



**SANDOVAL COUNTY
RESOLUTION NO. 05-07-20.____**

**A RESOLUTION TO RESPECTFULLY REQUEST THE GOVERNOR
TO APPLY THE STATE’S OUTLINE FOR PHASED REOPENING OF
BUSINESSES TO ALL THOSE WHICH CAN COMPLY WITH
OCCUPANCY STANDARDS AND SOCIAL DISTANCING POLICIES ,
INCLUDING NON-PROFITS, WHICH WERE PREVIOUSLY 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Order 2020, which among other actions, extended the declaration of a public health emergency until May 1, 2020, unless rescinded or extended; and on April 22, 2020, extended the order until May 15, 2020.

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 directed 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 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 and urban areas have less foot traffic than big box stores and can implement social distancing 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, tens of

thousands of workers supporting their families 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, The Covid-19 lockdown and associated economic devastation have created unintended consequences including deaths and injuries from increased child abuse, domestic violence, alcoholism, drug abuse, cancelled medical screenings and other maladies, which are not being accounted for in the State's Covid-19 model.

WHEREAS, The State seated a 15-member Economic Recovery Council and has developed an outline of a plan to reopen businesses in phases.

WHEREAS, Social distancing and occupancy levels can be achieved responsibly as well at small stores, non-profits and businesses as is being accomplished at big box stores.

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

1. No one rule or decree 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 currently required of "essential" businesses.

3. If the State does not immediately allow the businesses currently deemed to be non-essential to reopen, many of these businesses will never recover, and the economy of Sandoval County, as well as the State, will suffer.

4. The harm to the economy of Sandoval County, as well as the State, under the current blanket restrictions are as great of an economic detriment as the threat posed by the virus.

NOW, THEREFORE, the Board of County Commissioners of Sandoval 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. These safeguards include, but are not limited to, setting numbers of person per square foot permitted to occupy an office or business, setting numbers of persons who may gather, setting distance requirements, requiring the use of face masks and gloves when interacting with other persons, and any other safeguard necessary to ensure social distancing. These safeguards would further support the Health

Secretary's position 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.

3. Sandoval County has seven pueblos and three tribes within its boundaries. Sandoval County requests that the State work with every sovereign nation within the County to develop appropriate easing of Health Emergency mandates to best protect and serve Native Americans' health and welfare.

PASSED, APPROVED and ADOPTED on this 7th day of May 2020, by the Sandoval County Board of County Commissioners in an open meeting in Bernalillo, New Mexico.

Sandoval COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

David J. Heil, Chairman

Jay C. Block, Vice Chairman

Eileen Garbagni, County Clerk

Katherine Bruch, Member

APPROVED AS TO FORM:

F. Kenneth Eichwald, Member

Robin S. Hammer, County Attorney

Michael Meek, Member