



City of Albuquerque

Office of the Mayor Timothy M. Keller

SECOND DECLARATION OF ADDITIONAL EMERGENCY PROCEDURES AND ASSISTANCE DUE TO NOVEL CORONAVIRUS COVID-19

WHEREAS, on March 17, 2020, I declared a Local State of Emergency to exist throughout the City of Albuquerque due to the disastrous effects from COVID-19 (the “First Declaration”) containing several orders related to the public health emergency created by COVID-19; and

WHEREAS, as a part of the First Declaration, I issued an order canceling all nonessential City-sponsored gatherings and events and required all places of private employment to take reasonable social distancing measures to minimize exposure of COVID-19; and

WHEREAS, on March 11, 2020, New Mexico Governor Michelle Lujan Grisham issued Executive Order 2020-004, Order Declaring a State of Public Health Emergency and Invoking the Powers Provided by the All Hazard Emergency Management Act and the Emergency Licensing Act; and

WHEREAS, on March 19, 2020, the New Mexico Department of Health issued a corresponding public health order forbidding gatherings of 10 or more people, requiring restaurants, bars, and breweries to move to delivery or to-go service only, ordering hotels and motels to operate at no more than 50% capacity, and requiring casinos, horseracing facilities, recreational and athletic facilities, health clubs, resort spas, flea markets, theaters including movie theaters, and shopping malls to close in order to limit the spread of COVID-19;

WHEREAS, on March 23, 2020, the New Mexico Department of Health issued a second public health order forbidding gatherings of five (5) or more people outside of the home, requiring all nonessential businesses to cease in-person operations, and requiring all call centers to reduce in-person operations by 100%, in addition to the directives instated by the order issued on March 19, 2020; and

WHEREAS, there is evidence of increasing occurrence of COVID-19 within the City of Albuquerque, and some individuals who contract COVID-19 show no symptoms and may not be aware that they have the virus, meaning that gatherings can result in otherwise preventable transmission of the diseases; and

WHEREAS, Albuquerque residents have embraced social distancing practices and aggressive hygienic precautions to protect others and themselves; and

WHEREAS, in less than three weeks of time, COVID-19 has rapidly spread throughout the City of Albuquerque and the State of New Mexico, necessitating updated and more stringent guidance from local, state, and public health officials to slow the further spread of the virus; and

WHEREAS, the necessary business closures and gathering restrictions have a potentially catastrophic economic impact on all businesses in the City, including those micro businesses and small businesses that have less resiliency against these impacts; and

WHEREAS, gross receipts tax from business entities is the single largest revenue source for the City, comprising 37% of the Fiscal Year 2020 budgeted revenue (\$413,771,000), and the ability to stabilize the City's economic and tax revenue base is a tangible benefit to the City; and

WHEREAS, while government entities have previously taken strong action, the City must now adopt additional emergency measures to both limit the spread of COVID-19 and protect the financial health of its residents and entities that do business within the City; and

WHEREAS, the emergency expenditures and the overall magnitude of the financial harm due to New Mexico Executive Order 2020-004 and closing of New Mexico public schools of COVID-19 have yet to be determined; and

WHEREAS, the City of Albuquerque faces the continuing threat of untold damage to public health thereby perpetuating an uncertain financial burden; and

WHEREAS, this local emergency constitutes a public health emergency, and the resulting damage is of such magnitude as to be beyond local control and requires the resources of the federal government, State and City to minimize economic and physical harm necessary to protect the public health, safety, and welfare of the people and property in Albuquerque.

NOW, THEREFORE, I, Timothy M. Keller, Mayor of the City of Albuquerque, by virtue of the authority vested in my office by the Laws of the State of New Mexico and the Albuquerque City Code of Ordinances, do hereby declare the following orders to be necessary for the protection of public health and safety due to the disastrous effects of COVID-19 and order that:

1. Pursuant to § 2-9-1-4(F) of the Civil Emergency Powers Ordinance, I hereby redistribute \$500,000 of one-time, non-recurring funds from the general fund, originally appropriated to the Increment of One Job Training Program, to the City of Albuquerque Micro Business

Relief Program, which shall help address the proclaimed emergency by providing working capital grants of up to \$5,000 for qualifying small businesses impacted by COVID-19; and

2. Pursuant to § 2-9-1-4(G) and § 2-9-1-4(H) of the Civil Emergency Powers Ordinance, the Albuquerque City Clerk and all City departments shall accept electronic signatures, including scanned copies of hard copy signatures, on legal documents, including but not limited to contracts, property agreements, ordinances, and resolutions, and shall attest to electronic signatures of the Mayor and Chief Administrative Officer or their designee, if submitted by the signatory through the signatory's email, to the greatest extent permitted by law; and
3. All provisions of the March 17, 2020, Declaration of Emergency and all orders contained therein remain in full force and effect, except that to the extent that this Order is in conflict with earlier Orders, this Order shall supersede the others; and
4. Pursuant to § 2-9-1-5 and § 2-9-1-7 of the Civil Emergency Powers Ordinance, the Albuquerque Police Department, the Code Enforcement Division of the Planning Department, the Environmental Health Department, and the Fire Marshal's Office of Albuquerque Fire Rescue may enforce or cross-deputize other governmental agencies to enforce this declaration, the State's public health emergency orders, and all orders contained therein and any person who does not comply with this order may be subject to civil penalties; and
5. Pursuant to § 2-9-1-6 of the Civil Emergency Powers Ordinance, the Albuquerque City Council may extend this proclamation for additional periods of time prior to its expiration as it deems necessary; and
6. As Mayor, I further reserve all other authority and powers conferred by the Revised Ordinances of Albuquerque and New Mexico state law to respond as necessary to this situation.

I REQUEST from the New Mexico State Department of Homeland Security and Emergency Management and other appropriate State agencies, financial assistance to supplement the necessary actions taken in response to the local emergency from COVID-19 that began on March 10, 2020 and continues to become more severe.

I REQUEST financial assistance from the Federal Emergency Management Agency and other appropriate federal agencies in the event that the President makes future declarations providing funds to local governments to mitigate the costs incurred during this emergency.

This proclamation shall take effect immediately from and after its issuance and shall be in place for thirty (30) days, and may be extended or terminated prior to that time.

SIGNED ON THIS ___ DAY OF _____, 2020.

TIMOTHY M. KELLER
MAYOR OF ALBUQUERQUE