



STATE OF NEW MEXICO
COUNTY OF EDDY

RESOLUTION R-20-36

RESOLUTION REQUESTING THE GOVERNOR TO REOPEN
BUSINESSES, INCLUDING NON-PROFITS 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Order 2020, which among other actions, extended the declaration of a public health emergency until May 1, 2020, unless rescinded or extended; and

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 Eddy County’s economy, New Mexico’s economy, but also of our nation’s economy; and

WHEREAS, unlike in urban areas, rural areas depend on small businesses, including non-profits, to perform essential services.

WHEREAS, small businesses in rural areas have less foot traffic and can implement those virus mitigation practices ordered by the Secretary. The blanket closure of small businesses deemed “non-essential” poses a significant threat to the ultimate survival of those businesses and to Eddy 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 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



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WHEREAS, there appears to be no plan by the State to reopen the economy in the near future. There has also been no public dissemination of information of what discussions or who is participating in discussions on how to reopen the State's economy.

NOW THEREFORE, BE IT RESOLVED, the Eddy County Board of Commissioners 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.
3. If the State does not immediately allow these businesses to reopen, many of these businesses will never recover, and the economy of the County, as well as the State, will suffer.
4. The harm to the economy of Eddy County, as well as the State, under the current blanket restrictions are as great as the threat posed by the virus.

NOW THEREFORE, BE IT FURTHER RESOLVED, the Eddy County Board of Commissioners 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 reopen subject to the implementation of those safeguards that have been imposed on essential businesses, as the Secretary indicated in her orders 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.



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PASSED AND ADOPTED this **22nd** day of **April, 2020**, by the Eddy County Board of Commissioners in an open meeting in Carlsbad, Eddy County, New Mexico.

EDDY COUNTY BOARD OF COMMISSIONERS
EDDY COUNTY, NEW MEXICO

Ernie Carlson (District 1), Commission Chairman
Voted: Yes No Abstain

Larry Wood (District 3), Commissioner
Voted: Yes No Abstain

Steven McCutcheon (District 4), Vice Chairman
Voted: Yes No Abstain

Jon Henry (District 2), Commissioner
Voted: Yes No Abstain

Susan Crockett (District 5), Commissioner
Voted: Yes No Abstain

ATTEST:

Robin Van Natta, County Clerk