



**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2020-33**

**REQUEST FOR DELEGATION OF AUTHORITY TO LOCAL GOVERNMENTS DURING
THE COVID-19 PANDEMIC AND TO REOPEN BUSINESSES ORDERED CLOSED
USING SAFEGUARDS CURRENTLY IN PLACE**

WHEREAS, the Valencia County Board of Commissioners met in a special meeting, at the Valencia County Administration Building, 444 Luna Avenue, Los Lunas, New Mexico 87031 on Friday, April 24, 2020 at 2:00 p.m.; and,

WHEREAS, NMSA 1978, Section 3-18-1 (1972) provides that municipalities, and also counties pursuant to NMSA 1978, Section 4-37-1 (1995), have the power to “protect generally the property of its municipality and its inhabitants” and to “preserve peace and order”; and,

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Order 2020, which among other actions, extended the declaration of a public health emergency until May 1, 2020, unless rescinded or extended; and,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’ as well as the State’s, economy; 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, on April 22, 2020 the Governor announced that the Public Health Order, which keeps non-essential businesses closed, will be extended to May 15.; and,

WHEREAS, on April 22, 2020 the Governor also unveiled a plan to open the economy, however it is not specifically tailored to the needs of Valencia County; and,

WHEREAS, the Board of County Commissioners have been duly elected by the citizens of Valencia County to lead; and,

WHEREAS, the local governing body is better equipped to facilitate emergency plans for the local area and balance the health and public safety concerns with the economic impact to our communities; and,

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

WHEREAS, the model of social distancing by tracking cell phones is an invasion of privacy and does not accurately reflect the health safety practice of rural New Mexico; and,

NOW, THEREFORE, the Board of County Commissioners of Valencia 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.


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

1. Allow those businesses that are deemed non-essential to reopen using those same mitigating practices that are required of essential businesses.

2. Allow local governing bodies to lead the local Emergency Action Plans to ensure a balanced approach to both public safety and economic health in response to COVID-19

PASSED, APPROVED, and ADOPTED this 24th day of April 2020.

BOARD OF COUNTY COMMISSIONERS

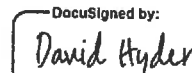
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Jhonathan Aragon
Chair, District V

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Gerard Saiz
Vice-Chair, District I

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David A. Hyder
Commissioner, District III

Tom Mraz
Commissioner, District II

Charles D. Eaton
Commissioner, District IV

ATTEST and APPROVED:

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Peggy Carabajal, County Clerk