

NEW MEXICO PUBLIC REGULATION COMMISSION

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P.O. Box 1269
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Santa Fe, NM 87504-1269

CHIEF OF STAFF
Ernest D. Archuleta, P.E.

NOTICE

Date: August 21, 2018

To: New Mexico Fire Chiefs and City/County Administrators

From: Don Shanin, New Mexico State Fire Marshal
Ray Torres, Deputy State Fire Marshal Code Enforcement Bureau
Randal Arnold, Deputy Fire Marshal Fire Investigations Bureau

Subject: Partnership Agreement

Attached is the Partnership Agreement application between the Public Regulation Commission's Fire Marshal Division, and the New Mexico Municipal and County Fire District (Departments). Please read the agreement over and indicate what your Fire District (Department) is applying for. Return the completed and signed original to the State Fire Marshal Office Code Enforcement Bureau at the address indicated below.

Please be advised that the application for your District's (Department's) participation in the annual partnership agreement should be forward either to your Mayor or County Commission Chairman of your local governing body for approval and signature. The signatures of the Fire Chief/Fire Marshal and the local Government Representative are required. The deadline for receipt of the application by the State Fire Marshal Division is on or before November 1, 2018.

Thank you for your assistance.

Physical and Mailing Addresses:

New Mexico State Fire Marshal's Office
State Fire Marshal Office Code Enforcement Bureau

1120 Paseo de Peralta
Santa Fe, NM 87501

P.O. Box 1269
Santa Fe, NM 87504-1269

**PARTNERSHIP AGREEMENT BETWEEN
THE PUBLIC REGULATION COMMISSION, STATE FIRE MARSHAL DIVISION
AND
LOCAL GOVERNMENTS OPERATING NEW MEXICO CERTIFIED FIRE DEPARTMENTS**

PURPOSE: To allow Fire Districts (or Departments) the opportunity to provide various aspects of fire prevention and protection by conducting and/or assisting the State Fire Marshal Division with fire code inspections, to enter upon building and premises for the purpose of examination and inspection, and to conduct origin and cause investigations, when deemed beneficial to both parties.

SCOPE: The State Fire Marshal Division is authorized to make investigations of any fire or explosion within the state and the State Fire Marshal may also appoint designated persons for these tasks (NMSA 1978, § 59A-52-10). The State Fire Marshal shall adopt rules and regulations (fire codes) for prevention and control of fires (NMSA 1978, § 59A-52-15) and may use an authorized officer or designated agent to enforce these provisions (NMSA 1978, § 59A-52-19). The State Fire Marshal is authorized to cooperate with agencies in this state (NMSA 1978, § 59A-52-5). Therefore, this agreement is implemented to activate the above provisions, as indicated below.

COOPERATIVE DISCLAIMER: This Partnership Agreement does not prohibit the Fire Department or the State Fire Marshal Division from requesting assistance from each other pertaining to any fire code enforcement inspection or origin and cause investigation. Notwithstanding any agreement between the State Fire Marshal Division and any Fire Department, including this Partnership Agreement, the State Fire Marshal Division reserves the right to conduct any inspection or investigation throughout the state.

METHODOLOGY: The Fire Department shall assume the responsibility for conducting the indicated activities in a timely manner, document and store the appropriate records and provide information of such activities as required by the

State Fire Marshal Division. The Fire Department shall conduct such activities following current accepted procedures and in adherence to state codes and/or rules. Activities may be documented on forms currently used by the Fire Department.

Please write legibly. If the content is illegible, the application will be rejected.

Full name of local government: Santa Fe County

☐

Municipality

☒

County

If a County, does this Partnership Agreement include all County Fire Districts (Departments)?

☒

Yes

☐

No

If no, indicate which Fire Districts (Departments) are participating (use additional page(s) if necessary):

Fire Districts (Departments) included in this Partnership Agreement:

Agua Fria, Chimayo, Edgewood, El Dorado, Galisteo, GYorietta Pass, Hondo, La Cienega, La Puebla, Madrid, Pojoaque, Stanley, Tesuque, and Turquoise Trail

Fire Districts (Departments) not included in this Partnership Agreement:

N/A

Name of Municipal or County Fire Chief (or Marshal): JAOME R. BLAY

1. Origin and Cause Investigations

The Fire District (Department) accepts responsibility for the following fire investigation activities (in order to qualify for this activity you must at least agree to secure and restrict access to fire scenes until the arrival of a State Fire Inspector/Investigator): If the Fire District (Department) accepts responsibility for all origin and cause investigations then it must also maintain records of the same and make the records open to public inspection at reasonable hours:

- ☒ Secure and restrict access to fire scenes until the arrival of a State Fire Investigator.
- ☐ Conduct all origin and cause investigations within the District's (Department's) jurisdiction.
- ☐ Conduct all origin and cause investigations within the Department's jurisdiction, collect evidence, interview witnesses and work with local fire/law enforcement officials and the district attorney for full prosecution. Provide training for investigators (copies of certificates are not required).

Detail:

2. Fire Code Enforcement Inspections

The Fire District (Department) accepts responsibility for the following code enforcement activities (code enforcement is limited to the areas of territorial jurisdiction for the Fire District (Department) and under no circumstances does this Partnership Agreement include the inspection by Fire Districts (Departments) of state-owned or leased buildings):

- ☐ None
- ☒ Conduct all fire code inspections within the District's (Department's) jurisdiction.
- ☒ Conduct plans review and acceptance testing of fire suppression and detection systems (including all other types of fire protection systems).

Your District (Department) must provide copies of training records and certifications for those personnel performing plans reviews, acceptance testing, or fire code enforcement inspections to the State Fire Marshal Division annually from the date of execution of this Partnership Agreement. Your District (Department) must also provide the State Fire Marshal Division with copies of all fire code inspections, plans reviews and acceptance testing records

annually. The State Fire Marshal Division will annually audit these inspections, reviews, and records to ensure compliance with current Fire Code per rule 10.25.5 NMAC.

Detail:

Indicate the types of properties your District (Department) declines to accept code inspection and enforcement responsibility for:

☒

None

☐

Public Schools

☐

Charter Schools

☐

Other – Explain: _____

NOTE: The State Fire Marshal Division retains all code enforcement and inspection responsibility for Universities, Colleges and all State Buildings in your District (Department).

FOR SCHOOLS AND CHARTER SCHOOLS: A report of the school(s) name, address, date of inspection, and name of District's (Department's) personnel performing the inspection will be required to be sent to the State Fire Marshal Division Code Enforcement Bureau within 30 days of the inspection. Full reports are required.

Does your local government have a building code official?

☐ Yes

☒ No

If yes, please provide the name, physical address, and phone number of such building code official:

Name of Local Building Code Official (please print)

Address

City, State, and Zip Code

Telephone Number

Detail:

The State Fire Marshal Division views a local government and fire department's approval of plans review shop drawings or the conducting of acceptance tests as an indicator that the local jurisdiction has taken full fire code responsibility for that building including all future fire code enforcement activity at that particular address.

3. Accord and Required Signatures

A change in the Fire District's (Department's) inspection personnel requires the Fire District (Department) to notify the State Fire Marshal Division within 30 days of the name of the new personnel along with his/her training records and certifications. A failure by the Fire District (Department) to notify the State Fire Marshal Division of the requirements of this paragraph is grounds to cancel the Partnership Agreement, retroactive to the date of the change.

The appointment of a new Fire Marshal or Fire Chief in a Fire District (Department) requires this Partnership Agreement to be re-executed within 30 days. If not re-executed within 30 days of the appointment of a new Fire Marshal or Fire Chief for a Fire District (Department), any current Partnership Agreement is void.

For any reason, the State Fire Marshal Division may cancel this Partnership Agreement with 30 days written notice to the local Fire Marshal or Fire Chief. For any reason, the Fire District (Department) may cancel this Partnership Agreement with 30 days written notice to the State Fire Marshal Division.

Local Government Official:

Katherine Miller
Printed Name of Local Government Official

County Manager
Title (Mayor, City/County Manager, etc.)

Katherine Miller
Signature

10.22.2018
Date

Approved as to form
Santa Fe County Attorney
By: [Signature]
Date: 10-19-18

Local Fire Chief or Fire Marshal:

JAOME R. BLAY (Fire Marshal)
Printed Name of Local Fire Chief or Fire Marshal

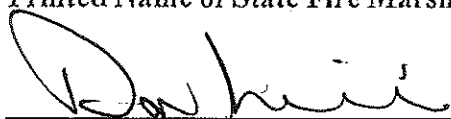
Jaome
Signature

10/17/18
Date

[Signature]
Fire Chief
10/19/18

State Fire Marshal:

Don Shainin
Printed Name of State Fire Marshal


Signature

11-30-2018
Date