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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-7

INTRODUCED BY:

Councilor Carol Romero-Wirth

Councilor Chris Rivera

Councilor Roman “Tiger” Abeyta

AN ORDINANCE

AMENDING SECTION 20-1.3 TO ALLOW THE GOVERNING BODY TO EXTEND A STATE OF EMERGENCY IN A PUBLIC HEALTH EMERGENCY ~~[THAT]~~ AS DECLARED BY THE NEW MEXICO DEPARTMENT OF HEALTH OR HAS BEEN DECLARED A PANDEMIC BY [NEW MEXICO DEPARTMENT OF HEALTH] THE WORLD HEALTH ORGANIZATION; AND PROVIDING FOR REMOTE PARTICIPATION IN CITY MEETINGS, ALLOWING THE CITY MANAGER TO LIMIT PUBLIC ATTENDANCE AT MEETINGS PROVIDED THERE IS SUFFICIENT MEANS TO ALLOW REMOTE PARTICIPATION, ~~[AND]~~ ALLOWING THE CITY MANAGER TO CANCEL ANY CITY MEETING TO PRESERVE THE PUBLIC HEALTH, SAEFTY, AND WELFARE; ALLOWING THE CITY MANAGER TO APPROVE CONTRACTS UP TO TWO HUNDRED THOUSAND DOLLARS DURING A PUBLIC HEALTH EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section 1. Section 20-1.3 of SFCC 1987 (being Ord. No. 2019-21 § 2, as

1 **amended) is amended to read:**

2 **20-1.3 Term of proclamation.**

3 A. *Effective date.* Any proclamation issued under this section becomes effective
4 immediately upon its signing by the mayor, but the mayor shall give public notice of its
5 contents through the public press and other news media. The restrictions may be imposed
6 during times, upon conditions, with exceptions, and in areas of the municipality designated by
7 the proclamation of the mayor.

8 B. *Length of emergency.* Any state of emergency proclaimed under the
9 Emergency Declaration Ordinance, Section 20-1 SFCC 1987, along with any restrictions
10 imposed for control of that emergency, terminates automatically at noon on the third (3rd) day
11 after it becomes effective.

12 C. *Extension of emergency.* Should an emergency be proclaimed as defined
13 in Section 2-16.2 SFCC 1987, the governing body may extend the proclamation declaring a
14 state of emergency for up to seven (7) days. If the emergency is a public health emergency
15 and has been declared so by the New Mexico department of health, the governing body may
16 extend the proclamation declaring a state of emergency for up to sixty (60) days.

17 D. *Termination of emergency.* If not extended by the governing body, any state
18 of emergency proclaimed shall terminate at noon on the third (3rd) day after it becomes
19 effective unless sooner terminated by proclamation of the mayor or by a majority vote of the
20 governing body.

21 **Section 1. Section 20-1.3 of SFCC 1987 (being Ord. No. 2019-21 § 2, as**
22 **amended) is amended to read:**

23 **20-1.4 Orders of succession; governing body meetings; committee meetings; city manager**
24 **authority.**

25 A. *Elected officials.* The line of succession of authority to declare a disaster or

1 emergency is as follows:

- 2 (1) The mayor;
- 3 (2) The mayor pro tem;
- 4 (3) The chair of the finance committee;
- 5 (4) The chair of the public works and utilities committee;
- 6 (5) The chair of the [~~public utilities~~] quality of life committee;
- 7 (6) The chair of the public safety committee;
- 8 (7) The remaining councilors in order of seniority;

9 B. *City management.* The line of succession to manage a disaster or emergency is
10 as follows:

- 11 (1) The city manager;
- 12 (2) The deputy city manager;
- 13 (3) The police chief;
- 14 (4) The fire chief;
- 15 (5) The public works director;
- 16 (6) The public utilities director; and then
- 17 (7) The finance director.
- 18 (8) The person authorized to manage a disaster or emergency is the
19 person listed first in the line of succession that is available to do so.

20 C. *Meetings for governing body.* During a declared emergency, if it is difficult or
21 impossible for a governing body member to attend a meeting in person, the member may
22 participate in meetings by conference telephone or other similar communications equipment,
23 as permitted pursuant to Section 10-15-1 NMSA 1978, as amended. In the event an emergency
24 prevents the governing body from having a quorum established by members participating
25 either in person or otherwise as permitted in this subsection, and after a good faith effort to

1 make it possible for governing body members to participate in a meeting called during a
2 declared emergency, the governing body's quorum requirements are suspended.

3 D. Meetings for city council standing committees and standing committees.
4 During a declared emergency, members of committees may participate remotely at meetings
5 by conference telephone or other similar communications equipment, as permitted pursuant to
6 Section 10-15-1 NMSA 1978, as amended, provided that such means allow for the public to
7 hear the committee members and for the committee members to hear both members of the
8 public recognized to speak and other members of the committee.

9 E. City manager authority. During a state of emergency declared due to the
10 spread of a contagious disease declared to be a public health emergency by the New Mexico
11 department of health or recognized by the world health organization as a pandemic, the city
12 manager has the authority to take the following actions:

13 1. exclude or limit the public from in-person attendance at meetings,
14 provided that the public may witness the meeting, either by telephone, the internet, or
15 on television, and provided that the meeting provides adequate means for public
16 participation to satisfy constitutional due process.

17 2. cancel any governing body, city council standing committee, or
18 standing committee meeting prior to commencement of such meeting to preserve the
19 public health, safety, and welfare. Agenda items that are adjudicatory or quasi-judicial
20 in nature shall be rescheduled to a time when the relevant city body and the interested
21 parties will have adequate opportunity to participate in the consideration of the item.

22 3. approve contracts with a total value up to two hundred thousand
23 dollars (\$200,000.00), excluding gross receipts taxes. The city manager shall provide
24 monthly reports to the governing body of all contracts approved administratively
25 pursuant to this paragraph.

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Section 3. Effective Date.

This ordinance shall become effective upon adoption by the governing body, except that the changes to Section 20-1.3(A) shall become effective April 8, 2020.

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY