

RESOLUTION NO. 04-23-20/108-60

A RESOLUTION REQUESTING THE GOVERNOR TO REOPEN BUSINESSES, INCLUDING NON-PROFITS, CLOSED BY EXECUTIVE AND PUBLIC HEALTH ORDERS

WHEREAS, on March 11, 2020, the Governor of New Mexico issued Executive Order 2020-04, in response to an outbreak of a novel coronavirus identified as COVID-19, declaring a state of public health emergency under the Public Health Emergency Response Act and invoking powers under the All Hazards Emergency Management Act and the Emergency Licensing Act; and

WHEREAS, on April 6, 2020, the Governor of New Mexico issued Executive Order 2020, which among other actions, extended the declaration of a public health emergency until May 1, 2020, unless rescinded or extended; *and*

WHEREAS, pursuant to the declaration of a public health emergency, the Secretary of the New Mexico Department of Health has issued several Public Health Emergency Orders, including the Order of March 23, 2020, in which the Secretary defined essential business and ordered that all “non-essential” businesses, including non-profits, reduce their in-person workforce by 100%; and

WHEREAS, on April 6, 2020, the Secretary amended the March 23, 2020, Order and ordered that all “non-essential” businesses, including non-profits, close “office spaces, retail spaces, or other public spaces” of the businesses; and

WHEREAS, small businesses have long been recognized as the backbone of not only New Mexico’s economy but also of our nation’s economy; and

WHEREAS, in rural areas small businesses, including non-profits, perform essential services, otherwise, unlike in urban areas, those businesses would not exist; and

WHEREAS, small businesses in rural areas have less foot traffic and can implement those virus mitigation practices ordered by the Secretary; and

WHEREAS, the blanket closure of small businesses deemed “non-essential” by the Order’s definition poses a significant threat to the ultimate survival of those businesses and to our County’s, as well as the State’s, economy; and

WHEREAS, data related to COVID-19 shows that the virus has impacted countries, states, political subdivisions, and geographical areas differently; and

WHEREAS, the modeling of the spread of COVID-19 has changed multiple times with almost all changes being a decrease in the number of expected infections and deaths; and

WHEREAS, there appears to be no plan by the State to reopen the economy in the near future;
and

WHEREAS, there has been no public dissemination of information of what discussions or who is participating in discussions on how to reopen the State's economy.

NOW, THEREFORE, the Board of County Commissioners of Otero County, finds:

1. No one rule related to which businesses, including non-profits, may stay open is appropriate for every political subdivision or geographical area of New Mexico.
2. Small businesses, including non-profits, or those defined as "non-essential" can implement those same mitigating practices that are required of "essential" businesses.
3. If the State does not immediately allow these businesses to reopen, many of these businesses will never recover, and the economy of the County, as well as the State, will suffer.
4. The harm to the economy of the County, as well as the State, under the current blanket restrictions are as great as the threat posed by the virus.

NOW, THEREFORE, the Board of County Commissioners of Otero County recommends to the Governor and Department of Health Secretary as follows:

1. Allow those businesses, including non-profits, to reopen immediately that do not fall within the Secretary's definition of essential businesses and allow those businesses to implement those safeguards that have been imposed on essential businesses, as the Secretary indicated in her orders that "social distancing is the sole way New Mexicans can minimize the spread of COVID-19, and currently constitutes the most effective means of mitigating the potentially devastating impact" of the virus.
2. Develop rules and restrictions that recognize the different situations of political subdivisions and/or geographical areas.

PASSED, APPROVED and ADOPTED on this 23rd day of April, 2020, by the Otero County Board of County Commissioners.

**BOARD OF COUNTY COMMISSIONERS
OTERO COUNTY, STATE OF NEW MEXICO**

ATTEST:

Robyn Holmes, County Clerk
(Seal)

Gerald Matherly, Chairman

Lori Bies, Vice-Chairwoman

Coy Griffin, Member