

Resolution No. 03-11-21/109-47

**Resolution Opposing the State's
Unconstitutional Health Orders**

Whereas, the Governor of New Mexico and the New Mexico Secretary of Health have issued dozens of orders regarding the COVID-19 virus; and

Whereas, it has been a year since the first of these health orders, which have repeatedly been renewed without the involvement of the state legislature or local officials; and

Whereas, these health orders have worked hardships on the people of New Mexico through the closure of businesses and schools; and

Whereas, these orders are unconstitutional, violating the rights of the people of New Mexico;

Whereas, these orders have infringed on the right to the free exercise of religion that is guaranteed by the Constitution of the United States and the Constitution of New Mexico; and

Whereas, the Supreme Court of the United States has found that health orders issued by California and New York have violated the First Amendment by unfairly limiting worship; and

Whereas, these health orders infringe on the right of the people to peaceably assemble; and

Whereas, these health orders infringe on the right of the people to economic liberty; and

Whereas, these health orders infringe on the right of the people to use private property; and

Whereas, these health orders infringe on the right to travel; and

Whereas, these health orders infringe on the right to be free of excessive fines; and

Whereas, state laws giving officials emergency powers were meant to be used for short-term problems not long-term ones; and

Whereas, the New Mexico Legislature has had three sessions since the health orders were first issued and it has not been asked to approve these orders; and

Whereas, the use by state officials of emergency power for extended periods is anti-democratic and is danger to the rights of the people;

Now, therefore, be it resolved by the Board of County Commissioners of Otero County, New Mexico, that:

1. The Board denounces the unconstitutional health orders issued by the Governor of New Mexico and the New Mexico Secretary of Health.
2. The Board declares that those officials who enforce or abide by these unconstitutional health orders violate their oaths of office and their duty to the people of New Mexico.

Passed March 11th, 2021.

THE BOARD OF COUNTY COMMISSIONERS OF
OTERO COUNTY, NEW MEXICO

Gerald Matherly, Chairman

Coy Griffin, Vice-chairman

Vickie Marquardt, Commissioner

Attest:

Robyn Holmes, County Clerk