

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. M-20-2 ENACTMENT NO. _____

SPONSORED BY: Cynthia D. Borrego

1 MEMORIAL

2 URGING THE CITY OF ALBUQUERQUE TO CONSIDER ALTERNATIVE AND
3 SAFE METHODS TO RE-OPEN NON-ESSENTIAL BUSINESSES.

4 WHEREAS, Albuquerque City Council is responsible for the health, safety
5 and general welfare of the City along with the Mayor of Albuquerque; and

6 WHEREAS, on March 19, March 23, and April 6, 2020 The New Mexico
7 Department of Health issued progressively restrictive public health orders
8 restraining public interactions and narrowing definitions of essential
9 businesses and business activities to culminate in requirements that all non-
10 essential businesses reduce in-place workforces by 100%, and reduce the
11 maximum number of customers allowed in essential retail business spaces to
12 20% of the maximum occupancy of that space as determined by the fire
13 marshal or fire department; and

14 WHEREAS, on March 18, March 30, April 10, and April 17, 2020
15 Albuquerque's Mayor Timothy Keller, recognizing the New Mexico Department
16 of Health's prioritization of public safety, issued progressively restrictive
17 Declaration's on the Local State Emergency aimed at increasing social
18 distancing practices and increasing protective equipment and sanitation
19 requirements for essential businesses through May 15, 2020; and

20 WHEREAS, the April 20, 2020 New Mexico Legislative Finance Committee
21 white paper recommended, as a pre-requisite to non-essential businesses re-
22 opening, increased surveillance testing of asymptomatic people and contact
23 tracing, tactics taken into account by Mayor Keller's preliminary
24 considerations to re-open Albuquerque non-essential businesses; and

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1 WHEREAS, on April 30th Governor Michelle Lujan Grisham reaffirmed
2 Executive Order 2020-004 with allowances for the re-opening of Golf Courses
3 and non-essential curb side delivery under certain conditions; and

4 WHEREAS, though the New Mexico Public Health Department mandates
5 offer effective boundaries to the spread of COVID-19 cases and the
6 maintenance of manageable levels of infection, their significant adverse
7 effects on non-essential businesses is resulting in severe consequences to
8 the local economy; and

9 WHEREAS, other municipalities in states across the country have utilized
10 home-rule powers to reopen non-essential business to allow operation in
11 outdoor environments, under certain conditions and, as identified in Exhibit 1:
12 ‘Reopening Policies by State’ a number of other states across the country are
13 enabling non-essential businesses to reopen under varying conditions; and

14 WHEREAS, many municipalities are waiving permit requirements and fees
15 for conducting business in an outdoor environment, including renting
16 barricades, cones, and other street-level equipment and/or storing this
17 equipment in community centers and other public facilities for easier, more
18 cost-effective access; and

19 WHEREAS, The City of Albuquerque Economic Department, The
20 Albuquerque Chamber of Commerce, The Hispano Chamber of Commerce,
21 ABQ Westside Chamber of Commerce, The Small Business Administration
22 and many other local business advocacy groups offer e-commerce coaching
23 services, enabling on-line marketing and order fulfillment’s ready facilitation;
24 and

25 WHEREAS, under current state and city mandated social distancing
26 practices, capacity limits, protective equipment and sanitation requirements,
27 alternative approaches to conducting business such as in outdoor
28 environments, e-commerce capabilities, establishing parklets outside of
29 businesses to support curbside pickups, establishing temporary outdoor
30 restaurant operations, coordinating outdoor markets that are similar to
31 farmers markets in structure but include non-essential businesses, and
32 establishing slow streets pilot programs where selected streets within narrow
33 area boundaries with minimal volumes of traffic could be blocked off (Exhibit

1 2: Outdoor Environment Operation Methods for Non-Essential Businesses), as
2 well as re-opening measures undertaken in other states can and should be
3 considered; and

4 WHEREAS, the additional gross receipts income from re-opening will more
5 than cover the additional costs to the City of administering and monitoring
6 alternative nonessential businesses re-openings.

7 BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE
8 CITY OF ALBUQUERQUE: The City Council of Albuquerque expresses
9 support for the businesses of the City of Albuquerque and urges City Boards
10 and Committees currently convened to address the COVID-19 Health Crisis to
11 consider alternative means of re-opening non-essential business as
12 demonstrated by other states (Exhibit 1: Reopening Policies by State) as well
13 as unique ways of conducting sales such as in outdoor markets, block and
14 neighborhood temporary openings, curb-side pick-up, and encouraging and
15 enabling e-commerce sales (Exhibit 2: Outdoor Environment Operation
16 Methods for Non-Essential Businesses), while following all appropriate public
17 health and safety considerations of the public welfare as mandated by the
18 State of New Mexico Public Health Department.

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