

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Resolution NO. 2014-____ Fire Hazard Mitigation Coalition

SPONSOR(S): Wurzburger

SUMMARY: Authorizes the City of Santa Fe Fire Chief to, from time to time, collaborate with a variety of community stakeholders with an interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies; and authorizing the City to lobby the Legislature, during the 2014 Legislative Session, for funding to implement wildfire mitigation strategies.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: December 20, 2013

ATTACHMENTS: Bill
FIR

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-__

INTRODUCED BY:

Councilor Rebecca Wurzbarger

A RESOLUTION

AUTHORIZING THE CITY OF SANTA FE FIRE CHIEF TO, FROM TIME TO TIME, COLLABORATE WITH A VARIETY OF COMMUNITY STAKEHOLDERS WITH AN INTEREST IN PROTECTING NEIGHBORHOODS FROM A WILDFIRE, TO PRODUCE AND IMPLEMENT TANGIBLE WILDFIRE MITIGATION STRATEGIES; AND AUTHORIZING THE CITY TO LOBBY THE LEGISLATURE, DURING THE 2014 LEGISLATIVE SESSION, FOR FUNDING TO IMPLEMENT WILDFIRE MITIGATION STRATEGIES.

WHEREAS, the risk to life and property from wildfires has risen significantly over the last decade; and

WHEREAS, the United States Congress passed the 2009 Federal Land Assistance, Management and Enhancement (FLAME) Act of 2009 (“FLAME Act of 2009”); and

WHEREAS, the FLAME Act of 2009 requires the Secretary of the Interior and the Secretary of Agriculture to develop and implement a cohesive Wildland Fire Management Strategy (“Strategy”); and

1 **WHEREAS**, the Strategy is being implemented in three phases: planning for wildfire,
2 responding to wildfire and recovering from wildland fire incidents; and

3 **WHEREAS**, the Strategy focuses on: restoring and maintaining resilient landscapes, creating
4 fire adapted communities, and response to wildland fires; and

5 **WHEREAS**, fire adapted communities are more aware, prepared, resilient, and better
6 protected from a wildfire threat; and

7 **WHEREAS**, the City of Santa Fe Fire Department has identified 27 neighborhoods which
8 exist in the city of Santa Fe wildland urban interface; and

9 **WHEREAS**, 19 of the identified neighborhoods received a wildfire hazard rating of high,
10 very high, or extreme; and

11 **WHEREAS**, solely removing trees to protect life and property is not an effective solution to
12 the threat from a wildland fire; and

13 **WHEREAS**, there are five categories within four environments (Built, Natural, Social, and
14 Response) that address wildfire hazard mitigation: (1) education; (2) engineering; (3)
15 enactment/enforcement; (4) economic incentives; and (5) emergency response that are the most
16 effective approach to reducing the affect a large wildland fire may have on the City of Santa Fe; and

17 **WHEREAS**, the City of Santa Fe Fire Department recognizes that individuals, organizations,
18 businesses and government have to influence the effectiveness in planning, responding, and
19 recovering from a wildland fire incident; and

20 **WHEREAS**, the Governing Body desires for the City Fire Chief to, from time to time,
21 collaborate with a variety of community stakeholders such as residents, builders, realtors, insurance
22 agents, land managers and employees of the Fire Department with an interest in protecting
23 neighborhoods from a wildfire to develop wildfire mitigation strategies to best protect life and
24 property in the city of Santa Fe.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

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CITY OF SANTA FE that the Governing Body of the City of Santa Fe hereby authorizes the city of Santa Fe Fire Chief to, from time to time, collaborate with a variety of community stakeholders with an interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies.

BE IT FURTHER RESOLVED that the City authorized to lobby the legislature, during the 2014 legislative session, for funding to implement wildfire mitigation strategies.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this resolution to the City's legislative delegation and the City's lobbyist.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2014.

DAVID COSS, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

**ACTION SHEET
CITY COUNCIL MEETING OF 12/11/13
ITEM FROM FINANCE COMMITTEE MEETING OF 12/02/13**

ISSUE:

23. Request for Approval of a Resolution Directing the City of Santa Fe Fire Department to Establish a Coalition of Individuals, with a Vested Interest in Protecting Neighborhoods from a Wildfire, to Produce and Implement Tangible Wildfire Mitigation Strategies. (Councilor Wurzburger) (Erik Litzenberg)

Committee Review:

Public Safety Committee (approved)	11/19/13
City Council (scheduled)	12/11/13

Fiscal Impact – No

FINANCE COMMITTEE ACTION: Approved as Discussion Item

SPECIAL CONDITIONS OR AMENDMENTS

Legal should discuss intent with Councilor Wurzburger.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			

3-19-12/FCMissue

ACTION SHEET
ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 11/19/13

ISSUE: Proposed resolution authorizing the City of Santa Fe Fire Department to establish a coalition of individuals, with a vested interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies.

PUBLIC SAFETY COMMITTEE ACTION: Recommend approval

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO	X		
VICE-CHAIPERSON HARRIS	X		
MEMBER MIKE MIER	ABSENT		
MEMBER NANCY OWEN-LEWIS	ABSENT		
MEMBER PETER MIZRAHI	X		
MEMBER MIKE BOWEN	X		
MEMBER CHRIS RIVERA	X		

1 **WHEREAS**, the Strategy focuses on: restoring and maintaining resilient landscapes, creating
2 fire adapted communities, and response to wildland fires; and

3 **WHEREAS**, fire adapted communities are more aware, prepared, resilient, and better
4 protected from a wildfire threat; and

5 **WHEREAS**, the City of Santa Fe Fire Department has identified 27 neighborhoods which
6 exist in the city of Santa Fe wildland urban interface; and

7 **WHEREAS**, 19 of the identified neighborhoods received a wildfire hazard rating of high,
8 very high, or extreme; and

9 **WHEREAS**, solely removing trees to protect life and property is not an effective solution to
10 the threat from a wildland fire; and

11 **WHEREAS**, there are five categories within four environments (Built, Natural, Social, and
12 Response) that address wildfire hazard mitigation: (1) education; (2) engineering; (3)
13 enactment/enforcement; (4) economic incentives; and (5) emergency response that are the most
14 effective approach to reducing the affect a large wildland fire may have on the City of Santa Fe; and

15 **WHEREAS**, the City of Santa Fe Fire Department recognizes that individuals, organizations,
16 businesses and government have to influence the effectiveness in planning, responding, and
17 recovering from a wildland fire incident; and

18 **WHEREAS**, the Governing Body desires that a coalition of individuals such as residents,
19 builders, realtors, insurance agents, land managers and employees of the Fire Department with a
20 vested interest in protecting neighborhoods from a wildfire would develop wildfire mitigation
21 strategies to best protect life and property in the city of Santa Fe.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
23 **CITY OF SANTA FE** that the Governing Body of the City of Santa Fe hereby authorizes the City of
24 Santa Fe Fire Department to establish a coalition of individuals such as residents, builders, realtors,
25 insurance agents, land managers and employees of the Fire Department, who have a vested interest in

1 protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation
2 strategies.

3 PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2013.

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6 ATTEST: DAVID COSS, MAYOR

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9 YOLANDA Y. VIGIL, CITY CLERK

10 APPROVED AS TO FORM:

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12 _____

13 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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

Short Title(s): A resolution authorizing the City of Santa Fe Fire Department to establish a coalition of individuals, with a vested interest in protecting individuals from a wildfire, to produce and implement tangible wildfire mitigation strategies.

Sponsor(s): Councilor Wurzburger

Reviewing Department(s): Fire Department

Person Completing FIR: Erik Litzenberg Date: 11/4/13 Phone: 505-955-3110

Reviewed by City Attorney: Villy A. Brennan Date: 11/13/13
(Signature)

Reviewed by Finance Director: [Signature] Date: 11/26/13
(Signature)

Section B. Summary

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

To direct the Fire Department to establish a Fire Adapted Community coalition comprised of individuals, agencies, and businesses with the vested interest in promoting wildfire mitigation practices in and around the community 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)

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.)

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.

There are no obvious conflicts.

2. Consequences of Not Enacting This Bill/Resolution:

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

This resolution will help to strengthen the efforts being made to protect the community from wildfire. The consequence of inactivity is simply that the legitimacy of these efforts by the Fire Department will be undermined.

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.

The resolution will have the positive impact of legitimizing the efforts that the Fire Department is making towards partnership formation and overall wildfire hazard mitigation.

have a heavy criticism and come back to the Department and ask how many inspections have been done. Suggested wording might be to say, the Police Department is authorized to assure, something to that effect. We just got through talking about a shortage of officers so we should use caution.

Chief Rael agreed with Mr. Bowen on this comment. The resources are just not available and how to approach the enforcement will offer a challenge.

Mr. Mizrahi moved to approve the proposed ordinance replacing the language "shall conduct" on Pg. 2-H, second by Mr. Bowen, motion carried by unanimous voice vote.

E. Proposed Ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending sections 12-6-12.6 relating to driving with a revoked license; 12-12-3 relating to electronic uniform traffic citations, 12-12-11 relating to abstract of traffic cases; creating a new section 12-12-3.1 relating to electronic uniform traffic citations; and making such other stylistic and grammatical changes as are necessary (Councilor Trujillo, Alfred Walker)

Mr. Walker stated that this ordinance is intended to amend out traffic ordinances to be in line with changes in state law. Most of these are stylistic changes; not much substantive changes other than to allow Police Officers to use electronic traffic citations. If they are required to give a copy of that they can provide an electronic print out. Most of these changes either don't change the substance of law.

Mr. Harris moved to approve the proposed ordinance relating to the City of Santa Fe Uniform Traffic Ordinance, second by Mr. Mizrahi, motion carried by unanimous voice vote.

F. Proposed resolution authorizing the City of Santa Fe Fire Department to establish a coalition of individuals, with a vested interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies (Councilor Wurzbarger, Fire Chief Erik Litzenberg)

Chief Litzenberg explained that this is a resolution to strengthen a cohesive coalition of individuals to get more involved to help in fire safety. Mr. Harris asked if this is strictly an Advisory Group. Mr. Chavarria responded yes, it is a mode of operation to get more people involved at no risk.

Mr. Harris moved to approve the proposed resolution authorizing the City of Santa Fe to establish a coalition of individuals, with a vested interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies, second by Mr. Bowen, motion carried by unanimous voice vote.

23. **REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING THE CITY OF SANTA FE FIRE DEPARTMENT TO ESTABLISH A COALITION OF INDIVIDUALS, WITH A VESTED INTEREST IN PROTECTING NEIGHBORHOODS FROM A WILDFIRE, TO PRODUCE AND IMPLEMENT TANGIBLE WILDFIRE MITIGATION STRATEGIES (COUNCILOR TRUJILLO AND COUNCILOR IVES). (ERIK LITZENBERG. Committee Review: Public Safety Committee (approved) 11/19/13; and City Council (scheduled) 12/11/13. Fiscal Impact – No.**

Councilor Ives said he thought Councilor Wurzbarger had introduced this notion some time ago, and we had seen this in various committees, and asked if this is an outgrowth of that.

Porfirio Chavez said it was discussed at the last Public Safety Committee.

Councilor Ives said that could be part of the mitigation strategy.

Chief Litzenberg said the last legislation was to get the formality in place. He said this is to get a group of people together to work on wildfire mitigation.

Councilor Ives said he has no problem supporting the legislation and asked to be a cosponsor. He said the previous measure and this one seem to be similar issues.

Councilor Bushee asked Chief Litzenberg if he feels this is necessary, and asked if it is coming from Officer Chavez's office.

Officer Chavez said it is coming from the members of the community and came out of the Flame Act which directs communities to become more pro-active. He said it is being pushed at the national level, especially builders, Realtors. He said this is the purpose of his position.

Councilor Bushee asked Chief Litzenberg if he will come back with another Resolution, which specifies the numbers on the committee and so forth.

Officer Chavez said that would be at the pleasure of the Council. He envisioned that they would form this coalition, which would decide how they would govern themselves, and then develop strategies for implementation of new ordinances and programs, looking at grant funding and fundraising. He said they then would bring some of those to Council.

Councilor Bushee asked if the creation of the group will be formalized moving forward.

Officer Chavez said he has met with some of the people proposed to be on the coalition, but thinks it is something separate that brings recommendation to the Council, and gets Council support for various items.

Councilor Bushee said it authorizes the Fire Department to establish a coalition. She supports the concept, but wants to know if the organization needs to be formalized.

Judith Amer, Assistant City Attorney, Ms. Amer said a coalition is just a different word for an advisory committee, and probably should be organized as such.

Councilor Bushee asked if it should have memberships with terms, and someone to take minutes, and such.

Ms. Amer said yes.

Chair Dominguez said then there would be a fiscal impact.

Chair Dominguez said Item #23 is sponsored by Councilor Trujillo and Item #24 is sponsored by Councilor Wurzbarger.

Chief Litzenberg said both are from Councilor Wurzbarger.

Chair Dominguez asked if it was the intent that it be this formal – were you anticipating a short term group.

Chief Litzenberg said they didn't want something with fiscal impact, just to form partnerships with the community.

Councilor Calvert suggested that we consult with the sponsor, and if she has a notion it can move forward in its current form and doesn't need a structure, and she can explain that at Council. However, if she believes it needs a structure, then it can be brought back to this Committee at the next meeting with that structure in place.

Councilor Bushee said we don't need a "formalized thing," to make this work. She said the only thing that isn't in the Resolution is the term of the Council.

Chief Litzenberg said his thought is that it would be ongoing until we solve this problem.

Councilor Bushee said if using staff time, needs to be structured as an advisory committee.

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to approve this request, with direction to staff to consult with the sponsor, and ask the sponsor if she would like for it to move forward in its current form and feels it doesn't need a structure, or if she believes it needs a structure, then it can be brought back to this Committee at the next meeting with that structure in place.

DISCUSSION: Councilor Bushee said then we need to back up on a lot of things we created and put in a formal structure. She said Ms. Amer said if we are making this a formal committee, using staff time, we need to do it in a structured way with Chair, Vice-Chair, terms, scope of work and such.

Councilor Calvert said this is part of the motion to have staff talk with the staff and legal.

Councilor Bushee said she wants to hear from Legal briefly.

Chair Dominguez said the question is if there a policy in place that requires certain action from the Governing Body to create a coalition.

Melissa Byers said there is a Committee book, adopted by Resolution, which provides when a committee is formed, certain things have to be done. Ms. Byers said she thought about that when she was drafting the Resolutions for #23 and #24, and she didn't pursue that and didn't have time to revisit it.

Councilor Dominguez said the direction to staff is to determine whether or not the sponsor wants to go through that process.

Ms. Amer said the legal issue that needs to be explored is whether this coalition fits in the advisory committee realm, or if it is extremely different and doesn't need all of that.

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

24. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE CITY OF SANTA FE EMERGENCY MANAGER TO ESTABLISH A HAZARD MITIGATION ADVISORY GROUP FOR THE PURPOSE OF MAINTAINING, UPDATING AND MONITORING THE PROGRESS OF PROJECTS THAT ARE PLACED IN THE CITY'S ALL-HAZARD MITIGATION PLAN (COUNCILOR WURZBURGER). (ANDREW PHELPS) Committee Review: Public Safety Committee (approved) 11/19/13; and City Council (scheduled) 12/11/13. Fiscal Impact – No.

Councilor Ives asked the breadth and scope of things Mr. Phelps sees being in this Plan, noting he wants a sense of what will qualify.

Andrew Phelps said the projects run the gamut from replacing culverts to power systems, as well as fire projects, noting there is a whole list of things.

Councilor Ives would like to look at that list, and asked him to put a copy in his box. He asked if we have an obligation to turn that over to the State Emergency Preparedness.

Mr. Phelps said yes, because it was created in part with federal grant funds, so we need final approval by the State and the Regional headquarters in Denton, Texas. The plan also allows the City to apply for Hazard Mitigation funds.

Councilor Bushee said she has the same concerns as the last one, and would like to make the same motion to investigate.

Councilor Ives said a copy of the Plan would be helpful.