

ACTION SHEET
ITEM FROM FINANCE COMMITTEE MEETING OF 06/01/2020
FOR CITY COUNCIL MEETING OF 06/10/20

ISSUE:

b. Consideration of Bill No. 2020-10: An Ordinance Creating a New Section 20-7 SFCC 1987 Regarding the Use of Face Coverings by Employees and Customers When Inside Places of Business and by All Members of the Public When in Public Places Where Social Distancing is not Possible; Establishing an Effective Date of the Date of Bill Adoption. (Councilors Romero-Wirth, Lindell, Cassutt-Sanchez, Abeyta, and Rivera) (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Quality of Life Committee (approved)	5/20/20
City Council (request to publish) (scheduled)	5/27/20
City Council (public hearing) (scheduled)	6/10/20

FINANCE COMMITTEE ACTION:

Approved on Discussion as Amended

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

Amended

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON ABEYTA	X		
COUNCILOR LINDELL	X		
COUNCILOR ROMERO-WIRTH	X		
COUNCILOR VILLARREAL	X		
COUNCILOR CASSUTT-SANCHEZ	X		

3-19-18

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2020-10

Face Covering Requirement

SPONSOR(S): Councilors Romero-Wirth, Lindell, Cassutt-Sanchez, Abeyta, and Rivera

SUMMARY: This Bill requires the use of face coverings for every person in Santa Fe when inside a building open to the public, waiting to enter a building open to the public, interacting with people in outdoor spaces such as curbside delivery, when engaging in business activities in private spaces such as service calls, utilizing public or private transportation, or walking in public where maintaining a distance of six feet is not possible.

PREPARED BY: Jesse Guillen, Legislative Liaison

FISCAL IMPACT: None

DATE: May 13, 2020; updated June 4, 2020

ATTACHMENTS: Amendment – Councilor Romero-Wirth
Amendment – Councilor Garcia
Amendment – Councilor Romero-Wirth
Bill
FIR

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-10
Face Covering Requirement

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-10:

1. On page 2, line 3 *strike* "ten (10)" and *insert* in lieu thereof "fifteen (15)"
2. On page 3, *strike* lines 3-4 in their entirety and *insert* in lieu thereof:
"Any persons found guilty of a violation of this Section shall be guilty of an infraction, punishable by:
A. a written warning for a first violation;
B. a fine not exceeding fifty dollars (\$50.00) for each subsequent violations of this Section."
3. On page 3, line 6 after "upon" *insert* "its"
4. On page 3, line 7 *strike* "will" and *insert* in lieu thereof "shall"
5. On page 3, line 8 after "pandemic" *insert* "as that recommendation applies to the city"

Respectfully submitted,

Carol Romero-Wirth, Councilor

Approved as to Form:



Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

10195.3(A)

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-10
Face Covering Requirement

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-10:

1. On pages 2-3, *strike* Section 20-7.4 in its entirety


*** Editor's note: renumber the succeeding paragraphs accordingly**

2. On page 3, line 3 *delete* the sentence and *insert* in lieu thereof:
"Persons who violate this Section, after receiving a warning for the first violation, shall be subject to a civil fine of fifty dollars (\$50.00) for each subsequent violation."
3. On page 3, lines 7-8 after "when" *strike* the remainder of the sentence and *insert* in lieu thereof "the Governor of New Mexico's order requiring the use of face coverings as it relates to the Northeast Public Health Region expires or is rescinded."

Respectfully submitted,

Michael J. Garcia, Councilor

Approved as to Form:


Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

10195.3(B)

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2020-10
Face Covering Requirement

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2020-10:

1. On pages 2-3, *strike* Section 20-7.4 in its entirety

*** Editor's note: renumber the succeeding paragraphs accordingly**

Respectfully submitted,

Carol Romero-Wirth, Councilor

Approved as to Form:



Erin K. McSherry, City Attorney

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

[bracketed material] = delete
[underscored material] = new

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-10

INTRODUCED BY:

Councilor Carol Romero-Wirth

Councilor Signe I. Lindell

Councilor Jamie Cassutt-Sanchez

Councilor Roman "Tiger" Abeyta

Councilor Chris Rivera

AN ORDINANCE

CREATING A NEW SECTION 20-7 SFCC 1987 REGARDING THE USE OF FACE COVERINGS BY EMPLOYEES AND CUSTOMERS WHEN INSIDE PLACES OF BUSINESS AND BY ALL MEMBERS OF THE PUBLIC WHEN IN PUBLIC PLACES WHERE SOCIAL DISTANCING IS NOT POSSIBLE; ESTABLISHING AN EFFECTIVE DATE AS THE DATE OF BILL ADOPTION.

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

Section 1. A new Section 20-7 of SFCC 1987 is hereby ordained to read:

20-7 USE OF FACE COVERING IN PUBLIC.

20-7.1 Short title.

This section may be cited as the "Public Health Protection Ordinance."

20-7.2 Definitions.

Face covering means a cloth, fabric, or other soft or permeable material, without holes, that covers both the mouth and nose and includes surgical masks, N-95 respirators, face shields, handmade masks, and bandanas.

1 **10-7.3 Face covering requirement.**

2 A. The use of a face covering is required by every person within the boundaries of
3 the city of Santa Fe as detailed below. Every person over the age of ten (10) must wear a face
4 covering when:

- 5 1. inside a building open to the public;
- 6 2. waiting to enter a building open to the public;
- 7 3. interacting with other people in outdoor spaces, including, but not limited
8 to, curbside pickup, delivery, and service calls;
- 9 4. when engaging in business activities in private spaces (for example,
10 house showings, indoor services calls for appliances, etc).
- 11 5. utilizing public or private transportation; or
- 12 6. walking in public where maintaining a distance of six (6) feet between
13 other members of public at all times is not possible.

14 B. Face coverings are not required in the following circumstances:

- 15 1. in personal vehicles;
- 16 2. when a person is alone in enclosed spaces;
- 17 3. during outdoor physical activity, provided the active person maintains a
18 minimum of six (6) feet from other people at all times;
- 19 4. when a person is alone or only with other household members;
- 20 5. while drinking or eating;
- 21 6. When wearing a face covering causes or aggravates a health condition.

22 Employees for whom wearing a face covering causes or aggravates a health condition
23 must document the condition with their employer.

24 **20-7.4 Enforcement.**

25 Any person violating the Public Health Protection Ordinance shall be guilty of a petty

1 misdemeanor.

2 **20-7.5 Penalties.**

3 Persons found guilty of a violation of this Section shall be subject to a penalty of fifty
4 dollars (\$50.00) for each violation.

5 **20-7.6 Effective date.**

6 The Public Health Protection Ordinance shall go into effect immediately upon adoption
7 and will expire when the Centers for Disease Control withdraws its face covering
8 recommendation related to the COVID-19 pandemic.

9 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2020/Bills/2020-10 Face Covering Requirement

FISCAL IMPACT REPORT**General Information:**(Check) Bill: X Resolution: _____Short Title(s): Face Covering RequirementSponsor(s): Councilors Romero-Wirth, Lindell, Cassutt -Sanchez, Abeyta, and RiveraReviewing Department(s): Legislative ServicesStaff Completing FIR: Jesse Guillen Date: 5/20/2020 Phone: 955-6692Reviewed by City Attorney:  Date: May 28, 2020Reviewed by Finance Director:  Date: May 28, 2020**Summary:**

The Bill would require the use of face coverings by all persons within the city of Santa Fe when in public places or interacting with other members of the public. The Bill would go into effect immediately upon adoption and would be rescinded when the CDC withdraws its face covering recommendation related to the COVID-19 pandemic.

Departments Affected:All City departments.**Consequences of Not Enacting Legislation:**

If the city does not enact its own legislation, the face covering order issued by the Governor would still be in effect until it is withdrawn.

Conflict, Duplication, Companionship, or Relationship to Other Legislation:

This Bill relates to the Governor's order requiring the use of a face covering in public settings. However, this Bill would remain in effect if the CDC's recommendation on face coverings is still in place after the Governor's order is rescinded.

Performance and Administrative Implications:None identified.**Fiscal Implications:**

The Bill provides for a potential fine of \$50 for each violation of the Ordinance. It's unclear how often such citations would be issued, and so it is not possible to provide the fiscal impact associated with this Bill.

Fiscal Impact

_____ Check here if no fiscal impact

Expenditures

Expenditure Type	FYE 20	FYE 21	FYE 22	Require BAR (Y/N)	Recurring (R) or Non-recurring (NR)	Fund	3-Year Total Cost
Personnel and Benefits*	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Capital Outlay	\$ _____	\$ _____	\$ _____	_____	_____	_____	
Contractual/ Professional Services	\$3400	\$ _____	\$ _____		NR	_____	
Operating	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
Total:	\$3400	\$ _____	\$ _____				\$3400

* This includes all staff time associated with executing the job functions of the proposed legislation.

Expenditure Narrative:

The City has purchased 2000 face coverings at a cost of \$ 1.70 per mask, for a total of approximately \$3400 to provide the face coverings for all City employees. Hanes Company also donated 6,000 masks to the City of Santa Fe, increasing stock on hand for employees.

Revenue

Revenue Type	FYE 20	FYE 21	FYE 22	Recurring (R) or Non-recurring (NR)	Fund
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____		

Revenue Narrative:

Revenue associated with enforcing the Public Health Protection Ordinance cannot be estimated at this time.