CITY of ALBUQUERQUE TWENTY FOURTH COUNCIL

COUNCIL	_ BILL NO R-20-40 EN	ACTMENT NO.
SPONSO	RED BY: Brook Bassan & Don I	Harris
1	RI	ESOLUTION
2	DIRECTING THE MAYOR TO EVAL	UATE AND AMEND FOR THE CITY AS
3	APPROPRIATE THE PUBLIC HEAL	TH ORDERS REQUIRING THE CONTINUED
4	BROAD CLOSURES OF BUSINESS	AND FACILITIES IN RESPONSE TO THE
5	STATEWIDE PUBLIC HEALTH EME	RGENCY
6	WHEREAS, on March 11, 2020 (Governor Michelle Lujan Grisham issued
7	Executive Order 2020-004, Declarin	ig a Public Health Emergency in New
8	Mexico relating to the spread of CC	OVID-19; and
9	WHEREAS, in subsequent week	ts the New Mexico Department of Health has
10	issued orders limiting public gathe	rings and requiring non-essential
11	businesses to close or limit busine	ess activity; and
12	WHEREAS, these orders purport	rt statewide applicability in New Mexico
13	even though the threat level and th	e availability of responsive resources are
14	not uniform across the State; and	
15	WHEREAS, Albuquerque is unio	quely situated as the State's only major
16	metropolitan area, and as a result i	t serves as the State's central economic,
17	retail, medical and general services	s hub; and
18	WHEREAS, even as necessary a	as the public health orders may have been,
19	the economic, social, cultural, and	recreational interests of the residents of the
20	City have suffered immensely as a	result of the ordered closures, and these
21	impacts have been especially hard	on the City's small businesses and retail
22	and service workers; and	
23	WHEREAS, notwithstanding the	e closure of "non-essential" businesses,
24	those businesses deemed "essent	ial" appear to only include national chain
25	stores and big box retailers which	sell or provide both "essential" and "non-
26	essential" products and services,	while local businesses and more limited

retailers offering similar but more limited "non-essential" products, and their
 employees, have continued to experience significant hardship by the ordered
 closures; and

WHEREAS, the disparate impact of the closure orders may suggest that
they may be imprecise or fail to recognize adequate alternatives such as
ordering diminished building occupancies and the required use of face masks
as opposed to complete closures; and

8 WHEREAS, given Albuquerque's unique situation within the State, 9 reopening decisions within the City have to be made in a way that most 10 effectively balances the necessary health safety protections with common 11 sense limitations that do not unnecessarily burden some businesses over 12 others, or unnecessarily burden community interests that can continue to be 13 promoted without any significant additional detriment to community health 14 and safety; and

WHEREAS, a study this month by the University of Hong Kong on indoor
transmission of COVID-19 found that as compared to indoor environments,
there is significantly less likely of COVID-19 outbreaks starting in outdoor
settings; and

WHEREAS, on April 23rd, the Mayor announced an outline to guide
decisions in the City for reopening, which recognizes the City's unique
regional characteristics and indicates that a coordinated effort with the
business sector and neighboring communities is envisioned; therefore
BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
ALBUQUERQUE:

25 Section 1. The Mayor shall immediately analyze whether:

A) A distinction between essential versus non-essential businesses
continues to be necessary to promote the desired health and safety outcomes
or whether more broadly applicable occupancy limitations, physical
distancing and face mask requirements may serve as a suitable alternative to
the mandated closures of only certain businesses: and

B) The continued full closure of outdoor activities facilities such as golf
courses or other outdoor recreational facilities continues to be necessary to
promote the desired health and safety outcomes; and

2

1	C) The continued ban on non-emergency medical procedures continues	S
2	to be necessary to promote the desired health and safety outcomes.	
3	Section 2. The Mayor shall enter such appropriate orders relating to the	
4	"reopening" of the City as appropriate pursuant to the considerations directed	ł
5	under "Section 1", above.	
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31 22		
32		