

**Resolution No. 04-08-21/109-52**

**Resolution Declaring Otero County To  
Be 100% Open for Business**

*Whereas*, N.M.S.A. 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants;” and,

*Whereas*, the Board of County Commissioners of Otero County adopted Resolution 03-11-21/109-47 declaring (1) the dozens of orders regarding coronavirus issued by the Governor of New Mexico and the New Mexico Secretary of Health to be unconstitutional and (2) that those officials who enforce the orders are in violation of their oaths of office; and

*Whereas*, the Declaration of Independence recognizes that the people “are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness;” and

*Whereas*, the Constitution of the State of New Mexico declares “All persons are born equally free, and have certain natural, inherent, and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of seeking and obtaining safety and happiness;”

*Whereas*, the Constitution of the State of New Mexico declares “All political power is vested in and derived from the people: all government of right originates with the people, is founded upon their will and is instituted solely for their good;” and

*Whereas*, the Ninth Amendment to the Constitution of the United States declares that “the enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people;” and

*Whereas*, the Constitution of the State of New Mexico declares “the enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people;” and

*Whereas*, the Tenth Amendment to the Constitution of the United States declares “the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;” and

*Whereas*, the Fourteenth Amendment to the Constitution of the United States says that no State may “deprived any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws;” and

*Whereas*, the Universal Declaration of Human Rights declares that “Everyone has the right to freedom of peaceful assembly and association;” and

*Whereas*, the Universal Declaration of Human Rights declares that “Everyone has the right to freedom of movement;”

*Whereas*, the Universal Declaration of Human Rights declares that “Everyone has the right to work” and to the “free choice of employment; and

*Whereas*, it has been over 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 by the closing of businesses and schools, by limiting the freedom of worship, by halting athletic events, by closing of theatres and entertainment venues; and

*Whereas*, Texas and other states have completely reopened their businesses, schools, and public buildings as part of a return to normal; and

*Whereas*, there is no long-term plan to reopen New Mexico as shown by the color-coded scheme of the Governor of New Mexico still calls for significant restrictions in the so-called “turquoise” low-risk counties;

*Whereas*, there are no scientific or rational bases for these restrictions;

*Whereas*, it is time for the restrictions to end;

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

1. Otero County is declared to be 100% reopened from the coronavirus restrictions.
2. All public buildings operated by the Board of County Commissioners of Otero County are to be open at their normal occupancy. No employee or visitor to these buildings shall be required to wear face-masks or practice social distancing.
3. All businesses, organizations, schools, and other institutions in Otero County are hereby requested to reopen to their normal occupancy. Decisions on opening, face-masks, and social distancing shall be at the sole discretion of the management of each entity.
4. The Otero County Sheriff is requested to assist all entities in resisting enforcement of the unconstitutional limitations on their operations because of coronavirus, whether that enforcement is by state or Federal authorities.
5. The Board of County Commissioners of Otero County supports the right of each entity to make its own decisions to reopen and will assist all entities in resisting the unconstitutional coronavirus mandates.

Passed April 15th, 2021.

THE BOARD OF COUNTY COMMISSIONERS OF  
OTERO COUNTY, NEW MEXICO

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Gerald Matherly, Chairman

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Coy Griffin, Vice-chairman

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Vickie Marquardt, Commissioner

Attest:

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Robyn Holmes, County Clerk