



AGENDA

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
AUGUST 18, 2021
5:00 PM
ATTEND VIRTUALLY

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 in excess of those permitted in the current Public Health Order, 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 agenda and packet for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF CONSENT AGENDA**
5. **APPROVAL OF MINUTES**
 - a. Approval of the August 4, 2021 Quality of Life Committee Meeting Minutes.
6. **ACTION ITEMS: CONSENT**
 - a. Request for the Approval of Memorandum of Agreement with Presbyterian Medical Services, No financial responsibility, Volunteer Station Agreement for the Foster Grandparent Program. Santa Fe Public Schools; Anya Alarid, Volunteer Program Manager: email aalarid@santafenm.gov , 505-955-4744.

Committee Review:

Finance Committee-08/16/20021

Quality of Life Committee-08/18/2021



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AUGUST 18, 2021
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Governing Body-08/25/2021

- b. CONSIDERATION OF BILL NO. 2021-18: (Mayor Webber)
An Ordinance Removing Section 20-6 Relating to Marijuana and Marijuana Paraphernalia Possession. (Kyle Hibner, City Prosecutor: kjhibner@santafenm.gov, 955-5195)

Committee Review:

Introduced: 07/28/21

Governing Body (request to publish): 8/11/21

Finance Committee: 08/16/21

Public Safety Committee: 08/17/21

Quality of Life Committee: 08/18/21

Governing Body (public hearing): 09/08/21

- c. CONSIDERATION OF BILL NO. 2021-___. (Councilor Garcia and Councilor Romero-Wirth)

An Ordinance Amending Section 9-3.6 SFCC 1987 to Expressly Recognize that Electronic Signatures are Permitted Under the Uniform Electronic Transactions Act for Seed Money Contributions on the Required Forms; Amending Section 9-3.7 SFCC 1987 to Expressly Recognize that Electronic Signatures are Permitted Under the Uniform Electronic Transactions Act for Qualifying Contributions on the Required Forms; and Amending Section 9-3.12 SFCC 1987 to Expressly Recognize that Electronic Signatures are Permitted Under the Uniform Electronic Transactions Act for Qualified Small Contributions. (Marcos Martinez, Assisat City Attorney: mdmartinez@santafenm.gov, 955-6502)

Committee Review:

Introduced: 8/2/21

Quality of Life Committee: 08/18/21

Governing Body (request to publish): 08/25/21

Finance Committee: 08/30/21

Governing Body (public hearing): 09/29/21

- d. CONSIDERATION OF BILL NO. 2021-___. (Councilwoman Renee Villarreal)

An Ordinance Relating to Closed Captions; Creating a New Section 7.5 SFCC 1987 to Require Places of Public Accommodation to Activate Closed



City of Santa Fe

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Captioning on Television Receivers. (Jesse Guillen, Legislative Liaison: jbguillen@santafenm.gov, 955-6518; Jennifer Faubion, Council Liaison: jrfaubion@santafenm.gov, 955-6033)

Committee Review:

Introduced: 07/14/21

Quality of Life Committee: 08/18/21

Mayor's Committee on Disability: 08/19/21

Governing Body (request to publish): 08/25/21

Finance Committee: 08/30/21

Governing Body (public hearing): 09/29/21

7. PRESENTATIONS

- a. Presentation of Strategic Plan for Santa Fe Women's Commission (Anna Cale Pendas, Project Administrator, axcale@santafenm.gov, 505-955-6236; Valeria Alarcon, VIA Consulting LLC, valeriaalarcon@gmail.com) (Informational only)

8. MATTERS FROM STAFF

9. MATTERS FROM THE COMMITTEE

10. MATTERS FROM THE CHAIR

11. NEXT MEETING: Wednesday, September 1, 2021

12. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
AUGUST 04, 2021
5:00 PM
VIRTUAL MEETING

1. **CALL TO ORDER**

Start Time: 5:00 PM

2. **ROLL CALL**

Members Present:

Councilor Michael Garcia
Councilor Chris Rivera
Councilor Carol Romero-Wirth

Members Excused:

Councilor Jamie Cassutt
Councilor Renee Villarreal

Others Attending:

Jennifer Faubion, Council Liaison
Jesse Guillen, Legislative Liaison
Porfirio Chavarria, Attendee
Julie Sanchez, Attendee
Marcos Martinez, Attendee
Alexandra Ladd, Attendee
Ben Valdez, Attendee
Geronimo Griego, Attendee
Alexis Lotero, Attendee

3. **APPROVAL OF AGENDA**

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the as presented.

VOTE: The motion was approved on the following Roll Call vote:



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
AUGUST 04, 2021
5:00 PM
VIRTUAL MEETING

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the as amended.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

Councilor Rivera moved item 6e from the consent agenda to the discussion agenda.

5. APPROVAL OF MINUTES

- a. Approval of the July 21, 2021 Quality of Life Committee Meeting Minutes.

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the as presented.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
AUGUST 04, 2021
5:00 PM
VIRTUAL MEETING

6. ACTION ITEMS: CONSENT

- a. Request for the Approval of Budget Amendment Resolution and Memorandum of Understanding (MOU)- Agreement between Santa Fe County and the City of Santa Fe for the Local DWI Grant Fund in the Total Amount of \$40,000; Santa Fe County. (Thomas Grundler, Lieutenant; tjgrundler@santafenm.gov, 955-5359)

Committee Review:

Finance Committee: 08/02/2021

Quality of Life Committee: 08/04/2021

Governing Body Committee: 08/11/2021

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the item as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

- b. Request for Approval of a Professional Services Agreement for a Total Amount of \$252,478 for a Four (4) Year Sole Source Contract to United Way of Central New Mexico to Operate a 2-1-1 Call Center in Santa Fe City and County. (Julie Sanchez, Youth and Family Service Division Director, jjsanchez@santafenm.gov; 955-6678)

Committee Review:

Finance Committee: 08/02/2021

Quality of Life Committee: 08/04/2021

Governing Body: 08/11/2021

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the item as presented.



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
AUGUST 04, 2021
5:00 PM
VIRTUAL MEETING

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

- c. CONSIDERATION OF BILL NO. 2021-16. (Councilor Romero-Wirth and Councilor Garcia)

An Ordinance Relating to the Campaign Code; Amending Section 9-2.3 SFCC 1987 to Amend the Definition of a “Political Committee” to Include a Threshold Amount for Reporting Contributions; Amending Section 9-2.6 to Increase the Aggregate Expenditure Amount Requiring Reporting to Five Hundred Dollars and to Exempt Aggregate Contribution Amounts of Less Than Twenty-Five Dollars From Separate Reporting Requirements; Amending Section 9-2.7 to Make Necessary Changes Regarding References to a “Political Committee”; and Amending Section 9-2.11 to Exempt Aggregate Contribution Amounts of Less Than Twenty-Five Dollars From Separate Reporting Requirements. (Marcos Martinez, Senior Assistant City Attorney: mdmartinez@santafenm.gov, 955-6502)

Committee Review:

Introduced: 06/30/21

Governing Body (Request to Publish): 07/28/21

Finance Committee: 08/02/21

Quality of Life Committee: 08/4/21

Governing Body (Public Hearing): 08/25/21

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the item as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None



MINUTES

REGULAR MEETING OF
THE QUALITY OF LIFE
COMMITTEE
AUGUST 04, 2021
5:00 PM
VIRTUAL MEETING

Abstain: None

- d. Request Approval of Amendment No. 2 to the 2019 Annual Action Plan, Required by the U.S. Department of HUD that Describes Proposed Uses of CARES Act Funding in the Amount of \$581,333. (Alexandra Ladd, Director, Office of Affordable Housing, agladd@santafenm.gov, 505-303-9868) **Committee Review:**
Finance Committee: 08/02/2021
Quality of Life Committee: 08/04/2021
Public Works Committee: 08/09/2021
Governing Body: 08/11/2021

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the item as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

- e. Request for Approval of FY22 Police Vehicle Purchase Request in the Total Amount of \$1,155,371.32 for the Vehicles, Equipment, and Labor Costs Associated with Each Vehicle. (Ben Valdez, Deputy Chief of Police, bpvaldez@santafenm.gov, 955-5040)

Committee Review:

Finance Committee: 8/02/2021
Quality of Life Committee: 8/04/2021
Governing Body Committee: 8/11/2021

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the item as presented.



MINUTES

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

Councilor Rivera moved this item from the consent agenda to the discussion agenda.

- f. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Rivera, Councilor Vigil Coppler, Councilor Romero-Wirth)
A Resolution Proclaiming Severe or Extreme Drought Conditions Exist in the City of Santa Fe; Imposing Fire Restrictions From August 11, 2021 to September 9, 2021; Restricting the Sale or Use of Fireworks Within the City of Santa Fe and Prohibiting Other Fire Hazard Activities. (Geronimo Griego, AIC Fire Marshal; gggriego@santafenm.gov, 955-3317)

Committee Review:

Introduced: 07/28/21

Quality of Life Committee: 08/04/21

Governing Body: 08/11/21

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the item as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

- g. CONSIDERATION OF RESOLUTION NO. 2021-___. (Councilor Cassutt and Councilor Lindell)



MINUTES

REGULAR MEETING OF
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COMMITTEE
AUGUST 04, 2021
5:00 PM
VIRTUAL MEETING

A Resolution Approving the Design and Installation Plan for Banners Supporting the Food Depot's Tenth Annual "Neighbor to Neighbor Fund Drive". (Jesse Guillen, Legislative Liaison; jbg Guillen@santafenm.gov, 955-6518)

Committee Review:

Introduced: 07/28/21

Quality of Life Committee: 08/04/21

Public Works and Utilities Committee: 08/09/21

Governing Body: 08/11/21

MOTION: Councilor Rivera moved, seconded by Councilor Garcia, to approve the item as presented.

VOTE: The motion was approved on the following Roll Call vote:

For: Councilor Garcia, Councilor Rivera, Councilor Romero-Wirth

Against: None

Abstain: None

- h. Request for Approval of Amendment No. 2 to Professional Services Agreement in the Amount of \$150,000 to Provide Services to Examine Internal Controls; REDW LLC. (Alexis Lotero, Assistant Finance Director, aclotero@santafenm.gov, 955-6137)

Committee Review:

Finance Committee: 8/02/2021

Quality of Life Committee: 8/04/2021

Governing Body: 8/11/2021

7. PRESENTATION

- a. Wildfire Preparedness (Porfirio Chavarria, Wildland Urban Interface Specialist: pnchavarria@santafenm.gov, 505-955-3119; and Brian



MINUTES

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THE QUALITY OF LIFE
COMMITTEE
AUGUST 04, 2021
5:00 PM
VIRTUAL MEETING

Williams, Emergency Management Specialist: bgwilliams@santafenm.gov, 505-955-6537)

- b. The Santa Fe Data Platform (Jennifer Faubion, Council Liaison: jrfaubion@santafenm.gov, 505-955-6033)

- 8. **MATTERS FROM STAFF**
- 9. **MATTERS FROM THE COMMITTEE**
- 10. **MATTERS FROM THE CHAIR**
- 11. **NEXT MEETING: Wednesday, August 18, 2021**
- 12. **ADJOURN**

End Time: 6:31 PM

Liaison

Chair



City of Santa Fe, New Mexico

Memorandum



DATE: July 13, 2021

TO: Governing Body

VIA: Kyra Ochoa, Community Services Department Director 
Gino Rinaldi, Senior Services Division Director 

Kyra Ochoa (Jul 13, 2021 09:49 MDT)

Gino Rinaldi (Jul 13, 2021 09:43 MDT)

FROM: Anya Alarid, Volunteer Program Manager 

ITEM AND ISSUE:

Request for the Approval of Memorandum of Agreement with Presbyterian Medical Services, No financial responsibility, Volunteer Station Agreement for the Foster Grandparent Program. Santa Fe Public Schools; Anya Alarid, Volunteer Program Manager: email aalarid@santafenm.gov , 505-955-4744.

BACKGROUND AND SUMMARY:

Attached for your signature is a Volunteer Station Agreement between Presbyterian Medical Services and the City of Santa Fe. Our Federal and State funding sources require we have these documents in place when providing volunteer services via our Foster Grandparent Volunteer Program. The Volunteer Station Agreement outlines the responsibilities for both the City as well as the volunteer stations. Please note that **compensation is not involved** in this memorandum.

PROCUREMENT METHOD:

N/A

CONTRACT NUMBER:

Munis contract number is 3202832

ACTION REQUESTED:

Senior Services respectfully requests your review and approval.



City of Santa Fe

Real Estate Summary of Contracts, Agreements, Amendments & Leases

Section to be completed by department

1. Munis Contract # 3202832

Contractor: Presbyterian Medical Services

Description: **Memorandum of Understanding with Presbyterian Medical Services Headstart. No compensation or financial responsibility involved. This is a volunteer station agreement for the Foster Grandparent Program for the Division of Senior Services.**

Contract Agreement Lease / Rent Amendment

Term Start Date: 09/01/2021 Term End Date: 06/30/2024

Approved by Council Date: _____

Contract / Lease:

Amendment # _____ to the Original Contract / Lease # _____

Increase/(Decrease) Amount \$ _____

Extend Termination Date to: _____

Approved by Council Date: _____

Amendment is for:

2. **HISTORY of Contract, Amendments & Lease / Rent - Please Elaborate** (option: attach spreadsheet if multiple amendments)
Memorandum of Understanding with Presbyterian Medical Services Headstart. No compensation or financial responsibility involved. This is a volunteer station agreement for the Foster Grandparent Program for the Division of Senior Services.

3. Procurement History: N/A

Steve Denny From: Denny (Jul 22, 2021, 1:59 MDT) Jul 22, 2021
Purchasing Officer Review: _____ Date: _____

Comment & Exceptions: _____

4. Funding Source: N/A Org / Object: _____

Andy Hopkins Andy Hopkins (Jul 20, 2021 14:04 MDT) Jul 20, 2021
Budget Officer Approval: _____ Date: _____

Comment & Exceptions: _____

Staff Contact who completed this form: Anya Alarid Phone # 505-955-4744

Email: aalarid@santafenm.gov

To be recorded by City Clerk:

Clerk # _____

Date of Execution: _____

VOLUNTEER STATION AGREEMENT

This Volunteer Station Agreement (“Agreement”) is made and entered into by and between Presbyterian Medical Services (PMS) (the “Volunteer Station”) and the City of Santa Fe (the “Sponsor”). The date of this Volunteer Station Agreement shall be the date when it is executed by the Sponsor.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

A. The Parties agree to abide by the attached basic provisions, which become part of this Agreement. The Sponsor representative who will serve as liaison with the Volunteer Station is Anya Alarid DSS Program Manager; Foster Grandparent Program; 1121 Alto Street; Santa Fe, NM 87501; telephone number (505) 955-4744.

B. The Volunteer Station supervisor who will serve as liaison with the Sponsor and will be directly responsible for volunteer orientation and supervision is the respective school’s principal and assigned teacher. Ms. Lucia Trujillo, Administrator, 1409 Second Street, Santa Fe, NM 87505; telephone number (505) 820-1604; is designated as the Volunteer Station Representative.

C. All Volunteers placed with the Volunteer Station by the Sponsor pursuant to this Agreement shall be required to abide by the Volunteer Station’s policies and procedures, including procedures related to orientation, training and background checks for all Volunteers providing services for or on behalf of Volunteer Station.

D. Nothing herein shall be construed to create an employment relationship between the Volunteer Station and any Volunteer performing services hereunder. Sponsor acknowledges and agrees that any volunteer performing services hereunder shall not be entitled to any compensation, insurance, or benefits from the Volunteer Station, including without limitation, unemployment benefits and workers compensation.

E. Sponsor agrees that Volunteer Station may remove immediately from any Volunteer Station site or program any Volunteer who, in the sole judgment of Volunteer Station, presents a risk of harm or injury to himself/herself or any staff member, volunteer, student, family member or client of Volunteer Station.

I. BASIC PROVISIONS

A. The Sponsor will:

(1) Place approximately eight Foster Grandparents to serve approximately 24 children with special or exceptional needs for a period of 20-30 hours per week with approval of the FGP Project Director in accordance with FGP guidelines.

(2) Recruit, interview, enroll and refer volunteers in the project.

(3) Provide periodic orientation to Volunteer Stations.

(4) Refer volunteers to the Volunteer Station for individual assignment.

(5) Furnish adequate accident and liability insurance coverage as required by FGP project guidelines.

(6) Retain full responsibility for the management and fiscal control of the project.

(7) Arrange for the transportation of all FGP volunteers to and from the Volunteer Station.

(8) Arrange physical examinations for all Foster Grandparents, initially prior to assignment, and annually thereafter.

(9) Within the limits of available resources and project policy, insure volunteers are provided or receive assistance with the cost of a meal provided during the volunteer's scheduled hours.

(10) Specify activities to be performed by the volunteers under the direction of the Volunteer Station in cooperation with the FGP project guidelines as well as Sponsor's staff.

(11) Provide in-service training for volunteers at least once a month for four hours.

(12) Ensure a written Agreement is signed authorizing service by the Foster Grandparent and specifying volunteer activities to be performed.

(13) In cooperation with the project Advisory Council, arrange for appeal procedures to resolve problems arising between the volunteer, the Volunteer Station and/or the Sponsor.

B. The Volunteer Station will:

(1) Designate a coordinator to serve as liaison with the project.

(2) Provide supervision of volunteers while on site. The Volunteer Station will ensure the volunteers are not left unattended.

(3) Provide Foster Grandparents with assignments that utilize their skills and training.

(4) Assist Sponsor in the coordination of volunteer assignments, orientation, in-service instruction and other project related activities.

(5) Have the right to request the Sponsor to reassign volunteer.

(6) Provide for adequate health and safety protection of volunteers.

(7) Collect and validate appropriate volunteer reports for submission to the Sponsor.

(8) In consultation with the Sponsor, make investigations and reports regarding accidents and injuries involving volunteers.

(9) Obtain a written Letter of Agreement prior to assignment of Foster Grandparents in homes of children served, specifying volunteer activities to be performed. This Letter of Agreement will be signed by the Volunteer Station and the child's legal representative(s).

(10) Provide cash/in-kind contribution(s) in support of the project such as meals provided at the various Volunteer Stations.

(11) Presbyterian Medical Services (PMS) will make available a noon meal, five (5) days per week to participants of the City of Santa Fe Foster Grandparent Program during the term of this Agreement as in-kind services in lieu of cash reimbursement due to budget restraints thereby creating inter-generational activities both in the classroom and during lunch time.

II. TERM AND EFFECTIVE DATE

This Agreement is effective when signed by the Sponsor and will terminate on June 30, 2024, unless soon pursuant to Article III below.

III. TERMINATION

This Agreement may be terminated by the Sponsor upon 10 days written notice to the Volunteer Station.

The Volunteer Station shall render a final report of the services performed up to the date of termination and shall turn over to the Sponsor original copies of all work product, research or papers prepared under this Agreement.

IV. INDEMNIFICATION

The Volunteer Station shall indemnify, hold harmless and defend the Sponsor from all losses, damages, claims or judgments on account of any suit, judgment, execution, claims, action or demand whatsoever arising from the Volunteer Station performance under this Agreement as well

as the performance of the Volunteer Station's employees, agents, representatives and subcontractors, including payments to all attorneys' fees and costs.

V. NEW MEXICO TORT CLAIMS ACT

By entering into this Agreement, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claim Act, Section 41-4-1, et Seq. NMSA 1978, as amended. The Sponsor and its "public employees" as defined in the New Mexico Tort Claims Act, do not waive sovereign immunity, do not waive any defense and do not waive any limitations of liability pursuant to law. No provision in this AGREEMENT modifies or waves any provision of the New Mexico Tort Claim Act.

VI. RECORD AND AUDIT

The Volunteer Station shall maintain, throughout the term of this Agreement and for a period of three years thereafter, detailed records that indicate the date, time and nature of services rendered.

These records shall be subject by the Sponsor, the Department of Finance and Administration, and the State Auditor. The Sponsor shall have the right to audit the billing both before and after payment.

VII. APPLICABLE LAW; CHOICE OF LAW; VENUE

Volunteer Station shall abide by all applicable federal and state laws and regulations, and all ordinances, rules and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the Volunteer Station agrees that the laws of the State of New Mexico. Any

action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

VIII. NON-DISCRIMINATION

During the term of this Agreement, the Volunteer Station shall not discriminate against any employees or applicant for an employment position to be used in the performance of services by the Volunteer Station hereunder, on the basis of ethnicity, race, age, religion, creed, color, national origin, ancestry, sex, gender, sexual orientation, physical or mental disability, medical condition, or citizenship status.

IX. AMENDMENT

This Agreement shall not be altered, changed or modified except by amendment in writing executed by the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth below

CITY OF SANTA FE:

ALAN M. WEBBER, MAYOR

DATE: _____

ATTEST:

KRISTINE BUSTOS-MIHELICIC, CITY CLERK

VOLUNTEER STATION:
PRESBYTERIAN MEDICAL SERVICES

By: _____

Title: _____

CITY ATTORNEY'S OFFICE:

Marcos Martinez
Marcos Martinez (Jul 12, 2021 14:00 MDT)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED FOR FINANCES:

MARY MCCOY, FINANCE DIRECTOR

Volunteer Placement

1. Under the direction of the Foster Grandparent Program (FGP) staff and the assigned Volunteer Station Supervisor, the volunteer will carry out the following duties, providing service to children in circumstances identified as limiting their academic, social, or emotional development in addition to the traditional children with special or exceptional needs.

A. Foster Grandparent assignments shall provide for Foster Grandparents to give direct services to one or more eligible children that:

B. Individuals served by Foster Grandparents must be children with special or exceptional needs.

C. Foster Grandparent must serve from 15 to 40 hours per week.

D. Assignments and activities should serve the dual purpose of providing a high quality experience that will enrich the lives of the volunteers and meet critical community needs, providing specific outcomes for the children served.

E. Foster Grandparents may assist small groups when, by doing so, they can continue to directly serve the needs of their assigned children.

Foster Grandparent Activities

1. Tutor/mentor between 3 to 5 teacher-identified children with special needs. Duties shall be agreed upon in the Child Care Plan.

2. Offer emotional support to child victims of abuse and neglect by providing love, encouragement and mentoring on a one-to-one basis.

3. Tutor children with low literacy skills.

4. Provide extra care and attention to children who have special or exceptional needs in order to improve their physical, mental, emotional and social development so they may grow to reach their maximum potential and become as independent as possible.

5. Serve children in school, day care, Head Starts, community programs and institutional programs.



PRESMED-02

CBUTLER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
9/2/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

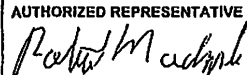
PRODUCER License # 0757776 HUB International Insurance Services (SOW) 7770 Jefferson Street NE Suite 101 Albuquerque, NM 87109	CONTACT NAME: Carrie Butler PHONE (A/C, No, Ext): (505) 262-9412 9412 FAX (A/C, No): (866) 487-3972 E-MAIL ADDRESS: Carrie.Butler@hubinternational.com
	INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Indemnity Insurance Company 18058 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Presbyterian Medical Services Inc. P O Box 2267 Santa Fe, NM 87504-2267	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJ. <input checked="" type="checkbox"/> LOC <input type="checkbox"/> OTHER:			PHPK2175263	9/1/2020	9/1/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 EACH VIOLENT EV \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK2175263	9/1/2020	9/1/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB736599	9/1/2020	9/1/2021	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liab			PHPK2175263	9/1/2020	9/1/2021	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER City of Santa Fe Community Services Dept Children & Youth Commission 200 Lincoln Ave Santa Fe, NM 87504-0909	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Information Summary

First Named Insured: Presbyterian Medical Services Inc.

The First Named Insured will be the insured that is:

- A. *Responsible for payment of premium*
- B. *Authorized to make changes in policy with approval of insurance company*
- C. *Authorized to cancel the policy*
- D. *Designated to receive notice of cancellation*

Mailing Address: P O Box 2267
Santa Fe, NM 87504-2267

Coverage Becomes Effective 12:01 A.M. Standard Time at your mailing address.

Locations: See Attached

Effective Date: 9/1/2019

DISCLAIMER: This document contains only a summary of your insurance coverage. It is your responsibility to carefully and completely review the actual policies for actual terms, limits and conditions. In the event of any inconsistency between the terms of the policies and the provisions of this document, the terms of the policies will govern and control.

Carlsbad Family Health Center
 Head Start - Torrance County Administration
 Head Start - Torrance, Estancia
 Head Start - Torrance, Moriarty
 Head Start/Early HS - Amanecer, Agua Fria
 Head Start - Torrance, Mountainair
 Head Start/Early HS - Santa Fe, Tierra Contenta
 Head Start/Early HS - Farmington, Carlton Center
 Head Start/Early HS - Nizhoni, Avan Nu Po
 Head Start/Early HS - Little Paws, Paseo del Sol
 Head Start/Early HS - Ramirez-Thomas, Po Ae Pi
 Carlsbad Home Visitor Services
 Healthy Tomorrow Vans - Treatment Center
 Hobbs Family Health Center
 Home Health Services of Lincoln County (Inactive)
 Hospice of Lincoln County (Inactive)
 Jemez Valley Medical Clinic
 * La Comunidad de Los Ninos
 Lake Arthur School Based Health Center
 Little Feet Child Development Center
 Logan Family Health Center (Inactive)
 Loving Health Center
 Carlsbad School Based Health Center
 Magdalena Area Health Center
 MCH Council/McKinley County (Inactive)
 McKinley County Senior Program - Ramah
 McKinley County Senior Program - Thoreau
 Mobile Dental Unit (Inactive)
 Mountainair Family Health Center
 Mountainair School Based Health Center a.k.a.
 MCH Council/Cibola
 MCH Council/Lincoln County (Inactive)
 Northwest New Mexico Hospice
 Catron County Medical Center
 Ojo Encino Clinic
 Ortiz Mt. Health Center
 Pharmacy Services Unit
 Plaza del Monte
 PMS Foundation
 PMS Project Ann - Provides Dental, Hearing, Vision
 Quay County Family Health Center
 Quemado Clinic
 Quemado Teen Health Center
 Questa Health Center
 Central Billing Office
 Rio Rancho Family Health Center
 Roundtree Children's Development Services
 Sacramento Mt. Medical Center
 San Juan Co. Adolescent Residential Treatment Center
 San Juan County Assessment Center, Farmington
 San Juan Home Health Care
 Santa Fe Community Guidance Center
 SHIELD Industries



42	1	Health Clinic - Catron Cty 1 Foster Lane	Reserve	NM	87830
43	1	PMS Accounting Office 1422 Paseo de Peralta Bldg. #1	Santa Fe	NM	87501
44	1	Office - LRO GL ONLY 1422 Paseo de Peralta Bldg. #1	Santa Fe	NM	87501
45	1	PMS Main Office 1422 Paseo de Peralta Bldg. #2	Santa Fe	NM	87501
46	1	PMS Main Office 1422 Paseo de Peralta Bldg. #3	Santa Fe	NM	87501
47	1	Counseling Ctr - Santa Fe High School 2100 Yucca	Santa Fe	NM	87505
48	1	Counseling Ctr. - Capital High School 4851 Paseo Del Sol	Santa Fe	NM	87507
49	1	North Central System Admin 1409 Second Street	Santa Fe	NM	87505
50	1	PMS Home Care 1400 Chama Avenue	Santa Fe	NM	87505
51	1	Head Start - Tierra Contenta 3908 Paseo del Sol	Santa Fe	NM	87507
52	1	Head Start - Sweeney Elementary 501 Airport Road	Santa Fe	NM	87507
53	1	Thrift store 1303 Cerrillos Road	Santa Fe	NM	87505
* 54	1	Head Start - La Comunidad de los Ninos 1121 Alto Street	Santa Fe	NM	87501
55	1	Socorro Clinic 1300 Enterprise	Socorro	NM	87801
56	1	WNMMG - Thoreau 15 Navarre Blvd	Thoreau	NM	87323
57	1	Outpatient Dental Clinic/Health Ctr - Torreon Clinic 2500 State Highway 197	Torreon	NM	87013
58	1	Quay County Family Health Center 1302 East Main Street	Tucumcari	NM	88401
59	1	Tularosa Medical Center 111 Central Avenue	Tularosa	NM	88352
60	1	Parking Lot (50 spaces) - GL ONLY 212-218 West Manhattan Street	Santa Fe	NM	87501
61	1	Head Start 32 Unser Blvd	Rio Rancho	NM	87124
62	1	Head Start Office (Modular) 32 Unser Blvd	Rio Rancho	NM	87124
63	1	Hope Medical Clinic-Esperanza Health Ctr 903-C 5th Street	Estancia	NM	87016
64	1	Medical Clinic 2013 San Jose Blvd	Carlsbad	NM	88220
65	1	Gallup School Based Health Center 1055 Rico	Gallup	NM	87301
66	1	Carlsbad School Based Health Center 3000 West Church	Carlsbad	NM	88220
67	1	Medical/Mental Health Clinic/Admin Offices 2960 Rodeo Park Drive	Santa Fe	NM	87505
68	1	Head Start - Sunset 109 Sunset	Mountainair	NM	87036
69	1	Mental Health Clinic - Rio Rancho Family 184 Unser Blvd	Rio Rancho	NM	87124

Loc #	Bldg #	Address	Description			
52	1	501 Airport Road, Santa Fe, NM	Head Start - Sweeney Elementary			
Subject of Insurance		Current Limit	Renewal Limit	Deductible	Coins %	Valuation
Business Personal Property		\$54,000		\$5,000	100%	Agreed Value
Business Income with Extra Expense		\$98,063		24 Hours	100%	Agreed Value
Building		\$121,680		\$5,000	100%	Agreed Value

Loc #	Bldg #	Address	Description			
53	1	1303 Cerrillos Road, Santa Fe, NM	Thrift store			
Subject of Insurance		Current Limit	Renewal Limit	Deductible	Coins %	Valuation
Business Personal Property		\$50,000		\$5,000	100%	Agreed Value
Business Income with Extra Expense		\$37,235		24 Hours	100%	Agreed Value

Loc #	Bldg #	Address	Description			
54	1	1121 Alto Street, Santa Fe, NM	Head Start - La Comunidad de los Ninos			
Subject of Insurance		Current Limit	Renewal Limit	Deductible	Coins %	Valuation
Business Personal Property		\$100,000		\$5,000	100%	Agreed Value
Business Income with Extra Expense		\$521,293		24 Hours	100%	Agreed Value

Loc #	Bldg #	Address	Description			
55	1	1300 Enterprise, Socorro, NM	Socorro Clinic			
Subject of Insurance		Current Limit	Renewal Limit	Deductible	Coins %	Valuation
Building		\$1,264,000		\$5,000	100%	Agreed Value
Business Personal Property		\$172,000		\$5,000	100%	Agreed Value
Business Income with Extra Expense		\$44,057		24 Hours	100%	Agreed Value

Signature:

Email: xivigil@santafenm.gov

ACTION SHEET
/ITEM FROM FINANCE COMMITTEE MEETING OF 08/16/21
FOR CITY COUNCIL MEETING OF 08/25/21

Request for the Approval of Memorandum of Agreement with Presbyterian Medical Services, No financial responsibility, Volunteer Station Agreement for the Foster Grandparent Program. Santa Fe Public Schools; Anya Alarid, Volunteer Program Manager: email aalarid@santafenm.gov , 505-955-4744.

Committee

Finance
 Quality of Life
 Governing Body-08/25/2021

Review:

Committee-08/16/20021
 Committee-08/18/2021

FINANCE COMMITTEE ACTION:

Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

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

01/13/21




City of Santa Fe, New Mexico


Memorandum



Date: August 5, 2021

To: Public Safety Committee, Quality of Life Committee, Finance Committee, and Governing Body

Via: Erin K. McSherry, City Attorney 
EM

From: Kyle Hibner, Assistant City Attorney/City Prosecutor 
KH

RE: Removal of Ordinance regarding Marijuana Possession

EXECUTIVE SUMMARY:

The proposed Bill strikes Section 20-6 SFCC 1987 that established a civil penalty for the possession of 1 ounce or less of marijuana or for possessing paraphernalia intended to introduce marijuana into the body.

BACKGROUND:

In 2014 the Governing Body adopted Resolution No. 2014-29 that created Section 20-6 and established a civil penalty for possession of 1 ounce or less of marijuana or for associated paraphernalia. With the passage of the Cannabis Regulation Act during the 2021 Special Session, possession of cannabis, cannabis extract, or edible cannabis in a private residence is no longer a violation of the Controlled Substances Act or the Forfeiture Act. The Cannabis Regulation Act supersedes City Code, making Section 20-6 no longer enforceable. Removing the section removes now-inapplicable language that could confuse the public and staff.

ACTION REQUESTED:

Adopt the Bill as presented.

ATTACHMENTS:

Bill
Fiscal Impact Report

underscored material = new
[bracketed material] = delete

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2021-__

INTRODUCED BY:

Mayor Alan Webber

AN ORDINANCE

**REMOVING SECTION 20-6 RELATING TO MARIJUANA AND MARIJUANA
PARAPHERNALIA POSSESSION.**

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

**Section 2. Section 20-6 of SFCC 1987 (being Ord. No. 2014-29, § 3, as amended)
is hereby repealed.**

APPROVED AS TO FORM:


ERIN K. McSHERRY, CITY ATTORNEY

FISCAL IMPACT REPORT

General Information:

(Check) Bill: X Resolution: _____

Short Title(s): Marijuana Possession Repeal

Sponsor(s): Mayor Webber

Reviewing Department(s): City Attorney's Office

Staff Completing FIR: Kyle Hibner Date: 07/27/21 Phone: 955-5195

Reviewed by City Attorney: *Eric McCreary* Date: Aug 6, 2021

Reviewed by Finance Director: *Mary McCoy* Date: Aug 5, 2021

Summary:

The proposed Bill strikes Section 20-6 SFCC 1987 that established a civil penalty for the possession of 1 ounce or less of marijuana or for possessing paraphernalia intended to introduce marijuana into the body.

Departments Affected:

Police Department, City Attorney's Office.

Consequences of Not Enacting Legislation:

City Code will contain an unenforceable provision that is superseded by State Statute.

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

The current Ordinance conflicts with recently enacted provisions of the New Mexico Cannabis Regulation Act of 2021.

Performance and Administrative Implications:

The Police Department leadership issued Special Order No. 07.01.03 that provided guidance to SFPD personnel on how the changes included in the Cannabis Regulation Act affect various aspects of their duties, including lawful possession of marijuana.

Fiscal Implications:

The City already cannot issue \$25 civil citations for possession of 1 ounce or less of marijuana. In 2019 the Police Department issued nine civil citations for marijuana possession. In 2020 the Police Department issued one civil citation for marijuana possession. There have been no civil citations issued for marijuana possession in 2021.

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
<u>Personnel and</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Benefits*</u>							
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>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

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:

Signature:  _____

Email: kjhibner@santafenm.gov

Santa Fe Police Department

Special Order

DATE: July 6, 2021

TO: All Police Personnel

VIA: 
Andrew Padilla, Chief of Police

FROM:  7/6/21
Paul Joye, Deputy Chief of Police

RE: HB 2 Now in Effect - Enforcement of Marijuana Laws Moving Forward

Special Order # 07.21.03

The purpose of this Special Order is to provide guidance to SFPD personnel as a result of the Cannabis Regulation Act becoming effective on June 29, 2021.

As you are aware, the law has now changed, and some situations regarding cannabis/marijuana are no longer illegal; other situations are now civil violations. Listed below are some of the most notable changes/sections you need to pay close attention to in the event you encounter cannabis during your daily patrols.

Attached to this Special Order is the final version of House Bill #2, which is the full text of the Act itself. Please print it out to keep or save a digital version to your laptops, and have it readily accessible for reference and review.

**These are the primary sections of the Act that will have an immediate effect on how you conduct your policing enforcement and activity. Therefore, expect subsequent Special Orders with additional information as we continue to work through this change to the law and the changes regarding sales of cannabis, which do not go into effect until 2022. **

- **Section 25, Page 54 covers “Personal Use” and what is legal for personal use.**
 - Keep in mind, this means you cannot detain, engage in search and seizure, or an arrest under situations fitting within this section as long as it is *lawful* personal use
 - The primary focus is on **Section 30 “Unlawful Possession of Cannabis”**

- The key points of this section you will all need to familiarize yourselves with are:
 - A person 21 years of age and older can possess up to 2 ounces of cannabis, 16 grams of cannabis extract, or 800 milligrams of edible cannabis.
 - Also lawful to use, be under the influence, display, purchase, obtain or transport.
 - Lawful to transfer cannabis without financial consideration (no sales are permitted yet).
 - The lawful amount of cannabis plants one person can have is 6 plants for one person, or up to 12 plants for multiple people in the same household. Section 27 outlines penalties for having excess plants. 6-12 plants is penalty assessment. More than 12 is 4th degree felony. Different standard if the person is over 21 versus 18-21. 18-21 year old; up to 6 is a penalty assessment, 6-12 is a misdemeanor, more than 12 is 4th degree felony. If under 18 and have plants, civil citation.
 - Transportation of cannabis is allowable if it is done for relocation purposes or testing or manufacturing.
 - The odor of cannabis alone does not constitute reasonable articulable suspicion of a crime and is not a basis to stop, detain, or search a person. Odor is, however, relevant when **you have begun conducting a DWI investigation**. Possession of, or the suspicion of possession of, cannabis without evidence of quantity in excess of two ounces of cannabis, as well as the possession of multiple containers of cannabis without evidence of quantity in excess of two ounces of cannabis, are also not enough for reasonable suspicion of a violation.

- One item of note, **it is still not legal to smoke marijuana in public, unless specifically allowed by local law**. The City of Santa Fe has not authorized smoking in public at this time. This is a civil citation of \$50.00

- **Section 30, Page 62 covers “Unlawful Possession of Cannabis”***

- A person under twenty-one years of age shall not possess cannabis products. A person who violates this subsection is guilty of a civil violation and shall be subject to:
 - Attendance at a four-hour evidence-based drug education and legal rights program at no cost to the person; or
 - Four hours of community service;

- A person twenty-one years of age or older shall not possess more than two ounces of cannabis, sixteen grams of cannabis extract and eight hundred milligrams of edible cannabis in public. A person who violates this subsection with respect to:
 - More than two but not more than eight ounces of cannabis, more than sixteen grams of cannabis extract and more than eight hundred

milligrams of edible cannabis is **guilty of a misdemeanor** and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978;
or

- More than eight ounces of cannabis, sixty-four grams of cannabis extract or three thousand two hundred milligrams of edible cannabis is **guilty of a fourth degree felony** and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

Please contact Captain Matthew Champlin or Deputy Chief Paul Joye if you have any questions.

ACTION SHEET
/ITEM FROM FINANCE COMMITTEE MEETING OF 08/16/21
FOR CITY COUNCIL MEETING OF 08/25/21

CONSIDERATION OF BILL NO. 2021-18: (Mayor Webber)
 An Ordinance Removing Section 20-6 Relating to Marijuana and Marijuana Paraphernalia Possession. (Kyle Hibner, City Prosecutor: kjhibner@santafenm.gov, 955-5195)

Committee	Review:
Introduced:	07/28/21
Governing Body (request to publish):	8/11/21
Finance Committee:	08/16/21
Public Safety Committee:	08/17/21
Quality of Life Committee:	08/18/21
Governing Body (public hearing): 09/08/21	

FINANCE COMMITTEE ACTION:
 Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

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

01/13/21




City of Santa Fe, New Mexico


Memorandum



Date: August 5, 2021

To: Quality of Life Committee, Finance Committee, and Governing Body

Via: Erin K. McSherry, City Attorney 
EM

From: Marcos D. Martinez, Senior Assistant City Attorney 
MM

RE: Accepting Electronic Signatures Bill

EXECUTIVE SUMMARY:

The Bill changes three sections of the Public Campaign Finance Code (SFCC 1987 Section 9-3) to require the City Clerk to accept electronic signatures that comply with New Mexico's Uniform Electronic Transactions Act for Seed Money Contributions (Section 9-3.6(C)), Qualifying Contributions (Section 9-3.7(A)), and Qualified Small Contributions (Section 9-3.12(D)).

BACKGROUND:

The City's campaign code requires that Seed Money Contributions, Qualifying Contributions, and Qualified Small Contributions be accompanied by a form signed by the contributor. The current ordinance allows the Ethics Campaign Review Board (ECRB) to issue rules regarding the use of an electronic signature. However, since the City's rulemaking process is not well defined, the ECRB recommended that the Governing Body provide for electronic signatures by ordinance.

The proposed bill requires the City Clerk to accept electronic signatures that comply with New Mexico's Uniform Electronic Transaction Act. The Act recognizes the legal enforceability of electronic signatures and contracts to the extent the signatures provide sufficient security. The Act also establishes requirements for records retention. Candidates have inquired about the obtaining signatures electronically and this bill will facilitate greater participation in the City's local elections.

ACTION REQUESTED:

Approve the Bill as presented.

ATTACHMENTS:

Bill
Fiscal Impact Report

~~bracketed material~~ = delete
underscored material = new

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2021-__

INTRODUCED BY:

Councilor Michael J. Garcia

Councilor Carol Romero-Wirth

AN ORDINANCE

AMENDING SECTION 9-3.6 SFCC 1987 TO EXPRESSLY RECOGNIZE THAT ELECTRONIC SIGNATURES ARE PERMITTED UNDER THE UNIFORM ELECTRONIC TRANSACTIONS ACT FOR SEED MONEY CONTRIBUTIONS ON THE REQUIRED FORMS; AMENDING SECTION 9-3.7 SFCC 1987 TO EXPRESSLY RECOGNIZE THAT ELECTRONIC SIGNATURES ARE PERMITTED UNDER THE UNIFORM ELEDCTRONIC TRANSACTIONS ACT FOR QUALIFYING CONTRIBUTIONS ON THE REQUIRED FORMS; AND AMENDING SECTION 9-3.12 SFCC 1987 TO EXPRESSLY RECOGNIZE THAT ELECTRONIC SIGNATURES ARE PERMITTED UNDER THE UNIFORM ELEDCTRONIC TRANSACTIONS ACT FOR QUALIFIED SMALL CONTRIBUTIONS.

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

Section 1. Section 9-3.6 of SFCC 1987 (being Ord. No. 2009-44, § 7, as amended) is amended to read:

9-3.6 Seed money contributions.

1 A. A candidate seeking to become a participating candidate may solicit and accept
2 seed money contributions to defray expenses incurred in obtaining qualifying contributions and
3 in seeking certification as a participating candidate.

4 B. The aggregate amount of seed money contributions from any one contributor to
5 any one candidate shall not exceed one hundred dollars (\$100.00), and the aggregate amount of
6 seed money contributions accepted by a candidate shall not exceed ten percent (10%) of the
7 amount payable under subsection 9-3.10 SFCC 1987 to a candidate in a contested election for
8 the office sought.

9 C. Each seed money contribution shall be accompanied by a form signed by the
10 contributor, which shall include the contributor's name, home address, telephone number,
11 occupation, and name of employer. [~~The ethics and campaign review board may, by regulation,~~
12 ~~permit the use of an electronic signature on such forms~~] The city clerk shall accept electronic
13 signatures that comply with the Uniform Electronic Transactions Act, Sections 14-16-1 through
14 14-16-21 NMSA 1978.

15 D. No person shall knowingly make and no candidate shall knowingly receive a
16 seed money contribution which is not from the person named on the form or for which the person
17 named on the form has been or will be reimbursed or compensated by another person.

18 E. All seed money contributions received by a candidate shall be deposited in a non-
19 interest-bearing account in a campaign depository to be established by the candidate before
20 soliciting or accepting any such contributions. All expenditures of seed money shall be made
21 from the campaign depository.

22 F. Seed money contributions shall be used only for the purposes specified in
23 paragraph A. of this subsection, and all seed money contributions that have not been spent or
24 used for such purposes by the time the candidate applies for certification as a participating
25 candidate or by the end of the qualifying period, whichever is sooner, shall then be paid over to

1 the city clerk for deposit in the fund; provided, however, that if payment of all of the candidate's
2 unspent seed money to the city clerk would cause the bank account in the campaign depository
3 to be closed, an amount of seed money necessary to keep the account open may be temporarily
4 retained in the account and paid over to the city clerk at a later time in compliance with paragraph
5 C. of subsection 9-3.10 SFCC 1987.

6 **Section 2. Section 9-3.7 of SFCC 1987 (being Ord. No. 2009-44, § 8, as amended)**
7 **is amended to read:**

8 **9-3.7 Qualifying contributions.**

9 A. Each qualifying contribution shall be accompanied by a form signed by the
10 contributor, which shall include the contributor's name, registered address and telephone number.

11 ~~[The ethics and campaign review board may, by regulation, permit the use of an electronic signature~~
12 ~~on such form]~~ The city clerk shall accept electronic signatures that comply with the Uniform
13 Electronic Transactions Act, Sections 14-16-1 through 14-16-21 NMSA 1978.

14 B. No candidate or person acting on a candidate's behalf shall pay to any other
15 person any form of compensation for soliciting or obtaining a qualifying contribution.

16 C. No person shall knowingly make and no candidate shall knowingly receive a
17 qualifying contribution which is not from the person named on the form or for which the person
18 named on the form has been or will be reimbursed or compensated by another person.

19 D. All qualifying contributions received by a candidate shall be deposited in a non-
20 interest-bearing account in a campaign depository to be established by the candidate before
21 soliciting or accepting any such contributions, and shall be paid over to the city clerk for deposit
22 in the fund when the candidate applies for certification as a participating candidate or when the
23 qualifying period ends, whichever is sooner.

24 **Section 3. Section 9-3.12 of SFCC 1987 (being Ord. No. 2018-28, § 9) is amended**
25 **to read:**

1 **9-3.12 - Qualified small contributions.**

2 A. A participating candidate may solicit and accept qualified small contributions
3 beginning on the date on which the candidate is certified as a participating candidate pursuant to
4 subsection 9-3.9(A) SFCC 1987.

5 B. The aggregate amount of qualified small contributions from any one contributor
6 to any one candidate shall not exceed one hundred dollars (\$100.00).

7 C. The aggregate amount of qualified small contributions accepted by a
8 participating candidate shall not exceed:

9 (1) For a candidate for mayor, fifty percent (50%) of the amount initially
10 paid to the candidate pursuant to subsection 9-3.10 SFCC 1987; and

11 (2) For a candidate for council or municipal judge, twenty-five percent
12 (25%) of the amount initially paid to the candidate pursuant to subsection 9-3.10 SFCC
13 1987.

14 D. Each qualified small contribution shall be accompanied by a form signed by the
15 contributor, which shall include the contributor's name, home address, telephone number,
16 occupation and name of employer. [~~The ethics and campaign review board may, by regulation,~~
17 ~~permit the use of an electronic signature on such forms]~~ The city clerk shall accept electronic
18 signatures that comply with the Uniform Electronic Transactions Act, Sections 14-16-1 through
19 14-16-21 NMSA 1978,.

20 E. No person shall knowingly make and no candidate shall knowingly receive a
21 qualified small contribution which is not from the person named on the form or for which the
22 person named on the form has been or will be reimbursed or compensated by another person.

23 F. Before soliciting or accepting qualified small contributions, a candidate shall
24 appoint a treasurer and establish a campaign depository in the manner required by subsection 9-
25 2.8 SFCC 1987. All qualified small contributions received by a candidate shall be recorded by

1 the candidate's campaign treasurer, deposited in a separate non-interest-bearing account in the
2 campaign depository and used in the candidate's campaign or disposed of following the election
3 in the manner required by subsection 9-2.9 SFCC 1987. All such contributions shall be timely
4 reported in a campaign finance statement prepared in the manner required by subsections 9-
5 2.10 through 9-2.12 SFCC 1987 and filed on the dates required by subsection 9-2.10 SFCC 1987.
6 Campaign finance statements reporting the receipt of qualified small contributions shall be
7 accompanied by copies of the forms signed by each contributor pursuant to paragraph D. of this
8 subsection.

9 APPROVED AS TO FORM:

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11 _____
12 ERIN K. McSHERRY, CITY ATTORNEY

FISCAL IMPACT REPORT

General Information:

(Check) Bill: Resolution: _____

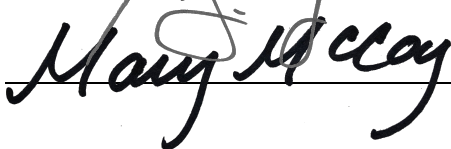
Short Title(s): Accepting Electronic Signatures

Sponsor(s): Councilors Garcia and Romero-Wirth

Reviewing Department(s): City Clerk's Office and City Attorney's Office

Staff Completing FIR: Marcos D. Martinez Date: 07-09-21 Phone: 955-6502

Reviewed by City Attorney:  Date: Aug 6, 2021

Reviewed by Finance Director:  Date: Aug 5, 2021

Summary:

The Bill strikes language in Section 9-3.6, 9-3.7, and 9-3.12 that delegates to the Ethics and Campaign Review Board the ability to issue regulations regarding the use of electronic signatures. The Bill adds language that requires the City Clerk to accept electronic signatures that comply with the New Mexico Uniform Electronic Transactions Act.

Departments Affected:

City Clerk and City Attorney

Consequences of Not Enacting Legislation:

Without this legislation City Code would be inconsistent with the Uniform Electronic Transactions Act that requires the allowance of electronic signatures in any circumstance in which signatures are contemplated.

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

None identified.

Performance and Administrative Implications:

No additional administrative burden. The Clerk retains copies of the forms regardless of the type of signature.

Fiscal Implications:

None identified.

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
<u>Personnel and</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Benefits*</u>							
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>Professional Services</u>							
<u>Operating</u>	\$ _____	\$ _____	\$ _____		_____	_____	\$ _____
<u>Total:</u>	\$ _____	\$ _____	\$ _____				\$ 0 _____

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

Expenditure Narrative:

None identified.

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:

None identified.

Signature: Marcos Martinez

Marcos Martinez (Aug 9, 2021 08:16 MDT)

Email: mdmartinez@santafenm.gov




City of Santa Fe, New Mexico


Memorandum



Date: August 11, 2021

To: Mayor's Committee on Disability, Quality of Life Committee, Finance Committee, and Governing Body

From: Jesse Guillen, Legislative Liaison
Jennifer Faubion, Council Liaison 

Via: Erin K. McSherry, City Attorney 

RE: Requiring closed captions on publically accessible televisions

EXECUTIVE SUMMARY:

The proposed Bill requires “places of public accommodation” to have closed captions activated on any television that is available to the public. There is an exception if the television is not capable of displaying closed captions.

BACKGROUND:

The Mayor's Committee on Disability (“MCD”) unanimously supported a letter of support for this bill and requested that Councilor Villarreal carry it as the sponsor. The letter from MCD states that requiring closed captions will allow those who are deaf or hard of hearing to be informed of what is being said on the television. The proposed bill is modeled after an ordinance the City of Albuquerque adopted in 2019.

ACTION REQUESTED:

Staff recommends approval of the bill as presented

ATTACHMENTS:

Bill
Fiscal Impact Report

[bracketed material] = delete

underscored material = new

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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2021-__

INTRODUCED BY:

Councilwoman Renee Villarreal

AN ORDINANCE

RELATING TO CLOSED CAPTIONS; CREATING A NEW SECTION 7.5 SFCC 1987 TO REQUIRE PLACES OF PUBLIC ACCOMMODATION TO ACTIVATE CLOSED CAPTIONING ON TELEVISION RECEIVERS.

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

Section 1. [NEW MATERIAL] A new Section 7.5 of SFCC 1987 is ordained to read:

7.5 CLOSED CAPTIONING IN PLACES OF PUBLIC ACCOMODATION

7.5-1 Purpose.

The purposes of this section are the following:

- A. To provide inclusion to those members of the public who are deaf or hard of hearing in places of public accommodation;
- B. To prevent the exclusion, segregation, or denial of service for those who are deaf or hard of hearing; and
- C. To provide a benefit to all members of the public who are viewing televised or

1 streamed media in situations in which it is difficult to hear audio.

2 **7.5-2 Definitions.**

3 For purposes of this Section:

4 *Closed Captioning* means a user-activated transcript or dialog of the audio portion of a
5 television program that is displayed on a television receiver screen.

6 *Closed-Captioned Television Receiver* means a receiver of television or streamed
7 programming that has the ability to display closed captioning, including but not limited to, a
8 television, display screen, digital set top box, and other technology capable of displaying closed
9 captioning for television or streamed programming.

10 *Department* means the relevant city department as assigned by the city manager.

11 *Place of Public Accommodation* means the following locations:

12 (1) An inn, hotel, motel, or other place of lodging, except for an establishment
13 located within a building that contains not more than five rooms for rent or hire and that is
14 actually occupied by the proprietor of such establishment as the residence of such
15 proprietor;

16 (2) A restaurant, bar, or other establishment serving food and/or drink;

17 (3) A place of exhibition of entertainment such as a motion picture house,
18 theater, concert hall, or stadium;

19 (4) A place of public gathering such as an auditorium, convention center, or
20 lecture hall;

21 (5) A sales or retail establishment such as a bakery, grocery store, clothing
22 store, hardware store, a shopping center;

23 (6) Any retail or service establishment such as a department store, laundromat,
24 dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral
25 parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office,

1 professional office of a health care provider, or hospital;

2 (7) A terminal, depot, or other station used for specified public transportation;

3 (8) A place of public display or collection such as a museum, library, or
4 gallery;

5 (9) A place of recreation or exercise such as a park, zoo, amusement park,
6 swimming pool, gym, health spa, bowling alley, or golf course;

7 (10) A place of education such as a day care, preschool, elementary, secondary,
8 undergraduate, or postgraduate private school; and

9 (11) A social service center establishment such as a day care center, senior
10 citizen center, homeless shelter, food bank, or adoption agency.

11 *Public Area.* Any part of a place of public accommodation that is open to the general public.

12 *Regular Hours.* The hours of any day in which a place of public accommodation is
13 generally open to members of the general public.

14 *Respondent.* Any person who is alleged or found to have committed a violation of
15 regulations established in this section.

16 **7.5-3 Closed Captioning in Places of Public Accommodation.**

17 A. Any place of public accommodation must activate closed captioning, with a yellow
18 text color, or if yellow is not available, white text on a black background, or black text in the largest
19 font style available, on all closed-captioned television receivers that are turned on and operating in
20 any public area during regular hours, except in the following circumstances:

21 (1) When no receiver of televised or streamed programming of any kind is
22 available in a public area of the place of public accommodations;

23 (2) The only source or receiver of the televised or streamed programming
24 available in a public area of the place of public accommodation is technically incapable of
25 displaying closed captioning; or

1 (3) If multiple television models are in use and displayed together for sale in
2 a public area and at least one closed-captioned television is available for viewing.

3 B. Powers and duties of the department.

4 (1) The department shall investigate alleged violations of this section and shall
5 have such powers and duties as are necessary and proper for the administration and
6 enforcement of this ordinance.

7 (2) The department shall assess a civil penalty of up to two hundred and fifty
8 dollars (\$250.00) for the initial offense, and five hundred dollars (\$500.00) for each
9 subsequent offense to any respondent who fails to demonstrate compliance within thirty
10 (30) days of a notice of such violation.

11 F. Exclusions.

12 (1) This section shall not be interpreted or applied to diminish or conflict with
13 any requirements of state or federal law. In the event of any conflict, state and federal
14 requirements shall supersede the requirements of this section.

15 (2) This section does not apply to programming that is exempt from closed
16 captioning requirements under state or federal law.

17 APPROVED AS TO FORM:

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20 ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2021/Bills/Requiring Closed Captions

Mayor's Committee on Disability

C/O ADA Coordinator, City of Santa Fe

P.O. Box 909, Santa Fe, New Mexico 87504-0909

Re: Captions Always On

June 17, 2021

Dear Mayor Webber, City Council Members and City Manager:

Hearing loss is a significant problem in the United States. Approximately one in five Americans have some type of hearing loss in one or both ears that affects their ability to communicate and receive information. Television receivers are increasingly used in facilities open to the general public including hospital waiting rooms, bars and restaurants, health clubs, bus stations, airport lounges and appliance stores. Television receivers in these and other locations enable members of the general public to obtain the latest news reports in an emergency, watch sports events and pass the time while waiting for an appointment or service to be completed.

People with hearing disabilities should not be excluded from these activities and need to be able to understand emergency messaging while in public areas via closed captioning. The on-going pandemic has shown how important up to date information is for all segments of our society. It is too late to turn on captions in an emergency situation as there may not be an owner, manager or anyone around with the foresight or knowhow to turn on the captions.

Captions Always On will provide inclusion of those members of the general public who are deaf or hard of hearing in places of public accommodation and would prevent the effect of excluding, denying service, segregating or otherwise treating those with hearing disabilities differently from the hearing community. The activation of closed captioning will also provide a benefit to all consumers of televised or streamed media in situations where it is difficult to hear because of background noise.

We request that any person owning or managing a place of public accommodation must activate closed captioning on all closed-captioned television receivers that are turned on and operating in any public area during regular business hours where the televised event is technically capable of displaying closed captioning. If multiple television models are in use and displayed together for sale in a public area, at least one closed-captioned television must be available for viewing.

Thank you for your consideration in this matter.

Sincerely,



Aurore Bleck

Chair

Mayor's Committee on Disability

FISCAL IMPACT REPORT

General Information:

(Check) Bill: X Resolution: _____

Short Title(s): Requiring Closed Captions

Sponsor(s): Councilor Villarreal

Reviewing Department(s): Legislative Services Office/City Attorney's Office

Staff Completing FIR: Jesse Guillen Date: 8/4/21 Phone: 955-6518

Reviewed by City Attorney: *Eri Mejia* Date: Aug 11, 2021

Reviewed by Finance Director: *Mary McCay* Date: Aug 13, 2021

Summary:

The proposed Bill requires that "places of public accommodation" activate closed captions on all televisions that are available to the public, unless the television is not technically capable of displaying closed captions.

Departments Affected:

City Manager/assigned enforcement department

Consequences of Not Enacting Legislation:

There will be no requirement to activate closed captions. The Mayor's Committee on Disability has endorsed this Bill as a necessary measure for those that are deaf or hard of hearing.

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

None identified.

Performance and Administrative Implications:

The City Manager would need to assign investigatory powers to the appropriate department to respond to non-compliance reports.

Fiscal Implications:

Staff time would be needed to respond to non-compliance reports. It is unknown at this time how many non-compliance reports the department would receive. Staff at various City facilities would need to ensure all publicly-accessible televisions have closed captions activated.

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
<u>Personnel and</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Benefits*</u>							
<u>Capital Outlay</u>	\$ _____	\$ _____	\$ _____	_____	_____	_____	
<u>Contractual/</u>	\$ _____	\$ _____	\$ _____		_____	_____	
<u>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

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:

Signature: 

Email: jbg Guillen@ci.santa-fe.nm.us

Signature: 
Jennifer Faubion (Aug 11, 2021 21:05 MDT)

Email: jrfaubion@santafenm.gov