) Summarily discipline or dismiss members without
24 appeal to any body or tribunal;

25 (ii) Approve or disapprove all bylaws, rules and regulations

1 of the reserve; and

2 (iii) Approve or disapprove all officers, employees or agents
3 of the reserve.

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

7 (d) Powers and Duties.

8 (i) The duties of the reserve are to assist in enforcement of
9 law by cooperating with all law enforcement agencies and regulatory
10 bodies.

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

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

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

24 (i) Reserve members are fully covered by the workman's
25 compensation insurance policy of the assisted agency or body, and this

1 is evidenced by a writing presented to the chief; and

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

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

11 C. Fire Department.

12 (1) Department authority and powers.

13 (a) Pursuant to Section 3-18-1F. and G. NMSA 1978 and 3-18-
14 11B(1), the city may provide proper means for protection from fire and protect
15 the property of its municipality and its inhabitants and preserve the health, safety,
16 peace and order within the municipality. Therefore, the stated purpose of this
17 subsection is to grant the fire department all authority necessary to protect life
18 and property from the hazards created by fire, explosion, and similar
19 emergencies.

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

25 (i) Full and complete authority of the premises to which it

1 has been summoned until the fire has been extinguished and the premises
2 are deemed safe by the fire department; and

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

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

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

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

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

20 D. Community Services Department. The community services department includes,
21 but is not limited to, senior services, and libraries.

22 E. Office of Emergency Management.

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

25 (a) An emergency manager who shall be appointed in accordance

1 with Section 12-10-5 NMSA 1978, and who shall be subject to the personnel
2 system of the city;

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

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

7 (2) Definitions.

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

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

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

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

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

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

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

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

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

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

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

16 (3) Purpose.

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

22 (b) The duty of the office of emergency management is to coordinate
23 the development of emergency plans for the effective employment of municipal
24 resources to protect the lives and health of the residents of the city and the private
25 and public property therein from the effects of emergencies or natural or man-

1 caused disasters.

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

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

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

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

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

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

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

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

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(f) Maintain written emergency plans, including but not limited to all chapters, annexes, and appendices of the comprehensive emergency management plan and hazard mitigation plan, and annually review the plans to identify any recommendations for revisions; and

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

(5) Financing.

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

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

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

PASSED, APPROVED, and ADOPTED this 29th day of March, 2023.




ALAN WEBBER, MAYOR

1 ATTEST:

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4 KRISTINE MIHELIC, CITY CLERK

5 APPROVED AS TO FORM:

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8 ERIN K. McSHERRY, CITY ATTORNEY

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24 *Bill No. 2023-6*

25 *Legislation/2023/Ordinances/2023-11 Renaming the Community Health and Safety Department*