



# AGENDA

REGULAR MEETING OF  
THE QUALITY OF LIFE  
COMMITTEE  
JULY 15, 2020  
ATTEND VIRTUALLY

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## SPECIAL PROCEDURES FOR QUALITY OF LIFE COMMITTEE MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Quality of Life Committee meeting will be conducted virtually.

Viewing: Members of the public may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this meeting will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Agenda: The agenda for the meeting will be posted at [santafe.primegov.com](http://santafe.primegov.com).

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF CONSENT AGENDA**
5. **APPROVAL OF MINUTES**

Approval of July 1, 2020 Quality of Life Committee Meeting Minutes

6. **CONSENT AGENDA**
  - a. Request for the Approval of the 2018 State Homeland Security Grant Program Sub-Grant Amendment to extend the Period of Performance through September 30th, 2020; New Mexico Department of Homeland Security and Emergency Management. (Kyle Mason, [kamason@santafenm.gov](mailto:kamason@santafenm.gov), 505-955-6704)

Committee Review:  
Finance Committee: 7/20/2020



# AGENDA

REGULAR MEETING OF  
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Governing Body: 7/29/2020

- b. Request for Approval of Contract Amendment #3 with Studio X in the amount of \$150,000 for Website Services, for FY21. (Randy Randall, rrandall@santafenm.gov, 955-6209)
- c. Request for Approval of Contract Amendment #2 with Lou Hammond & Associates in the amount of \$130,000 for Public Relations Services, for FY21. (Randy Randall, rrandall@santafenm.gov, 955-6209)
- d. Request for Approval of Contract Amendment #3 with Certified Folder Display Services, Inc. in the amount of \$50,000 for SF Visitor's Guide Distribution Services, for FY21. (Randy Randall, rrandall@santafenm.gov, 955-6209)
- e. Consideration of Resolution No. 2020-\_\_: A Resolution Requiring that the City Manager Seek Governing Body Approval Before Extending the Term of the Exclusive Negotiation Agreement with KDC Cienda SF Investments One LP ("KDC/Cienda") Beyond its Initial One-Year Term; and Requiring that the 30-Day Progress Reports from the Midtown Development Team be Submitted to the Governing Body. (Councilors Vigil Coppler and Cassut Sanchez) (Marcos Martinez, Senior Assistant City Attorney, mdmartinez@santafenm.gov, 955-6502)

Committee Review:

Quality of Life Committee (scheduled): 7/15/20

Finance Committee (scheduled): 7/20/20

City Council (scheduled): 7/29/20

- f. Consideration of Resolution No. 2020-\_\_: A Resolution Supporting the United States Conference of Mayors' Compact to Combat Hate, Extremism, and Bigotry to Promote the Fundamental Principles of Justice and Equality that Define America (Mayor Webber) (Jesse Guillen, Legislative Liaison, jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Quality of Life Committee (scheduled): 7/15/20

City Council (scheduled): 7/29/20

**8. MATTERS FROM STAFF**

**9. MATTERS FROM THE COMMITTEE**



City of Santa Fe

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10. **MATTERS FROM THE CHAIR**
11. **NEXT MEETING: August 5, 2020**
12. **ADJOURN**

**City of Santa Fe, NM**  
**Regular Committee**  
**Wednesday, July 01, 2020**  
**05:00 PM – Quality of Life Committee**  
**Virtual - youtube.com/cityofsantafe**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**4. APPROVAL OF CONSENT AGENDA**

**5. APPROVAL OF MINUTES - Approval of Minutes from the June 17th, 2020 Quality of Life Committee Meeting.**

June 17, 2020 Minutes

[QOL 6-17-20.pdf](#)

**6. CONSENT AGENDA**

a. Request for the Approval of the State of New Mexico Children, Youth and Families Department (CYFD) - Alternative to Detention Grant in the Total Amount of \$345,324.00 for Alternative to Detention Services in the City of Santa Fe Contracts. (George Carrasco, gccarrasco@santafenm.gov; (505) 490-6330)

Committee Review:

Finance Committee (scheduled): June 29

Governing Body (scheduled): July 8

[Item a](#)

b. Request for the Approval of the Children and Youth Commission funding recommendations in the Total Amount of \$2,700,000.00 for Professional Services Contracts. (George Carrasco: gccarrasco@santafenm.gov, (505) 490-6330)

Committee Review:

Finance Committee (scheduled): June 29

Governing Body (scheduled): July 8

c. Request approval of contracts awarded through RFP 20/15 to use affordable housing trust funds (AHTF) and general funds to support housing contracts, as follows:

NMIF Housing Corp \$200,000

SF Civic Housing Authority (Calle Resolana) \$200,000

SF Civic Housing Authority (Country Club) \$140,000

SF Habitat \$80,000

SF Recovery Center \$50,000

Youth Works \$40,000

NM Coalition To End Homelessness \$180,000

SFPS – Adelante - \$60,000

(Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 505-303-9868)

Committee Review:

Finance Committee (scheduled) June 29

Governing Body (scheduled): July 8

[Item c](#)

d. Request for the Approval of a restated and amended Joint Powers Agreement establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities by and among the incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the sovereign governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director: kamason@santafenm.gov, 505-955-6704)

Committee Review:

Finance Committee (scheduled): July 20

Governing Body (scheduled): July 29

[Item d](#)

e. Consideration of Bill No. 2020-\_\_ : An Ordinance Amending Section 14-11.4 Of The Land Development Code To Adopt Civil Penalty Provisions, A Civil Fine Schedule, And Civil Citation Procedures For Land Use Code Enforcement Actions; And To Permit The Land Use Director To Order A One-Year Waiting Period For Application For Short-Term Rental Permit By A Person Who Has Violated The Short-Term Rental Ordinance, Section 14-6.2(A)(5) SFCC 1987. (Mayor Webber, Councilors Lindell, Romero-Wirth, Villarreal) (Eli Isaacson, Land Use Department Director, eisaacson@santafenm.gov, 955-6830) (Sally Paez, Assistant City Attorney, sapaez@santafenm.gov, 955-6501)

Committee Review:

Planning Commission (postponed): 6/18/20

Public Works and Utilities Committee (scheduled): 7/6/20

City Council (request to publish) (scheduled): 7/8/20

Finance Committee (scheduled): 7/13/20

City Council (public hearing) (scheduled): 8/12/20

f. Bill No. 2020-\_\_ ; An Ordinance Amending Section 10-9 SFCC 1987; Amending Section 10-9.2 To Align The Intent With The Purpose Of The Bill; Amending Section 10-9.3 To Amend And Add Definitions; Amending Section 10-9.4 To Make The Property Owner Responsible; Repealing And Readopting A New Section 10-9.5 To Establish A Process For A Nuisance Investigation And Abatement Process; Repealing And Readopting A New Section 10-9.6 To Establish Tenants Rights; Amending Section 10-9.7 To Establish Enforcement Provisions To Hold The Property Owner Accountable; Amending Section 10-9.8 Regarding Reservation Of Legal Options; Amending Section 10-9.9 Regarding Appeals; Amending Section 10-9.10 To Remove Reference To The City Filing A Civil Action In District Court Or First Judicial Court; Repealing Section 10-9.11 Regarding Supplementary Remedies For Public Nuisances; And Amending Section 10-9.13 Regarding The Right Of Entry. (Councilors Lindell, Villarreal, Romero-Wirth, Vigil Coppler) (Michael Prinz, Assistant City Attorney, mnprinz@santafenm.gov, 955-6554; Jennifer Faubion, Council Liaison, jrfaubion@santafenm.gov, 699-6386)

Committee Review:

Public Works and Utilities Committee (scheduled): 7/6/20

City Council (request to publish) (scheduled): 7/8/20

Finance Committee (scheduled): 7/13/20

City Council (public hearing) (scheduled): 7/29/20

**7. PRESENTATION REGARDING THE SANTA FE POLICE DEPARTMENT'S EXISTING POLICIES ON USE OF CHOKEHOLDS, DUTY TO INTERVENE, AND DUTY TO ADMINISTER FIRST AID. (CHIEF ANDREW PADILLA, SANTA FE POLICE DEPARTMENT) (INFORMATIONAL ONLY)**

**8. MATTERS FROM STAFF**

**9. MATTERS FROM THE COMMITTEE**

**10. MATTERS FROM THE CHAIR - Next Meeting: July 15, 2020**

**11. ADJOURN**

**RECEIVED AT THE CITY CLERK'S OFFICE**

**DATE: June 24, 2020**

**TIME: 2:49 PM**

**SUMMARY OF ACTION  
QUALITY OF LIFE COMMITTEE MEETING  
WEDNESDAY, July 1, 2020 – 5:00 PM**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
1.CALL TO ORDER	The meeting of the Quality of Life Committee was called to order at 5:00 pm by Chair Romero-Wirth via virtual meeting ( <a href="https://www.youtube.com/user/cityofsantafe">https://www.youtube.com/user/cityofsantafe</a> ) Wednesday June 3, 2020.	1
2.ROLL CALL	A quorum was established with roll call.	1
3.APPROVAL OF AGENDA	Approved as Amended	1
4.APPROVAL OF CONSENT AGENDA	Approved	2
5. APPROVAL OF MINUTES FROM June 17, 2020 QUALITY OF LIFE COMMITTEE MEETING	Approved	5
6. CONSENT – ACTION CALENDAR		
a. Request for the Approval of the State of New Mexico Children, Youth and Families Department (CYFD) - Alternative to Detention Grant in the Total Amount of \$345,324.00 for Alternative to Detention Services in the City of Santa Fe Contracts. (George Carrasco, <a href="mailto:gccarrasco@santafenm.gov">gccarrasco@santafenm.gov</a> (505) 490-6330)	Item removed	2
b. Request for the Approval of the Children and Youth Commission funding recommendations in the Total Amount of \$2,700,000.00 for Professional Services Contracts. (George Carrasco: <a href="mailto:gccarrasco@santafenm.gov">gccarrasco@santafenm.gov</a> (505) 490-6330)	Item was removed	2
c. Request approval of contracts awarded through RFP 20/15 to use affordable housing trust funds (AHTF) and general funds to support housing contracts, as follows: NMIF Housing Corp \$200,000 SF Civic Housing Authority (Calle Resolana) \$200,000 SF Civic Housing Authority (Country Club) \$140,000 SF Habitat \$80,000 SF Recovery Center \$50,000 Youth Works \$40,000 NM Coalition To End Homelessness \$180,000 SFPS – Adelante - \$60,000 (Alexandra Ladd, Director, Office of Affordable Housing, <a href="mailto:agladd@santafenm.gov">agladd@santafenm.gov</a> 505-303-9868)	Item approved on Consent	2-3
d. Request for the Approval of a restated and amended Joint Powers Agreement establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities	Approved	3-4

by and among the incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the sovereign governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director: [kamason@santafenm.gov](mailto:kamason@santafenm.gov) , 505-955-6704)

e. Consideration of Bill No. 2020-\_\_ : An Ordinance Amending Section 14-11.4 Of The Land Development Code To Adopt Civil Penalty Provisions, A Civil Fine Schedule, And Civil Citation Procedures For Land Use Code Enforcement Actions; And To Permit The Land Use Director To Order A One-Year Waiting Period For Application For Short-Term Rental Permit By A Person Who Has Violated The Short-Term Rental Ordinance, Section 14- 6.2(A)(5) SFCC 1987. (Mayor Webber, Councilors Lindell, Romero-Wirth, Villarreal) (Eli Isaacson, Land Use Department Director, [eaisaacson@santafenm.gov](mailto:eaisaacson@santafenm.gov) , 955-6830) (Sally Paez, Assistant City Attorney, [sapaez@santafenm.gov](mailto:sapaez@santafenm.gov) , 955-6501)

f. Bill No. 2020-\_\_ ; An Ordinance Amending Section 10-9 SFCC 1987; Amending Section 10-9.2 To Align The Intent With The Purpose Of The Bill; Amending Section 10-9.3 To Amend And Add Definitions; Amending Section 10-9.4 To Make The Property Owner Responsible; Repealing And Readopting A New Section 10-9.5 To Establish A Process For A Nuisance Investigation And Abatement Process; Repealing And Readopting A New Section 10- 9.6 To Establish Tenants Rights; Amending Section 10-9.7 To Establish Enforcement Provisions To Hold The Property Owner Accountable; Amending Section 10-9.8 Regarding Reservation Of Legal Options; Amending Section 10-9.9 Regarding Appeals; Amending Section 10-9.10 To Remove Reference To The City Filing A Civil Action In District Court Or First Judicial Court; Repealing Section 10-9.11 Regarding Supplementary Remedies For Public Nuisances; And Amending Section 10-9.13 Regarding The Right Of Entry. (Councilors Lindell, Villarreal, Romero-Wirth, Vigil Coppler) (Michael Prinz, Assistant City Attorney, [mnprinz@santafenm.gov](mailto:mnprinz@santafenm.gov) , 955- 6554; Jennifer Faubion, Council Liaison, [jrfaubion@santafenm.gov](mailto:jrfaubion@santafenm.gov) , 699-6386)

7. PRESENTATION REGARDING THE SANTA FE POLICE DEPARTMENT'S EXISTING POLICIES ON USE OF CHOKEHOLDS, DUTY TO INTERVENE, AND DUTY TO ADMINISTER FIRST AID. (CHIEF ANDREW

Approved without recommendation

4-9

Approved

9-11

Discussion Only

11-16

PADILLA, SANTA FE POLICE DEPARTMENT) (INFORMATIONAL ONLY)		
9. MATTERS FROM STAFF	None	16
10. MATTERS FROM THE COMMITTEE	None	16
11. MATTERS FROM THE CHAIR	None	16
12. NEXT MEETING: WEDNESDAY, JULY 15, 2020		16
13. ADJOURN	With all business complete, the Quality of Life Committee adjourned at 7:49 p.m	16

**MINUTES OF THE QUALITY OF LIFE COMMITTEE MEETING**  
**WEDNESDAY JULY 1, 2020 – 5:00 PM**  
**VIRTUALLY ATTENDED (<https://www.youtube.com/user/cityofsantafe>)**

**1. CALL TO ORDER**

The meeting of the Quality of Life Committee was called to order at 5:02 pm by Chair Romero-Wirth via virtual meeting (<https://www.youtube.com/user/cityofsantafe>) Wednesday July 1, 2020.

**2. ROLL CALL**

Roll call indicated the presence of a quorum as follows:

**Members Present:**

Councilor Carol Romero-Wirth, Chair  
Councilor Christopher Rivera  
Councilor Jamie Cassutt-Sanchez  
Councilor Renee Villarreal  
Councilor Michael Garcia

**Members Absent:**

**Others Present:**

Jennifer Faubion, Council Liaison  
Kristine Mihelcic, Council Services Director  
Chief Andrew Padilla, Santa Fe Police Department  
Sally Paez, City Attorney's Office  
Michael Prinz, City Attorney's Office  
Kyle Mason, City of Santa Fe  
Eli Isaacson, City of Santa Fe  
Linda Vigil, Stenographer

**NOTE:** All items in the Committee packet for all agenda items are incorporated herewith to these minutes by reference. The original Committee packet is on file on the City of Santa Fe Website.

**3. APPROVAL OF AGENDA**

Ms. Faubion explained that items 6 a and b were incomplete and will not be heard.

**MOTION:** Councilor Villarreal moved to approve the agenda as amended with a second from Councilor Garcia.

**ROLL CALL VOTE:** Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

#### 4. APPROVAL OF CONSENT AGENDA

Councilor Villarreal would like to pull item 6 d. Councilor Cassutt-Sanchez would like to pull item 6 f. Councilor Rivera and Councilor Garcia would like to pull item 6e.

**MOTION:** Councilor Villarreal moved to approve the consent agenda with a second from Councilor Rivera.

**ROLL CALL VOTE:** Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

#### 5. APPROVAL OF MINUTES FROM THE JUNE 17, 2020 QUALITY OF LIFE COMMITTEE MEETING

**MOTION:** Councilor Garcia moved to approve the minutes of June 17, 2020 with a second from Councilor Cassutt-Sanchez.

**ROLL CALL VOTE:** Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

#### 6. CONSENT – ACTION CALENDAR

- a. Request for the Approval of the State of New Mexico Children, Youth and Families Department (CYFD) - Alternative to Detention Grant in the Total Amount of \$345,324.00 for Alternative to Detention Services in the City of Santa Fe Contracts. (George Carrasco, [gccarrasco@santafenm.gov](mailto:gccarrasco@santafenm.gov) (505) 490-6330)**

*This item was removed.*

- b. Request for the Approval of the Children and Youth Commission funding recommendations in the Total Amount of \$2,700,000.00 for Professional Services Contracts. (George Carrasco: [gccarrasco@santafenm.gov](mailto:gccarrasco@santafenm.gov) (505) 490-6330)**

*This item was removed.*

- c. Request approval of contracts awarded through RFP 20/15 to use affordable housing trust funds (AHTF) and general funds to support housing contracts, as follows:**

**NMIF Housing Corp \$200,000**

**SF Civic Housing Authority (Calle Resolana) \$200,000 SF Civic Housing Authority (Country Club) \$140,000**

**SF Habitat \$80,000**

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**NM Coalition To End Homelessness \$180,000**

**SFPS – Adelante - \$60,000 (Alexandra Ladd, Director, Office of Affordable Housing, [agladd@santafenm.gov](mailto:agladd@santafenm.gov) 505-303-9868)**

*This item was approved on consent.*

**d. Request for the Approval of a restated and amended Joint Powers Agreement establishing the Regional Coalition of Los Alamos National Laboratories (LANL) Communities by and among the incorporated County of Los Alamos, the City of Santa Fe, Santa Fe County, the City of Espanola, Rio Arriba County, the Town of Taos, Taos County, and the sovereign governments of the Pueblo of Ohkay Owingeh and the Pueblo of Jemez. (Kyle Mason, Emergency Management Director: [kamason@santafenm.gov](mailto:kamason@santafenm.gov) , 505-955-6704)**

Councilor Villarreal stated it would've been helpful to have a memo with this item giving a background on the coalition. Not sure why it is here, unless they are reconstructing the coalition.

Mr. Mason stated Councilor Garcia has more information on this item.

Councilor Garcia stated this is updated JPA (Joint Powers Agreement) to an existing one that the City of Santa Fe entered into and was in the process in November. For some reason it did not make it to Council for approval. Councilor Garcia is now the regional liaison for the coalition. The regional coalition is not being re-established, there has been change of leadership within the last few years. There are challenges but the new leadership has worked hard with Department Of Energy who provides the majority of the resources. It was amended last year and requested by the Governing Body and didn't make it through the process.

Councilor Villarreal asked what changed on the JPA.

Councilor Garcia states he would need to request a strike sheet to compare. He does not understand why it did not make its way to Council, it was dropped off.

Councilor Villarreal thinks it may a change in the fiscal agent. The City has a financial obligation to be part of the coalition, this JPA doesn't indicate an amount. If there is, they need that amount and they need an FIR to show the funding source. All of that is important. In the past, members have been skeptical on what the coalition actually does for the communities. They were never given clear indications on the role or given reports or told how they weigh in. There were Resolutions indicating stances on the non-proliferation of weapons and reducing plutonium pit production, and environmental justice accountability but they've never been shown how that is based on the coalitions priorities. In the past it may have been \$10,000 but she cannot recall if that is the amount. She would like to know all of that important information by the next Committee meeting. Also, if there are reports from the Councilor representatives, if there are things that show how they are a part of it and where they have a role in influencing policy decisions at LANL and with DOE.

Councilor Garcia will work on that, also having the Executive Director of the coalition come to a meeting may be helpful. He is the newest member, it is changing and they need to look at the cleanup. He will get the original JPA and request the Executive Director attend a meeting.

Councilor Rivera asked who is the fiscal agent.

Mr. Mason states he would defer to Councilor Garcia.

Councilor Garcia explained it is a new sponsor, he will look it up while they continue.

Councilor Rivera asked if any of the other members have signed.

Councilor Garcia states they are one of the last parties to sign.

Mr. Mason they can include that in the next committee memo. It appears that on page 5 it lists them as NMDFA, but nothing more specific.

Councilor Garcia states the sponsor is Chicanos por la Causa of NM, a non-profit. They are a national organization under the NM umbrella.

Councilor Cassutt-Sanchez on page 5 states they are a member.

Councilor Garcia states the fiscal agent is Los Alamos County.

Councilor Cassutt-Sanchez asked where the organization comes in.

Councilor Garcia states they are a programmatic entity.

Councilor Villarreal does not feel there is enough information. Where does it go next?

Mr. Mason states it goes to Finance and then to the Governing Body.

Councilor Villarreal suggests they move it along without recommendation.

**MOTION:** Councilor Villarreal moved to pass it on with no recommendation with a second from Councilor Cassutt-Sanchez.

Councilor Rivera asked if there are there any other time constraints.

Mr. Mason doesn't think there are a hard deadlines they are just wanting to have a stake at the table. They would like to have Councilor Garcia's attendance at a certain point.

**ROLL CALL VOTE:** Councilors Villarreal, Cassutt-Sanchez, Rivera and Romero-Wirth voted in favor, which passed by roll call vote. Councilor Garcia abstains since he is pushing this item through.

**e. Consideration of Bill No. 2020-\_\_ : An Ordinance Amending Section 14-11.4 Of The Land Development Code To Adopt Civil Penalty Provisions, A Civil Fine Schedule, And Civil Citation Procedures For Land Use Code Enforcement Actions; And To Permit The Land Use Director To Order A One-Year Waiting Period For**

**Application For Short-Term Rental Permit By A Person Who Has Violated The Short-Term Rental Ordinance, Section 14- 6.2(A)(5) SFCC 1987. (Mayor Webber, Councilors Lindell, Romero-Wirth, Villarreal) (Eli Isaacson, Land Use Department Director, [eisaacson@santafenm.gov](mailto:eisaacson@santafenm.gov) , 955-6830) (Sally Paez, Assistant City Attorney, [sapaez@santafenm.gov](mailto:sapaez@santafenm.gov) , 955-6501)**

Chair Romero Wirth introduced the Bill and title. She explained there were two bills one is being held back after the planning commission meeting had public comment.

Ms. Paez explained this legislation is a companion to the amendments to the Short Term Rental Ordinance. The bill is broad and applies to Chapter 14 generally. They are amending Chapter 14-11.4, which is all land use code enforcement. A civil penalty and procedure for collection and appeals, they clarified the existing authority for the Land use Director to revoke permits. They have added language that the Land Use Director can revoke or withhold permits if the applicant violates a regulation or if the public welfare requires the permit be revoked. It is loosely based on state law related to business licenses. It also adds a one year waiting period for application period after a violation.

It would cover a rental agreement, it would apply to the other land use code. All rentals should be permitted and taxes should be paid. Right now there is a section related to penalties for construction permits. This would expand and set up a civil fine schedule. There is a provision for misrepresentation of fact on an application submitted. The applications now has the permittee affirm that if they are operating in compliance with the law and any private covenants.

For violations that can be remedied immediately it sets up a separate fine schedule. The first violation is \$100, a second would be \$250 and subsequent would be \$500 within a 36 month period. Under the NM Constitution they cannot impose a fine over \$500. There is a process for serving the civil citation to the owner. The notice must instruct the owner of the process for administrative hearings. It is based on the uniform traffic code. They are viewing this as a simple penalty type of enforcement.

Mr. Isaacson understands they haven't taken anyone to court as of yet. By enabling the civil penalties they will be more responsive and reactive to the violations.

Councilor Rivera asked them to explain the section where it mentions the limit of permits to one per natural person

Mr. Isaacson explained one per natural person was set to limit one short term rental per person, they are trying to limit the perforation on the short term rental industries. There has been questions if it conflicts with LLC's it would not be. Someone registered would be the holder and be held as the permit holder.

Chair Romero-Wirth states she would like to keep the discussion to this bill.

Mr. Isaacson states there was a memo that described how they changed course and where they are in the process.

Chair Rivera didn't realize there was another bill.

Chair Romero-Wirth explained they will have another opportunity at another date to discuss the other bill.

Councilor Rivera asked if they have the staff to enforce the new Ordinance and the new fines.

Mr. Isaacson states they are short staffed a few positions in code compliance. There have been some retirements and some remain open. He can't say if it will affect the enforcement, they don't necessarily have to build a case they can use less staff time.

Councilor Rivera asked how many staff do they have, do they people tasked with just short term rentals.

Mr. Isaacson explained there are five individuals all of whom are capable of enforcing the Ordinance. They have two staff working on permitting and licensing, the other is taking on the bulk of the work. The whole division can work on short term rental issues.

Councilor Rivera asked what if the police is involved. How does that get to the division so they can start to build a case.

Mr. Isaacson states they are looking at the past reports, the connection with the Police Department has always been a challenge. This is a chance to strengthen that. He is not sure how they would handle it. Hopefully the complaint would go to both departments and they can strengthen it.

Ms. Paez explained they are separate and in addition to the criminal penalties. They can file anything that rises to the criminal laws. A party may not be a civil fine but it leaves discussion for it. They are mostly focused on those renting without permits not paying taxes, lodgers tax and if they can prove more than renting once in a seven day period. Other issues would still be a police matter the way the code is written. They will coordinate with the Municipal Court.

Councilor Rivera asked how is that communicated for repeat violators, to the different departments.

Ms. Paez stated if they can show that they failed to pay the taxes and show the records it wouldn't apply to criminal enforcements.

Councilor Rivera asked who will track of the online platforms to make sure they are in compliance.

Mr. Isaacson states they have a private contractor that holds the list and they are better than the last vendor. They have an API that works with the intergov and they can use the data better.

Councilor Rivera asked if they can track multiple platforms.

Mr. Isaacson stated they are comprehensive, they track the largest listing sites.

Councilor Rivera asked if they will be able to issue violations to the owners of the property.

Ms. Paez states it would depend on the violation. It could be against the permit holder. Failure to pay taxes would be on the permit holder.

Councilor Rivera asked if it working with the contracted company falls under land use.

Mr. Isaacson states the contract is held by land use.

Chair Romero-Wirth states to the extent that the property becomes a nuisance is in the next bill.

Councilor Garcia states the residents have been pushing for enforcement. How many are licensed now.

Mr. Isaacson explained they are still tracking them all, right now they have roughly 825 permitted.

Councilor Garcia states there is roughly 1,400 in operation that leaves around 500 rental unpermitted. Are they going to offer a grace period or amnesty to become complaint.

Mr. Isaacson explained that has not been discussed, they have discussed a waiting list for those after the cap. Every year they have a significant number of owners who do not renew. That opens slots.

Councilor Garcia asked how long does it take to go through the approval process.

Mr. Isaacson thinks a new application can be approved or denied within 30 days, they are taking payments and applications online.

Councilor Garcia states it allows the current owners and the ones operating out of compliance to get back in order. He would like them to review when the bill would take affect.

Councilor Villarreal asked if this is for those who have never applied for a permit or know there is a process but haven't updated their information.

Councilor Garcia states he is speaking about all permittees. That would allow for time for them to get their house in order. Whether it is expires you are still out of compliance.

Councilor Villarreal states there was a grace period that allowed them to update their permits, it was extended.

Mr. Isaacson explained the process, they started taking renewals and applications all year. The renewal period is January 1-March 15 with no penalties. After there is a 30 day grace period to April 15 with \$100. This year they extended it another month. They think they have given notice, they sent letters about the extension and tried to get the word out.

Councilor Garcia states the penalties are vague. They need to re-inform the public of the new law. They will see the numbers jump once they realize they are out of compliance. Giving them a minimum of 30 days so they know they should have the license or pay the fines.

Mr. Isaacson states as these proposed amendments have been advertised there has been a rise in applications.

Councilor Garcia states the broader public keeping an eye on it will keep their licenses. There may be some that think they haven't enforced it before and let it go. For the businesses operating out of compliance what is the fine now.

Mr. Isaacson states now there is not a way to fine them. They can issue a notice of violation and be cited in Municipal Court.

Councilor Garcia meant his question towards businesses in general for those operating without a business license.

Ms. Paez isn't sure if there is a civil fine. There are criminal remedies, not sure if they are using one. The criminal fine is up to \$500.

Councilor Garcia asked why aren't they following it and keeping it under the criminal statute.

Ms. Paez explained in order to go to municipal court they need to collect evidence and it is cumbersome. It becomes resource intensive and they never really had that. In terms of the land use code enforcement they would have the civil penalties are easier to implement.

Councilor Garcia states with the determination to fine someone would need evidence, wouldn't that be the same evidence.

Ms. Paez explained they would need the standard of proof, it would have to be a strong case.

Councilor Garcia asked if the evidence goes in front of a hearing officer and a judge. How many additional hearing officers will they need?

Ms. Paez states they drafted this before the financial and COVID crisis. They will have to possibly use the pool. They are used for liquor license hearings, parking violations and a variety of hearings. In the draft, the money would be retained for enforcement it could be a source of revenue.

Councilor Garcia states they would still need the start up fund to hire them and they are on a hiring freeze. They need to have this in place and know how they will work that out. The seven day rental is not in affect, correct.

Ms. Paez states it is in the general provisions. They are carrying it over. In terms of enforcement it has been difficult to determine.

Councilor Garcia asked what if they get fines after fines.

Mr. Isaacson explained there is language to allow the Land Use Director to have the ability to revoke the permit. If the limit is reached you are at the end of the waiting list. That may be enough.

Councilor Garcia states they should put that in the penalty structure. If you incur so many penalties you give up the right to operate.

Chair Romero-Wirth states with the 1,400 out of compliance they cannot come in there is a cap of 1,000. The one rental every seven days complaints are the folks in the business district. The reason they are bringing it forth is the problems with the residential areas where they do not have neighborhoods anymore, it is just short-term rentals.

Councilor Garcia states he does not agree with the issue of more renters and more traffic. Unless it is multiple families and cars the traffic is going to be there.

Chair Romero-Wirth states those that are not in compliance will lose revenue. The fact that is moving through the process it is drawing attention.

Councilor Rivera states some of the questions he had were more towards the nuisance ordinance. He apologized for his questions.

Ms. Paez states the questions are related.

**MOTION:** Councilor Villarreal moved to approve with a second from Councilor Cassutt-Sanchez.

**ROLL CALL VOTE:** Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

**f. Bill No. 2020-\_\_ ; An Ordinance Amending Section 10-9 SFCC 1987; Amending Section 10-9.2 To Align The Intent With The Purpose Of The Bill; Amending Section 10-9.3 To Amend And Add Definitions; Amending Section 10-9.4 To Make The Property Owner Responsible; Repealing And Readopting A New Section 10-9.5 To Establish A Process For A Nuisance Investigation And Abatement Process; Repealing And Readopting A New Section 10- 9.6 To Establish Tenants Rights; Amending Section 10-9.7 To Establish Enforcement Provisions To Hold The Property Owner Accountable; Amending Section 10-9.8 Regarding Reservation Of Legal Options; Amending Section 10-9.9 Regarding Appeals; Amending Section 10-9.10 To Remove Reference To The City Filing A Civil Action In District Court Or First Judicial Court; Repealing Section 10-9.11 Regarding Supplementary Remedies For Public Nuisances; And Amending Section 10-9.13 Regarding The Right Of Entry. (Councilors Lindell, Villarreal, Romero-Wirth, Vigil Coppler) (Michael Prinz, Assistant City Attorney, [mnprinz@santafenm.gov](mailto:mnprinz@santafenm.gov) , 955- 6554; Jennifer Faubion, Council Liaison, [jrfaubion@santafenm.gov](mailto:jrfaubion@santafenm.gov) , 699-6386)**

Ms. Faubion explained the old bill was vague and unenforceable. Similar to the Chapter 14 they are adding a civil penalty. There are twenty year old homes and are problematic.

Chair Romero-Wirth states there has been a lot of issues with blighted and derelict homes.

Mr. Prinz states this has not been a priority, the procedures will benefit the public, the City staff and get the outstanding properties taken care of.

Chair Romero-Wirth states Ms. Mihelcic is also available for questions.

Councilor Cassutt-Sanchez states she spoke to Ms. Faubion on who will take this on. Will there be an assignment to determine the nuisance and abatement plan.

Ms. Faubion explained they left it vague so that the bill will be a long term solution. Now it is housed in Constituent Services. They meet with departments every week to discuss. If the city attorney is involved it makes the case difficult.

Councilor Cassutt-Sanchez asked Ms. Faubion to discuss the improvement of technology for tracking.

Ms. Faubion states they are working on the three triggering data points to one have a consolidated notification system. They have the existing platform. They need to work on access.

Councilor Cassutt-Sanchez asked what if a landlord is having issues with a tenant and they are trying to remedy it they should have their own legal coverage. If they are getting fined but they have a lease what would occur.

Mr. Prinz states those are difficult situations, when renters are causing the problems. The lease should have an enforcement for eviction. Perhaps they can be more present and or have a property manager. That would be in the abatement plan. The Police can inform the owner of the nuisance and then contact code enforcement. This should be an improvement.

Councilor Cassutt-Sanchez states it sounds like an iterative process to look she appreciates the thought in how to work with the property owners. There may be some judgement calls, and who will be the final call. That is open for discussion. The City is working together as a team.

Ms. Faubion states in the process it is written if there is six calls in six months the investigation they will look at the nature of the calls and speak to the neighbors. If it is deemed to be a nuisance they will go through the abatement process. If they refuse and don't follow it is \$100 per pay for 90 days and then they will file in District Court they would have documentation. It gives the City more to stand on.

Mr. Prinz states Ms. Faubion worked hard on this. There will be due process and it will make it easier.

Councilor Villarreal states this will help protect the safety and well being of the residents. There will be a paper trail for a property there is one that has been an issue for over thirty years. She

would like the Chief of Police to explain the changes to support of the Police Department and how they will be trained and what is considered a repeat nuisance.

Ms. Mihelcic states the Police Department just changed their technology and they are able to collaborate.

Chief Padilla explained they will update the department who respond to the properties. They will have proper documentation. They primarily deal with the execution of a search warrant for criminal issues. If there is a call for a loud party, they will address it. As of now, if one isolated issue wouldn't be a nuisance.

Councilor Villarreal states before it was hard to designate nuisance this will allow some screening.

Ms. Faubion explained this Ordinance does not take any power away from the Police Department. There is now an expanded look at nuisances. Some can become larger issues with time.

Councilor Garcia thanked the sponsors and would like to be a co-sponsor.

**MOTION:** Councilor Villarreal moved to approve with a second from Councilor Garcia.

**ROLL CALL VOTE:** Councilors Villarreal, Cassutt-Sanchez, Garcia, Rivera and Romero-Wirth voted in favor, which passed by roll call vote.

**7. PRESENTATION REGARDING THE SANTA FE POLICE DEPARTMENT'S EXISTING POLICIES ON USE OF CHOKEHOLDS, DUTY TO INTERVENE, AND DUTY TO ADMINISTER FIRST AID. (CHIEF ANDREW PADILLA, SANTA FE POLICE DEPARTMENT) (INFORMATIONAL ONLY)**

Chief Padilla states this policy is in line with the use of force policy that was updated in 2016. Chief Padilla read aloud the introduction of the policy:

It is the Policy of the Santa Fe Police Department that employees shall use that force which is reasonably necessary and constitutionally permissible to protect the sanctity of human life. Preserve and protect individual liberties and to affect lawful objectives.

The use of force by members of law enforcement is a matter for critical concern both to the public and to the law enforcement community. It is recognized that some individuals will not comply with the law or submit to control unless compelled to do so by the use of force. Therefore law enforcement officers are sometimes called upon to use force in the performance of their duties is also recognized that law enforcement derive their authority from the public and therefore must be every mindful that they are not only the guardians but also the servants of the public. The Department's guiding value when using force shall be reverence for human life. When warranted Department personnel shall objectively use reasonable force to carry out their duties. Officers who use unreasonable force degrade the confidence of the community we serve expose the Department and fellow officers to legal and fiscal hazards and violate the rights of individuals upon whom

unreasonable forces use. Conversely officers who fail to use force when warranted may endanger themselves the community and fellow officers.

That is how it starts off, that is the is the introduction page that they are all trained in. Chokeholds or throat or neck restraints are not permitted while they make an arrest. Officers have a duty to intervene when they witness another officer using excessive or unreasonable force in any situation. If an officer was to use another form of force ranging from an empty hand strike, taser, pepper spray all the way up to deadly force, at that point they have to render aid. They have to photograph the scene, they have to accompany that person to the hospital for medical clearance. The jail will need paperwork for medical clearance.

Chair Romero-Wirth asked if he could he speak on the issue at Big R. The duty to administer first aid came into play. It is a real life example of one of these policies.

Chief Padilla states he cannot speak about the investigation. A third officer assessed the scene and applied the tourniquet on his arm and chest until the paramedics arrived. He was transported to the hospital, this was a lifesaving effort.

Chief Padilla explained the supervisor is to document the incident and given to the professional standards division to determine training or discipline. They review the reports quarterly and then he reviews the committee's determination.

Chair Romero-Wirth asked if they are trained in the new situations and new techniques in law enforcement

Chief Padilla states the last policy was in 2016, if things were to change in the policy academy there is a dedicated Lt. working on the policies.

Councilor Garcia asked what actions are taken when an officer uses these forces, what are the next steps.

Chief Padilla states if there is a violation it would go through the supervisor and the chain of command. They would then launch an investigation.

Councilor Garcia asked how many cases have there been where an officer deems another officer of using excessive force and others in the last six months?

Chief Padilla stated within in the last year there was one case of excessive force. There was corrective action taken on the employee. All other actions that were used in applications of force were within policy.

Councilor Garcia states as they move forward it will be a sensitive issue with the public, what will be done to inform the public.

Chief Padilla stated there is an annual report that will have the stats. They know now they should be transparent and they cover in the monthly public safety meetings. The meetings may not be convene until September because of COVID. They are ready to keep the public informed. Perhaps they can compare to the numbers that were within the policy.

Councilor Garcia thanked him and the Department for keeping Santa Fe safe. It is a trying time in the country right now. He knows it is a stressful time.

Councilor Rivera asked about the use of cameras are they always used.

Chief Padilla states there is an in car camera policy for traffic stops and domestic violence calls. For the body cameras it has been in place for the last four years. If there is questioning they activate the camera.

Councilor Rivera asked if when rendering aid do they have training and tourniquets on hand.

Chief Padilla states all officers as well as himself all attend the class "Stop the Bleed" and they know how to stop bleeding. They all have them in the vehicle or on their person.

Councilor Rivera asked what gets investigated by an outside agency.

Chief Padilla explained if it involves great bodily injury or when a person passes away in an incident. They review and investigate and send to the District Attorney's office who determines if the application is justified. If it is found to not be justified charges could be filed.

Councilor Rivera asked if all other cases handled internally.

Chief Padilla explained the forms all get documented and all incidents get reviewed in house. The review committee creates a cover sheet with a synopsis and he gets to determine if that incident was in compliance.

Councilor Rivera is there a policy on how they apply handcuffs on someone

Chief Padilla explained they are all in line with the rescue position. Once calmed they should sit up or stand. They are never put in the position where they cannot breathe.

Councilor Rivera asked are they progressive compared to other Police Departments.

Chief Padilla states each situation is evolving, they follow the latest training procedures. Anytime there is a change of protocol they are open to changing.

Councilor Rivera how often do they train on these procedures.

Chief Padilla explained the tools and weapons they are assigned. The bean bag is trained annually. Tasers must be recertification's. Proficiency has to be maintained and shown.

Councilor Villarreal asked about the professional standards division, is that under State Police.

Chief Padilla explained it is a unit of the SFPD.

Councilor Villarreal asked if it goes through the internal process and then to State Police for further investigation.

Chief Padilla states if it is a deployment of deadly force. All other applications are internally handled.

Councilor Villarreal asked if they had more models that could work better.

Chief Padilla explained there are other models for example in Albuquerque there is the Citizens Oversight Committee. The procedures would have to be set with the committee first. Would they have the purview to review everything? They would need to set parameters. Nationally it is happening they can look at it, it is about transparency.

Councilor Villarreal asked about internally shouldn't always come through the public or policy makers. The police department should also be accountable, they can come up with the proactive policies as a department. How often do they look at alternative methods like de-escalations how often do they train.

Chief Padilla explained a year and a half ago they all trained for 40 hours with Troy Rogers. They had hands on training. Every officer had scenario based training. Chief Padilla explained the simulator training.

Chief Padilla explained the verbal commands when dealing with an armed individual.

Councilor Villarreal asked for the trainer's info and background.

Chief Padilla explained his name is Troy Rogers he is a local psychologist out of Albuquerque. He trains the crisis negotiation team members. They set aside the funding for it and were able to tap into it.

Councilor Villarreal asked about a case in Las Cruces where an officer used a prohibited tactic. How do they ensure they follow the procedures.

Chief Padilla stated each agency is different. The application of the chokehold is prohibited here.

Councilor Villarreal states it is a hard place, it would help to have another oversight process.

Councilor Cassutt-Sanchez asked about trainings and how they evaluate the effectiveness of the training. It is probably challenging because of the types of situations they get thrown into. Do they evaluate if the trainings are working.

Chief Padilla explained each incident is different they try to stay in line with the recommendations set forth by the Law Enforcement Academy. As of now everything is evaluated. There is always newer technology with new updated training with intermediate weapons.

Councilor Cassutt-Sanchez are they seeing situations where the decision process is not what they would like it to be. If there are trainings that aren't as affective as they'd like them.

Chief Padilla asked if she means a reality based training when an individual runs or an application for excessive force is needed. Chief Padilla states the training division would make decisions on any new trainings. The simulator training can be made available to the Councilors if they would like.

Councilor Cassutt-Sanchez asked if there are opportunities to use other forces. Are there are other situations where they can use other professionals.

Chief Padilla explained the pilot project with the Fire Department and some health professionals. The officers won't have to respond to every time others can respond and work hand in hand. If it gets established it would be the direction they need to go in. Perhaps by mid year they can evaluate it. The trained professionals can better asses the situations.

Councilor Cassutt-Sanchez is looking forward to it and wants to get updates on it. She appreciates them looking at ways to improve and innovative ways to help.

Councilor Villarreal asked how the project would be funded.

Chief Padilla states the Police department would provide an unmarked vehicle and have a selected officer then have them apply. Santa Fire Department would also have an internal employee. A mental health professional would need to be hired, that would be part of the proposal.

Councilor Villarreal asked who would fund the social worker or mental health worker.

Chief Padilla states they would need to work that out with Community Services.

Chair Romero-Wirth asked if the quarterly meetings are enough to review the documented incidents.

Chief Padilla believes it is sufficient time. It needs to go through the steps of review by supervisors.

Chair Romero-Wirth perhaps if they review them quarterly they can identify trends.

Chief Padilla states that is correct they will see if they need a refresher.

Chair Romero-Wirth asked for a description of the Public Safety Committee.

Chief Padilla stated it is a citizen committee who makes recommendation and they receive updates on staffing, great work highlights, and updates on events or blitzes.

Chair Romero- Wirth asked about the response time with the recent crime at the India Palace.

Chief Padilla explained the shifts and the officers on duty are dispatched out on cases with priority. Life is over property. That day they were busy and the wait time was long. They currently have 22 vacancies in the department and an additional 12 that are not on the streets alone yet. They take every call for service seriously but when the demand supersedes the manpower it will slow things down.

Chair Romero-Wirth thanked Chief Padilla asked that he pass along the Committee's thanks to the Officers as well.

#### **8. MATTERS FROM STAFF**

None.

#### **9. MATTERS FROM THE COMMITTEE**

None.

#### **10. MATTERS FROM THE CHAIR**

None.

#### **11. NEXT MEETING: JULY 15, 2020**

#### **12. ADJOURN**

With all business complete, the Quality of Life Committee adjourned at 7:49 p.m

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Councilor Romero-Wirth Chair



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Linda Vigil, Stenographer

# City of Santa Fe, New Mexico

## memo

Date: July 6, 2020

To: Mary McCoy, Finance Director

Jarel LaPan Hill, City Manager

From: Kyle Mason, Emergency Management Director

Subject: Extension of 2018 State Homeland Security Grant Program Sub-grant Agreement

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Attached is the revised sub-grant agreement extending the performance period for this grant through September 30, 2020. This will allow the City to expend some of the remaining \$66,697.12 for Homeland Security-related improvements to our Police Department's Intelligence Center. Please sign each copy of this amended sub-grant agreement and I will forward to the New Mexico Department of Homeland Security and Emergency Management to officially extend the grant's performance period.

Please let me know if you have any additional questions or need any clarification. I may be reached via email ([kamason@santafenm.gov](mailto:kamason@santafenm.gov)) or at extension 6704.



State of New Mexico  
**DEPARTMENT OF HOMELAND SECURITY &  
 EMERGENCY MANAGEMENT**

P.O. Box 27111  
 Santa Fe, NM 87502

**SUB-RECIPIENT GRANT AGREEMENT AMENDMENT 1**  
**2018 State Homeland Security Grant Program (SHGP)**  
 2018 Federal Grant No.: **EMW-2018-SS-00056-S01** CFDA No.: **97.067**

<b>1. SUB-GRANT NO.</b>		<b>2. SUB-RECIPIENT NAME</b>		<b>3. FIDUCIARY NAME</b>	
EMW-2018-SS-00056-S01-01		City of Santa Fe		City of Santa Fe	
<b>4. STATE DFA VENDOR NUMBER</b>	<b>5. EIN NUMBER</b>	<b>6. DUNS NUMBER</b>	<b>7. CAGE CODE</b>		
0000054360	85-6000168	069420818	4C987		
<b>8. SUB- RECIPIENT PHYSICAL ADDRESS</b>			<b>9. SUB-RECIPIENT REMIT ADDRESS</b>		
200 Lincoln Ave. Santa Fe, NM 87501			200 Lincoln Ave. Santa Fe, NM 87501		
<b>10. DHSEM CONTACT NAME:</b>		<b>11. CONTACT DESK PHONE:</b>		505-476-9614	
Victoria L. Romero		<b>CONTACT EMAIL ADDRESS:</b>		DHSEM.Grants@state.nm.us	

**THIS AMENDMENT EXTENDS THE PERFORMANCE PERIOD END DATE TO SEPTEMBER 30, 2020. ALL OTHER TERMS AND CONDITIONS IN THE ORIGINAL SUB GRANT AGREEMENT REMAIN THE SAME.**

<b>12a. PERFORMANCE PERIOD START DATE</b>		January 1, 2019	<b>12b. PERFORMANCE PERIOD END DATE</b>		September 30, 2020
<b>13a. SHSGP FEDERAL AWARD</b>			<b>13b. SHSGP TOTAL SUB-RECIPIENT AWARD</b>		
\$ 120,464.00			\$ 120,464.00		
<b>14a. NAME OF PROJECT AWARD</b>				<b>14b. AMOUNT AWARDED</b>	
1	PLANNING			\$ 0.00	
2	EQUIPMENT			\$ 66,934.00	
3	TRAINING			\$ 53,530.00	
4	EXERCISE			\$ 0.00	
5				\$	
6				\$	
7				\$	
8				\$	
<b>TOTAL AMOUNT OF PROJECTS</b>				<b>\$ 120,464.00</b>	



State of New Mexico  
**DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT**

P.O. Box 27111  
 Santa Fe, NM 87502

**SUB-RECIPIENT GRANT AGREEMENT AMENDMENT 1**  
**2018 State Homeland Security Grant Program**

**2018 Federal Grant No. EMW-2018-SS-00056-S01 CFDA No. 97.067**

The acceptance of a grant from the United States and the State of New Mexico creates a legal duty and obligation on the part of the sub-grantee **City of Santa Fe** to use the funds or property made available in accordance with the conditions of the grant as administered by and through the New Mexico Department of Homeland Security and Emergency Management.

**SIGNATURE OF ACCEPTANCE**

JURISDICTION SIGNATURES	
<b>Signature of Emergency Management Program Manager</b>	<b>DATE</b>
<b>Printed Name:</b>	
<b>Contact Number:</b>	<b>e-Mail Address:</b>
<b>Signature of Jurisdiction Chief Financial Officer</b>	<b>DATE</b>
<b>Printed Name:</b>	
<b>Contact Number:</b>	<b>e-Mail Address:</b>
<b>Signature of Jurisdiction Signatory Official</b>	<b>DATE</b>
<b>Printed Name:</b>	
<b>Contact Number:</b>	<b>e-Mail Address:</b>
NM DHSEM SIGNATURES	
<b>Signature of DHSEM Grant Manager</b>	<b>DATE</b>
<b>Print Name: <i>Juanita Abeyta</i></b>	
<b>Signature of DHSEM Cabinet Secretary Designate</b>	<b>DATE</b>
<b>Print Name: <i>Bianca Ortiz Wertheim</i></b>	

***Please print two (2) originals, sign both and mail to:  
 Grants Management Unit, P.O. Box 27111, Santa Fe, NM 87502***

ITEM # 18-1367



State of New Mexico  
DEPARTMENT OF HOMELAND SECURITY &  
EMERGENCY MANAGEMENT

P.O. Box 27111  
Santa Fe, NM 87502

**SUB-RECIPIENT GRANT AGREEMENT**  
**2018 State Homeland Security Grant Program (SHSGP)**  
**2018 Federal Grant No.: EMW-2018-SS-00056-S01 CFDA No.: 97.067**

<b>1. SUB-GRANT NO.</b>		<b>2. SUB-RECIPIENT NAME</b>		<b>3. FIDUCIARY NAME</b>	
EMW-2018-SS-00056-S01-City of Santa Fe		City of Santa Fe		City of Santa Fe	
<b>4. STATE DFA VENDOR NUMBER</b>	<b>5. EIN NUMBER</b>	<b>6. DUNS NUMBER</b>	<b>7. CAGE CODE</b>		
0000054360	85-6000168	069420818	4C987		
<b>8. SUB- RECIPIENT PHYSICAL ADDRESS</b>			<b>9. SUB-RECIPIENT REMIT ADDRESS</b>		
200 Lincoln Avenue Santa Fe, NM 87501			200 Lincoln Avenue Santa Fe, NM 87501		
<b>10. DHSEM CONTACT NAME:</b>		<b>11. CONTACT DESK PHONE:</b>		505476-9614	
Victoria Romero		<b>CONTACT EMAIL ADDRESS:</b>		DHSEM.Grants@state.nm.us	
<b>12a. PERFORMANCE PERIOD START DATE</b>	January 1, 2019	<b>12b. PERFORMANCE PERIOD END DATE</b>	June 30, 2020		
<b>13a. SHSGP FEDERAL AWARD</b>			<b>13b. SHSGP TOTAL SUB-RECIPIENT AWARD</b>		
\$ 120,464.00			\$ 120,464.00		
<b>14a. NAME OF PROJECT AWARD</b>			<b>14b. AMOUNT AWARDED</b>		
1	PLANNING		\$ 0.00		
2	EQUIPMENT		\$ 66,934.00		
3	TRAINING		\$ 53,530.00		
4	EXERCISE		\$ 0.00		
5			\$		
6			\$		
<b>TOTAL AMOUNT OF PROJECTS</b>			\$ 120,464.00		

See attached Project Worksheet for required Project Scope of Work Details.  
This Project Worksheet attachment is incorporated into the terms and conditions of this agreement.

## **15. RECITALS, GRANT REQUIREMENTS, ASSURANCES AND AGREEMENTS**

### **RECITALS**

**WHEREAS**, the New Mexico Department of Homeland Security and Emergency Management (**DHSEM**) has been designated by the United States Department of Homeland Security (**DHS**) to serve as grantee, and is thereby authorized to issue this agreement to the applicant, sub-recipient, and sub-grantee, **City of Santa Fe**.

**WHEREAS**, funding has been obligated from the **DHS** pursuant to a request by the applicant, sub-recipient, and sub-grantee, **City of Santa Fe**.

**NOW, THEREFORE** it is mutually understood and agreed between the grantee, **DHSEM**, and sub-grantee, **City of Santa Fe** as follows:

### **ARTICLE 1: CONTRACT DOCUMENTS**

The following additional contract documents are fully incorporated into this agreement and thereby constitute additional terms and conditions of this agreement:

This Agreement:

Attachment I Required Reimbursement Checklist

2018 Homeland Security Grant Program Application

2018 Homeland Security Grant Program Notice of Funding Opportunity (DHS-18-GPD-067-00-01)

2018 SHSGP NOFO Appendix A, B, C & D.

2018 SHSGP Project Award Approved Worksheet

### **ARTICLE 2: SCOPE OF WORK**

As authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), as amended (42 U.S.C Sections 5121 et. seq.), and Section 662 of the Post Katrina Emergency Reform Act of 2006, as amended (6 U.S.C. Section 762), **City of Santa Fe** shall use SHSGP funds to assist in preparing for all-hazards. Specifically, these funds shall be utilized by **City of Santa Fe** to pay for the eligible expenditures per approved projects previously identified in the SHSGP grant application, and approved by the **DHSEM** Cabinet Secretary. All work performed pursuant to this agreement must comply with the approved SHSGP application, as applicable. All work must be completed within the performance period, between **January 1, 2019** and **June 30, 2020**. **City of Santa Fe** shall not sub-grant any part of this award to any other entity or organization. Within the first reporting quarter, all awards require confirmation that expenditures in the budget category toward this project will be made. If not, **DHSEM** may execute a de-obligation of Federal funds, without recourse by **City of Santa Fe**

### **ARTICLE 3: PROJECT IMPLEMENTATION**

Approved projects must commence within the first reporting quarter. If a project cannot commence and be operational within the first reporting quarter of the approved award date, the sub-grantee must submit a written statement to **DHSEM**, signed by the sub-recipient signatory officials, justifying the delay in implementation, the expected starting date, and a formal request to extend the project start date past the first reporting quarter. At the sole discretion of **DHSEM**, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects.

#### ARTICLE 4 : REPORTING REQUIREMENTS

The sub recipient, City of Santa Fe shall submit timely quarterly Financial Progress Reports and a quarterly Performance Progress Report to the DHSEM Grant Specialist. Use of outdated forms will not be accepted. **Quarterly reports are due: July 30, October 30, January 30, and April 30, within the period of performance beginning after the conclusion of the first quarter of grant activity.** Final reports are due 45 days after the end of Period of Performance. Financial Progress Reports shall describe and show the status of the funds, encumbrances, receipts of program income, cash or in-kind contributions to the project, and whether or not a local match is required. The Final Narrative Report is a summary report, evaluating project activities and measuring performance against project goals and objectives for the entire performance period, and is required in addition to the last quarterly report. The Final Narrative will suffice as the Final Performance Progress Report.

The applicant must immediately report in writing to the DHSEM Grant Specialist any alleged acts or allegations of fraud or misappropriation of funds for work authorized under this Sub-Grant Agreement. This requirement extends further to an obligation by the sub-recipient to report any legal action, lawsuit, bankruptcy, or other action that may jeopardize the successful completion of any authorized project.

#### ARTICLE 5: REIMBURSEMENTS

Submission of a request for reimbursement must be accompanied by both the Quarterly Financial Progress and Performance Progress reports. If there is no reimbursement requests for a given quarter all reports must still be submitted. Reimbursement shall be based upon authorized and allowable expenditures consistent with the project narrative, grant guidelines, and the submission of timely Financial and Performance Progress Reports. Payments may be withheld by DHSEM pending correction of deficiencies. Reimbursement of expenditures shall be requested at least quarterly for expenditures within the performance period. Expenditures must be supported with source documentation (e.g. copies of proof of payment, invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.). Grant staff will not process reimbursement if quarterly performance and fiscal reports are not timely submitted.

**Contracts:** All sole-source procurements, single vendor response to a competitive bid, and contracts require DHSEM pre-approval prior to implementation. Requests for reimbursement for contractual services must be accompanied by the relevant contract.

**Local Match:** Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.

**Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL). Screenshots of the AEL number and description are required to be submitted along with the Request for Approval.

**Travel:** All reimbursable travel must be pre-approved by DHSEM 30 days prior to travel date.

**Per Diem:** Reimbursements for local jurisdictions cannot exceed the rates of the New Mexico Mileage and Per Diem Act.

**Training:** Requires DHSEM pre-approval 30 days prior to registering or participating in training opportunities.

**Exercise:** Requires submission of an After-Action Report/Improvement Plan within 60 days after conduct of exercise.

**Food and Beverages:** Per National Preparedness Directorate (NPD) allowances, food and/or beverage expenses provided by recipients are allowable costs if:

- The food and/or beverages are provided to participants at training sessions, meetings, or conferences that are allowable activities under the NPD program guidelines; and
- Expenses incurred for food and/or beverages, and provided at training sessions, meetings, or conferences, satisfy the following tests:
  - The cost of the food and/or beverages provided is considered to be reasonable;
  - The food and/or beverages provided are subject of a work-related event and work continues after meals are served;
  - Participation by all participants is mandatory; and

- The food and/or beverages provided are not related directly to amusement and/or social event. (Any event where alcohol is being served is considered a social event; therefore, costs associated with the event are not allowed).

**Non-reimbursable Expenses:**

- Transfer of funds between any programs. Contracts, single vendor response to a competitive bid, sole source contracts, and ***procurements greater than \$60,000.00*** not pre-approved by DHSEM.
- Training and related travel costs not pre-approved by DHSEM.
- Construction and renovation.
- Indirect costs
- Supplanting (using federal funds to purchase items previously budgeted for with state or local funds).
- Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of an exercise.
- Weapons and ammunition.
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel, personal phone calls.
- Travel insurance, visa, and passport charges.
- Lodging costs in excess of State per diem, as appropriate.
- Food reimbursements when travel does not exceed 24 hours.
- Alcoholic beverages
- Late fees or interest charges.
- Lobbying, political contributions, legislative liaison activities.
- Organized fund-raising, including salaries of persons while engaged in these activities.
- Land acquisition.
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.
- Non-Personnel expenses not pre-approved by DHSEM via Request for Approval.

**ARTICLE 6: PERFORMANCE MEASURES**

Quarterly Progress Reports shall demonstrate performance and progress relative to acceptable performance on applicable critical tasks in Exercises using approved scenarios:

1. Progress in achieving project timelines and milestones.
2. Percent measurable progress toward completion of project.
3. How funds have been expended during reporting period, and explaining expenditures related to the project.

**ARTICLE 7: SUB-RECIPIENT MONITORING POLICY**

Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHSEM reserves the right to periodically monitor, review, and conduct analysis of financial, programmatic, and administrative policies, procedures, and practices. This monitoring may include review of accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting, procurement, records management, payroll, means of allocating staff costs, property and equipment management system, progress of project activities, etc.. Monitoring may include desk and field audits.

## ARTICLE 8: PROCUREMENT

**When procuring property and services under this agreement, the sub-recipient will follow 2 CFR 200.318 through 2 CFR 200.326. The sub-recipient must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 CFR 200. As such, the sub-recipient must use one of the methods of procurement identified in 2 CFR 200.320. The sub-recipient may request that its procurement system be reviewed by FEMA or DHSEM to determine whether its system meets standards in order for its system to be compliant.**

Contractors that develop or draft specifications, requirements, Statements of Work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition. **Each sole-source procurement, single vendor response to a competitive bid, and all purchases require prior approval of DHSEM.**

## ARTICLE 9: CONTRACTS

Any contract entered into during this grant period shall comply with Local, State and Federal government contracting regulations. Contracts for professional and consultant services must include local, State and Federal government required contract language, a project budget, and require pre-approval by DHSEM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices and time and effort reports are required for consultants.

## ARTICLE 10: AUDIT REQUIREMENTS

As the Federal grant recipient, the State of New Mexico requires a sub-recipient expending \$750,000.00 or more in Federal funds in the organization's fiscal year to conduct an organization-wide audit **in accordance with 2 CFR 200 Subpart F**. City of Santa Fe will permit the State of New Mexico Grant and Program officials and auditors to have access to the sub-recipient's and third-party contractors' records and financial statements as necessary for the State of New Mexico to comply with **2 CFR 200 Subpart F**. Copies of audit findings must be submitted to DHSEM within 30 days after City of Santa Fe receives its audit report, or within a 9-month period of the grant closeout date, whichever is earlier, in accordance with 2 AAC 45.010. Include the Federal agency name, program, grant number, and year; the CFDA title and number; and the name of the pass-through agency.

## ARTICLE 11: PROPERTY AND EQUIPMENT MANGEMENT

**The sub-recipient will follow the property standards articulated in 2 CFR 200.310 through 2 CFR 200.326.** The sub-recipient shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A Property Inventory Report shall be submitted to DHSEM annually each January 30 with the Financial Progress Report during the performance period, and continued submission is required annually until final disposition of the equipment. The sub-recipient shall, when practical, prominently display the following on any equipment purchased with award funds: **Purchased with funds provided by the U.S. Department of Homeland Security**. No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHSEM, prior to the jurisdiction's encumbrance or expenditure for that equipment.

## ARTICLE 12: NEPA/EHP COMPLIANCE

The sub-recipient must provide information to DHSEM to assist with the legally-required environmental planning

and historic preservation (EHP) review and to ensure compliance with the applicable EHP laws and Executive Orders (EO). These EHP requirements include but are not limited to National Environmental Policy Act, National Historic Preservation Act, Endangered Species Act, E 11988 Floodplain Management, EO 11990 Protection of Wetlands, and EO 12898 Environmental Justice. The recipient must comply with all Federal, State and Local EHP requirements and obtain applicable permits and clearances.

Recipients shall not undertake any activity from the project that would result in ground disturbance, facility modification, or relates to the use of sonar equipment without the prior approval of FEMA. These include but are not limited to communications towers, physical security enhancements involving ground disturbance, new construction, and modifications to buildings that are 50 years old or older, and exercises. Recipient must comply with all mitigation or treatment measures required for the project as the result of FEMA's EHP review. An EHP Screening Form will not need to be provided for those exercises that are planned to take place at previously approved facilities, such as, fire and police academies, search and rescue training facilities, and explosive testing centers. Any type of exercise that requires any type of land, water, or vegetation disturbance or building of temporary structures must undergo an EHP review.

Any change to an approved project description will require re-evaluation for compliance with EHP requirements before the project can proceed. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Initiation of these activities prior to completion of FEMA's EHP review will result in a non-compliance finding and may result in ineligibility of grant funding.

#### **ARTICLE 13: PUBLICATIONS**

Publications created with funding under this grant shall prominently contain the following statement: **This Document was prepared under a sub-grant from DHS, and DHSEM. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security or the State of New Mexico.**

#### **ARTICLE 14: RECORDKEEPING**

***The sub-recipient will follow the record retention and access standards articulated in 2 CFR 200.333 through 2 CFR 200.337.*** The grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

#### **ARTICLE 15: CHANGES TO AWARD**

All change requests must be submitted either in writing or electronically to the designated DHSEM Grant Specialist for review and possible approval. All change requests must be accompanied by a justification narrative and a budget and spending plan. All change requests must be consistent with the scope of the project and grant guidelines. Change requests will be considered only if reporting requirements are current, and all other terms and conditions of this agreement have otherwise been met at the time the request. If approved by DHSEM, changes in the programmatic activities, purpose of the project, key personnel specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions, will result in an amendment to this award.

#### **ARTICLE 16: OTHER GENERAL PROVISIONS**

**A. The performance period for this grant award is January 1, 2019 through June 30, 2020. Further, all**

personnel related grant activity must be completed between **January 1, 2019 and June 30, 2020**. Funds may not be obligated outside of these time periods. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. **All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period when the *Final Progress and Financial Reports* are due.**

- B. The 2018 SAFECOM guidance, in coordination with stakeholders and Federal partners, and the 2014 National Emergency Communications Plan, targets funding priorities to address:
- Governance and Leadership,
  - Statewide Planning for Emergency Communications,
  - Emergency Communications Training and Exercises,
  - Activities that Enhance Operational Coordination, and
  - Standards Based Technology and Equipment.

To support these priorities, grantees should target funding toward standards-based equipment that enables the sub-recipients to:

- a. Sustain and maintain current Land Mobile Radios (LMR) capabilities
- b. Use Project 25 (P25)-compliant LMR equipment for mission critical voice communications
- c. Meet NMDoIT, FCC and FirstNet spectrum and authority to operate requirements
- d. Transition towards Next Generation 911 (NG911) capabilities
- e. Support standards that allow for alerts and warnings across different systems
- f. Sustain backup solutions (e.g., backup power, portable repeaters, satellite phones, HF radios)
- g. Secure equipment, information, and capabilities from physical and virtual threats

- C. Deployable / Shareable Assets - All assets supported in part or entirely with FY2018 SHSGP funding must be readily deployable to support emergency or disaster operations per existing Interstate Mutual Aid System (IMAS) and/or Emergency Management Assistance Compact (EMAC) and other mutual aid agreements.
- D. All assets supported in part or entirely with FY2018 SHSGP funding that may not be physically deployable but support national response capabilities, such as interoperable communications systems and equipment, is considered shareable assets. Access to and use of these assets must be made readily available upon the request of the DHSEM.
- E. The sub-recipient shall comply with the requirements and restrictions of the DHS Federal NOFO and the FY2018 State Homeland Security Grant Program Guidance, State Guidelines. By signing this obligating award document, the sub-recipient certifies it has read, understood and accepted these documents as binding.
- F. The signatures of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The sub-recipient shall follow the financial management requirements imposed on them by DHSEM, which includes the requirements of U.S. Department of Homeland Security.
- G. The signature of the signatory officials on this award attests to **City of Santa Fe** understanding, acceptance, and compliance with Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant State or local funds. Federal funds must be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. **Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit.**
- H. **City of Santa Fe** shall ensure the **accounting system** used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is

accounted for separately.

- I. **City of Santa Fe shall comply with Federal Civil Rights Laws and Regulations:** *Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, and Americans with Disabilities Act of 1991.* City of Santa Fe will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. *Executive Order 13347 Individuals with Disabilities in Emergency Preparedness* requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism.
- J. **City of Santa Fe certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan (EEOP)** (for USDHS/DOJ grants). An EEOP is not required for recipients of less than \$25,000.00 or fewer than 50 employees.
- K. **City of Santa Fe certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.**
- L. It is the responsibility of **City of Santa Fe** as the recipient of these federal funds to fully understand and comply with the requirements of:
  - **Assurances, Administrative Requirements, Cost Principles, and Audit Requirements,** OMB Standard Form 4248 Assurances - Non-Construction Programs, OMB Standard Form 4240 Assurances - Construction Programs, 2 C.F.R. Part 200, 2 C.F.R. Part 3002
  - **Whistleblower Protection Act,**
    - 10 U.S.C Section 2409
    - 10 U.S.C. Section 2324
    - 41 U. S. C. Sections 4304 41 U. S. C. Sections 4310
  - **Use of DHS Seal, Logo and Flags** - All recipients must obtain permission from their financial assistance office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags.
  - **USA Patriot Act of 2001,** 18 U.S.C. Sections 175 175c
  - **Universal Identifier and System of Award Management (SAM),** 2 C.F.R. Part 25, Appendix A
  - **Reporting of Matters Related to Recipient Integrity and Performance,** 2 C.F.R. Part 200, Appendix ix, XII
  - **Rehabilitation Act of 1973, 29 U.S.C. Section 794**
  - **Trafficking Victims Protection Act of 2000,** Section 106(g) 22 U.S.C. section 7104, 2 CFR Section 1 75.15, Terrorist Financing
  - **2018 SAFECOM Guidance** <https://www.dhs.gov/safecom>
  - **Reporting Sub-Awards and Executive Compensation**
  - **Procurement of Recovered Materials, Solid Waste Disposal Act, Resource Conservation Recovery Act**
  - **Environmental Protection Agency (EPA) 40 C. F.R. Part 247**
  - **Patents and Intellectual Property Rights**
    - Bayh-Dole Act. Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. section 200 et seq.
    - 37 C.F.R. Part 401
    - 37 C.F.R. Section 401.14
  - **DHS HSGP Notice of Funding Opportunity Requirements** - All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the terms and conditions of your award. All recipients must comply with any such requirements set forth in the program NOFO.
  - **Non-supplanting Requirement** - All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources.
  - **Lobbying Prohibitions, 31 U.S.C. Section 1352**

- **Limited English Proficiency (Civil Rights Act of 1964, Title VI**
- **Hotel and Motel Fire Safety Act of 1990**
- **Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. Section 2225**
- **Fly America Act of 1974, 49 U.S.C. Section 41102, 49 U.S.C. Section 40118**
- **Best Practices for Collection and Use of Personally Identifiable Information (PII)** - DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.
- **Americans with Disabilities Act of 1990, 42 U. S. C. Sections 12101, 12213,**
- **Age Discrimination Act of 1975, Title 42 U.S. Code section 6101 et,**
- **Activities Conducted Abroad** - All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- **Acknowledgment of Federal Funding from DHS** - All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
- **Federal Leadership on Reducing Text Messaging while Driving**
- **Federal Debt Status**
- **False Claims Act and Program Fraud Civil Remedies, 31 U. S. C. Section 3729, 31 U. S.C. Section 3801-3812**
- **Energy Policy and Conservation Act, 42 U.S.C. Section 6201**
- **Education Amendments of 1972 (Equal Opportunity in Education Act), 20 U.S.C. section 1681 et seq, 6 C.F.R. Part 17 and 44 C.F.R. Part 19**
- **Duplication of Benefits, 2 C.F. R. Part 200, Subpart E**
- **Drug-Free Workplace Regulations, 41 U.S. C. section 701 et seq, 2 C.F.R Part 3001,**
- **Debarment and Suspension, Executive Orders, 12549 and 12689, and 2 C.F.R. Part 180,**
- **Copyright, 17 U.S.C. sections 401 or 402**
- **Civil Rights Act of 1968, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. section 3601 et seq, 24 C.F.R. Part 100, 24 C.F.R Section 100.201**
- **Civil Rights Act of 1964 - Title VI, 42 U.S.C. Section 2000d et seq, 6 C.F.R. Part 21, 44 C.F.R. Part 7**
- **DHS Specific Acknowledgements and Assurances**
  - All recipients, sub-recipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.
  - Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
  - Recipients must give DHS access to and the right to examine and copy, records, accounts, and other documents and sources of information related to the award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
  - Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
  - Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
  - If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS financial assistance office and the DHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at [crcl@hg.dhs.gov](mailto:crcl@hg.dhs.gov) or by mail at **U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail**

**Stop #0190 Washington, D.C. 20528.**

- In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS financial assistance office and the CRCL office by e-mail or mail at the addresses listed above.
- The United States has the right to seek judicial enforcement of these obligations.
- **Disposition of Equipment Acquired Under the Federal Award**, 2 C.F.R. Section 200.313,
- **National Environmental Policy Act**, National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA
- **Nondiscrimination in Matters Pertaining to Faith-based Organizations**, 6 C. F. R. Part 19

**ARTICLE 17: PENALTY FOR NON COMPLIANCE**

For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHSEM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHSEM shall notify the sub-recipient of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The sub-recipient must respond within 5 days of receipt of notification.

- (a) Unwillingness or inability to attain project goals
- (b) Unwillingness or inability to adhere to Article 19, Special Conditions.
- (c) Failure or inability to adhere to grant guidelines and federal compliance requirements
- (d) Improper procedures regarding contracts and procurements
- (e) Inability to submit reliable and/or timely reports
- (f) Management systems which do not meet federal required management standards
- (g) Failure or inability to adhere to the terms and conditions of this agreement

**ARTICLE 18: TERMINATION**

**For Cause:** If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHSEM will provide notice of five (5) days to the sub-recipient stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHSEM will reimburse the sub-recipient only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHSEM until completion of a final DHSEM review. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

**For Convenience:** This Agreement may be terminated without cause by either of the parties upon written notice delivered to the other party at least 30 days prior to the intended date of termination. A termination pursuant to this provision does not nullify a party's obligations for performance or liabilities for failure to perform already incurred prior to the date of termination. Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. DHS and the DHSEM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHSEM at the option of DHSEM.

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## ARTICLE 19: SPECIAL CONDITIONS

**\* Grant funds cannot be expended until these conditions have been met.**

- 1) **SHSGP Notice of Funding Opportunity Requirements** - All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the terms and conditions of your award. All recipients must comply with any such requirements set forth in the program NOFO.
- 2) The grant award amount is a funding allocation, and is not to be interpreted as expenditure authorizations or approvals. Pre-approval from DHSEM's Local Preparedness Program, Preparedness Unit, and Administrative Service Bureau (ASB) is required for all purchases regardless of any application review.
- 3) All awarded projects must be planned for, conducted, budgeted and expended within the designated performance period. Furthermore, at least 25% of the grant award must be expended in the first quarter for each project; some exceptions and/or extenuating circumstances may apply.
- 4) All sub-recipients must complete a National Incident Management System (NIMS) Assessment on or before September 30 of each year. All funded beneficiaries, to include but not limited to, first response agencies and special teams must also complete a NIMS Assessment. Continuing working on NIMS implementation objectives throughout the performance period of the grant and thereafter.
- 5) All sub-recipients must complete and/or revise their Threat Hazard Identification Risk Assessment (THIRA) every 2 years on or before May 30 of each year dependent on last revision date.
- 6) All sub-recipients must complete and/or revise their local and/or regional Tactical Communication Interoperable Plan (TCIP) every year.
- 7) All sub-recipients must have a fully promulgated All Hazards Emergency Operations Plan (EOP).
- 8) All Whole Community Preparedness sub-recipients must have a coordinating body to serve as their Citizen Corps Whole Community Council, with membership that includes, but is not limited to: representatives from emergency management, homeland security, law enforcement, fire service, EMS, public health, hospitals, HCCs, or their designee, elected officials, the private sector especially privately owned critical infrastructure, private nonprofits, nongovernmental organizations including faith-based, community-based, and voluntary organizations and advocacy groups.
- 9) All sub-recipients are required to conduct one exercise to test the capabilities of equipment purchased with past or current federal preparedness grants. All AAR/IP and/or AAR/IP input forms must be sent to the DHSEM exercise Officer no later than 60 days after the exercise.
- 10) All SHSGP performance activities will be monitored by the Local Preparedness Program on a quarterly basis or as needed to ensure sub-recipients are conducting progressive activities to ensure project completion within the specified performance period.
- 11) Quarterly financial and progress reports are due on April 30, July 30, October 30, January 30 within the Period of Performance. Final reports are due 45 days after the end of Period of Performance.
- 12) All equipment must be purchased and deployed in accordance set forth in the FY2018 SHSGP NOFO. *All assets supported in part or entirely with FY2018 SHSGP funding must be readily deployable to support emergency or disaster operations per existing EMAC agreements.*
- 13) All Budget Revisions must be reviewed and approved by the Local Preparedness Program to ensure that the proposed project meets all federal and state eligibility requirements. Budget Revisions must meet the original scope of the project.
- 14) If a revision of the project(s) scope of work is requested, it must be pre-approved by the Local Preparedness Program, before the jurisdiction can proceed with the Request for Approval (RFA) processes. If the revision is approved, the Local Preparedness Program may request additional documentation to proceed with recommendation to DHSEM Leadership for final approval.
- 15) The beneficiary of this award is solely responsible for all expenditures that are incurred outside of the award performance period.
- 16) All expenditures that are incurred above and beyond the amount of this sub-grant agreement are the sole responsibility of the sub-recipient of this award.
- 17) The FEMA approved National Environmental Protection Agency-Environmental Historic Preservation (NEPA/EHP) form must be submitted prior to any ground disturbance, modification to buildings, etc.
- 18) Procurement from Minority Owned and Women Owned Business is encouraged, and must be tracked and reported to DHSEM on the quarterly reports.
- 19) Annual external audit reports must be submitted to DHSEM within 30 days of receipt by sub-recipients.
- 20) All Contracts for goods and services, to include the project scope of work, must be reviewed and approved the Local Preparedness Program (LPP) and Administrative Services Bureau (ASB) before execution, to include signing of contract between parties.

- 21) All requests for Sub-grant award extensions must be received at DHSEM prior to the 90-day grant award termination date. Requests for sub-grant award extensions will only be considered for documented extenuating circumstances and will be reviewed by the Local Preparedness Program on a case-by-case basis.
- 22) Upon completion of all awarded projects, any remaining funds will be de-obligated and reverted back to NMDHSEM.

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State of New Mexico  
**DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT**  
 P.O. Box 27111  
 Santa Fe, NM 87502

**SUB-RECIPIENT GRANT AGREEMENT**  
 2018 State Homeland Security Grant Program  
 2018 Federal Grant No. EMW-2018-SS-00056-S01 CFDA No. 97.042

The acceptance of a grant from the United States and the State of New Mexico creates a legal duty and obligation on the part of the sub-grantee City of Santa Fe to use the funds or property made available in accordance with the conditions of the grant as administered by and through the New Mexico Department of Homeland Security and Emergency Management.

**SIGNATURE OF ACCEPTANCE**

JURISDICTION SIGNATURES	
Signature of Emergency Management Program Manager	DATE
	11/9/18
Printed Name: David Silver	
Contact Number: 505 955 6537	e-Mail Address: dmsilver@santafenm.gov
Signature of Jurisdiction Chief Financial Officer	DATE
Printed Name: Mary McCoy	
Contact Number: 505-955-6171	e-Mail Address: mtmccoy@santafenm.gov
Signature of Jurisdiction Signatory Official	DATE
	12/17/18
Printed Name: ALAN WEBBER	
Contact Number: (505) 955-6590	e-Mail Address: mayor@santafenm.gov
NM DHSEM SIGNATURES	
Signature of DHSEM Grants Unit Manager	DATE
	1/11/19
Print Name: Juanita Abeyta	
Signature of DHSEM Chief Financial Officer	DATE
	01/16/2019
Print Name: Sarah J. Peterson	
Signature of DHSEM Cabinet Secretary	DATE
	1/23/19
Print Name: <del>M. Jay Mitchell</del> Jackie White	

Please print two (2) originals, sign both and mail to:  
 Grants Management Unit, P.O. Box 27111, Santa Fe, NM 87502

**Attachment I**  
**Required Reimbursement Checklist**

***Please Note:*** DHSEM reserves the right to update this check list throughout the life of the grant to ensure compliance with applicable federal and state rules and regulations. ***Please only check the categories that apply to the reimbursement you are currently requesting.***

**EQUIPMENT**

- Have all invoices been included?
- Has AEL # been identified for each purchase?
- If service/warranty expenses are listed, are they only for the performance period of the grant?
- Has proof of payment been included? (e.g. canceled check, Electronic Funds Transfer (EFT) confirmation, or P-Card back up documentation which will include receipt with vendor, copy of credit card statement showing expense charged, and payment to credit card Company for that statement)
- If EHP form needed - has copy of it and approval from DHS/FEMA been included?

**CONSULTANTS/CONTRACTORS**

- Does the amount billed by consultant add up correctly?
- Has all appropriate documentation to denote hours worked been properly signed?
- Have copies of all planning materials and work product (e.g. meeting documents, copies of plans) been included? (If a meeting was held by recipient or contractor/consultant of recipient, an agenda and sign-up sheet with meeting date must be included).
- Has the invoice from consultant/contractor been included?
- Has proof of payment been included? (e.g. canceled check, Electronic Funds Transfer (EFT) confirmation, or P-Card back up documentation which will include receipt with vendor, copy of credit card statement showing expense charged, and payment to credit card Company for that statement).

**SALARY POSITIONS (Note: this applies to positions billed under M&A)**

- Have the following been provided: signed time sheet by employee and supervisor and proof that employee was paid for time worked (statement of earnings, copy of payroll check or payroll register)?
- Has a time period summary sheet been included for total claimed amount?
- Has a general ledger payroll report been included for total claimed amount? Ensure this report includes both employee and employer payroll information (i.e. benefits/contributions).
- Does the back-up documentation include a copy of the check stub per employee for the time period covered?
- Does the back-up documentation provided match the time period for which reimbursement is being requested?


**TRAINING**


- Is the course DHS/FEMA approved? Is there a course or catalog number? If not, has DHSEM approved the non-DHS training request form? Is supporting documentation included your reimbursement request?
- Have sign-in sheets, rosters and agenda been provided?
- If billing for overtime and/or backfill, has a spreadsheet been provided that lists attendee names, department, # of hours spent at training, hourly rate and total amount paid to each attendee? Have print outs from entity's financial system been provided as proof attendees were paid? For backfill, has a clear delineation/cross reference been provided showing who was backfilling who?
- Have the names on the sign-in sheets been cross-referenced with the names of the individuals for whom training reimbursement costs are being sought?
- Has any expenditures occurred in support of the training (e.g., printing costs, costs related to administering the training, planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment)? If so, receipts and proof of payment must be submitted. (e.g. system generated ledger, canceled check, Electronic Funds Transfer (EFT) confirmation, or P-Card back up documentation which will include receipt with vendor, copy of credit card statement showing expense charged, and payment to credit card Company for that statement).

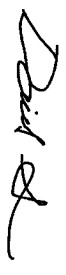

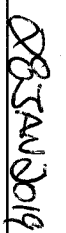
**MATCHING FUNDS (IF APPLICABLE)**

- Contributions are from Non Federal funding sources.
- Contributions are from cash or in-kind contributions which may include training investments.
- Contributions are not from salary, overtime or other operational costs unrelated to training.


PROJECT NUMBER	PROJECT NAME	LINE ITEM	ITEM DESCRIPTION	QUANTITY	UNIT COST	TOTAL COST	PROJECT AWARD
1	SFPD - SPECIAL OPERATIONS DHS TYPE 2 SWAT OPERATOR COURSE FBI HAZARDOUS SCHOOL	1	REGISTRATION / TRAVEL / PER DIEM	4	\$ 9,800.00	\$ 39,200.00	
		2	REGISTRATION / TRAVEL / PER DIEM	2	\$ 7,165.00	\$ 14,330.00	\$ 53,530.00
2	SFPD INTELLIGENCE CENTER	1	IBM 12 ANALYST NOTEBOOK	3	\$ 8,800.00	\$ 26,400.00	
		2	CELLERITE UFED 4PC ULTIMATE	1	\$ 9,085.00	\$ 9,085.00	
		3	CELLERITE UFED TOUCH 2 ULTIMATE	1	\$ 10,584.00	\$ 10,584.00	
		4	BOUNDLESS SECURITY SYSTEM CAMERA	1	\$ 20,865.00	\$ 20,865.00	
						\$ 66,934.00	
TOTAL PROJECT FEDERAL AWARD						\$ 120,464.00	\$ 120,464.00

**INITIALS**  
 The grant approved award amount is a funding allocation, and is not to be interpreted as expenditure authorizations or approvals. Pre-approval from DHSEM's Local Preparedness Program, Training and Exercise Preparedness Unit and Administrative Service Bureau (ASB) is required for all purchases regardless of any application review.

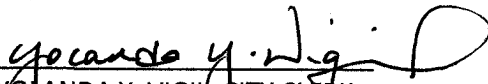
 All budget revisions must be reviewed and approved by the Preparedness Bureau Chief, Local Preparedness Program Manager and/or their designee to ensure that the proposed budget revision meets all federal and state eligibility requirements. Budget revisions must meet the original approved Scope of Work within the approved application budget worksheet.

  
 SUB-RECIPIENT DESIGNEE SIGNATURE  
 1/28/2019  
 DATE  
  
 LOCAL PROGRAMS MANAGER  
  
 DATE

CITY OF SANTA FE:

  
\_\_\_\_\_  
ALAN WEBBER, MAYOR

ATTEST:

  
\_\_\_\_\_  
YOLANDA Y. VIGIL, CITY CLERK  
Re mtg. 12/12/18

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ERIN MCSHERRY, CITY ATTORNEY

APPROVED:

  
\_\_\_\_\_  
MARY MCCOY, FINANCE DIRECTOR *AM*

Business Unit/Line Item:

21748.490610  
22852.560700  
22852.560200  
22852.560500  
22852.570800  
22852.570500

# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

### Resolution No. 2020-\_\_ Midtown ENA Oversight

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**SPONSOR(S):** Councilor Vigil Coppler

**SUMMARY:** The proposed Resolution requires that the City Manager seek approval from the Governing Body to extend the term of the Exclusive Negotiation Agreement with KDC/Cienda Partners. Additionally, the Resolution would require regular 30-day progress reports to the City to be submitted to the Governing Body.

**PREPARED BY:** Jesse Guillen, Legislative Liaison

**FISCAL IMPACT:** None

**DATE:** July 2, 2020

**ATTACHMENTS:** Resolution  
Fiscal Impact Report

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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2020-\_\_**

**INTRODUCED BY:**

Councilor JoAnne Vigil Coppler

**A RESOLUTION**

**REQUIRING THAT THE CITY MANAGER SEEK GOVERNING BODY APPROVAL BEFORE EXTENDING THE TERM OF THE EXCLUSIVE NEGOTIATION AGREEMENT WITH KDC CIENDA SF INVESTMENTS ONE LP (“KDC/CIENDA”) BEYOND ITS INITIAL ONE-YEAR TERM; AND REQUIRING THAT THE 30-DAY PROGRESS REPORTS FROM THE MIDTOWN DEVELOPMENT TEAM BE SUBMITTED TO THE GOVERNING BODY.**

**WHEREAS**, the Governing Body entered into an Exclusive Negotiation Agreement (“ENA”) with KDC/Cienda on May 4<sup>th</sup>, 2020; and

**WHEREAS**, the initial term of the ENA is twelve months from the effective date, May 4<sup>th</sup>, 2020, plus the number of days delay due to COVID -19 restrictions; and

**WHEREAS**, in the event that the City of Santa Fe (“City”) and KDC/Cienda have not finally executed and delivered a DDA during the initial term, either party may extend the initial term of the ENA for an additional four months; and

**WHEREAS**, the ENA provides that the City Manager, acting on behalf of the City, shall

1 have the right to extend the initial term; and

2           **WHEREAS**, the Governing Body wants to be involved in the extension of the initial  
3 term of the ENA; and

4           **WHEREAS**, Section 5.3.1 of the ENA requires that the development team submit  
5 regular progress reports to the City’s Midtown Project Manager and the Executive Decision-  
6 Makers no less than once every thirty days, including a summary of the activities it has completed  
7 related to the project during the prior thirty days; and

8           **WHEREAS**, the Governing Body wants to receive the progress reports for review.

9           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
10 **CITY OF SANTA FE** that the City Manager or her designee shall seek Governing Body  
11 approval before extending the term of the Exclusive Negotiation Agreement with KDC Cienda  
12 SF Investments One LP.

13           **BE IT FURTHER RESOLVED** that the City Manager or her designee shall submit the  
14 development team’s thirty-day regular progress reports to the Governing Body as soon as they are  
15 available, as is feasible.

16           PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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ALAN WEBBER, MAYOR

21 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

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1 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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*Legislation/2020/Resolutions/Midtown ENA Oversight*

### FISCAL IMPACT REPORT

**General Information:**


(Check) Bill: \_\_\_\_\_ Resolution:  X

Short Title(s): Midtown ENA Oversight

Sponsor(s): Councilor Vigil Coppler

Reviewing Department(s): Legislative Services

Staff Completing FIR: Jeff Norris Date: 7/1/20 Phone: 995-6692

Reviewed by City Attorney:  Date: Jul 6, 2020

Reviewed by Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_

**Summary:**

The proposed Resolution requires that the City Manager seek approval from the Governing Body to extend the term of the Exclusive Negotiation Agreement ("ENA") with KDC/Cienda Partners. Additionally, it requires that the regular 30-day progress reports to the City will also be submitted to the Governing Body for review.

**Departments Affected:**

City Manager, Economic Development, City Attorney's Office.

**Consequences of Not Enacting Legislation:**

The City Manager would not be required to consult with the Governing Body before extending the initial term of the ENA and regular progress reports would not have to be submitted to the Governing Body.

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

This Resolution relates to the ENA between the City and KDC/Cienda Partners that as approved by the Governing Body on May 4, 2020.

**Performance and Administrative Implications:**

Extension of the ENA will require additional steps and planning if Governing Body approval is required.

**Fiscal Implications:**

None.

**Fiscal Impact**

X  Check here if no fiscal impact

**Expenditures**

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

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

**Expenditure Narrative:**

\_\_\_\_\_  
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 \_\_\_\_\_

**Revenue**

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

**Revenue Narrative:**

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# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

Resolution No. 2020-\_\_

### USCM Compact Against Racism and Bigotry Support

**SPONSOR(S):** Mayor Webber

**SUMMARY:** The proposed Resolution supports the US Conference of Mayors' compact against racism and bigotry, which includes 10 components.

**PREPARED BY:** Jesse Guillen, Legislative Liaison

**FISCAL IMPACT:** None

**DATE:** July 2, 2020

**ATTACHMENTS:** Resolution  
Fiscal Impact Report

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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2020-\_\_**

**INTRODUCED BY:**

Mayor Alan Webber

**A RESOLUTION**

**SUPPORTING THE UNITED STATES CONFERENCE OF MAYORS’ COMPACT TO COMBAT HATE, EXTREMISM, AND BIGOTRY TO PROMOTE THE FUNDAMENTAL PRINCIPLES OF JUSTICE AND EQUALITY THAT DEFINE AMERICA.**

**WHEREAS**, across the country, mayors have spoken out against discrimination and injustice when they have occurred and have undertaken efforts to foster equity for underrepresented groups and build tolerance and understanding within their communities; and

**WHEREAS**, cities, such as Santa Fe, have also undertaken efforts to integrate immigrants into their communities and have adopted a variety of policies to include fully and treat equitably their LGBTQ residents; and

**WHEREAS**, however, extremism and violent bigotry are on the rise across the country, and there are efforts in states and at the highest levels of government to weaken existing civil rights policies and reduce their enforcement; and

**WHEREAS**, there has been an increase in hate violence, xenophobic rhetoric, and

1 discriminatory actions that target African Americans, Jews, Muslims, Native Americans, and  
2 other minorities; and

3 **WHEREAS**, mayors and their cities must continue to be a beacon for inclusion,  
4 tolerance, and respect for all; and

5 **WHEREAS**, to deliver on the promise of inclusiveness and equity for all, mayors must  
6 also collaborate with the business community; and

7 **WHEREAS**, mayors run their cities, but they walk every step of the way with businesses  
8 in their cities; and

9 **WHEREAS**, the United States Conference of Mayors (“USCM”) launched “The  
10 Mayors’ Compact to Combat Hate, Extremism and Bigotry” in 2017 following the violent and  
11 deadly demonstrations in Charlottesville to promote the fundamental principles of justice and  
12 equality that define America; and

13 **WHEREAS**, since that time, more than 325 of the nation’s mayors have signed the  
14 Compact, committing to act to fight inequities and create inclusive and compassionate cities; and

15 **WHEREAS**, the USCM is presenting a united front of sustained action through  
16 collaboration, education and awareness, information sharing, technical assistance, and best  
17 practices; and

18 **WHEREAS**, the City of Santa Fe has long maintained an atmosphere of inclusiveness  
19 while recognizing its long history of Native American, Spanish, Mexican, other European  
20 influences, and continuing to welcome many other nationalities and ethnicities; and

21 **WHEREAS**, mayors throughout the United States have called for the removal of  
22 potentially offensive public monuments and other significant changes to reduce the friction  
23 between different members of society.

24 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
25 **CITY OF SANTA FE** recognizes the ten components of the United States Conference of Mayors

1 Compact:

- 2 1. Expressly Rejecting Extremism, White Supremacy, and All Forms of Bigotry  
3 2. Denouncing All Acts of Hate Wherever They Occur  
4 3. Ensuring Public Safety While Protecting Free Speech and Other Basic

5 Constitutional Rights

- 6 4. Calling for Fully-Resourced Law Enforcement and Civil Rights Investigations of  
7 Domestic Terrorism and Hate Crimes

8 5. Elevating and Prioritizing Anti-Bias and Anti-Hate Programs in Our Nation's  
9 Schools

10 6. Supporting Targeted Communities and Bringing Together Business Leaders and  
11 Civic and Community Leaders to Build Trust

12 7. Celebrating Diversity, Promoting Inclusivity and Challenging Bias

13 8. Promoting Law Enforcement Training on Responding to and Reporting Hate  
14 Incidents, Hate Crimes and Domestic Terrorism

15 9. Encouraging Residents in their Communities to Report Hate Incidents and  
16 Crimes, Including Using Hot Lines and Online Tools

17 10. Maintaining Civil Rights Enforcement and Strengthening Hate Crime Laws  
18 When Necessary.

19 **BE IT FURTHER RESOLVED** the City of Santa Fe fully supports the USCM charter  
20 and directs the City Clerk to transmit a copy of this Resolution to the USMC.

21 PASSED, APPROVED, and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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ALAN WEBBER, MAYOR

1 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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*Legislation/2020/Resolutions/USCM Compact Against Racism and Bigotry Support*

## FISCAL IMPACT REPORT

**General Information:**


(Check) Bill: \_\_\_\_\_ Resolution:  X

Short Title(s): USCM Compact Against Racism and Bigotry Support

Sponsor(s): Mayor Webber

Reviewing Department(s): Legislative Services

Staff Completing FIR: Jeff Norris Date: 7/1/20 Phone: 955-6692

Reviewed by City Attorney:  Date: Jul 6, 2020

Reviewed by Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_

**Summary:**

The proposed Resolution supports the United States Conference of Mayors' ("USCM") compact against racism and bigotry, which includes ten components.

**Departments Affected:**

All.

**Consequences of Not Enacting Legislation:**

The Governing Body would not express its support the USCM Compact Against Racism and Bigotry.

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

None identified.

**Performance and Administrative Implications:**

The Resolution directs the City Clerk to transmit a copy of the Resolution the USCM upon adoption.

**Fiscal Implications:**

None identified.

**Fiscal Impact**

X  Check here if no fiscal impact

**Expenditures**

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

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

**Expenditure Narrative:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Revenue**

<b>Revenue Type</b>	<b>FYE ___</b>	<b>FYE ___</b>	<b>FYE ___</b>	<b>Recurring (R) or Non-recurring (NR)</b>	<b>Fund</b>
General Fund	\$ _____	\$ _____	\$ _____	_____	_____
Special Revenue	\$ _____	\$ _____	\$ _____	_____	_____
CIP	\$ _____	\$ _____	\$ _____	_____	_____
Enterprise	\$ _____	\$ _____	\$ _____	_____	_____
Internal Service	\$ _____	\$ _____	\$ _____	_____	_____
Trust and Agency	\$ _____	\$ _____	\$ _____	_____	_____
Federal	\$ _____	\$ _____	\$ _____	_____	_____
Other	\$ _____	\$ _____	\$ _____	_____	_____
Total	\$ _____	\$ _____	\$ _____	_____	_____

**Revenue Narrative:**

\_\_\_\_\_  
 \_\_\_\_\_  
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