STATE OF NEW MEXICO
COUNTY OF CURRY
RESOLUTION NO. 2020-30

A RESOLUTION REQUESTING THE GOVERNOR TO REOPEN BUSINESSES, INCLUDING NON-PROFITS CLOSED BY EXECUTIVE AND PUBLIC HEALTH ORDER

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Order 2020, which among other actions, extended the declaration of a public health emergency until May 1, 2020, unless rescinded or extended; and,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 Health 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, Rural New Mexican counties, implementing guidelines have flattened the curve and protect the integrity of our health care system through social distancing, preventative hygiene practices, and the stay at home order; and,

WHEREAS, the efforts of all New Mexicans to implement these practices has proven to be effective in meeting these goals; 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, small businesses in rural areas such as Curry County, including non-profits, perform essential services, otherwise, unlike in urban areas, those businesses would not exist; and

WHEREAS, small businesses in rural areas such as Curry County, have less foot traffic and can implement the 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 survival of small businesses and to Curry County's, as well as the State's, economy; and,

WHEREAS, these businesses employ, pay wages, and provide health care benefits to a large portion of the State's workforce; and,

WHEREAS, closures of these businesses has led to the highest levels of unemployment in our State's history and will lead to higher rates of poverty; and,

WHEREAS, based on the New Mexico Department of Workforce Solutions website Curry County had five (5) initial unemployment claims for the week ending March 14, 2020 and three hundred and seventy-two (372) initial unemployment claims for the week ending April 4, 2020; and,

WHEREAS, poverty leads to negative outcomes on families, children, and communities through increases in crime, hunger, violence and homelessness and decreases in physical and mental health, nutrition and educational outcomes; and,

WHEREAS, these businesses provide critical financial support for local charities whose mission is to support those who are experiencing poverty and the effects thereof; and,

WHEREAS, many of these deemed "non-essential" businesses provide local services and sell the same products found in "essential" businesses; and,

WHEREAS, these businesses and specialized retailers make up a large percentage of the State's employers; and,

WHEREAS, the closing of all small businesses in Curry County does not take into consideration the ability of smaller business operators to follow and implement the Social Distancing Restrictions Currently in place; and,

WHEREAS, the closing of the small businesses in Curry County actually results in all of the residents now having to go to the few Larger Chain businesses in our communities, which actually creates situations where social distancing is much harder to maintain; 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, on April 16, 2020, the President of the United States announced his plan to Open up America stating we must have working economy and provide a "Phase Process" of relaxing restrictions; and,

WHEREAS, Curry County is not aware of any plan by the State to reopen the economy in the near future; and,

WHEREAS, there has 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, the Board of County Commissioners of Curry County, finds:

1. The County of Curry to be an economic emergency area as a result of COVID-19.

2. 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.

3. Small businesses, including non-profits, or those defined as "non-essential" can implement the same mitigating practices that are required of "essential" businesses.

4. If these businesses are not allowed to reopen, many of them will never recover, and the economy of Curry County, as well as the State, will suffer.

5. The harm to Curry County's economy, as well as the State's economy, under the current blanket restrictions are as great as the threat posed by the virus.

NOW, THEREFORE, the Board of County Commissioners of Curry County respectfully requests that the Governor and Department of Health Secretary consider implementing the following:

1. Allow Curry County Manager Lance Pyle to be permitted to be part of the team developing robust economic recovery plans as one who can provide informative knowledge as how Curry County has been affected.

2. Allow those businesses, including non-profits, to reopen immediately that do not fall within the Secretary's definition of essential businesses subject to implementation of those safeguards that have been imposed on essential businesses, as the Secretary indicated in her order 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."

3. Develop rules, practices and restrictions that recognize the different situations of the various political subdivisions throughout the State.

PASSED, APPROVED and ADOPTED on this 21St day of April 2020, by the Curry County Board of County Commissioners in an open meeting in Clovis, New Mexico.

CURRY COUNTY BOARD OF COUNTY COMMISSIONERS

Ben McDaniel, Chair

Seth Martin, Vice-Chair

Robert Sandoval, Member

Chet Spear, Member

Robert Thornton, Member

ATTEST:

(SEAL)

Annie Hogland, County Clerk

APPROVED AS TO FORM:

Stephen Doerr, County Attorney