

Be it remembered that at the Special Meeting of the Board of County Commissioners of Luna County in Deming New Mexico, on the 24th day of April, 2020, the following proceedings were had and entered of record.

RESOLUTION 20-29

A RESOLUTION REQUESTING THE GOVERNOR TO CONSIDER LOCAL INPUT REGARDING THE REOPENING OF BUSINESSES

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Order 2020, which among other actions, extended the declaration of a public health emergency until May 1, 2020, unless rescinded or extended; and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, on March 23, 2020, the Board of County Commissioners of Luna County unanimously passed Resolution 20-25 declaring a state of emergency in Luna County as a result of COVID-19; and

WHEREAS, every business in rural communities like Luna County are essential and the majority of rural businesses are small businesses, and have long been recognized as the backbone of not just Luna County’s economy, but that of New Mexico and also of our nation’s economy; and

WHEREAS, Luna County’s small businesses have less foot traffic than businesses in larger urban areas and, as a result, can more easily and effectively implement mitigation practices such as, social/physical distancing, sanitation protocols and limiting the number of persons present within the business; and

WHEREAS, the blanket closure of non-essential businesses disproportionately affects the small businesses in rural areas like Luna County, and poses a significant threat to the

ultimate survival of those businesses, and in turn the ultimate survival of rural communities; and

WHEREAS, the Board of County Commissioners of Luna County were dully elected by the citizens of Luna County as, as the local governing body, is better able to balance the health and public safety concerns against the economic and social impact on the citizens of Luna County and to implement the appropriate measures in light of those competing interests; and

WHEREAS, COVID-19 has impacted countries, states, political subdivisions, and geographical areas differently; and

WHEREAS, the data provided by the New Mexico Department of Health along with input from Mimbres Memorial Hospital (local hospital), provides sufficient scientific data upon which to base decisions for Luna County; and

WHEREAS, Luna County has only 3 reported COVID-19 cases since it's first on April 2, 2020, showing that the infection rate in Luna County was not materially or substantially affected by the increasingly severe restriction imposed since March 11, 2020

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

1. Implementing a blanket or universal rule regarding which businesses may stay open may not be appropriate for every political subdivision or geographical area of New Mexico.
2. Luna County's small businesses defined as "non-essential" can easily and effectively implement the same mitigating practices that are required of "essential" businesses.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Luna County requests the Governor and Department of Health Secretary:

1. To grant the Board of County Commissioners of Luna County the authority to create a task force, comprised of local entities such as the City of Deming and the Village of Columbus.
2. To allow the task force to identify non-essential businesses with a potential to be safely opened, to establish criteria for reopening, and those conditions required to do so (aligned with emergency and executive orders), and provide recommendations to the Governor and Department of Health for approval to re-open.

Done at Deming, New Mexico this 24th day of April, 2020

Luna County Board of County Commissioners

ATTEST:

**John S. Sweetser, Chair
Commissioner, District 3**

Andrea Rodriguez, County Clerk

**Linda M. Smrkovsky,
Commissioner, District 2**

**Barbara L. Reedy,
Commissioner, District 1**