

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-16

False Alarm

SPONSOR(S): Councilor Rivera

SUMMARY: The proposed bill amends the City of Santa Fe Alarm System Ordinance, Section 20-5 SFCC 1987 to clarify certain provisions; amend the fines for false alarms; and amend late reporting fees that are assessed against alarm installation companies and alarm monitoring companies.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: May 6, 2015

ATTACHMENTS: Bill
FIR

1 occurrence, the fine for a non-registered alarm site, as set forth in subsection 20-5.14 SFCC 1987,
2 shall be assessed [~~without waiver~~]. A waiver shall be granted for an assessed fine for an
3 unregistered alarm system, if the registration is completed by the alarm user within ten (10)
4 business days upon notification of the initial fine for an unregistered alarm system. A late fee
5 may be assessed if the renewal is more than thirty (30) days late.

6 **Section 2. Section 20-5.14 SFCC 1987 (Ord. #2009-33, §16, as amended) is**
7 **amended to read:**

8 **20-5.14 Fees and Fines.**

9 Unless otherwise permitted by the Alarm System Ordinance, [F]the following non-
10 refundable fees and fines shall be assessed, as applicable, to alarm users, alarm installation
11 companies and monitoring companies:

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<u>Non-Refundable Fees and/or Fines</u>	<u>Santa Fe City Code Section</u>	<u>Alarm User</u>	<u>Alarm Installation Company</u>	<u>Alarm Monitoring Company</u>
Fee - registration of alarm system	20-5.5B	\$25.00		
Fee - renewal of registration	20-5.5B	\$25.00		
Fee - late registration	20-5.6	\$10.00		
Fee - reinstatement	20-5.13A(1)	\$50.00		
Fee - appeal*	20-5.16D	\$50.00		
Fine - first false alarm	20-5.11D(4)	\$0.00		
Fine - second false alarm	20-5.11D(4)	\$0.00		
Fine - third false alarm	20-5.11D(4)	[\$150.00] \$100.00		
Fine - fourth false alarm	20-5.11D(4)	[\$150.00] \$100.00		
Fine - fifth false alarm	20-5.11D(4)	\$150.00		
Fine - sixth or more false alarm(s)	20-5.11D(4)	\$300.00 <u>per infraction</u>		
Penalty - for 11 or more false alarms in a 12 month period	20-5.12A	Suspend response and revoke registration		
Fine - operating an alarm system during period of revocation	20-5.12C	\$100.00		
Fine - non-registered alarm system, per alarm occurrence	20-5.5A 20-5.6	\$100.00		
Fee - license	18-8.10A(3)		\$75.00	\$75.00
Fine - no employee background check	20-5.9J		\$300.00	
Fine - Late report (names and addresses of users)	20-5.9H(2) 20-5.10E		[\$10.00 per day] \$100.00, after five <u>business day</u> grace period	[\$10.00 per day] \$100.00, after five <u>business day</u> grace period
Fine - failure to establish procedures for accepting cancellations of alarms and conveying cancellations of alarms	20-5.10F			\$50.00
Fine - Continuation of alarm dispatch requests to an alarm site after notification by the alarm administrator that the registration has been revoked	20-5.12C			\$50.00
Fine - failure to use enhanced call verification	20-5.10B(2)			\$300.00

*Paid only if appeal is decided in favor of the city.

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APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Bills 2015/False Alarm

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: _____

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **AN ORDINANCE AMENDING THE CITY OF SANTA FE ALARM SYSTEM ORDINANCE, SECTION 20-5 SFCC 1987 TO CLARIFY CERTAIN PROVISIONS; AMEND THE FINES FOR FALSE ALARMS; AND AMEND LATE REPORTING FEES THAT ARE ASSESSED AGAINST ALARM INSTALLATION COMPANIES AND ALARM MONITORING COMPANIES.**

Sponsor(s): Councilor Rivera

Reviewing Department(s): City Attorney's Office / Santa Fe Police Department

Persons Completing FIR: Jesse Guillen / Mario Salbidrez Date: 4/10/15 Phone: 955-6518 / 955-5267

Reviewed by City Attorney: Kelley A. Brennan Date: 4/14/15
(Signature)

Reviewed by Finance Director: Jessica Guzman Date: 4/16/15
Finance Director (Signature)

Section B. Summary

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

This ordinance would modify the fees assessed for false alarms from alarm systems in the city. Allows for the granting of a waiver of fines for unregistered alarm systems if registration is completed within 10 days. Specifies that all assessed fees are non-refundable. Modifies fines for alarm installation and monitoring companies for late reporting of false alarms

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: _____

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"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	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____	_____
Total:	\$ _____			\$ _____				

* 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

_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____	_____
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.)

Unable to determine at this point what the fiscal impact would be. Fine collections will most likely stay similar to current levels.

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.

Modifies existing city code.

2. Consequences of Not Enacting This Bill/Resolution:

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

Status Quo.

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.

N/A

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.

The false alarm ordinance is aimed at reducing the instances of false alarms that require emergency personnel response. Reduces fines for the 3rd and 4th offense, making the step up from previous false alarms not as steep. It also allows for the waiver of a fine for an unregistered system, if registered within 10 days, giving a certain degree of leniency for those not aware of registration requirements. Modifying the fines for alarm monitoring and installation companies will theoretically induce them to actually pay the assessed fines. Reducing the fine for late report from \$10 per day to \$100 will simplify the billing collection process.

**ACTION SHEET
ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 04/21/15**

ISSUE: Proposed Ordinance amending the City of Santa Fe Alarm System Ordinance, Section 20-5 SFCC 1987 to clarify certain provisions; amend the fines for false alarms; and amend late reporting fees that are assessed against alarm installation companies and alarm monitoring companies

PUBLIC SAFETY COMMITTEE ACTION: Recommended approval

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	ABSENT		
MEMBER PETER MIZRAHI	ABSENT		
MEMBER MIKE BOWEN	X		
MEMBER ERIC JOHNSON	ABSENT		
MEMBER DAVID TRUJILLO	X		
MEMBER JOE ARELLANO	X		

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4. Old Business

None

5. New Business

- A. Request Approval for cash increase from the Public Safety Special Fund 21224 for the Alarm Enforcement expenditures to cover posting and accounting corrections realized from the Alarm Enforcement program audit conducted by Liza Kerr the City of Santa Fe Internal Auditor in the amount of \$165,535.00. (Fiscal Administrator Nancy Jimenez)

Ms. Jimenez brought this item forward to the Public Safety Committee to assure that the use of the funds was clear based on the recent program audit. The SFPD receives approximately \$300,000 a year and approximately \$150,000 is used for salaries, Records expenses, equipment for the SFPD and office supplies. In the past this was a pass through account which means that the SFPD would receive revenue from the alarm process, but only those responded to alarms were posted to the account which is city revenue. The actual money that the PSC would receive would not be posted to this account. When the audit happened, Ms. Kerr instructed that all revenue and expenses need to be posted on the account. The amount that needs to be posted as payment for (Public Safety Corporation) PSC will be delineated as an expense and accounted for on the books. Ms. Jimenez completed account reconciliation thru June 30th and confirmed that the BAR request in the amount of \$165,535.00 is for the correction of negatives in the Alarm Enforcement expenditure business until. Ms. Jimenez explained the line items in detail.

Mr. Arellano asked if Ms. Jimenez could define the alarm enforcement.

Ms. Jimenez said that PSC is a contracted alarm company, if the alarm company can handle and confirm that it is a false alarm the homeowner or business will be charged, if the officer does not have to go out, there would be no charge or penalties.

Mr. Arellano asked if SFPD is close to the \$300,000 as revenue collected. Ms. Jimenez said that amount is close to accurate. Ms. Jimenez again detailed the amount that is spent on internal expenses and detailed in the BAR request. Mr. Arellano asked if PSC is a local contractor. Ms. Jimenez said they are out of Arizona and their company name is Public Safety Corporation. Their software is called Crywolf.

Dr. Mier asked if there are repeat business and homeowners who are serviced.

Deputy Chief Salbidrez stated that the ordinance reads that the alarm companies are to report within a certain time period and most of them do not report timely, therefore the penalties accumulate.

Dr. Mier moved for approval of the cash increase from the Public Safety Special Fund 21224 for the Alarm Enforcement expenditures to cover posting and accounting corrections realized from the Alarm Enforcement program audit conducted by Liza Kerr the City of Santa Fe Internal Auditor in the amount of \$165,535.00, second by Mr. Trujillo, motion carried by unanimous voice vote.

- B. Proposed Ordinance amending the City of Santa Fe Alarm System Ordinance, Section 20-5 SFCC 1987 to clarify certain provisions; amend the fines for false alarms; and amend late reporting fees that are assessed against alarm installation companies and alarm monitoring companies. (Councilor Rivera) (Deputy Police Chief Mario Salbidrez)

Deputy Chief Salbidrez explained that the proposed amendment request was a result from the program audit. Language changes are included in the proposed ordinance and included in the meeting packet. Chief Salbidrez said they are looking for voluntary compliance in the ordinance. Another change is re-instating the non-refundable fees. The Schedule Fees and Fines for 3rd and 4th false alarms have been reduced to \$100 from the \$150 fee. The fee for late reports (Name and Address of Users) which was one area that was one of the high cost charges has gone from \$10.00 a day to \$100.00 after five business day grace period. We believe the flat fee that will make it easier for people to comply.

The Chief noted that the owner needs to register the alarm, tell the city who installed the alarm and who is their Alarm Company. There are concerns for those alarm systems that are in older properties and they will need to be evaluated individually. It was also clarified that if the alarm company fails to report they pay the fee not the customer.

Mr. Harris asked how many alarm company's do we have in Santa Fe. Chief Salbidrez said that to his knowledge there are approximately 26 companies.

The Fire Chief noted that there is a process in place to answer an alarm if a potential fire is in progress.

Chief Salbidrez said that the SFPD is using social media to encourage the community to register their alarms. Many other educational tools are being used to provide the public information.

Dr. Mier moved for approval of the proposed amendment to the City of Santa Fe Alarm System Ordinance, Section 20-5 SFCC 1987 to clarify certain provisions; amend the fines for false alarms; and amend late reporting fees that are assessed against alarm installation companies and alarm monitoring companies, second by Mr. Bowen, motion carried by unanimous voice vote.

~~C. Proposed Ordinance amending subsection 23-6.2 SFCC 1987 to change the level of security required for professional baseball games at Fort Marcy Ball Park (Councilor Trujillo) (City Attorney Kelley Brennan)~~

~~Ms. Brennan detailed that one change is that the event sponsor comply with the security provisions in subsection 23-6.3(A) (4) that security guards shall possess at a minimum, a Level I security guard license, pursuant to the Private Investigations Act, Chapter 61, Article 27B, NMSA 1978. Level I guards do not carry any arms, they have training where they have to score 90% on a test and they go through a background check. Ms. Brennan explained both Level I and II. Level III requires fire arms training.~~

~~Mr. Arellano asked if there are a lot of incidents reported at Baseball Games. We believe there have not been any incidents at Fort Marcy Ball Park.~~

~~Chief Garcia said that at the close of last season there were not a lot of incidents. For the city to change to Level I is a smart decision.~~

~~***Mr. Bowen moved for approval of the proposed Ordinance amending subsection 23-6.2 SFCC 1987 to change the level of security required for professional baseball games at Fort Marcy Ball Park, second by Dr. Mier, motion carried by unanimous voice vote.***~~

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 05/27/15
ITEM FROM FINANCE COMMITTEE MEETING OF 05/18/15

ISSUE:

15. Request for Approval of an Ordinance Amending the City of Santa Fe Alarm System Ordinance, Section 20-5 SFCC 1987 to Clarify Certain Provisions; Amend the Fines for False Alarms; and Amend Late Reporting Fees That are Assessed Against Alarm Installation Companies and Alarm Monitoring Companies. (Councilor Rivera) (Deputy Chief Salbidrez)

Committee Review:

Public Safety Committee (approved)	04/21/15
City Council (request to publish)	05/13/15
City Council (public hearing)	06/10/15

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

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

4-13-15