



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. R-20-40 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Brook Bassan & Don Harris

RESOLUTION

Directing The Mayor To Evaluate And Amend For The City As Appropriate The Public Health Orders Requiring The Continued Broad Closures Of Business And Facilities In Response To The Statewide Public Health Emergency (Bassan, Harris)

WHEREAS, on March 11, 2020 Governor Michelle Lujan Grisham issued Executive Order 2020-004, Declaring a Public Health Emergency in New Mexico relating to the spread of COVID-19; and

WHEREAS, in subsequent weeks the New Mexico Department of Health has issued orders limiting public gatherings and requiring non-essential businesses to close or limit business activity; and

WHEREAS, these orders purport statewide applicability in New Mexico even though the threat level and the availability of responsive resources are not uniform across the State; and

WHEREAS, Albuquerque is uniquely situated as the State's only major metropolitan area, and as a result it serves as the State's central economic, retail, medical and general services hub; and

WHEREAS, even as necessary as the public health orders may have been, the economic, social, cultural, and recreational interests of the residents of the City have suffered immensely as a result of the ordered closures, and these impacts have been especially hard on the City's small businesses and retail and service workers; and

WHEREAS, notwithstanding the closure of "non-essential" businesses, those businesses deemed "essential" appear to only include national chain stores and big box retailers which sell or

provide both “essential” and “non-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

WHEREAS, given Albuquerque’s unique situation within the State, reopening decisions within the City have to be made in a way that most effectively balances the necessary health safety protections with common sense limitations that do not unnecessarily burden some businesses over others, or unnecessarily burden community interests that can continue to be promoted without any significant additional detriment to community health 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 23<sup>rd</sup>, 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:

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

C) The continued ban on non-emergency medical procedures continues to be necessary to promote the desired health and safety outcomes.

Section 2. The Mayor shall enter such appropriate orders relating to the “reopening” of the City as appropriate pursuant to the considerations directed under “Section 1”, above.

