City of Santa Fe, New Mexico

memo

DATE: **August 19, 2015**
TO: **Finance Committee**
City Council
FROM: **Jan Snyder, Assistant Fire Chief**
SUBJECT: **Carry-over of State Fire Protection Funds to FY 2015-2016 Budget**
VIA: **Erik Litzenberg, Fire Chief**
CC: **Oscar Rodriquez, Finance Director**

The City of Santa Fe Fire Department respectfully requests the carry-over of Fire Protection Funds from our fiscal year 2014/2015 budget to our 2015/2016 budget.

The Department receives funds each year from the State of New Mexico under the State Fire Marshal's Fire Protection Fund (22208 – expenditures). Pursuant to the provisions provided in the Fire Protection Act we can request and be approved to carry-over unspent funds from one fiscal year to another.

Attached you will find a copy of the request letter and approval from the State Fire Marshal to carry over $249,451.00 from our fiscal year 2014/2015 budget.

We are requesting that the $249,451.00 be carried-over to our 2015/2016 budget and be placed in 22208.571000, Vehicles >1.5, for the purchase of fire apparatus.

If you have any questions, you may contact me at extension 3121.

Attachments: (4)
Letter to State Fire Marshal requesting carry-over of funds
Letter from State Fire Marshal approving carry-over of funds
Title 10, Chapter 25 Part 10 of the New Mexico Register – Fire Protection Fund
BAR

City of Santa Fe Fire Department

P.O. Box 909, 200 Murales Road – Santa Fe, New Mexico 87504
(505) 955-3110 – FAX (505) 955-3115

August 5, 2015

New Mexico Public Regulation Commission
State Fire Marshal's Office
P.O. Box 1269
Santa Fe, NM 87504-1269

Fire Marshal John Standefer:

Pursuant to the provisions of the Fire Protection Fund Act, the City of Santa Fe Fire Department requests permission to carry over $249,451.00 from our fiscal year 2014/2015 Fire Protection fund allocation.

These funds will be consolidated into an expenditure line in our FY 2015/2016 budget that will help the department pay for a new type 1 fire engine.

Thank you for your consideration in this manner and I look forward to hearing from you. If you have any questions or are in need of further information you may contact me at (505) 955-3111.

Sincerely,

Erik J. Litzenberg
Fire Chief

NEW MEXICO PUBLIC REGULATION COMMISSION

COMMISSIONERS
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DISTRICT 2 PATRICK H. LYONS
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CHIEF OF STAFF
S. Vincent Martinez

1120 Paseo De Peralta 4th Floor, Rm# 413
P.O. Box 1269
Santa Fe, NM 87504

STATE FIRE MARSHAL DIVISION
John Standefer, State Fire Marshal
1-800-244-6702 or (505) 476-0174

STATE FIRE SERVICE SUPPORT BUREAU

August 19, 2015

Jan Snyder, Assistant Chief
Santa Fe Fire Department
P.O. Box 909
Santa Fe, NM 87504

Reference: Request for Carryover

Chief Snyder,

In response to your correspondence dated August 5 2015, you are hereby authorized to carryover earmark and accumulate Fire Protection Fund monies from Fiscal Year 2015 for the purchase of a new Type 1 (Class-A) Engine.

Authorized Carryover Amount: $249,451.00

If you need any further assistance, please feel free to contact FD Inspector Randy Varela at (505) 690-9312, or myself at 505-470-1997.

Respectfully,

Rudy F. Padilla
Fire Department Inspector
New Mexico State Fire Marshal's Office

xc: Mayor & Council, Santa Fe, NM
Erik Litzenberg, Fire Chief
Vernon Muller Deputy State Fire Marshal
Randy Varela, Fire Department Inspector
File

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 25 STATE FIRE MARSHAL
PART 10 FIRE PROTECTION FUND

10.25.10.1 ISSUING AGENCY: New Mexico Public Regulation Commission, State Fire Marshal's Division.
[10.25.10.1 NMAC - Rp, 10.25.10.1 NMAC, 7-15-13]

10.25.10.2 SCOPE: This rule applies to all counties, municipalities, and any governmental entity, under law, that receive fire protection fund money.
[10.25.10.2 NMAC – Rp, 10.25.10.2 NMAC, 7-15-13]

10.25.10.3 STATUTORY AUTHORITY: Section 59A-53-12 NMSA 1978.
[10.25.10.3 NMAC – Rp, 10.25.10.3 NMAC, 7-15-13]

10.25.10.4 DURATION: Permanent.
[10.25.10.4 NMAC – Rp, 10.25.10.4 NMAC, 7-15-13]

10.25.10.5 EFFECTIVE DATE: July 15, 2013, unless a later date is cited at the end of a section.
[10.25.10.5 NMAC – Rp, 10.25.10.5 NMAC, 7-15-13]

10.25.10.6 OBJECTIVE: The purpose of this rule is to clarify the requirements under which fire departments are funded and to specify the items and services that can be procured for use in the operations, maintenance and betterment of local fire departments with the intention of reducing losses by fire and reducing fire insurance rates, as well as to ensure that all firefighters within New Mexico have the basic skills and knowledge required to perform as team members of a fire department during emergency operations.
[10.25.10.6 NMAC – Rp, 10.25.10.6 NMAC & 10.25.11.6 NMAC, 7-15-13]

10.25.10.7 DEFINITIONS: As used in this rule:

A. **accreditation** means to give official authorization or approval; or to recognize or vouch for as conforming to a standard;

B. **certified fire department** means a fire department that has been certified pursuant to paragraph 10.25.10.11 of this rule;

C. **certification** means to attest authoritatively; specifically, the issuance of a document that states that one has demonstrated the knowledge and skills necessary to function in a particular field, by a testing procedure;

D. **certifying entity** means an organization that is accredited, or a government agency statutorily authorized to issue certificates;

E. **competent** means capable; fit to perform the assigned tasks;

F. **fire department** means an organization created by any municipality, county, or other governmental entity entitled to fire protection funds and capable of providing fire suppression and related activities;

G. **fire chief** means the highest-ranking officer in charge of a fire department;

H. **fire company** means a group of members that is under the direct supervision of an officer or leader; trained and equipped to perform assigned tasks; arrives at the incident scene on the fire apparatus, or assembles at the scene prior to assignment; usually operates with one piece of apparatus; examples of companies are pumper/engine, truck/ladder, service, elevating platform, rescue, wild land, hazardous materials, and emergency medical/ambulance;

I. **fire protection fund (FPF)** means funds distributed pursuant to the Fire Protection Fund Act, Section 59A-53-1 NMSA 1978;

J. **fire marshal** means the state fire marshal as established under the State Fire Marshal Act, Section 59A-52-1 NMSA 1978;

K. **fire service apparatus** means a motorized vehicle designated to respond to fire service functions performed by the fire department;

L. **fire service** means all fire departments and fire department members that have the skills and equipment needed to perform the functions of a fire department based on NFPA standards or nationally accepted practices; fire service functions performed by fire departments ensure public safety and health; fire services

apparatus that meets the general criteria of an initial attack or pumper apparatus; the structure may or may not include separate interior rooms, such as offices, classrooms, and quarters;

CC. **trainee** means a member of a fire department that is working towards being recognized as competent in a given fire department position; training may be through an academy, conducted by the department, on the job, or by any other means that ensures the trainee can complete the appropriate tasks;

DD. **wildland fire apparatus** means a fire service apparatus that meets the general requirements of the applicable NFPA standard and is equipped with a pump having a capacity between 20 gpm and 250 gpm, a water tank, and equipment whose primary purpose is to combat vegetation fires, and to support associated fire department operations.

[10.25.10.7 NMAC – Rp, 10.25.10.7 NMAC & 10.25.11.7 NMAC, 7-15-13]

10.25.10.8 APPLICATION REQUIREMENTS TO PARTICIPATE IN DISTRIBUTION:

A. Every local government that desires to have a fire department(s) participate in the distribution of the fire protection fund shall file a complete application on a form prescribed by the fire marshal. This form shall include information necessary to determine the funding needs of the fire department for the following state fiscal year.

B. The application for fire protection funds shall be received in the office of the fire marshal on or before the 30th day of April each year.

[10.25.10.8 NMAC – Rp, 10.25.10.8 NMAC, 7-15-13]

10.25.10.9 ACCUMULATION OF FUNDS:

A. FPF funds cannot be accumulated when the money is not required to accomplish the purpose of the Fire Protection Fund Act or any associated rules promulgated by the fire marshal.

B. FPF funds may be rolled over to subsequent fiscal years for the purposes of accumulating money to procure items or services for use in the operation, maintenance and betterment of the fire department. A request for authorization to rollover and accumulate FPF funds shall accompany the application to participate in distribution. The request must include a detailed description of the intended use of the accumulated money.

C. If the item to be purchased requires rollover and accumulation of FPF funds for more than one-year, only one request and subsequent authorization to accumulate funds is needed. If the item to be purchased changes, a new request for authorization to rollover and accumulate FPF funds shall be submitted to the fire marshal.

[10.25.10.9 NMAC – Rp, 10.25.10.9 NMAC, 7-15-13]

10.25.10.10 PERIODIC REQUIREMENTS:

A. Each fire department shall complete a monthly fire report utilizing the national fire incident reporting system. This report shall be filed with the state fire marshal's office by the 10th day of each month following the month for which the report is prepared, (e.g., the report for January is due by February 10th). Each fire department shall identify and file with the fire marshal's office, as a minimum, one representative responsible to comply with the reporting requirements.

B. Each fire department receiving FPF funds shall submit any other reports the fire marshal shall, from time to time, require and deem necessary.

C. Each fire department receiving FPF funds shall cooperate during any inspection deemed necessary by the fire marshal.

D. Each local government that receives FPF funds shall have in place an accounting system that clearly delineates FPF transactions and, upon request by the fire marshal, make available all records regarding FPF transactions.

[10.25.10.10 NMAC – Rp, 10.25.10.10 NMAC, 7-15-13]

10.25.10.11 CRITERIA FOR THE ESTABLISHMENT, CERTIFICATION AND FUNDING OF NEW DEPARTMENTS:

A. Establishment of a new department. The following actions are to be taken in the order listed.

(1) Local government shall request from the fire marshal an onsite visit of the proposed response area to determine the feasibility of starting a new department.

(2) If the fire marshal determines that starting a new fire department is feasible, the citizens of the community, or communities, shall organize the new fire department. To achieve an operational/functional status, the department shall have sufficient membership to ensure the response of at least four trained members to fires in

(1) Certified new departments shall receive their first year funding based on pro rata distribution of the department's ISO class. Departments that have not been evaluated by ISO shall have their pro rata distribution based on an ISO Class 10. The distribution shall be based on the state's fiscal year.

(2) All subsequent annual funding shall be based on the department's ISO classification and number of approved main and substations.

[10.25.10.11 NMAC – Rp, 10.25.10.11 NMAC, 7-15-13]

10.25.10.12 ISO CLASS 10 DEPARTMENTS:

A. All Class 10 departments shall have three years from the date of certification as a fire department or from the effective date of this rule (whichever is longer) to achieve Class 9 or better.

B. Class 10 departments may submit a written request to the fire marshal for extension if Class 9 has not been obtained. The request shall identify why Class 9 has not been achieved and include a comprehensive plan that details how these deficiencies shall be corrected.

C. Departments that fail to achieve a Class 9 or better within three years, and that do not receive an extension, shall be inspected to determine their operational/functional status. Departments determined to be non-operational by the fire marshal shall be subject to closure in accordance with Section 59A-53-14 NMSA 1978.

[10.25.10.12 NMAC – Rp, 10.25.10.12 NMAC, 7-15-13]

10.25.10.13 ESTABLISHMENT OF MAIN STATION AND SUBSTATION FOR FUNDING PURPOSES:

A. All stations shall have a name or numerical designation. (example: Washington Street Station or XYZ Fire Department Station No. 2).

B. Existing main and substations shall meet the following requirements:

(1) be a sufficient distance from other stations to reasonably effect response time or ISO classification for a given population, or be located in an area that historically has had periods where accessibility to the area from other stations has been limited due to man made obstacles, geographical constraints, or acts of nature (example: river, railroad tracks, etc.);

(2) be owned or leased to the local government. FPF money cannot be used to pay for additions to or major reconstruction of a leased building; departments shall have three years from the date of certification as a fire department or from the effective date of this document (whichever is longer) to have established a main station that is either leased to or owned by the local government; departments may submit a written request to the fire marshal for extension of the three years; the request shall identify why the extension is needed and include a comprehensive plan that details how and when this requirement shall be met;

(3) provide apparatus with adequate protection, within reasonable expectation from elements, preventing possible damage to any components of the apparatus;

(4) house at least one operational apparatus that meets the general criteria for an initial attack or pumper apparatus; a waiver may be granted by the fire marshal for an apparatus not meeting this requirement.

C. Requirements/procedure for establishment of new main and substations are as follows:

(1) the local government shall file a written request with the fire marshal for an inspection of the proposed new station site; as a minimum, the station, when completed, shall comply with the requirements for existing substations identified above;

(2) inspection and approval of proposed location from the fire marshal;

(3) if FPF funds shall be used in whole or part to construct the station, the local government shall hold fee simple title to the land on which the substation is to be constructed; however, this provision shall not prohibit construction of a substation on donated land where the donor has reserved the right of reversion of the land under stated conditions;

(4) the local government shall request in writing an onsite inspection and certification by the fire marshal; certifications of new main and substations shall take place before the last day of May for the stations to be included in the calculations for distribution of funds for the next fiscal year.

[10.25.10.13 NMAC – Rp, 10.25.10.13 NMAC, 7-15-13]

10.25.10.14 RESPONSIBILITIES:

A. SFMO

(1) NMFTA shall publish or adopt all performance evaluations required under this rule in the form of position task books (PTBs). The NMFTA shall use NFPA standards, other national standards, or nationally

apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression. Approval may be denied if the requesting department is not in good standing with the periodic requirements as identified in this rule.

(1) Any fire department intending to purchase any fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression shall submit a written request for approval to expend fire protection funds to the state fire marshal before any purchase is made.

(2) The written request shall be approved in writing by the state fire marshal before any fire protection funds may be expended or obligated in any way. Purchases shall always be made in the name of the appropriate municipality or county.

E. Equipment and appliances necessary to perform fire service functions and emergency medical services as provided by the fire department are allowed without prior approval of the state fire marshal if a reasonable need exists for each purchase. A guideline is available to all local governments and fire departments upon request, or may be viewed electronically on the public regulation commission's web page at http://www.nmprc.state.nm.us/sfm.htm.

F. Fire departments may purchase meals for members with state fire funds, provided the following guidelines are followed:

(1) any major incident (structure fires, wild land fires, etc.) lasting more than four hours of time on scene;

(2) any training which is physically exerting in nature lasting four hours or more (structural fire training, wild land, rescue, etc.); classroom trainings do not qualify for this provision;

(3) to provide rehab supplies on emergency apparatus, such as water, sport drinks, MRE's trail mixes, etc.

G. The use of FPF funds for social events is prohibited.

H. Schools, courses, and conferences attended shall be related to fire service and shall be of content relevant to the needs of the department.

[10.25.10.15 NMAC – Rp, 10.25.10.14 NMAC, 7-15-13]

10.25.10.16 PURCHASE OF AUTOMOTIVE APPARATUS: All vehicles purchased with FPF funds shall meet the following requirements:

A. new vehicle specifications for bid shall be submitted to the fire marshal and shall be approved by the fire marshal prior to advertising for bids;

B. a detailed description of used vehicles shall be submitted to the fire marshal and shall be approved prior to expending or committing FPF funds;

C. all new apparatus shall meet the general requirements established under the appropriate NFPA standard or nationally accepted practices if applicable, and shall be designed to meet the operational requirements of the department; if assistance is needed in determining what would be appropriate to meet the potential fire flow requirements for the department's response area, a department may submit the following information to the fire marshal:

(1) a description of the water supply source(s) (example: hydrants, cisterns, river, overhead tank, etc.);

(2) a description of how the water supply shall be delivered to the apparatus (example: short lay of five-inch supply line from hydrants, long lay of five-inch supply line from relay pumper, tanker shuttle, etc.); and

(3) a list containing the five highest commercial fire flow requirements within the response area (identify how this determination was made, example: taken from ISO batch report, used NFPA 1142, etc.); if unable to determine fire flow requirements, describe what each building is being used for (occupancy class), what each building is built of (construction classification), and square footage and height;

D. a requesting department shall provide documentation verifying the department's ability to achieve the required fire flow within its identified response district prior to any funds being expended on non-structural apparatus.

[10.25.10.16 NMAC – Rp, 10.25.10.15 NMAC, 7-15-13]

10.25.10.17 COMPLIANCE WITH PROCUREMENT CODE REQUIRED: All purchases shall be made by the designated purchasing officer in compliance with the provisions and requirements of the New Mexico procurement code.

[10.25.10.17 NMAC – Rp, 10.25.10.16 NMAC, 7-15-13]

City of Santa Fe, New Mexico

BUDGET ADJUSTMENT REQUEST (BAR)

#

DEPARTMENT / DIVISION / SECTION / UNIT NAME	DATE
Fire Department	~~01/08/1900~~

ITEM DESCRIPTION	BU / LINE ITEM	<--(Finance Dept Use Only)--> SUBLEDGER / SUBSIDIARY	DR / (CR)	INCREASE	DECREASE
Revenue (Grant)	21209.490210			(249,451)	
Vehicles > 1.5 tons	22208.571000			249,451	
			TOTAL	$ -	$ -

JUSTIFICATION: *(use additional page if needed)*
--Attach supporting documentation/memo

Balance of Grant funds from the State of New Mexico Public Regulation Commission to be carried forward from FY 14/15 budget to 15/16 budget.

		CITY COUNCIL APPROVAL		
Karyn Romero Prepared By	08/06/2015 Date	*City Council Approval Required* ☐	Budget Officer	8/13/15 Date
Division Director	8-6-15 Date	*City Council Approval Date*	Finance Director	8-26-2015 Date
Department Director	8-6-15 Date	*Agenda Item #:*	City Manager	Date