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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2019-20

INTRODUCED BY:

Councilor Christopher M. Rivera

AN ORDINANCE

AMENDING SECTION 2-16 SFCC 1987, OFFICE OF EMERGENCY MANAGEMENT, TO ESTABLISH DEFINITIONS AND TO PROVIDE FOR EXPANDED PLANNING PERIODS FOR THE OFFICE OF EMERGENCY MANAGEMENT; AMENDING SECTION 20-1 SFCC 1987, POWERS OF MAYOR DURING AN EMERGENCY, TO INCLUDE DECLARATION OF AN EMERGENCY AND OTHER POWERS OF THE MAYOR IN AN EMERGENCY; AND ESTABLISHING ORDERS OF SUCCESSION FOR ELECTED OFFICIALS AND CITY MANAGEMENT.

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

Section 1. Section 2-16.1 SFCC 1987 (being Ord. #1974-30 (as amended)) is amended to read:

2-16 OFFICE OF EMERGENCY MANAGEMENT.

2-16.1 Established; Composition.

There is established under the city manager's direction, in accordance with [§] Section 12-10-5 NMSA 1978, the "office of emergency management," which shall consist of:

1 A. An emergency [~~management coordinator~~] manager who shall be appointed in
2 accordance with [§] Section 12-10-5 NMSA 1978, and who shall be subject to the personnel
3 system of the city;

4 B. Additional professional and administrative personnel as may be required to
5 effectively carry out the emergency management program; and

6 C. All other city officers and employees, together with those volunteer forces
7 enrolled to aid the city during periods of [~~long-scale~~] disaster or emergency.

8 **2-16.2 Definitions.**

9 *Civil Emergency* means conditions of unrest, including but not limited to riot, civil
10 disturbance, unlawful assembly, hostile military or paramilitary action, war, terrorism, or
11 sabotage.

12 *Comprehensive Emergency Management Plan (CEMP)* means a written document that
13 describes the city's overall emergency management plan. A CEMP specifies the purpose,
14 organization, responsibilities, and facilities of the agencies and officials of the city in the
15 mitigation of, preparation for, response to, and recovery from emergencies and disasters.

16 *Curfew* means a period of time declared by the mayor, during which no person or
17 persons, other than persons authorized by the mayor by administrative order, may be upon the
18 public streets, sidewalks, grounds, or semi-public property, either on foot or in vehicles of any
19 type, within the city.

20 *Disaster* means the occurrence of a natural catastrophe, technological accident, or
21 human-caused event that has resulted in environmental damage, property damage, deaths, and/or
22 multiple injuries, which may exceed the response capability of the local jurisdiction, necessitating
23 state, and potentially federal, involvement.

24 *Emergency* means any occasion or instance, such as a terrorist attack, terrorist threat, civil
25 unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft

1 accident, earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public
2 health or medical emergency, other occurrence requiring an emergency response, or any other
3 condition that warrants action to protect life, property, or the environment.

4 *Emergency Management* means an approach to prevent, protect against, respond to,
5 recover from, and mitigate the effects of incidents.

6 *Emergency Operations Center (EOC)* means the physical location at which the
7 coordination of information and resources to support incident management (on-scene operations)
8 activities normally takes place.

9 *Emergency Plan* means an ongoing plan for responding to a wide variety of potential
10 hazards.

11 *Hazard Mitigation Plan* means the representation of the city's commitment to reduce
12 risks from natural hazards, serving as a guide for decision makers as they commit resources to
13 reducing the effects of natural hazards.

14 *National Incident Management System (NIMS)* means the federal government's
15 standardized framework of doctrines, concepts, principles, terminology, and organizational
16 processes for emergency management.

17 **2-16.[2]3 Purpose.**

18 A. The purpose of the office of emergency management is to coordinate the efforts
19 of all municipal agencies and employees, nongovernmental agencies, and private sector partners
20 to prepare for and function in the event of [~~long-scale~~] disasters and emergencies endangering the
21 lives of persons in the city, [~~and~~] property of the residents of the city, or public property in the
22 city.

23 B. The duty of the office of emergency management is to coordinate the
24 development of emergency plans for the effective employment of municipal resources to protect
25 the lives and health of the residents of the city and the private and public property therein from

1 the effects of emergencies or natural or man-caused disasters [~~including acts of war~~].

2 C. The office of emergency management shall coordinate the implementation of
3 such plans in preparation for, during, and after periods of [~~long-scale~~] emergency or disaster.
4 Such plans shall be coordinated with those of the county and in consonance with the state
5 emergency management plans.

6 **2-16.~~3~~4 Emergency [~~Management Coordinator~~] Manager.**

7 The emergency [~~management coordinator~~] manager shall:

8 A. Be responsible to the city manager for the organization, administration, and
9 operation of the emergency management program of the city;

10 B. Coordinate the emergency management activities of all municipal departments
11 and agencies of the city, nongovernmental agencies, and private sector partners;

12 C. Be the liaison and cooperate with the emergency management agencies of the
13 federal government, the state, the county, and the other political subdivisions therein;

14 [~~D. Have the authority to act for the city of Santa Fe in all matters pertaining to
15 emergency management, including the obligation of municipal funds as may be appropriated for
16 emergency management purposes.~~]

17 [~~E]~~D. Develop an organizational structure for the office of emergency management,
18 subject to the approval of the governing body and [~~is authorized to~~] recommend appointments to
19 fill the positions established therein subject to the city manager's authority;

20 E. Manage the emergency operations center ("EOC"); establish the overall
21 structure, roles, responsibilities, and direction for the operation of the EOC; and ensure that the
22 EOC is appropriately sited, staffed, equipped, and maintained;

23 F. Maintain written emergency plans, including but not limited to all chapters,
24 annexes, and appendices of the Comprehensive Emergency Management Plan and Hazard
25 Mitigation Plan, and annually review the plans to identify any recommendations for revisions;

1 and

2 G. Maintain records documenting compliance with requirements of federal and state
3 emergency management programs, including the National Incident Management System.

4 **2-16.[4]5 Financing.**

5 A. Funds for necessary expenses of the office of emergency management, including
6 salaries for approved positions, may be made available through appropriations by the governing
7 body in accordance with [§] Section 12-10-7 NMSA 1978.

8 B. The emergency [~~management coordinator~~] manager shall prepare and submit to
9 the governing body an annual proposed budget for emergency management expenditures and
10 shall indicate those amounts eligible for matching funds under the federal grant programs.

11 C. [~~Emergency management funds may be obligated by the coordinator of~~
12 ~~emergency management only in the amounts appropriated and for the purposes authorized by the~~
13 ~~governing body.~~] During an emergency, purchases may be exempt from the city's procurement
14 code, as permitted pursuant to Section 11-13 SFCC 1987.

15 **Section 2. Section 20-1 SFCC 1987 (being Ord. #2005-7 (as amended)) is**
16 **amended to read:**

17 **20-1 DECLARATION OF AN EMERGENCY[; RIOT CONTROL]; POWERS**
18 **OF MAYOR DURING AN EMERGENCY.**

19 **20-1.1 Short Title; Purpose.**

20 A. This section may be cited as the [~~Riot Control~~] Emergency Declaration
21 Ordinance.

22 B. For the protection of life and property and for the preservation of the public
23 peace and safety, it is necessary to [~~implement those provisions of the Riot Control Act, §§ 12-~~
24 ~~10-16 through 12-10-20 NMSA 1978 relating to~~] codify the powers of [~~a municipality~~] the city
25 and the mayor when the mayor finds that a public disorder, riot, disaster, or emergency exists in

1 the municipality. The mayor's powers are the same as those expressly authorized in Section 12-
2 10-21 NMSA 1978 of the Riot Control Act for powers other than the governor to maintain the
3 public peace and safety. It is also necessary to codify the process for the city to request that the
4 governor proclaim a state of emergency pursuant to the Riot Control Act, Sections 12-10-16
5 through 12-10-20 NMSA 1978.

6 **20-1.2 Proclamation of Emergency; Regulations.**

7 When the mayor, or in the event of the mayor's inability to act, the mayor pro tem,
8 determines in consultation with the emergency manager, chief of police, and/or fire chief that a
9 ~~[public disorder, riot]~~ civil emergency, disaster, or emergency exists in the municipality, the
10 mayor ~~[shall have the power to]~~ may proclaim a state of emergency in the area affected and may
11 also request that the governor proclaim a state of emergency. During the existence of a state of
12 emergency, the mayor may, by proclamation~~[-prohibit]~~:

13 A. Prohibit [A]any person being on the public streets, in the public parks, or at any
14 other public place during the hours proclaimed by the mayor to be a period of curfew;

15 B. Prohibit [A]any designated number of persons from assembling or gathering on
16 the public streets, public parks, or other open areas, either public or private, or in any public
17 building;

18 C. Prohibit [F]the manufacture, transfer, use, possession, or transportation of any
19 device or object designed to explode or produce uncontained combustion;

20 D. Prohibit [F]the transportation, possession or use of combustible, flammable or
21 explosive materials in a glass or uncapped container of any kind, except in connection with the
22 normal operation of motor vehicles, normal home use, or legitimate commercial use;

23 E. Prohibit [F]the possession of firearms or any other deadly weapon by a person in
24 any place other than the person's place of residence or business, except for peace officers;

25 F. Prohibit [F]the sale, purchase, or dispensing of alcoholic beverages or other

1 commodities or goods designated by the mayor;

2 G. Prohibit ~~[F]~~the use of certain streets or highways by the public; ~~[and]~~

3 H. Control routes related to ingress and egress throughout the city based on the
4 needs of emergency services responding to the emergency or disaster;

5 ~~[H]~~I. Prohibit ~~[O]~~other activities the mayor reasonably believes ~~[should be prohibited]~~
6 necessary to help maintain life, property, or the public peace;

7 J. Require evacuation of residents in the area effected by the emergency or disaster;

8 K. Require the city manager to direct city employees, as applicable, to perform
9 emergency functions;

10 L. Require the use of all available resources of the city as reasonably necessary;

11 M. Utilize the services of non-city personnel and resources necessary to adequately
12 respond to the declared emergency; and

13 N. Designate a substitute signatory for emergency obligation of funds during the
14 pendency of the declared emergency.

15 **20-1.3 ~~[Proclamation of Emergency to Be Effective upon Issuance]~~ Term of**

16 **Proclamation.**

17 A. Effective Date. Any proclamation issued under this section becomes effective
18 immediately upon its signing by the mayor, but the mayor shall give public notice of its contents
19 through the public press and other news media. The restrictions may be imposed during times,
20 upon conditions, with exceptions, and in areas of the municipality designated by the proclamation
21 of the mayor ~~[from time to time]~~.

22 **~~[20-1.4 ——— Termination of Emergency.]~~**

23 B. Length of Emergency. Any state of emergency proclaimed under the ~~[Riot~~
24 ~~Control]~~ Emergency Declaration Ordinance, Section 20-1 SFCC 1987, along with any restrictions
25 imposed for control of that emergency, terminates automatically at noon on the third (3rd) day

1 after it becomes effective [~~unless sooner terminated by proclamation of the mayor~~].

2 C. Extension of Emergency. Should an emergency be proclaimed as defined in
3 Section 2-16.2 SFCC 1987, the governing body may extend the proclamation declaring a state of
4 emergency for up to seven (7) days.

5 D. Termination of Emergency. Any state of emergency proclaimed shall terminate
6 at noon on the third (3rd) day after it becomes effective unless sooner terminated by proclamation
7 of the mayor or by a majority vote of the governing body.

8 **20-1.4 Orders of Succession; Governing Body Meetings.**

9 A. Elected officials. The line of succession of authority to declare a disaster or
10 emergency is as follows:

11 a. the mayor;

12 b. the mayor pro tem;

13 c. the chair of the finance committee;

14 d. the chair of the public works committee;

15 e. the chair of the public utilities committee;

16 f. the chair of the public safety committee; and then

17 g. the remaining councilors in order of seniority.

18 B. City management. The line of succession to manage a disaster or emergency is as
19 follows:

20 a. the city manager;

21 b. the deputy city manager;

22 c. the police chief;

23 d. the fire chief;

24 e. the public works director;

25 f. the public utilities director; and then

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g. the finance director.

i. The person authorized to manage a disaster or emergency is the person listed first in the line of succession that is available to do so.

C. Meetings for governing body. In the event an emergency prevents the governing body from having a quorum, the quorum requirements are suspended.

20-1.5 Penalty.

During a state of emergency, any person who~~[, during a state of emergency,]~~ fails to comply with restrictions imposed by proclamation of the mayor under the [~~Riot Control~~] Emergency Declaration Ordinance, Section 20-1 SFCC 1987, is guilty of a petty misdemeanor~~[,]~~. ~~[and a]~~ Upon conviction of a second or subsequent offense under this Section, a person is guilty of a fourth degree felony~~[,]~~ and should be referred to the district attorney's office for prosecution.

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY