



Legislation Text

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

COUNCIL BILL NO. F/S M-20-2 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Cynthia Borrego

MEMORIAL

F/S Urging The City Of Albuquerque To Consider Alternative And Safe Methods To Re-Open  
Non-Essential Businesses (Borrego)

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

WHEREAS, The City of Albuquerque Code of Ordinances Chapter 11 Morals and Conduct, Article 3 Human Rights, Section 2 DECLARATION OF POLICY § 11-3-2 states that in order to assure the public safety, public health and general welfare, Pursuant to Article VIII of the Albuquerque City Charter, the City policy is (C) to protect and promote equality of access to public goods and services; and

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

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

essential businesses through May 15, 2020; and

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

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

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

WHEREAS, other municipalities in states across the country have reopened non-essential business to allow operation in outdoor environments, under certain conditions and restrictions, as identified in Exhibit 1: 'Reopening Policies by State' a number of other states across the country are enabling non-essential businesses to reopen under varying conditions; and

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

WHEREAS, businesses will require and should be considered for additional flexibility and facilitation in their operations by Zoning Enforcement and by City licensing bodies in order to operate in non-traditional ways and outdoor markets as there is no one standard that fits all business needs and types; and

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

WHEREAS, under current state and city mandated social distancing practices, capacity limits, protective equipment and sanitation requirements, alternative approaches to conducting business such as in outdoor environments, e-commerce capabilities, establishing parklets outside of businesses to support curbside pickups, establishing temporary outdoor restaurant operations,

coordinating outdoor markets that are similar to farmers markets in structure but include non-essential businesses, and establishing slow streets pilot programs where selected streets within narrow area boundaries with minimal volumes of traffic could be blocked off (Exhibit 2: Outdoor Environment Operation Methods for Non-Essential Businesses), as well as re-opening measures undertaken in other states can and should be considered; and

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

BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. The City Council expresses support for the business of the City of Albuquerque and urges the Mayor's Administration, and boards, committees and advisory councils that are addressing the Covid-19 health crisis, to consider alternative means of re-opening non-essential business as demonstrated by other states (Exhibit 1: Reopening Policies by State) as well as unique ways of conducting sales such as in outdoor markets, block and neighborhood temporary openings, curb-side pick-up, and encouraging and enabling e-commerce sales (Exhibit 2: Outdoor Environment Operation Methods for Non-Essential Businesses), while following all appropriate public health and safety considerations of the public welfare as mandated by the State of New Mexico Public Health Department.

SECTION 2. The City Council requests that the Mayor work with local business leaders to establish and distribute standardized health guidelines for businesses to follow, that ensure continued protection of the public health and safety against the spread of Covid-19 once restrictions are lifted.

SECTION 3. The City Council requests that the Mayor establish a program to provide resources to businesses for purchase of health screening and other equipment needed to implement re-opening protocols, which comply with appropriate health regulations and directives.

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