

# AGENDA ITEM SUBMITTAL

Otero County Commission

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**Submitted by:** Couy Griffin, Commissioner

**Meeting date:** Thursday, September 9, 2021

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<b>Subject:</b>	Public discussion on Otero County's approach/position to any future Covid19 mandates imposed on the state and federal level.
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**Research/Background:**

**Fiscal Impact/Funding Sources:**

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**Staff/Department Recommended Actions:**

**County Attorney Review (*if needed*):**

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**Supporting Documents/Attachments/Links**

# AGENDA ITEM SUBMITTAL

Otero County Commission

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**Submitted by:** Couy Griffin, Commissioner  
**Meeting date:** Thursday, September 09, 2021

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<b>Subject:</b>	Request approval of Resolution #09-09-2021/110-09 opposing the state's unconstitutional health orders.
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**Research/Background:**

**Fiscal Impact/Funding Sources:**

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**Staff/Department Recommended Actions:**

**County Attorney Review (*if needed*):**

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**Supporting Documents/Attachments/Links**

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**Resolution No. \_\_\_\_\_**

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

*Whereas*, on August 17, 2021, the Governor of New Mexico and the New Mexico Secretary of Health issued its Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories, and Emergency Public Health Orders Remain in Effect; and Amending Prior Public Health Emergency Orders to Impose Certain Public Health Measures which requires, *inter alia*, all individuals age 2 years and older to wear a mask or multilayer cloth face covering in all indoor public settings except when eating or drinking; and

*Whereas*, on August 17, 2021, the Governor of New Mexico and the New Mexico Secretary of Health issued its Public Health Emergency Order Requiring All School Workers Comply with Certain Health Requirements and Requiring Congregate Care Facility Workers, Hospital Workers, and Employees of the Office of the Governor Be Fully Vaccinated; and

*Whereas*, Otero County is authorized to make and publish resolutions necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of its inhabitants. NMSA 1978, Section 4-37-1; and

*Whereas*, every person, including the Board of County Commissioners, elected or appointed to any office has taken and subscribed to an oath or affirmation that he or she will support the constitution of the United States and the constitution and laws of the State of New Mexico and that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her ability. New Mexico Constitution, Article XX § 1; and

*Whereas*, the Board of County Commissioners fully supports Sheriff David Black; and

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

***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 September \_\_, 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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Vicky Marquardt, Commissioner

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Robyn Holmes, County Clerk