

**ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 01/14/15
ITEM FROM FINANCE COMMITTEE MEETING OF 01/05/15**

ISSUE:

22. Request for Approval of an Ordinance Relating to the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987; Amending Section 5-8 to Establish that it is Unlawful to Trap Animals on City Property and to Establish That it is Unlawful to Use Certain Types of Trapping Devices Within the Municipal Boundaries of the City of Santa Fe. (Councilors Lindell and Bushee) (Johnny Martinez)

Committee Review:

Public Safety Committee (approved)	12/16/14
City Council (request for hearing)	01/14/15
City Council (public hearing)	02/11/15

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS DISCUSSION ITEM

SPECIAL CONDITIONS OR AMENDMENTS

Approved with amendments.

STAFF FOLLOW-UP:

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

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

BILL NO. 2015-1

Trapping

SPONSOR(S): Councilors Lindell and Bushee

SUMMARY: The bill relates to the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987. The bill proposes to amend Section 5-8 to establish that it is unlawful to trap animals on city property and to establish that it is unlawful to use certain types of trapping devices within the municipal boundaries of the city of Santa Fe.

The bill was recommended for approval by the Public Safety Committee at their December 16, 2014 meeting. At the Finance Committee meeting on January 5, 2015, the Committee recommended approval of the bill with an amendment that states that the new provision does not apply to the trapping of vermin.

PREPARED BY: Melissa Byers, Legislative Liaison

DATE: December 10, 2014

ATTACHMENTS: Action Sheets
Amendment
Bill
FIR

ACTION SHEET
ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 12/16/14

ISSUE: Proposed ordinance relating to the City of Santa Fe Animal Services ordinance, Chapter 2 SFCC 1987; amending Section 5-8 to establish that it is unlawful to use certain types of trapping devices within the municipal boundaries of the City of Santa Fe

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

DISK fc1/fcmissue

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2015-1
Trapping

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2015-1:

1. On page 1, line 19, *delete* "definition" and *insert* "new definitions" in lieu thereof
2. On page 1, line 22, *insert* the following:

Vermin means small insects and animals (such as fleas, mice, rats or gophers) that are sometimes harmful to plants or other animals and that are difficult to get rid of.

3. On page 3, line 2, after "animal." *insert* "This provision does not apply to the trapping of vermin."

Respectfully submitted,

Finance Committee

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-1

3 INTRODUCED BY:

4
5 Councilor Signe Lindell

6 Councilor Patti Bushee

7
8
9 AN ORDINANCE

10
11 RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER
12 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO
13 TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL
14 TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL
15 BOUNDARIES OF THE CITY OF SANTA FE.

16
17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Section 5-2 SFCC 1987 (being Ord. ##1979-2, § 4-2, as amended) is
19 amended to incorporate the following definition:

20 *Domestic animal* means an animal that is sufficiently tame to live with humans, such as a dog
21 or cat, or one that can be used to contribute to a family's support, such as a cow, chicken, or horse.

22 Section 2. A new Subsection 5-8.13 is ordained to read:

23 5-8.13 [NEW MATERIAL] Trapping .

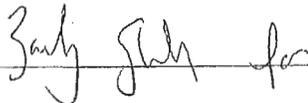
24 A. It is unlawful for any person to trap animals on city property.

25 B. It is unlawful for any person, within the municipal boundaries of the city of Santa Fe,

1 to trap any animal using strangulation snares, steel jaw traps, other body gripping traps or any trap
2 with the potential to injure, maim or kill any domestic or wild animal.

3 C. This subsection does not apply to trapping performed by government officials
4 carrying out their official duties.

5 APPROVED AS TO FORM:

6
7 
8 _____
9 KELLEY A. BRENNAN, CITY ATTORNEY

**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 RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE.

Sponsor(s): Councilors Lindell and Bushee
 Reviewing Department(s): City Attorney's Office / Animal Control
 Persons Completing FIR: Rebecca Seligman / Johnny Martinez Date: 12/16/14 Phone: 955- 6501 / 955-2702

Reviewed by City Attorney: Kelly A. Blumman Date: 12/19/14
 (Signature)

Reviewed by Finance Director: [Signature] Date: 12-19-2014
 (Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:
 The purpose of the bill is to amend the City of Santa Fe Animal Services Ordinance, Chapter 5 SFCC 1987; and Section 5-8 to establish that it is unlawful to trap animals on City property and to establish that it is unlawful to use certain types of trapping devices within the municipal boundaries of the city of Santa Fe.

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 <u>2014</u>	"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	_____

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

None

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.

No

2. Consequences of Not Enacting This Bill/Resolution:

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

It would not be unlawful to trap animals on City property nor would it be unlawful to use certain types of trapping devices within the municipal boundaries of the city of Santa Fe.

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.

No

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.

With approval of the bill, trapping animals on City property would become unlawful and certain types of trapping devices would not be allowed for use within the municipal boundaries of the city of Santa Fe.

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

- C. Proposed ordinance relating to the City of Santa Fe Animal Services ordinance, Chapter 2 SFCC 1987; amending Section 5-8 to establish that it is unlawful to use certain types of trapping devices within the municipal boundaries of the City of Santa Fe (Councilor Lindell, Animal Services Manager Johnny Martinez)

Dr. Mier moved for approval of the proposed ordinance, second by Mr. Mizrahi, motion carried by unanimous voice vote.

- ~~D. Proposed resolution directing the City of Santa Fe Fire Department to explore the options for establishing a comprehensive plan for a long-term community protection initiative ("CPI") and report back to the governing body its findings and recommendations, including the fiscal impact for establishing and maintaining such a program (Mayor Gonzales, Councilors Rivera, Ives, Dimas, Bushee and Lindell and Andres Mercado)~~

~~Chief Litzenberg spoke on behalf of Andres Mercado. Chief Litzenberg read the bullet points from the proposed resolution. (Exhibit C). The resolution is calling for generalized support, the pilot proved successful.~~

~~Mr. Arellano asked how this would be financed. The Chief said they have been doing this with current resources and Officer Mercado has handled this process efficiently.~~

~~Mr. Arellano asked who would pay for the insurance should there be any liability incurred when dispensing medication. The Chief said that he did not see a risk factor. Much of what the Fire Department does is not medical care, it is more preventive safety precautions; and medication evaluation and recommendations are not being done by the Fire Department.~~

~~The Chair is in strong support of this program.~~

~~***Mr. Mizrahi moved to approve the proposed resolution directing the City of Santa Fe to explore the options for establishing a comprehensive plan for a long-term Community Protection Initiative (CPI) and report back to the Governing Body of its findings and recommendations, second by Mr. Arellano, motion carried by unanimous voice vote.***~~

- ~~E. Proposed resolution directing staff to design and implement a pilot project to install and evaluate green bicycle lanes markings at high-risk intersections within the City of Santa Fe; authorizing a designation of up to \$50,000.00 of CIP on-road bicycle improvement funds for the pilot project; and conduct a study of Santa Fe streets and roadways to determine the feasibility of implementing projecting bike lanes throughout the City (Mayor Gonzales, John Alejandro and Keith Wilson)~~

~~Staff will work with BTAC to evaluate which roads are the high traffic areas.~~

~~Mr. Mizrahi supports this concept and is happy to see that this is under recommendation.~~

~~The Chair said he supports the concept strongly but does not support the \$50,000 cost to paint green. The Chair asked how many officers enforce the laws for bicyclist.~~

~~Chief Garcia said he does not have the exact number but they do have enforcement of pedestrian and bicyclist action.~~

VOTE: The motion was approved unanimously on a voice vote.

17. REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AGREEMENT – SOFTWARE MAINTENANCE AND SERVICES FOR FIRE DEPARTMENT; ZOLL DATA SYSTEMS, INC. (JAN SNYDER)

Councilor Maestas said this is similar circumstances and he wanted to note that we are paying this company retroactively for services provided since the beginning of the fiscal year, commenting this should have been paid a long time ago..

MOTION: Councilor Maestas moved, seconded by Councilor Lindell, to achieve this request.

DISCUSSION: Chair Dominguez asked how this impacts our overall budget and cash balances.

Mr. Rodriguez said this not significant enough to cause concern in terms of the cash reserves, etc. He said it is fair to mention that all of these contracts pre-date the current IT Director, and part of what you see is the "cleaning the house, and this is how it gets."

VOTE: The motion was approved unanimously on a voice vote.

22. REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE (COUNCILORS LINDELL AND BUSHEE). (JOHNNY MARTINEZ) Committee Review: Public Safety Committee (approved) 12/16/14; City Council (request for hearing) 01/14/15; and City Council (public hearing) 02/11/15. Fiscal Impact – No.

Councilor Trujillo said on page 1, beginning on line 25 the Ordinance provides, "It is unlawful for any person, within the municipal boundaries of the City of Santa Fe to trap any animal using strangulation snares, steel jaw traps, other body gripping traps or any trap with the potential to injure, main or kill any domestic or wild animal." He said, "Gophers get into people's yards. I know that lot of people use these kinds of snares to do this. It is now illegal for these people, even if damage is being done to their households, that they cannot do this any more."

Officer Martinez said, "I don't believe that is the intent of this. This is pertaining to animals, and rodents wouldn't be classified under the animal family."

Councilor Trujillo said then if it doesn't apply to rodents, I've got no problem with it.

MOTION: Councilor Trujillo moved, seconded by Councilor Lindell, to approve this request.

DISCUSSION: Councilor Ives said he understands the intent is to have it to not apply to rodents. He said he gets field mice in the house on occasion and he feels free to trap them. He would like to see clarifying language that distinguishes here, because wild animal certainly includes mice.

Officer Martinez said he can work on a definition in that regard before this goes to Council.

VOTE: The motion was approved unanimously on a voice vote.

24. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING AND SUPPORTING THE SUBMITTAL OF THE CITY'S PROJECT APPLICATION TO THE SANTA FE METROPOLITAN PLANNING ORGANIZATION FOR FUNDING UNDER THE FISCAL YEAR 2016/2017 NMDOT ADMINISTERED FUNDS FROM THE TRANSPORTATION ALTERNATIVES PROGRAM AND RECREATIONAL TRAILS PROGRAM (COUNCIL LINDELL). (LEROY PACHECO) Committee Review: Public Works Committee (scheduled) 01/12/15; and City Council (scheduled) 01/14/15. Fiscal Impact – Yes.

Councilor Maestas asked how these trails were selected for this grant application. He said we reallocated some bond proceeds and there was a huge discussion about trails, trail projects, the equity of the distribution of trail projects across the City. He asked if this was from the master plan, and why these projects were chosen.

Leroy Pacheco said all of these three projects are in the City's Bikeways Master Plan and La Tierra Trails has its own independent master plan so all of these projects have been through the process of public process. There was also a short process with the DOT who has vetted 12-13 trail projects that seemed like they would be viable for this type of funding which has funds available for matching. He said these rose to the top during that process as those likely to be entered into the competition, noting this now goes for State-wide vetting for the projects chosen for limited DOT funds.

Councilor Maestas asked the basic criteria used by the State.

Mr. Pacheco said, "In a nutshell, there is money ready to be spent by the State so they're looking for projects, and I hate to use the word shovel-ready because it sounds so cliché, but projects that have a lot of distance and they're ready for design and build, so mature projects."

Councilor Maestas said when we had the overall discussion about priorities, various projects were selected for funding, ranging in priority from 1 to 40, so there's no real concentration or focus on funding the top 10 master plan projects, which is one reason for his inquiry. Additionally, District 2 does not have as many recreational trails as the other districts, but we do have a lot of roadway trail needs. He hopes the Committee will approve this. He said there is a separate committee from BTAC that looks at on-road trail needs. He hopes those needs will be considered in the future as well as the dedicated pedestrian and bike trails.

~~**DISCLOSURE:** Councilor Trujillo said, "I work for the New Mexico Department of Transportation. This is a review between NMDOT and the City. I do not work for the Aviation Division, so there is no conflict of interest."~~

~~**MOTION:** Councilor Trujillo moved, seconded by Councilor Ives, to approve this request.~~

~~**VOTE:** The motion was approved on the following Roll Call vote:~~

~~**For:** Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.~~

~~**Against:** None.~~

**10(p) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR FEBRUARY 11, 2015:
BILL NO. 2015-1: AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL
SERVICES ORDINANCE, CHAPTER 5 SFCC 1987; AMENDING SECTION 5-8 TO
ESTABLISH THAT IT IS UNLAWFUL TO TRAP ANIMALS ON CITY PROPERTY AND
TO ESTABLISH THAT IT IS UNLAWFUL TO USE CERTAIN TYPES OF TRAPPING
DEVICES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF SANTA FE
(COUNCILOR LINDELL, AND COUNCILOR BUSHEE AND COUNCILOR DOMINGUEZ)
(JOHNNY MARTINEZ)**

Councilor Trujillo said he said there was a discussion at the Finance Committee with regard to gophers being included in the category of wild animals.

Officer Martinez said, "We identified it as a vermin, and the definition has been included in the Ordinance."

MOTION: Councilor Trujillo moved, seconded by Councilor Ives, to approve this request.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Gonzales, Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

Responding to Councilor Bushee, Councilor Trujillo said Prairie Dogs are considered vermin.