

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: April 10, 2018

To: Board of County Commissioners (BCC)

From: Paul Olafson, Planning Manager, Growth Management Department

Via: Katherine Miller, County Manager

Item: **Ordinance 2018 - ___, An Ordinance Amending Section 6 of Santa Fe County Ordinance No. 2008-14 to Extend to January 1, 2024, the Time Which an Election May Be Held to Reauthorize the Regional Transit District Gross Receipts Tax.**

Summary:

The North Central Regional Transit District (NCRTD) has requested Santa Fe County consider an amendment to Santa Fe County Ordinance 2008-14 (Transit GRT) by removing the specific Transit GRT election dates of 2022 and 2023 and allows voters to consider the elimination of the 2024 Transit GRT sunset provision on the November 2018 ballot.

On March 13, 2018, the Board of County Commission authorized the publishing of title and general summary of the proposed Ordinance.

Background and Discussion:

Ordinance # 2008-14 (Transit GRT) established a 1/8 of 1% increase in Gross Receipts tax for regional transit service. The 2008 Transit GRT Ordinance also had a sunset provision of 2024 with specific references to Transit GRT election dates of November, 2022, or a special election in 2023. The proposed Ordinance (see attached Exhibit A) replaces Section 6 with language that states a general or special election will occur before the January 1, 2024.

NCRTD has requested the County remove the Transit GRT election 2022 and 2023 dates in Ord. # 2008-14 so that the 2024 sunset provision could be placed on the November 2018 ballot. In the event the elimination of the 2024 sunset provision is not approved by voters in 2018 NCRTD could propose this for another election prior to 2024.

The Transit GRT supplies approximately 62% of NCRTD operational revenues. If the Transit GRT provision expired the NCRTD would have to implement drastic service cuts or close its doors. Removal of the 2024 sunset provision will allow NCRTD to move ahead with mid and long term capital planning and service improvements knowing there will be a revenue source that can be used for these efforts. The GRT revenue is also for the required match amounts for federal formula and discretionary grants. NCRTD has made similar Transit GRT ordinance change requests to Los Alamos, Rio Arriba and Taos Counties.

The proposed amendment removes the 2022 and 2023 Transit GRT election references and could allow the placement of the question of eliminating the 2024 Transit GRT sunset on the November 2018 ballot.

EXHIBIT:

Exhibit A: Proposed Ordinance No. 2018- ____ . AMENDING SECTION 6 OF SANTA FE COUNTY ORDINANCE NO. 2008-14 TO EXTEND TO JANUARY 1, 2024, THE TIME IN WHICH AN ELECTION MAY BE HELD TO REAUTHORIZE THE REGIONAL TRANSIT GROSS RECEIPTS TAX

Exhibit B: Ordinance No. 2008-14

Exhibit C: March 13, 2018, Board of County Commission Packet Material

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2018- _____

**AMENDING SECTION 6 OF SANTA FE COUNTY ORDINANCE
NO. 2008-14 TO EXTEND TO JANUARY 1, 2024, THE TIME IN
WHICH AN ELECTION MAY BE HELD TO REAUTHORIZE
THE REGIONAL TRANSIT GROSS RECEIPTS TAX**

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY that Section 6 of Santa Fe County Ordinance No. 2008-14, imposing the County Regional Transit Gross Receipts Tax is hereby amended by replacing it entirely with the following new Section 6:

“Section 6. Repeal or Reauthorization. This Ordinance No. 2008-14 will be repealed effective January 1, 2024 unless a reauthorization election for continuation of the Regional Transit Gross Receipts Tax is held and approved at a general or special election prior to January 1, 2024, for a term and rate to be determined at that time.”

PASSED, APPROVED AND ENACTED this ____ day of _____, 2018, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna C. Hansen, Chair

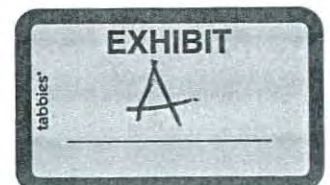
Approved As to Form:

R. Bruce Frederick
Santa Fe County Attorney

ATTEST:

Geraldine Salazar
Santa Fe County Clerk

Date: _____



SFC CLERK RECORDED 09/30/2008

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2008-14

ADOPTING A COUNTY REGIONAL TRANSIT
GROSS RECEIPTS TAX

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY,
NEW MEXICO:

Section 1. Imposition of Tax. There is imposed on any person engaging in business in this county for the privilege of engaging in business in this county an excise tax equal to one eighth of one percent (.125%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "county regional transit gross receipts tax."

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

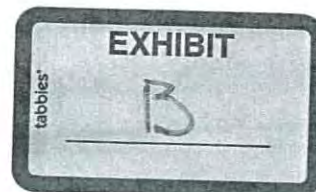
Section 3. Specific Exemptions. No county regional transit gross receipts tax shall be imposed on the gross receipts arising from: *

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the county to another point outside the county; or
- B. direct broadcast satellite services.

Section 4. Dedication. Revenue from the county regional transit gross receipts tax will be used for the management, construction or operation of a public transit system or for specific public transit projects or services of the district pursuant to the Regional Transit District Act.

Section 5. Effective Date. The effective date of the county regional transit gross receipts tax shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.


Section 6. Repeal or Reauthorization. This ordinance (if it becomes law) shall be repealed effective January 1, 2024 unless a reauthorization election for continuation of the Regional Transit Gross Receipts Tax is held and approved at a general election in



November, 2022, or a special election in 2023, for a term and rate to be determined at that time.

PASSED, APPROVED AND ENACTED this 9th day of September, 2008, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**


By: 
Paul Campos, Chair

ATTEST:


Valerie Espinoza, Santa Fe County Clerk



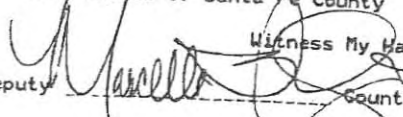
Approved As To Form:


Stephen C. Ross, County Attorney



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC ORDINANCE
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of September, A.D., 2008 at 14:20
And Was Duly Recorded as Instrument # 1539723
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy  Valerie Espinoza
County Clerk, Santa Fe, NM

Posted at the Santa Fe County
Administrative Building
Date: 3/16/18 Time: 11:00am
By: Amelia Baca

Board of County Commissioners of Santa Fe County
County Commission Chambers
County Administrative Building
102 Grant Avenue
Santa Fe NM 87501

REGULAR MEETING

March 13, 2018, 2:00 p.m.

Please turn off cellular phones during the meeting.

Agenda

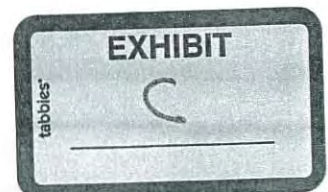
I. Opening Business

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. State Pledge
- E. Moment of Reflection
- F. Moment of Poetry
- G. Approval of Agenda (Action Item)
 - 1. Amendments.
 - 2. Tabled or Withdrawn Items.
- H. Approval of Minutes (Action Item)
 - 1. Approval of February 13, 2018, Board of County Commissioners Meeting Minutes

II. Consent Agenda (Action Items)

A. Final Orders

- 1. Case # APP 17-5101 Regina Buckly Appeal Regina Buckley, Appellant, Scott Hoeft, Agent, Appeal of the Santa Fe County Planning Commission's Denial of a Variance of Ordinance 2016-9, Chapter 8.6.5 Table 8.9, (Dimensional Standards) Residential Fringe (RES F) to allow 9.19 Acres to be Divided by Way of Family Transfer, into Two 4.6 Acre lots. The Property is Located at 11 Sudeste Place, within Section 24, Township 16 North, Range 9 East (Commission District 4). John Lovato, Case Manager. Approved 4-0



2. Case # V 17-5161 Prabhu Khalsa Appeal, Prabhu Khalsa Appellant, Oralynn Guerrerortiz, Agent, Appeal of the Santa Fe County Planning Commission's Decision to Deny a Variance of the Sustainable Land Development Code Ordinance 2016-9 (SLDC) Chapter 7.17.9.3.2, Governing height of a Structure, to Exceed 18' on a ridgetop, and to Deny a Variance to Allow a Two Story Residence on a Ridgetop. The Property is Located at 01 Anand Nivas Way Within the Vicinity of Sombrillo Within, Section 12, Township 20 North, Range 8 East, (Commission District 1) John Lovato, Case Manager. Approved 4-0

B. Resolutions

1. Resolution No. 2018-____, A Resolution Amending a Budget Adjustment for the Law Enforcement Fund (246) to Budget Funds for Region III, Edward Byrne Justice Assistance Grant Program / \$15,107. (Finance Division/Stephanie Schardin Clarke)

(End of Consent Agenda)

III. Action Items

A. Items From Consent Agenda Requiring Extended Discussion/Consideration

B. Appointments/Reappointments

1. Re-appointment of Members to the County Fair Board. (Community Services Department/Anna Bransford)

C. Miscellaneous

1. Approval of Amendment No. 3 to the Professional Service Agreement No. 2015-0188-CSD/MM Between Santa Fe County and Presbyterian Medical Services, Extending the Term of the Agreement an Additional Year and Increasing the Compensation an Additional \$450,000, Inclusive of NM GRT for a Total Agreement Amount of \$1,600,000.00, for the Operation of the Mobile Crisis Response Team and Granting the County Manager Authorization to Sign the Purchase Order. (Purchasing/Bill Taylor/Community Services Department/Alex Dominguez)
2. Request Authorization to Publish Title and General Summary of Ordinance No. 2018 - ____, An Ordinance Amending Section 6 of Santa Fe County Ordinance No. 2008-14 to Extend to January 1, 2024, the Time in Which An Election May Be Held to Reauthorize the Regional Transit District Gross Receipts Tax. (Anthony Mortillaro, North Central Regional Transit District)
3. Requesting Approval of a Cost Sharing Agreement Between the City of Santa Fe and Santa Fe County for the Solar Photovoltaic System Booster Station 2A of the Buckman Direct Diversion Project. (Public Works Department/Erik Aaboe)

4. Approval of Multiple Source Award, Multiple Year Contracts No's. 2018-0058-A-PW/MAM, and 2018-0058-B-PW/MAM to Provide On-Call Material Testing, Sampling and Inspection Services for Existing County Road Improvements and Maintenance Projects; Granting Signature Authority to the County Manager to Sign the Purchase Orders. (Purchasing Division/Bill Taylor)
5. Approval of Change Order No. 4 to Agreement No. 2017-0226-PW/KE Between Santa Fe County and RCC, LLC in the Amount of \$54,426.42, Excluding NM GRT, for the Agricultural Extension Office Remodel at the Santa Fe County Fairgrounds for a Total Contract Sum of \$1,119,934.87, and Grant Signature Authority to the County Manager to Sign the Purchase Order. (Purchasing Division/Bill Taylor)

IV. Matters of Public Concern

V. Matters From the County Manager

A. Miscellaneous Updates

1. New Mexico Legislative Wrap-up
2. Update on the Pojoaque Basin Regional Water System

VI. Matters from County Commissioners

A. Presentation and Proclamations (Action Items)

1. Approval and Presentation of A Proclamation Proclaiming the Month of March, 2018, "Certified Government Financial Managers Month". (Commissioner Hansen and Commissioner Anaya)
2. Approval and Presentation of A Proclamation for the Friends of the Pecos National Historic Park, Proclaiming March 24, 2018, "The Battle of Glorieta Pass Day and Memorializing the Civil War Battle of Glorieta Pass". (Commissioner Anaya)

B. Resolutions (Action Items)

1. Resolution No. 2018-___, A Resolution Opposing the Department of the Interior, Bureau of Land Management Proposed Repeal of its Methane Rule Which was Intended to Reduce and Regulate Methane Leaking, Venting and Flaring from Oil and Gas Operations. (Commissioner Hansen and Commissioner Hamilton)
2. Resolution No. 2018-___, A Resolution Supporting Continued Service by the New Mexico Rail Runner. (Commissioner Moreno)
3. Resolution No. 2018-___, A Resolution Supporting Santa Fe Metropolitan Planning Organization Resolution No. 2018-01 Which Supports Transportation Planning and Advances the Sustainability Goals in the 2015 Santa Fe County Sustainable Growth Management Plan and the City of Santa Fe 25 Year Sustainability Plan. (Commissioner Moreno)

- C. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions, and Requests for Updates or Future Presentations. (Non-Action Items)

VII. Matters from Other Elected Officials (Non-Action Items)

- A. Elected Officials Issues and Comments, Including but not Limited to Updates, Concerns, Recognitions.

VIII. Public Hearings (To Begin No Earlier Than 5:00 P.M.)

- A. Land Use Cases (Possible Action Items)*

1. CASE # MIS 18-5000 Dorothy Montoya Plat Vacation. Dorothy Montoya Applicant, Requests A Partial Plat Vacation To Allow Lot 7 To Have An Accessory Dwelling Unit. The Property Is Located At 33 N Paseo De Angel Road Within The La Cienega And La Cieneguilla Community District Overlay, Within The Residential Estate Zoning District, Within, Section 21, Township 16 North, Range 8 East, (Commission District 3). John Lovato, Case Manager
2. CASE # CP 16-5280 Oshara Conceptual Plan Amendment. G.E. Richards Property, LLC, Applicant, Santa Fe Global Partners/Arroyo Hondo De Santa Fe, Agent, Request Conceptual Plan Approval To Amend The Previously Approved Oshara Subdivision (735 Dwelling Units On 470.62 Acres) In Order To Reduce The Estimated Commercial Square Footage In Future Phases From 1,321,000 Square Feet To 303,330 Square Feet, Eliminate The Employment Center Zone In Phase 2, Eliminate The Institutional Campus Zone, Increase The Number Of Dwelling Units To 855 From 735, Reorganize The Phasing Plan From Six Phases To Five, To Have Five Sub-Phases In Phase 2, And To Amend The Proposed Source Of Sewer Service. The Property Is Located In The Community College District, Within A Planned Development District, East Of Richards Avenue And South Of Rabbit Road, Within Section 16, Township 16 North, Range 9 East (Commission Districts 4 And 5). John M. Salazar, Case Manager. (TABLED)

IX. Matters From the County Attorney

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Public Hearing(s) on the Agenda, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1 (H)(8) NMSA 1978.
 1. Executive Management Personnel

X. Concluding Business

A. Announcements

B. Adjournment (Action Item)

*These land use cases are administrative adjudicatory proceedings. Among other things, this means that Commissioners generally may not discuss a case with the applicant or other members of the public outside of the public hearing on the case. In addition, before taking final action, the Board of County Commissioners may choose to deliberate on an administrative adjudicatory proceeding in closed or executive session, as permitted by Section 10-15-1(H)(3) NMSA 1978. Finally, the Board may not announce its decision on a land use case at the conclusion of the public hearing tonight.

Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact Santa Fe County Manager's Office at (505) 986-6200 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

Date: February 27, 2018

To: Board of County Commissioners (BCC)

From: Ray Matthew, Transportation Planner

Via: Katherine Miller, County Manager

Item: **REQUEST APPROVAL TO PUBLISH TITLE AND GENERAL SUMMARY FOR ORDINANCE NO. 2018-___ AMENDING SECTION 6 OF SANTA FE COUNTY ORDINANCE NO. 2008-14 TO EXTEND TO JANUARY 1, 2024, THE TIME IN WHICH AN ELECTION MAY BE HELD TO REAUTHORIZE THE REGIONAL TRANSIT GROSS RECEIPTS TAX**

Summary:

The North Central Regional Transit District is requesting approval to publish the Title and General Summary for Ordinance. No. 2018-___. Ordinance No. 2018-___ amends Section 6 of Ordinance. No. 2008-14, Transit GRT, by removing the specific Transit GRT election dates of 2022 and 2023 and allows voters to consider the elimination of the 2024 Transit GRT sunset provision on the November 2018 ballot.

Background and Discussion:

Ordinance # 2008-14 (Transit GRT) established a 1/8 of 1% increase in Gross Receipts tax for regional transit service. The 2008 Transit GRT Ordinance also had a sunset provision of 2024 with specific references to Transit GRT election dates of November, 2022, or a special election in 2023. The proposed Ordinance (see attached Exhibit A) replaces Section 6 with language that states a general or special election will occur before the January 1, 2024.

NCRTD has requested the County remove the Transit GRT election 2022 and 2023 dates in Ord. # 2008-14 so that the 2024 sunset provision could be placed on the November 2018 ballot. In the event the elimination of the 2024 sunset provision is not approved by voters in 2018 NCRTD could propose this for another election prior to 2024.

The Transit GRT supplies approximately 62% of NCRTD operational revenues. If the Transit GRT provision expired the NCRTD would have to implement drastic service cuts or close its doors.

Removal of the 2024 sunset provision will allow NCRTD to move ahead with mid and long term capital planning and service improvements knowing there will be a revenue source that can be used for these efforts. The GRT revenue is also for the required match amounts for federal formula and discretionary grants. NCRTD has made similar Transit GRT ordinance change requests to Los Alamos, Rio Arriba and Taos Counties.

The Title and General Summary publication request is to advertise Ordinance No. 2018- ____ which would amend Ordinance 2008-14. The proposed amendment removes the 2022 and 2023 Transit GRT election references and could allow the placement of the question of eliminating the 2024 Transit GRT sunset on the November 2018 ballot.

EXHIBIT:

- Exhibit A: Proposed Ordinance No. 2018- ____
- Exhibit B: Ordinance No. 2008-14
- Exhibit C: North Central Regional Transit District Gross Receipts Tax Timeline

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2018- _____

**AMENDING SECTION 6 OF SANTA FE COUNTY ORDINANCE
NO. 2008-14 TO EXTEND TO JANUARY 1, 2024, THE TIME IN
WHICH AN ELECTION MAY BE HELD TO REAUTHORIZE
THE REGIONAL TRANSIT GROSS RECEIPTS TAX**

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY that Section 6 of Santa Fe County Ordinance No. 2008-14, imposing the County Regional Transit Gross Receipts Tax is hereby amended by replacing it entirely with the following new Section 6:

"Section 6. Repeal or Reauthorization. This Ordinance No. 2008-14 will be repealed effective January 1, 2024 unless a reauthorization election for continuation of the Regional Transit Gross Receipts Tax is held and approved at a general or special election prior to January 1, 2024, for a term and rate to be determined at that time."

PASSED, APPROVED AND ENACTED this __ day of _____, 2018, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna Hansen, Chair

Approved As to Form:

R. Bruce Frederick
Santa Fe County Attorney

ATTEST:

Geraldine Salazar
Santa Fe County Clerk



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2008-14

ADOPTING A COUNTY REGIONAL TRANSIT
GROSS RECEIPTS TAX

BE IT ORDAINED BY THE GOVERNING BODY OF SANTA FE COUNTY,
NEW MEXICO:

Section 1. Imposition of Tax. There is imposed on any person engaging in business in this county for the privilege of engaging in business in this county an excise tax equal to one eighth of one percent (.125%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "county regional transit gross receipts tax."

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

Section 3. Specific Exemptions. No county regional transit gross receipts tax shall be imposed on the gross receipts arising from: *

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the county to another point outside the county; or
- B. direct broadcast satellite services.

Section 4. Dedication. Revenue from the county regional transit gross receipts tax will be used for the management, construction or operation of a public transit system or for specific public transit projects or services of the district pursuant to the Regional Transit District Act.

Section 5. Effective Date. The effective date of the county regional transit gross receipts tax shall be either January 1 or July 1, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.


Section 6. Repeal or Reauthorization. This ordinance (if it becomes law) shall be repealed effective January 1, 2024 unless a reauthorization election for continuation of the Regional Transit Gross Receipts Tax is held and approved at a general election in



November, 2022, or a special election in 2023, for a term and rate to be determined at that time.

PASSED, APPROVED AND ENACTED this 9th day of September, 2008, by the Board of County Commissioners of Santa Fe County.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY


By: 
Paul Campos, Chair

ATTEST:


Valerie Espinoza, Santa Fe County Clerk



Approved As To Form:

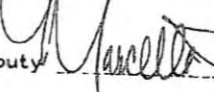

Stephen C. Ross, County Attorney



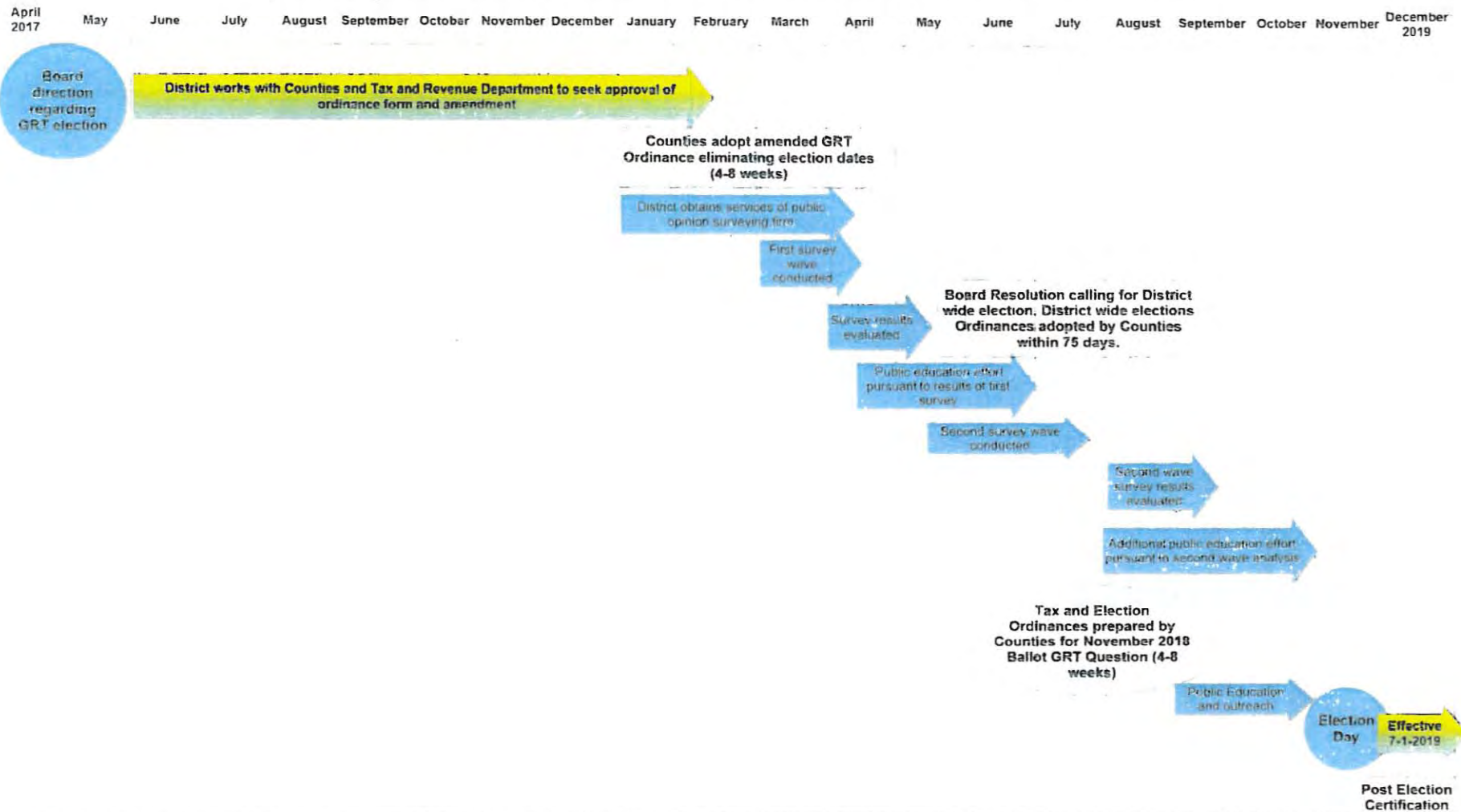
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of September, A.D., 2008 at 14:20
And Was Duly Recorded as Instrument # 1539723
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

North Central Regional Transit District - Gross Receipts Transit Tax Election - 2017-2018 (illustrative and subject to change)



NMSA 4-37-7

1. Propose Ordinance to County Board of Commissioners/Councilors
2. Notice of Publication
3. 2 weeks gap
4. Adoption
5. County Clerks Office determine date by when Election Ordinances must be adopted in order to place item on election ballot for November

Post election

1. Certify Ordinance to Tax and Revenue Department 5 days after election certification





Date: April 3, 2018

To: Board of County Commissioners

From: Jaome R. Blay, Fire Marshal *JRB*

Through: David Sperling, Fire Chief *DS*

Pablo Sedillo III, Public Safety Director *[Signature]*

Katherine Miller, County Manager

Re: An Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking, and Other Ignition sources.

Background

The County Fire Department is requesting approval of an Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking and Other Ignition Sources within Santa Fe County. This emergency ordinance prohibits open fires of any kind, including campfires and the burning of vegetation or rubbish. It shall take effect upon approval and remain in place for ninety (90) days. It will expire after this time period unless renewed by subsequent action of the Board of County Commissioners. The Emergency Ordinance may also be rescinded at a subsequent Board meeting if wildland fire conditions unexpectedly improve.

Approval of these emergency restrictions is necessitated by persistent and severe drought conditions. These drought conditions are forecast to persist and deepen throughout Santa Fe County and New Mexico during the coming months (see attached U.S. Seasonal Drought Outlook map from NOAA). This is particularly concerning due to the exceptionally dry winter conditions heading into the climatologically drier spring season. The three month outlook also tilts toward warmer than normal temperatures. Under these circumstances, this emergency ordinance will reduce the likelihood of an accidental wildland fire start during our traditional spring fire season, improve public and firefighter safety, and preserve property in Santa Fe County.

Action Requested

Approval of the Emergency Ordinance Declaring Hazardous Fire Conditions and Imposing Restrictions on Open Fires, Smoking, and Other Ignition Sources within Santa Fe County. The Fire Chief/Fire Marshal shall have the authority to grant exemptions to the Emergency Ordinance to burn permit applicants after assuring adequate fire protection is available and all reasonable measures have been taken to mitigate the fire danger.

U.S. Drought Monitor New Mexico

March 27, 2018

(Released Thursday, Mar. 29, 2018)

Valid 8 a.m. EDT

Drought Conditions (Percent Area)

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.08	99.92	98.64	77.89	34.06	0.00
Last Week 03-20-2018	0.08	99.92	98.64	77.89	25.60	0.00
3 Months Ago 12-26-2017	7.14	92.86	30.16	0.00	0.00	0.00
Start of Calendar Year 01-02-2018	7.01	92.99	45.97	4.76	0.00	0.00
Start of Water Year 09-26-2017	85.16	14.84	0.00	0.00	0.00	0.00
One Year Ago 03-28-2017	45.04	54.96	6.72	0.00	0.00	0.00

Intensity:

D0 Abnormally Dry	D3 Extreme Drought
D1 Moderate Drought	D4 Exceptional Drought
D2 Severe Drought	

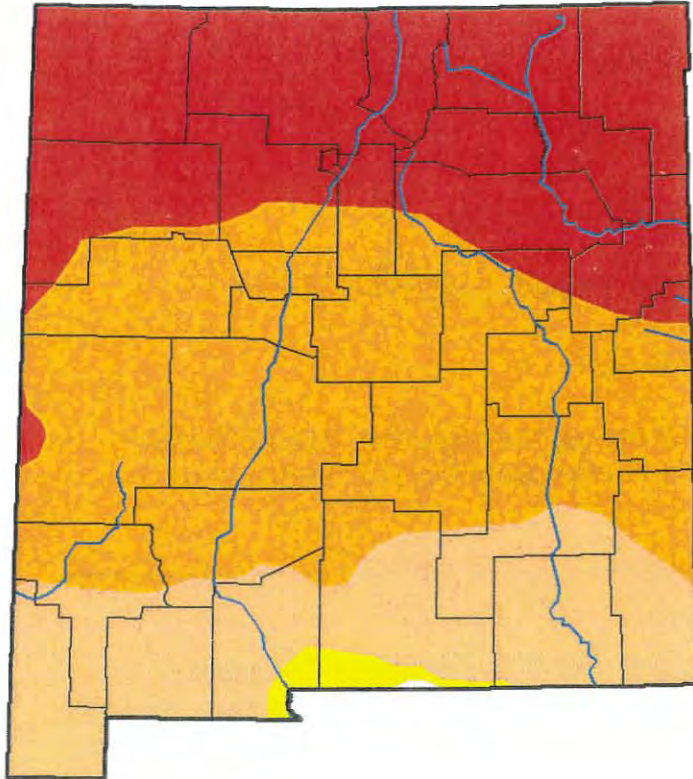
The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:

Chris Fenimore
NCEI/NESDIS/NOAA



<http://droughtmonitor.unl.edu/>



SANTA FE COUNTY

ORDINANCE NO. 2018-__

**AN EMERGENCY ORDINANCE DECLARING HAZARDOUS FIRE
CONDITIONS AND IMPOSING RESTRICTIONS ON
OPEN FIRES, SMOKING AND OTHER IGNITION SOURCES**

Be it ordained by the Board of County Commissioners of Santa Fe County (BCC) that because the current dry conditions and fire hazards represent an immediate danger to the public health, safety and welfare of the county, the following prohibitions are hereby **ADOPTED:**

1. Consistent with its authority to provide for the safety and to preserve the health of the residents of this County, and pursuant to NMSA 1978, Sections 4-37-1 and 59A-52-18, the following are prohibited for a period of ninety (90) days within the unincorporated areas of Santa Fe County:
 - a. Campfires
 - b. Open fires of any kind
 - c. Open burning of vegetation or rubbish
 - d. Smoking within a County park, campground or any wildland area except within an enclosed vehicle or building
 - e. Littering on public roadways/areas with ignited smoking materials
 - f. Use of off-road vehicles and motor bikes within county parks, campground and wild land areas
 - g. The issuance of licenses or permits for open burning except as noted below.
2. The Fire Chief or Fire Marshal shall have the authority to grant exemptions from the Emergency Ordinance for an applicant seeking a burn permit. The exemption shall be granted by issuing the burn permit only after the Fire Chief or Fire Marshal has determined that adequate fire protection is available and all reasonable measures have been taken to mitigate the risk posed by the proposed burn.
3. Nothing herein shall be construed to limit the authority or responsibilities of the Santa Fe County Fire Marshal or the Santa Fe County Sheriff under the provisions of other ordinances.
4. Pursuant to NMSA 1978, Section 4-37-3, any individual, firm, partnership or other entity found violating this emergency ordinance shall be deemed guilty of a petty misdemeanor and may be punished by imprisonment for up to ninety days or a fine not to exceed three hundred dollars, or both.

5. If any article, section or provision of this Ordinance is deemed invalid or void, the remaining portions shall not be effected and shall be enforced accordingly.
6. The Board of County Commissioners hereby declares an emergency relating to fire conditions within the County, which is an immediate danger to the public health, safety and welfare of the County and its residents, and the ordinance shall take effect immediately upon adoption by the Board of County Commissioners and recordation by the County Clerk as required by statute. Due to the declared emergency and danger, no publication is required pursuant to Section 4-37-7. This Ordinance shall remain in effect for ninety days.

APPROVED, ADOPTED AND PASSED this 10th day of April, 2018.

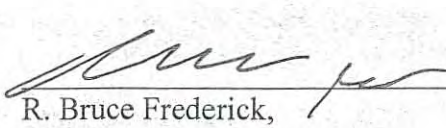
BOARD OF COUNTY COMMISSIONERS

Anna Hansen, Chair

Attestation:

Geraldine Salazar,
Santa Fe County Clerk

Approved as to form:



R. Bruce Frederick,
Santa Fe County Attorney

