



**ACTION SHEET**  
**CITY COUNCIL COMMITTEE MEETING OF 10/08/14**  
**ITEM FROM FINANCE COMMITTEE MEETING OF 09/29/14**

**ISSUE:**

16. Request for Approval of a Resolution Establishing Administrative Procedures Relating to Civil Penalties for Marijuana and Marijuana Paraphernalia Possession and Restating that Possession of One Ounce or Less of Marijuana is the Lowest Law Enforcement Priority of the City of Santa Fe Police Department. (Councilors Bushee and Lindell) (Kelley Brennan)

**Committee Review:**

Public Safety Committee (did not support)	09/16/14
City Council (scheduled)	10/08/14

Fiscal Impact – Yes

**FINANCE COMMITTEE ACTION:** Motion to Approve Failed

**FUNDING SOURCE:**

**SPECIAL CONDITIONS OR AMENDMENTS**

The City Attorney advised that the item should move forward to the City Council for consideration on October 8, 2014 as an item of necessity pursuant to the *Governing Body Procedural Rules, IV(A)(3)*.

**STAFF FOLLOW-UP:**

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR TRUJILLO		X	
COUNCILOR RIVERA		X	
COUNCILOR LINDELL	X		
COUNCILOR MAESTAS	X Chair		
CHAIRPERSON DOMINGUEZ	Excused		

**ACTION SHEET**  
**ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 09/16/14**

**ISSUE: A RESOLUTION ESTABLISHING ADMINISTRATIVE PROCEDURES RELATING TO CIVIL PENALTIES FOR MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION AND RESTATING THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA IS THE LOWEST LAW ENFORCEMENT PRIORITY OF THE CITY OF SANTA FE POLICE DEPARTMENT**

**PUBLIC SAFETY COMMITTEE ACTION: Recommended not to support**

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON DIMAS		X	
VICE-CHAIRPERSON HARRIS		X	
MEMBER MIKE MIER		X	
MEMBER NANCY OWEN-LEWIS		X	
MEMBER PETER MIZRAHI		X	
MEMBER MIKE BOWEN		X	
MEMBER ERIC JOHNSON		X	
MEMBER DAVID TRUJILLO		X	
MEMBER JOE ARELLANO		X	

DISK fc1/fcmissue

# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

### Resolution No. 2014-\_\_\_\_ Marijuana Administrative Procedures

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**SPONSOR(S):** Councilors Bushee and Lindell

**SUMMARY:** The resolution establishes administrative procedures relating to civil penalties for marijuana and marijuana paraphernalia possession and restates that possession of one ounce or less of marijuana is the lowest law enforcement priority of the City of Santa Fe Police Department.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** Yes

**DATE:** September 10, 2014

**ATTACHMENTS:** Resolution  
FIR

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2014-\_\_**  
**Marijuana Administrative Procedures**

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**Mayor and Members of the City Council:**

**We propose the following amendment(s) to Resolution No. 2014-\_\_:**

1. On page 2, line 8, *insert* the following provision:

**“BE IT FURTHER RESOLVED** that there shall be a forty-five (45) day implementation period from the effective date of the Ordinance (September 10, 2014).”

Respectfully submitted,

\_\_\_\_\_  
Staff

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2014-\_\_\_**  
**Marijuana Administrative Procedures**

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**Mayor and Members of the City Council:**

**We propose the following amendment(s) to Resolution No. 2014-\_\_\_, Exhibit A:**

1. On page 4 of Exhibit A, *delete* lines 21 through 24 and *insert* in lieu thereof:

*“Administrative hearing means a hearing conducted by an administrative hearing officer to determine only if there is a preponderance of the evidence that the person cited was in possession of marijuana or marijuana paraphernalia. The New Mexico Rules of Evidence apply to the administrative hearing, but the New Mexico Rules of Civil Procedure do not apply. Scientific evidence of the character of the substance believed to be marijuana is not required, as long as the administrative hearing officer believes the substance is marijuana based on a witness’ training and experience or other competent evidence. The only procedural requirement is that the person cited be given notice of the administrative hearing and an opportunity to be heard.”*

Editor’s Note: Realphabetize definitions

2. On page 5, line 3 of Exhibit A, *insert* “ the following:

*“Notice means verbal or written communication. Written notice is presumed to have been given if placed in the mail five (5) days or more prior to the event noticed if directed to the to the cited person’s address on the administrative citation or any address of which the hearing officer has been notified.”*

3. On page 6, line 13 of Exhibit A, *delete*, “DUE PROCESS” and *insert* in lieu thereof “ADMINISTRATIVE”
4. On page 6, line 16 of Exhibit A, *delete* “fifteen (15) City business” and *insert* in lieu thereof “sixty (60)”
5. On page 6 of Exhibit A, *delete* line 18 and *insert* in lieu thereof:

“9.2 The New Mexico Rules of Evidence apply to the administrative hearing, but the New Mexico Rules of Civil Procedure do not apply. Scientific evidence of the character of the substance believed to be marijuana is not required, as long as the administrative hearing officer believes the substance is marijuana based on a witness’ training and experience or other competent evidence. The only procedural requirement is that the person cited be given notice of the administrative hearing and an opportunity to be heard.”

6. On page 6, line 24 of Exhibit A, *delete* “first judicial district court” and *insert* in lieu thereof “First Judicial District Court”.
7. On page 6, line 25 of Exhibit A, after “to”, *insert* “Rule”

Respectfully submitted,

\_\_\_\_\_  
Staff

ADOPTED: \_\_\_\_\_  
NOT ADOPTED: \_\_\_\_\_  
DATE: \_\_\_\_\_

\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2014-\_\_

3 INTRODUCED BY:

4 Councilor Patti Bushee

5 Councilor Signe Lindell

6  
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9  
10 A RESOLUTION

11 ESTABLISHING ADMINISTRATIVE PROCEDURES RELATING TO CIVIL PENALTIES  
12 FOR MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION AND  
13 RESTATING THAT POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA IS THE  
14 LOWEST LAW ENFORCEMENT PRIORITY OF THE CITY OF SANTA FE POLICE  
15 DEPARTMENT.

16  
17 WHEREAS, on August 27, 2014, the Governing Body adopted Ordinance No. 2014-29 (the  
18 "Ordinance") which established that possession of one ounce or less of marijuana and possession of  
19 marijuana paraphernalia are civil infractions and established a fine of twenty-five dollars (\$25.00) for  
20 such infractions; and

21 WHEREAS, Section 20-6.1 of the Ordinance states that "It is the duty of the police  
22 department to make possession of one ounce or less of marijuana the lowest law enforcement  
23 priority;" and

24 WHEREAS, there is a need to establish administrative procedures for administration of the  
25 Ordinance.

1           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
2 **CITY OF SANTA FE** that the Governing Body hereby establishes the *Administrative Procedures*  
3 *for the City of Santa Fe Marijuana and Marijuana Possession Ordinance*, attached hereto as Exhibit  
4 A.

5           **BE IT FURTHER RESOLVED** that in accordance with Section 20-6.1 SFCC 1987, the  
6 Governing Body hereby restates that possession of one ounce or less of marijuana is the lowest law  
7 enforcement priority for the City of Santa Fe Police Department.

8           PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

9  
10 \_\_\_\_\_  
11 JAVIER M. GONZALES, MAYOR

12 ATTEST:

13  
14 \_\_\_\_\_  
15 YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:  
17   
18 \_\_\_\_\_  
19 KELLEY A. BRENNAN, CITY ATTORNEY

1                   **ADMINISTRATIVE PROCEDURES FOR THE CITY OF SANTA FE**

2                   **MARIJUANA AND MARIJUANA PARAPHERNALIA POSSESSION ORDINANCE**

3           **1.       PURPOSE**

4       The purpose of these administrative procedures is to establish procedures for City of Santa Fe (the  
5       “City”) staff, the Governing Body, and any agent of the City to implement and administer the City of  
6       Santa Fe Marijuana and Marijuana Paraphernalia Ordinance (the “Marijuana Ordinance” adopted as  
7       Ordinance No. 2014-29).

8           **2.       AUTHORITY**

9           2.1       The Marijuana Ordinance is enacted under the express statutory authority conferred  
10           upon municipalities to enact ordinances pursuant to their police power (NMSA 1978,  
11           § 3-17-1(B) (1965)) and to define and abate nuisances and impose penalties (NMSA  
12           1978, § 3-18-17(A) (1965) and also pursuant to any and all such other authority as  
13           may be applicable including but not limited to the City’s recognized authority to  
14           protect the general welfare of its citizens.

15           2.2       The Marijuana Ordinance is adopted pursuant to the City of Santa Fe’s powers under  
16           its municipal charter which was effective March 15, 1998, pursuant to the Municipal  
17           Charter Act (NMSA 1978, §§ 3-15-1 to 3-15-16) and Article 10, Section 6 of the  
18           New Mexico State Constitution.

19           2.3       The Marijuana Ordinance is codified in the Santa Fe City Code as §20-6 SFCC 1987.

20           2.4       These administrative procedures were adopted by Resolution No. 2014-\_\_. All  
21           changes to the administrative procedures shall be reviewed and approved by  
22           resolution of the governing body.

23           **3.       SCOPE**

24       This document (the “Administrative Procedures”) sets forth responsibilities, procedures and standards  
25       for administrative actions necessary to implement and enforce the Marijuana Ordinance.

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4. **RESPONSIBILITY FOR ADMINISTRATION**

4.1 **City Attorney's Office** – The City Attorney's Office or its designees shall be responsible for the following functions with regard to administration of the Marijuana Ordinance and the Administrative Procedures more fully set forth below.

4.1.1 Administering all functions of the Marijuana Ordinance, except for those which are specifically described as the responsibilities of the Santa Fe Police Department, the Finance Department, or any other City department, and providing overall coordination among the City's departments.

4.1.2 Providing forms, information, and technical assistance with regard to the administration of and compliance with the Marijuana Ordinance.

4.1.3 Assisting in training police officers and other City employees in the implementation and enforcement of the Marijuana Ordinance.

4.1.4 Representing the City and the Santa Fe Police Department in hearings before administrative hearing officers and in litigation arising out of the implementation or enforcement of the Marijuana Ordinance.

4.1.5 Performing other functions as required by the Marijuana Ordinance.

4.1.6 Performing other functions not specifically described in the Marijuana Ordinance or these administrative procedures, but essential for successful administration of the Marijuana Ordinance and within the powers and abilities of the office.

4.1.7 The City Attorney's Office's responsibilities do not include or supersede those responsibilities of the Santa Fe Police Department in carrying out its law enforcement functions.

4.2 **Staff** – Administration of the Marijuana Ordinance shall be delegated to one or more staff in the City Attorney's Office. The staff shall specifically be responsible for:

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4.2.1 Coordinating, training and monitoring the office’s staff and any appropriate agent of the office with regard to the office’s or agent’s responsibilities for administering City of Santa Fe Marijuana Ordinance.

4.2.2 Performing other duties as described in these administrative procedures.

4.3 **Santa Fe Police Department** – The Santa Fe Police Department or its designees shall be responsible for the following functions with regard to administration of the Marijuana Ordinance:

4.3.1 In accordance with the Marijuana Ordinance, making possession of one ounce or less of marijuana the lowest law enforcement priority.

4.3.2 Training police officers in the implementation and enforcement of the Marijuana Ordinance.

4.4 **Finance Department** – The Finance Department or its designees shall be responsible for the following functions with regard to administration and enforcement of the Marijuana Ordinance:

4.4.1 Administering those parts of the ordinance that permit or require the City to collect fines, costs of suit, and attorneys’ fees, or otherwise receive money under the Marijuana Ordinance.

4.4.2 Ensuring that all monies collected under the Marijuana Ordinance are directed to the appropriate City fund.

4.5 **Administrative Hearing Officers** – Administrative Hearing Officers shall be responsible for the following functions with regard to administration and enforcement of the Marijuana Ordinance:

4.5.1 Coordinating with Staff regarding the hearing officer’s availability to conduct a hearing.

- 1                   4.5.2   Conducting the hearing in a professional, ethical and judicious manner.
- 2                   4.5.3   Providing a basic explanation of the process to any person present at the
- 3                                   hearing.
- 4                   4.5.4   Swearing witnesses and taking testimony.
- 5                   4.5.5   Determining whether the issuance of a citation is supported by a
- 6                                   preponderance of the evidence.
- 7                   4.5.6   Providing written notice of the hearing officer’s decision, either immediately
- 8                                   following the hearing or within two days of the due process hearing.

9   **5.    APPLICABILITY**

10   These Administrative Procedures are applicable to any effort by the City or its employees to enforce

11   the Marijuana Ordinance.

12   **6.    DEFINITIONS**

13   The following definitions shall apply as used in these Administrative Procedures unless the context

14   clearly indicates or requires a different meaning:

15               *Administrative hearing officer* or *hearing officer* means a person appointed by the City

16   Manager to conduct a hearing and render a written decision based on evidence presented at the

17   hearing.

18               *City* means the City of Santa Fe.

19               *District Court* means the First Judicial District Court, County of Santa Fe, State of New

20   Mexico.

21               *Hearing or due process hearing* means a hearing conducted by an administrative hearing

22   officer to determine only if the police officer should have issued the citation based on a

23   preponderance of the evidence. The due process hearing is informal and not bound by the technical

24   rules of evidence.

25               *Mail* means any item properly addressed with postage prepaid delivered by the United States

1 Postal Service or any other public or private enterprise primarily engaged in the transport and delivery  
2 of letter, packages and parcels.

3 *Person* means natural persons.

4 *Police department* means the Santa Fe Police Department.

5 *Preponderance of the evidence* means the greater weight of the evidence, not necessarily  
6 established by the greater number of witnesses testifying to a fact but by evidence that has the most  
7 convincing force; superior evidentiary weight that, though not sufficient to free the mind wholly from  
8 all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue  
9 rather than the other.

10 7. **RESPONSE TO A FINE.**

11 Within fifteen (15) days from the date of issuance of a fine pursuant to the Marijuana Ordinance, the  
12 recipient of the fine shall pay the fine or submit a request for a hearing.

13 7.1 **Payment of the fine.** Upon receipt of the fine, the recipient may elect to admit the  
14 violation and pay the fine. To proceed under this paragraph, the recipient shall forego  
15 contesting the violation by signing and dating the fine notification on a space  
16 provided and returning the fine notification with payment to the City of Santa Fe at  
17 the address indicated on the fine notification, within fifteen (15) days. The City may  
18 provide alternative methods of payment of fines using the internet or other on-line  
19 services. There shall be a fifty dollar (\$50.00) penalty for any payment tendered that  
20 is not honored or is returned for any reason.

21 7.2 **Request for hearing.** The recipient of a fine may submit a request for hearing by so  
22 indicating and returning the fine notification to the City at the address indicated on  
23 the fine notification, within fifteen (15) days of the date of the fine notification. There  
24 is no fee for a hearing. The hearing shall be scheduled by the hearing officer.

25 8. **DEFAULT WITH FORFEIT OF HEARING ON THE MERITS.**

1 If the City does not receive payment of the fine or a request for a hearing within fifteen (15) days  
2 from the date of the fine notification, the recipient of the fine is in default. Default automatically  
3 results in liability to the recipient for the administrative violation and the recipient is barred from  
4 requesting or obtaining any hearing on the merits of the fine after the date of the default. The City  
5 shall mail the notice of default to the recipient of the fine. The notice of default shall inform the  
6 recipient that they have fifteen (15) days from the date of mailing of the notice of default to pay the  
7 fine. If the default is not cured within fifteen (15) days, the City may pursue all remedies for  
8 collection of the debt and is entitled to an award of reasonable attorney's fees incurred. An uncured  
9 notice of default shall be entered into the records of the City's police department and, at the City's  
10 discretion, the default may be cured even after fifteen (15) days from the mailing of the notice of  
11 default by payment in full, or the default may be promptly sent to a contracted collection agency and,  
12 once sent to a collection agency, the default may only be cured by payment to the collection agency.

13 **9. DUE PROCESS HEARING.**

14 The recipient of a fine notification, pursuant to the Marijuana Ordinance may request that a hearing  
15 be scheduled before a hearing officer.

16 9.1 The hearing shall be held within fifteen (15) City business days of receipt of the  
17 request unless the hearing is continued with agreement of the parties.

18 9.2 The hearing shall be informal and not bound by the technical rules of evidence.

19 9.3 The hearing officer shall only determine by a preponderance of the evidence, whether  
20 there was a violation of Section 20-6.1 SFCC 1987.

21 9.4 The hearing officer shall provide written notice of the hearing officer's decision,  
22 either immediately following the due process hearing or within two days of the due  
23 process hearing.

24 9.5 The hearing officer's decision may be appealed to the first judicial district court  
25 pursuant to 1-074 NMRA.

**City of Santa Fe  
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

(Check) Bill:     X     Resolution:     X      
(A single FIR may be used for related bills and/or resolutions)

Short Title(s):  
(1) AN ORDINANCE CLARIFYING THAT IT IS UNLAWFUL TO POSSESS ONE OUNCE OR LESS OF MARIJUANA AND CERTAIN MARIJUANA PARAPHERNALIA.  
(2) A RESOLUTION ESTABLISHING ADMINISTRATIVE PROCEDURES RELATING TO CIVIL PENALTIES FOR POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA AND MARIJUANA PARAPHERNALIA.

Sponsor(s): Councilors Bushee and Lindell

Reviewing Department(s): Police Department and City Attorney's Office

Persons Completing FIR: Police Chief Eric F. Garcia & Kelley Brennan Date: 9/24/13 Phone: 955-5010/955-6512

Reviewed by City Attorney: Kelley A. Brennan Date: 9/29/14  
(Signature)

Reviewed by Finance Director: Jessita Garcia Date: 9/26/14  
(Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution:

The bill amends Subsection 20-6.1 SFCC 1987 to clarify that it is illegal to possess one ounce or less of marijuana; the resolution establishes administrative procedures for administration of the ordinance and restates that possession of one ounce or less of marijuana is the lowest law enforcement priority.

**Section C. Fiscal Impact**

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: \_\_\_\_\_

\_\_\_\_\_ Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY 14/15	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 15/16	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	_____	\$ _____	_____	_____	_____
Fringe**	_____	_____	_____	_____	_____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	_____	\$ _____	_____	_____	<u>General</u>
All Other Operating Costs	<u>\$16,160</u>	<u>A</u>	<u>R</u>	<u>\$3,700</u>	<u>A</u>	<u>R</u>	<u>General</u>	
Total:	<u>\$16,160</u>			<u>\$3,700</u>				

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

N/A	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
Total:	\$ _____		\$ _____			

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Expenditures: New scales, form holders and initial print of new civil penalty forms will be required for all personnel the first year and then replacement of equipment and reprinting of forms for subsequent years.

**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

Both the bill and resolution relate to the decriminalization referendum and initiative petition that generated an ordinance which the Governing Body ultimately adopted on August 27, 2014.

**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

If the bill is not approved, the Ordinance would not contain within its text a specific prohibition for possessing one ounce or less of marijuana. If the resolution is not adopted, there would not be administrative procedures in place, in the event a civil penalty citation would be appealed.

**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff are aware of.

**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Establishing administrative procedures for the ordinance, sets up a process for when a person wants to appeal a civil penalty for possession.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08

legislative matter of the state and that he cannot support this in any shape or form under the conditions that it came under. State statute still supersedes city ordinances.

Chief Garcia said what he does want to see is the officer issuing administrative citations on top of a magistrate court citation. It has to be one or the other, which is my request.

Mr. Walker stated that from a legal standpoint depending on the city attorney's office, it could be done. You have heard the Chief say that he does not want the officers doing that and the discretion is left with the Chief at the Police Department. The fact that it is both a civil issue and a criminal issue, I believe would allow them both to be done, but they do not have to be done.

***Dr. Mier moved that the Public Safety Committee not support the proposed ordinance amending subsection 20-6.1 SFCC 1987 to clarify that it is unlawful to possess one ounce or less of marijuana and certain marijuana and certain marijuana paraphernalia, second by Mr. Bowen, roll call vote reflects 8 against. Motion carries unanimously.***

Vote: 8-0 Against

NAME	FOR	AGAINST	ABSTAIN
Chair Dimas			
Vice Chair Harris		X	
Member Mike Mier		X	
Member Nancy Owen-Lewis		X	
Member Peter Mizrahi		X	
Member Mike Bowen		X	
Member Eric Johnson		X	
Member David Trujillo		X	
Member Joe Arellano		X	

- D. Proposed resolution establishing administrative procedures relating to civil penalties for marijuana and marijuana paraphernalia possession and restating that possession of one ounce or less of marijuana is the lowest law enforcement priority of the City of Santa Fe Police Department (Councilor Bushee and Councilor Lindell) (Kelley Brennan)**

Mr. Walker informed the PSC members that the ordinance has already been passed. This resolution is adopting administrative procedures for the enforcement. The purpose was to take the existing administrative procedures and apply them to the marijuana issue. Unfortunately the City Attorney's Office was caught off guard when the City Council adopted the ordinance rather than voting it down and sending it for ballot so we were not prepared for that eventuality. There is also an amendment sheet (handed out) (Exhibit A) changing some of those procedures to make it more clear that this is an administrative proceeding and that the situation where the decision is made is vital if someone hasn't voluntarily paid for a citation but has

requested a hearing, than the decision of the hearing officer, if the officer requires the payment of the penalty, that requires the decision of the District Court. These procedures set out that explanation.

**Mr. Bowen moved to reject the proposed resolution establishing administrative procedures relating to civil penalties for marijuana and marijuana paraphernalia possession and restating that possession of one ounce or less of marijuana is the lowest law enforcement priority of the City of Santa Fe Police Department, second by Mr. Mizrahi, motion carried by unanimous voice vote.**

Vote: 8-0 Against

NAME	FOR	AGAINST	ABSTAIN
Chair Dimas			
Vice Chair Harris		X	
Member Mike Mier		X	
Member Nancy Owen-Lewis		X	
Member Peter Mizrahi		X	
Member Mike Bowen		X	
Member Eric Johnson		X	
Member David Trujillo		X	
Member Joe Arellano		X	

**6. Matters from Municipal Court**  
None

**7. Matters from Police Chief Eric Garcia**

Chief Garcia explained that he has established a means of recognizing community members, vendors as well as his own officers. Officer Eric Sanchez was invited to make the presentations.

**A. Certificates of Appreciation – Officers Recognition**

Captain Louis Carlos – Recognized for his outstanding service during the Fiesta de Santa Fe in assisting a lost child. The child was only 18 months old and child was walking amongst the adults lost. In collaboration with his co-officers they looked for a frantic mother and the child was reunited with her mother.

Officers received a call for service, which was a medical emergency. The call was from a woman who was not the one, who called, her 9 year old son was the one who called, as his mother was not breathing. The officers tried to revive the mother until the fire department paramedics arrived. The took care of this 9 year old little boy. The mother did live with that care. Officers were unable to attend. Thank you.

1. Sergeant Finney
2. Officer Ryan Romero