CITY OF HOBBS

RESOLUTION NO. 6929

A RESOLUTION ASKING THE GOVERNOR TO IMPLEMENT ALTERNATE MEASURES TO SAFELY REOPEN CERTAIN AREAS OF THE STATE

WHEREAS, on March 11, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-04, in response to an outbreak in New Mexico of a novel coronavirus identified as COVID-19, and declared a state of public health emergency pursuant to the Public Health Emergency Response Act and invoked her statutory powers under the All Hazards Emergency Management Act and the Public Health Act; 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 businesses and non-profits, except those specifically defined as “essential,” reduce their in-person workforce by 100%; and

WHEREAS, on April 6, 2020, Governor Lujan Grisham issued Executive Order 2020-22, which among other actions, extended the declaration of a public health emergency until May 1, 2020, unless renewed or rescinded; and

WHEREAS, again on April 22, 2020, Governor Lujan Grisham announced that she will issue another Executive Order extending the declaration of a public health emergency until May 15, 2020, unless renewed or rescinded; and

WHEREAS, Governor Lujan Grisham has, to date, taken all measures necessary to save the lives of many New Mexicans by utilizing the powers conferred on her through the Public Health Emergency Response Act, the All Hazards Emergency Management Act, and the Public Health Act; and

WHEREAS, as the pandemic continues to spread nationally, the data related to infections of COVID-19 in New Mexico compiled at https://cvprovider.nnhealth.org/public-dashboard.html shows that not all Counties of the State are experiencing the same rates of infection; and
WHEREAS, the disparity of positive COVID-19 cases between the various Counties is prima facie proof that not all areas are similarly situated in the measures necessary to stop the spread of the virus; and

WHEREAS, in light of the disparity of infection rates among New Mexico Counties, the State of New Mexico would benefit from implementing measures aimed at preventing the spread of COVID-19, including increased testing for all Counties, that focus primarily on rate of positive tests rather than implementing one standard measure for all areas – which are not similarly situated.

WHEREAS, the resulting economic costs associated with the current preventative measures which are designed to slow the spread of COVID-19 have decimated the State and local economies alike; and

WHEREAS, the State of New Mexico is nearing a financial "breaking point" that will have a lasting impact on businesses and families across the State for generations to come; and

WHEREAS, the designation of "essential," and by implication "non-essential," has had a damaging result to many businesses that are capable of safely providing extremely valuable goods and services to their various communities; and

WHEREAS, all businesses are "essential" to their owners, employees, and customers and in turn are also "essential" to the economy of New Mexico; and

WHEREAS, the designation of "essential" to certain businesses and not others has had a disparate impact on the viability of small businesses in New Mexico; and

WHEREAS, it logically follows that where "metering" has proven to be an effective preventative measure for larger chain businesses, it likewise would be an effective preventative measure for small businesses; and

WHEREAS, the City of Hobbs supports Governor Lujan Grisham's efforts to protect New Mexicans from this public threat and asks that she consider amending the Department of Health's Public Health Order to remove the designation of "essential" to any business and allow all businesses to operate within the physical distancing standards and capacity limits deemed necessary by the Department;
WHEREAS, the City of Hobbs is fully committed to assisting the State of New Mexico with implementing all executive orders aimed at protecting the health, safety, and welfare of the people of this State;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF Hobbs, that the Mayor be and hereby is authorized and directed to take all necessary and appropriate action to effectuate this resolution and specifically to request Governor Michelle Lujan Grisham to:

1. Continue her efforts to protect New Mexicans from the spread of COVID-19;
2. Implement a separate standard of preventative measures for those areas experiencing extremely low rates of positive tests;
3. Amend the New Mexico Department of Health’s Public Health Order to remove the designation of “essential” to any business;
4. Allow all businesses to operate within the physical distancing standards and capacity limits deemed necessary by the Department of Health.

PASSED, ADOPTED AND APPROVED this 27th day of April, 2020.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk