

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-63

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

**EXTENDING THE DURATION OF THE MAYOR’S EMERGENCY PROCLAMATION
ISSUED ON NOVEMBER 8, 2021, BY TWENTY-SIX DAYS, EXPIRING AT NOON ON
DECEMBER 6, 2021, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.**

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber’s Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020 the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, the public health emergency declared by the New Mexico Department of
3 Health continues; and

4 **WHEREAS**, subsequent to the Governing Body’s amendments to Section 20-1.3, the
5 Mayor has proclaimed a state of emergency nine times in response to the continuing public health
6 emergency on May 25, 2020; July 27, 2020; September 28, 2020; November 30, 2020; January 20,
7 2021; March 29, 2021; May 24, 2021; July 12, 2021; August 9, 2021; September 27, 2021, and
8 November 8, 2021 (COVID-19 Proclamations II through XIII); and

9 **WHEREAS**, according to the New Mexico Department of Health (“NMDOH”) data, in
10 Santa Fe County, at least 93.3% of eligible residents ages 18 or older have had at least one dose of
11 a COVID-19 vaccine and at least 82.5% are fully vaccinated, nearly 20 percentage points more
12 than New Mexico as a whole¹; and

13 **WHEREAS**, despite the County’s high vaccination rate, instances of positive cases and
14 hospitalizations remain high, averaging between 25-35 cases per day on a 7-day rolling average
15 according to NMDOH, requiring ongoing diligence and City response to suppress the spread of the
16 virus²; and

17 **WHEREAS**, according to NMDOH data, Santa Fe County has suffered 172 deaths
18 attributed to COVID-19 or complications from COVID-19³; and

19 **WHEREAS**, as a result of Proclamation XI and its associated Emergency Orders, the City
20 of Santa Fe reached a 79.8% vaccination rate among employees, an increase of nearly 5% since the
21 last emergency proclamation was extended; and

22 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
23 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending

¹ <https://cvvaccine.nmhealth.org/public-dashboard.html>

² <https://cvprovider.nmhealth.org/public-dashboard.html>

³ <https://cvprovider.nmhealth.org/public-dashboard.html>

1 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
2 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
3 Proclamation IV and the resolution extending it, Resolution No. 2020-30 are attached as Exhibit
4 D; COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
5 as Exhibit E; COVID-19 Proclamation VI and the resolution extending it, Resolution No. 2020-44
6 are attached as Exhibit F; COVID-19 Proclamation VII and the resolution extending it, Resolution
7 No. 2021-9 are attached as Exhibit G; COVID-19 Proclamation VIII and the resolution extending
8 it, Resolution No. 2021-19 are attached as Exhibit H; COVID-19 Proclamation IX and the
9 resolution extending it, Resolution No. 2021-31 are attached as Exhibit I; COVID-19 Proclamation
10 X and the resolution extending it, Resolution No. 2021-40 is attached as Exhibit J, COVID-19
11 Proclamation XI and the resolution extending it, Resolution No. 2021-47 is attached as Exhibit K;
12 COVID-19 Proclamation XII and the Resolution extending it, Resolution No. 2021-51, is attached
13 as Exhibit L; and COVID-19 Proclamation XIII is attached as Exhibit M; and

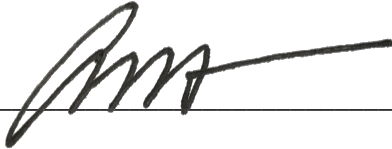
14 **WHEREAS**, if not extended, Proclamation XIII would expire on November 11, 2021; and

15 **WHEREAS**, the Governing Body wishes to extend Proclamation XIII for an additional
16 twenty-six (26) days pursuant to Section 20-1.3(C), an extension that will allow, if needed,
17 reissuance of a proclamation by the Mayor on December 6, 2021, and an extension by the
18 Governing Body on December 8, 2021, a regularly scheduled Governing Body meeting.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
20 **CITY OF SANTA FE** that Proclamation XIII is hereby extended by twenty-six (26) days, expiring
21 at noon on December 6, 2021, pursuant to Section 20-1.3(C).

22 PASSED, APPROVED, and ADOPTED this 10th day of November, 2021.
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25


ALAN WEBBER, MAYOR

ATTEST:


KRISTINE MIHELIC, CITY CLERK

APPROVED AS TO FORM:

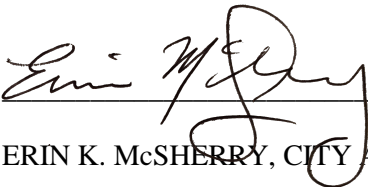

ERIN K. McSHERRY, CITY ATTORNEY

EXHIBIT A

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-10

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON MARCH 13, 2020 BY SEVEN DAYS, PURSUANT TO SECTION 20-1.2 SFCC 1987 AND DECREASING THE PERMITTED NUMBER OF PERSONS PERMITTED TO ASSEMBLE OR GATHER IN PUBLIC PLACES.

WHEREAS, on March 13, 2020 Mayor Webber declared a state of emergency pursuant to SFCC 1987, Section 20-1.2 in response to the Public Health Emergency that is the rapid spread of a virus called COVID-19 (Proclamation); and

WHEREAS, the Declaration is attached as Exhibit A;

WHEREAS, pursuant to Section 20-1.3, the Proclamation expires at noon on the third (3rd) day after it becomes effective;

WHEREAS, the Governing Body wishes to extend the Proclamation for an additional seven (7) days pursuant to Section 20-1.3(C), with the modifications described below.

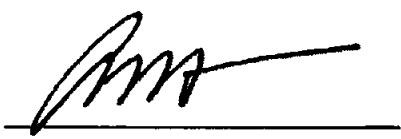
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Proclamation is hereby extended by seven (7) days, expiring at

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

noon on March 23, 2020, pursuant to Section 20-1.3(C) with the following modifications:


No more than fifty (50) people may assemble or gather on the public streets, public parks, or other open areas, either public or private, or in any public building. The definitions of public building and assemble or gather remain the same as described in the March 13, 2020 Declaration.

PASSED, APPROVED, and ADOPTED this 16th day of March, 2020.




ALAN M. WEBBER, MAYOR

ATTEST:


YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:


ERIN K. McSHERRY, CITY ATTORNEY



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY

WHEREAS, pursuant to SFCC 1987, Section 2-1.3, Powers and Duties of the Mayor, the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City's Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists in the municipality, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and preserve public peace and safety and, if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act;

WHEREAS, Santa Fe City Code 1987, Section 2-16, defines "emergency" as any "occasion or instance, such as a terrorist attack, terrorist threat, civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft accident,

EXHIBIT "A"

earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public health or medical emergency, other occurrence requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency as a precautionary tool to facilitate preparation and availability of resources to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus in the nation through its support of state and community-led preparedness and response efforts;

WHEREAS, the New Mexico Department of Health continues to identify a growing number of individuals infected with COVID-19 in New Mexico, including cases in Santa Fe County;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act,

and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2, as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico;

WHEREAS, the further spread of COVID-19 in the City of Santa Fe poses a threat to the health, safety, well-being and property of the residents of the City, including the potential loss of life, serious illness resulting from exposure to the COVID-19 virus, significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare that an emergency exists in the City. As a result of the emergency, events have caused or are causing danger of injury or damage to persons and property within the City. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa

Fe. In particular, I am taking the following actions:

I. I order the following:

a. No more than 100 persons may assemble or gather on the public streets, public parks, or other open areas, either public or private, or in any public building. As used herein, "public" means a place used for a public purpose or as a place of public gathering, owned or under the control of the City and privately-owned properties that are open to the public, such as businesses and religious, charitable, educational, or recreation locations. "Assemble or gather" refers to intentional assemblies of a group of people; it does not refer to the use by individuals or families in the regular course of business, such as dining at a restaurant that happens to serve more than 100 people at a time, shopping at retail location with more than 100 customers, or entering a commercial establishment that happens to have more than 100 people present at that time. This prohibition also does not apply to weddings or funerals, shelters, or hospitals and other healthcare settings.

c. The City Manager shall direct city employees, as applicable, to perform emergency functions;

d. All available resources of the City shall be used to address the emergency as reasonably necessary;

e. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance

Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

g. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designee, if submitted by the signatory through the signatory's email; and

h. The City Clerk, City Manager, and City Attorney shall prepare and post an agenda for an emergency meeting of the City Council of the City of Santa Fe for Monday, March 16, 2020, to include (i) the approval of an extension of this order for seven (7) days; (ii) an amendment to City Rules regarding use of Sick Leave, expanding its permissible use during the Public Health Emergency; and (iii) other such matters as may be needed to address the emergency in Santa Fe.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day to day activities:

- a. For those at high risk (elderly and immune compromised individuals),
secure 3 months of all necessary medical prescriptions;
- b. Avoid contact with people who are sick;

- c. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- d. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol;
- e. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- f. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- g. Avoid handshaking;
- h. Avoid touching your face, nose, and eyes;
- i. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones and other electronic devices);
- j. Avoid crowds, especially in poorly ventilated spaces;
- k. Avoid human-to-human contact sports and swimming pools; and
- l. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. Local businesses should offer paid sick leave whenever feasible;

- b. Local businesses should ban non-essential travel for work;
- c. Local businesses should, when feasible, allow employees to take leave to care for children while the schools are closed;
- d. Local businesses should establish capabilities for employees to work from home where feasible;
- e. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- f. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- g. Residents should refrain from reselling purchases of household items for exorbitant prices;
- h. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- i. Residents should sign up for Alert Santa Fe at <https://www.santafemm.gov/alertsantafe>; and
- j. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City's most

vulnerable populations.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at his disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 13th day of March, 2020 at the hour of 3:30 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:

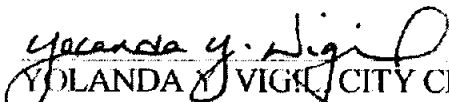

YOLANDA Y. VIGIL CITY CLERK
(SEAL)

EXHIBIT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-13

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON MARCH 23, 2020 BY SIXTY DAYS, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.

WHEREAS, on March 13 , 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of a virus called COVID -19 (Proclamation); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor again proclaimed a state of emergency in response to the continuing Public Health Emergency, due to the continued and growing emergency (Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico Department of Health; and

1 **WHEREAS**, the Proclamation and extension to it, Resolution 2020-10, is attached as
2 Exhibit A and Proclamation II is attached as Exhibit B;

3 **WHEREAS**, the Governing Body wishes to extend Proclamation II for an additional
4 sixty (60) days pursuant to Section 20-1.3(C), with the modifications described below.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
6 **CITY OF SANTA FE** that the Proclamation is hereby extended by sixty (60) days, expiring at
7 noon on May 24, 2020, pursuant to Section 20-1.3(C) with the following modifications:

8 No more than ten (10) people may assemble or gather on the public streets, public parks,
9 or other open areas, either public or private, or in any public building. The definitions of public
10 building and assemble or gather remain the same as described in the March 23, 2020 Declaration.

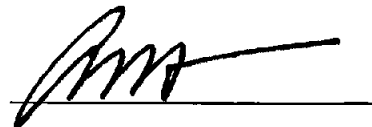
11 **PASSED, APPROVED, and ADOPTED** this 25th day of March, 2020.

12

13

14

15



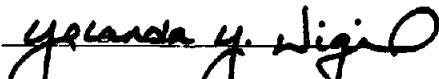
ALAN WEBBER, MAYOR

16 ATTEST:.

17

18

19


YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21

22

23

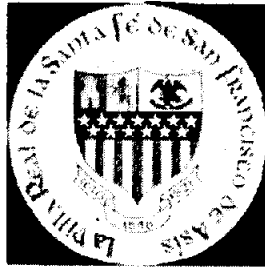
24

25


ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Resolutions/2020-13 State of Emergency Extension

EXHIBIT B



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY II- COVID-19

WHEREAS, pursuant to SFCC 1987, Section 2-1.3, Powers and Duties of the Mayor, the Mayor has, within the City limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City's Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists in the municipality, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and preserve public peace and safety and, if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act;

WHEREAS, Santa Fe City Code 1987, Section 2-16, defines "emergency" as any "occasion or instance, such as a terrorist attack, terrorist threat, civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft accident,

earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public health or medical emergency, other occurrence requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency as a precautionary tool to facilitate preparation and availability of resources to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus in the nation through its support of state and community-led preparedness and response efforts;

WHEREAS, the New Mexico Department of Health continues to identify a growing number of individuals infected with COVID-19 in New Mexico, including cases in Santa Fe County;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the

State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2, as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico;

WHEREAS, the further spread of COVID-19 in the City of Santa Fe poses a threat to the health, safety, well-being and property of the residents of the City, including the potential loss of life, serious illness resulting from exposure to the COVID-19 virus, significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in

the City on March 13, 2020 (Proclamation I);

WHEREAS, on March 16, 2020, the Governing Body of the City extended Proclamation I through March 23, 2020, which was the longest period of time permitted under the City's ordinances at that time;

WHEREAS, also on March 16, the Governing Body adopted new personnel rules to allow City employees to use sick leave and administrative leave for new purposes related to the emergency;

WHEREAS, on March 18, I supplemented my initial order to prohibit evictions due to inability to pay due to the COVID-19 virus; suspend parking fee enforcement; suspend fees for transit; delay the collection of lodgers tax, but not the reporting thereof; and suspend water shut-offs for failure to pay, but not the charges for water; and

WHEREAS, the emergency I proclaimed on March 13, 2020 continues, with sixty-five (65) documented cases of COVID-19 in New Mexico and ten (10) documented cases in Santa Fe County, with an anticipated significant increase in the coming days and weeks.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, again, that an emergency exists in the City. As a result of the emergency, events have caused or are causing danger of injury or damage to

persons and property within the City. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe. In particular, I take the following actions:

I. I order the following:

a. No more than five (5) persons may assemble or gather on the public streets, public parks, or other open areas, either public or private, or in any public building. As used herein, "public" means a place used for a public purpose or as a place of public gathering, owned or under the control of the City and privately owned properties that are open to the public, such as businesses and religious, charitable, educational, or recreation locations. "Assemble or gather" refers to intentional assemblies of a group of people; it does not refer to the use by individuals or families in the regular course of business, such as shopping at an essential retail location with more than five (5) customers, or entering an essential commercial establishment that happens to have more than five (5) people present at that time. This prohibition also does not apply to weddings or funerals, shelters, or hospitals and other healthcare settings;

b. The City Manager shall reduce or eliminate in-person provision of City services wherever possible and direct city employees, as applicable, to

perform emergency functions;

c. All available resources of the City shall be used to address the emergency as reasonably necessary;]

d. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

e. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designee, if submitted by the signatory through the signatory's email;

f. Landlords are prohibited from evicting residential and commercial tenants who, because of the public health emergency, are unable to pay rent on time.

This order does not seek to change the obligation of the tenant to pay rent;

g. Lodgers Tax will not be due during the public health emergency, but still must be reported fully and on time;

h. Water shut-offs for non-payments of the bill will cease, while charges will continue to accrue and be owed;

i. The requirement to pay parking fees is suspended, while restrictions on

parking locations and access rules remain in place and outstanding parking citations must be paid;

j. The requirement to pay City transit fees is suspended;

k. Short-term rental permit renewal late fees may be submitted after April 15, 2020, during the Proclaimed emergency, but must be submitted before May 15, 2020; and

l. Until May 31, 2020, recipients of parking citations issued before this Proclamation II may appeal or pay citation within sixty (60) days from issuance, but they are encouraged to pay or appeal within the fifteen (15) day deadline.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day-to-day activities:

- a. For those who have traveled out of state or out of the country, self-quarantine for two (2) weeks after return or arrival to New Mexico;
- b. For those at high risk (elderly and immune compromised individuals), secure three (3) months of all necessary medical prescriptions;
- c. Avoid contact with people who are sick;

- d. Practice “social distancing”, by maintain six (6) feet between yourself and others;
- e. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- f. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- g. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- h. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- i. Avoid handshaking;
- j. Avoid touching your face, nose, and eyes;
- k. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices);
- l. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should stay at home, with the exception of essential trips such as going to buy food, getting medical prescriptions filled and supplies purchased, and to attend to other essential business;
- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should ban non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children while the schools are closed;
- e. Local businesses should establish capabilities for employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;

- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>; and
- k. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City’s most vulnerable populations;
- l. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing

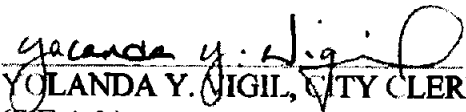
Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 23rd day of March, 2020 at the
hour of 1:12 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

—
ATTEST:



YOLANDA Y. VIGIL, CITY CLERK
(SEAL)

EXHIBIT C

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-20

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

**EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON
MAY 25, 2020 BY SIXTY (60) DAYS, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.**

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of a virus called COVID-19 (Proclamation); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor again proclaimed a state of emergency in response to the continuing Public Health Emergency, due to the continued and growing emergency (Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico Department of Health; and

1 **WHEREAS**, on May 25, 2020, the Mayor proclaimed a state of emergency in response
2 to the continuing Public Health Emergency a third time, due to the continuing public health
3 emergency that is the COVID-19 pandemic (COVID-19 Proclamation III); and

4 **WHEREAS**, COVID-19 Proclamation I and the resolution extending it, Resolution No.
5 2020-1-, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending it,
6 Resolution No. 2020-13, are attached as Exhibit B; and COVID-19 Proclamation III is attached as
7 Exhibit C; and

8 **WHEREAS**, the Governing Body wishes to extend Proclamation III for an additional
9 sixty (60) days pursuant to Section 20-1.3(C).

10 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
11 **CITY OF SANTA FE** that the Proclamation is hereby extended by sixty (60) days, expiring at
12 noon on July 26, 2020, pursuant to Section 20-1.3(C) with the following modifications:

13 PASSED, APPROVED, and ADOPTED this 27th day of May, 2020.

14

15

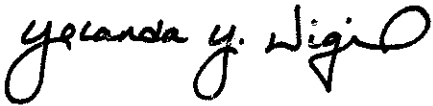
16



17 ATTEST:

ALAN WEBBER, MAYOR

18



19
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

22



23
24 ERIN K. McSHERRY, CITY ATTORNEY

25 *Legislation/2020/Resolutions/2020-20 State of Emergency 60 Day Extension III*



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY III- COVID-19

WHEREAS, pursuant to SFCC 1987, Section 2-1.3, Powers and Duties of the Mayor, the Mayor has, within the City limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City's Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists in the city, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and preserve public peace and safety and, if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act;

WHEREAS, Santa Fe City Code 1987, Section 2-16, defines "emergency" as any "occasion or instance, such as a terrorist attack, terrorist threat, civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft accident,

earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public health or medical emergency, other occurrence requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency as a precautionary tool to facilitate preparation and availability of resources to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus in the nation through its support of state and community-led preparedness and response efforts;

WHEREAS, the New Mexico Department of Health continues to identify a growing number of individuals infected with COVID-19 in New Mexico, including 129 cases in Santa Fe County;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act,

and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2, as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe poses a threat to the health, safety, well-being and property of the residents of the City, including the potential loss of life, serious illness resulting from exposure to the COVID-19 virus, significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020 (Proclamation I) and March 23, 2020 (Proclamation II);

WHEREAS, on March 16, 2020, the Governing Body of the City extended Proclamation I through March 23, 2020, and on March 25, 2020, the Governing Body extended Proclamation II through May 24, 2020;

WHEREAS, Secretary Kunkel issued a series of Public Health Orders on March 13, 2020; March 16, 2020; March 19, 2020; March 23, 2020; March 25, 2020; April 6, 2020; April 11, 2020; April 30, 2020; May 5, 2020; and May 15, 2020, imposing various restrictions on activities within New Mexico;

WHEREAS, the pandemic and the City's and State's rapid and effective response to it, including the elimination of mass gatherings and implementing significant social distancing measures, have resulted in an unprecedented fiscal crisis for the City, its residents, and its businesses: a large number of residents have suffered reduced hours or job loss; the City's mom and pop stores and shops were closed to combat the spread of the virus, with great financial losses; the major businesses and markets that traditionally have catered to the tourists who flock to Santa Fe have had their revenues reduced to a trickle or their historic events have been cancelled entirely;

WHEREAS, at the time of this Proclamation, the City anticipates over a \$100 million operating deficit due to reduced revenues, which is a significant proportion of the City's operating budget;

WHEREAS, as the rates of infection, hospitalization, and death from the COVID-19 pandemic begin to flatten and decrease in New Mexico, Governor Lujan Grisham and Secretary Kunkel have begun to "reopen" New Mexico, by lifting certain restrictions while requiring implementation of "COVID-19 Safe Practices"; and

WHEREAS, certain orders I previously issued remain necessary to protect life and

property and preserve public peace and safety of the people of Santa Fe; and other orders I previously issued require updating as the State of New Mexico begins to reopen.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency and a financial emergency exist in the City. As a result of these emergencies, events have caused or are causing danger of injury or damage to persons and property within the City. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe. In particular, I take the following actions:

I. I order the following:

a. No more than five (5) persons may assemble or gather on the public streets, public parks, or other open areas, either public or private, or in any public building. When the State's limitations on mass gatherings permit greater numbers of persons to gather, this order shall allow the same number to gather. As used herein, "public" means a place used for a public purpose or as a place of public gathering, owned or under the control of the City and privately owned properties that are open to the public, other than in religious and educational buildings as permitted pursuant to State orders that are in place. "Assemble or gather" refers to intentional assemblies of a group of

people; it does not refer to the use of a space by individuals or families in the location's regular course of business, such as shopping at a retail location where there are more than five (5) customers or entering a commercial establishment that happens to have more than five (5) people present at that time. This prohibition also does not apply to weddings or funerals, shelters, or hospitals and other healthcare settings;

b. The City Manager shall address the public health emergency by

- i. reducing or eliminating in-person provision of City services wherever possible
- ii. directing City employees, as applicable, to perform emergency functions; and
- iii. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees;

c. The City Manager shall address the financial emergency by

- i. identifying savings across the City's operations;
- ii. making recommendations to the Governing Body regarding options for streamlining and reducing the cost of City government, including options for reduced service levels and ways as well as ways to increase City revenues; and
- iii. identifying mechanisms and facilitating City collaboration with local

partners to safely reopen Santa Fe to allow activities that generate City revenues;

d. All available resources of the City shall be used to address the emergency as reasonably necessary;

e. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

f. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory's email;

g. Until the New Mexico Supreme Court lifts its injunction, landlords are prohibited from evicting residential tenants. In addition, landlords are prohibited from evicting commercial tenants who are unable to pay rent on time because, due to the public health emergency, they have been prohibited from opening to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages discussions of payment plans between landlords and tenants;

h. Lodgers Tax will not be due during the public health emergency, but still

must be reported fully and on time;

i. Water shut-offs for non-payments of the bill will cease, while charges will continue to accrue and be owed;

j. The collection of parking fees remains suspended through May 31 for on-street parking and remains suspended through June 30 for garage parking; restrictions on parking locations and access rules remain in place;

k. The collection of City transit fees is suspended;

l. Until May 31, 2020, recipients of parking citations issued before March 23, 2020 may appeal or pay citation within sixty (60) days from issuance, but they are encouraged to pay or appeal within the fifteen (15) day deadline.

m. The April 6, 2020 orders I issued regarding grocery stores and super markets and the April 10, 2020 exceptions to those orders that I issued for use of reusable bags remain in place;

n. Unless a healthcare provider instructs otherwise or the State exempts a person from wearing a facial covering for a reason such as age, all individuals shall wear a mask or facial covering in public settings except when eating, drinking, or exercising; as used here “public setting” means indoor spaces that are open to the public and outdoor spaces that are open to the public where there is not six-feet of distance between persons at all times;

o. Retail; restaurants; office and call centers; grocery stores and farmers’

markets; youth programs; manufacturing, warehouse, and food production; hotels, resorts and lodging; golf courses; tour operators; houses of worship; farms, ranches and dairy producers and processors; veterinarians and animal care facilities; construction and field operations; automobile dealerships and services; and medical providers and other industries shall comply with the State-issued COVID-19 Safe Practices (CSPs), which are accessible online: www.cv.nmhealth.org/covid-safe-practices.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day-to-day activities:

- a. For those who flown into New Mexico from out of the state or out of the country, self-quarantine for two (2) weeks after return or arrival to New Mexico;
- b. For those at high risk (elderly and immune compromised individuals), secure three (3) months of all necessary medical prescriptions;
- c. Avoid contact with people who are sick;
- d. Practice “social distancing”, by maintain six (6) feet between yourself and others;
- e. Wash your hands often with soap and water for at least 20 seconds,

especially after blowing your nose, coughing, or sneezing, or having been in a public place;

- f. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- g. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- h. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- i. Avoid handshaking;
- j. Avoid touching your face, nose, and eyes;
- k. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices); and
- l. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above, and as further described in the Santa Fe Promise, below;

- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should ban non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children while the schools are closed;
- e. Local businesses should establish capabilities for employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;
- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>; and
- k. Residents should identify opportunities to use technology to maintain

supportive community engagement and contact with the City's most vulnerable populations;

l. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico; and

m. Residents should make the "Santa Fe Promise": I promise to:

Act as if I carry the coronavirus.

Maintain social distancing of at least six feet.

Wear a face covering, wash my hands, use sanitizer.

Buy from local businesses that also make this promise.

Practice patience, compassion, empathy, connection, respect and love.

We will keep Santa Fe safe. We will keep Santa Fe open. Together.

n. Residents should support local businesses that take the Santa Fe Promise.

IV. Effective Date

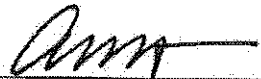
I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing

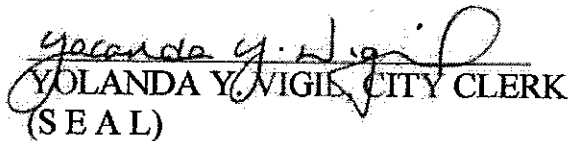
Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 25th day of May, 2020 at the hour
of 7:45 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:



YOLANDA YVIGIE, CITY CLERK
(SEAL)

EXHIBIT D

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-30

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

**EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON
JULY 27, 2020 BY SIXTY (60) DAYS, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.**

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico Department of Health; and

1 **WHEREAS**, on May 25, 2020, the Mayor proclaimed a state of emergency in response
2 to the continuing Public Health Emergency a third time, due to the continuing public health
3 emergency that is the COVID -19 pandemic (COVID-19 Proclamation III); and

4 **WHEREAS**, on May 27, 2020, the Governing Body extended COVID-19 Proclamation
5 III for sixty days; and

6 **WHEREAS**, the COVID-19 pandemic has intensified in Santa Fe since Mayor Webber
7 issued Proclamation III; and

8 **WHEREAS**, on July 27, 2020 Mayor Webber proclaimed a state of emergency for a
9 fourth time, due to the continuing public health emergency that is the COVID -19 pandemic
10 (COVID-19 Proclamation IV);

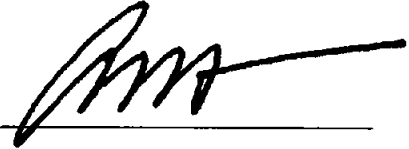
11 **WHEREAS**, the COVID -19 Proclamation I and the resolution extending it, Resolution
12 2020-10, are attached as Exhibit A; COVID -19 Proclamation II and the resolution extending it,
13 Resolution 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the resolution
14 extending it, Resolution 2020-20 , are attached as Exhibit C; and COVID-19 Proclamation IV is
15 attached as Exhibit D; and

16 **WHEREAS**, the Governing Body wishes to extend Proclamation IV for an additional
17 sixty (60) days pursuant to Section 20-1.3(C).

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that Proclamation IV is hereby extended by sixty (60) days, expiring at
20 noon on September 27, 2020, pursuant to Section 20-1.3(C).

21 PASSED, APPROVED, and ADOPTED this 29th day of July 2020.

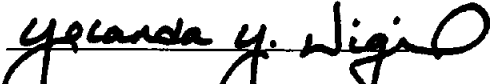
22
23
24
25


ALAN WEBBER, MAYOR

1 ATTEST:

2

3


YOLANDA Y. VICINI, CITY CLERK

4

5

APPROVED AS TO FORM:

6

7


ERIN K. McSHERRY, CITY ATTORNEY

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Legislation/2020/Resolutions/2020-30 State of Emergency Extension IV



CITY OF SANTA FE
PROCLAMATION OF EMERGENCY IV- COVID-19

WHEREAS, pursuant to SFCC 1987, Section 2-1.3, Powers and Duties of the Mayor, the Mayor has, within the City limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City's Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists in the city, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and preserve public peace and safety and, if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act;

WHEREAS, Santa Fe City Code 1987, Section 2-16, defines "emergency" as any "occasion or instance, such as a terrorist attack, terrorist threat, civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft accident, earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public health or medical emergency, other occurrence requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment";

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and

Human Services Secretary declared a public health emergency as a precautionary tool to facilitate preparation and availability of resources to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus in the nation through its support of state and community-led preparedness and response efforts;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2, as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe poses a threat to the health, safety, well-being and property of the residents of the City, including the potential loss of life, serious illness resulting from exposure to the COVID-19 virus, significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020 (Proclamation I), and I recognized the continuation of the emergency on March 23, 2020 in a second proclamation (Proclamation II) and in a third proclamation on May 26, 2020 (Proclamation III);

WHEREAS, Secretary Kunkel issued a series of Public Health Orders on March 13, 2020; March 16, 2020; March 19, 2020; March 23, 2020; March 25, 2020; April 6, 2020; April 11, 2020; April 30, 2020; May 5, 2020; May 15, 2020, May 27, 2020; June 1, 2020; June 12, 2020; June 15, 2020; June 30, 2020; and July 13, 2020, imposing various restrictions on activities within New Mexico;

WHEREAS, the New Mexico Department of Health continues to identify a growing number of individuals who have been infected with COVID-19 in New Mexico, including 497 cases in Santa Fe County;

WHEREAS, after certain restrictions were lifted in May and June, rates of COVID-19 infection increased, exceeding earlier rates of transmission;

WHEREAS, Proclamation III expires on July 26, 2020;

WHEREAS, the Centers for Disease Control (CDC) has issued guidance during the pandemic that cautions against moving or clearing encampments due to the risk of dispersing people in the community and breaking their connections with service providers;

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve public peace and safety of the people of Santa Fe; and other orders I previously issued require updating to address the continuing pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result of these emergencies, events have caused or are causing danger of injury or damage to persons and property within the City. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. Gatherings of five (5) or more persons may not take place on the public streets, public parks, or other open areas, either public or private, or in any public building. When the State's limitations on mass gatherings permit greater numbers of persons to gather, this order shall allow the same number to gather. As used herein, "public" means a place used for a public purpose or as a place of public gathering, owned or under the control of the City and privately owned properties that are open to the public, other than in religious and educational buildings as permitted pursuant to State orders

that are in place. "Assemble or gather" refers to intentional assemblies of a group of people; it does not refer to the use of a space by individuals or families in the location's regular course of business, such as shopping at a retail location where there are more than five (5) customers or entering a commercial establishment that happens to have more than five (5) people present at that time. This prohibition also does not apply to weddings or funerals, shelters, or hospitals and other healthcare settings;

- b. The City Manager shall address the public health emergency by
 - i. reducing or eliminating in-person provision of City services wherever possible;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. adopting a policy to evaluate and address the public health risks, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments when leaving them in place furthers the purposes of this Order; and
 - iii. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees;
- d. All available resources of the City shall be used to address the emergency as reasonably necessary;
- e. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;
- f. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory's email;
- g. Until the New Mexico Supreme Court lifts its injunction, landlords are prohibited from evicting residential tenants. In addition, landlords are

prohibited from evicting commercial tenants who are unable to pay rent on time because, due to the public health emergency, they have been prohibited from opening to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages discussions of payment plans between landlords and tenants;

h. Lodgers Tax payments shall resume on a monthly basis and payments previously delayed during the public health emergency shall be submitted during Fiscal Year 2021, along with future payments; at least one quarter of the delayed amount shall be paid by the end of each quarter of Fiscal Year 2021;

i. Water shut-offs for non-payments of the bill will cease, while charges will continue to accrue and be owed;

k. The collection of City transit fees shall be reinstated, implementing COVID-19 Safe Practices (CSPs);

m. The April 6, 2020 orders I issued regarding grocery stores and super markets and the April 10, 2020 exceptions to those orders that I issued for use of reusable bags remain in place;

n. Unless a healthcare provider instructs otherwise or the State exempts a person from wearing a facial covering for a reason such as age, all individuals shall wear a mask or facial covering in public settings except when eating, drinking, or swimming; as used here "public setting" means places that are open to the public where there is not six-feet of distance between persons at all times;

o. Retail; restaurants; office and call centers; grocery stores and farmers' markets; youth programs; manufacturing, warehouse, and food production; hotels, resorts and lodging; golf courses; tour operators; houses of worship; farms, ranches and dairy producers and processors; veterinarians and animal care facilities; construction and field operations; automobile dealerships and services; and medical providers and other industries shall comply with the State-issued CSPs, which are accessible online: www.cv.nmhealth.org/covid-safe-practices; and

- p. Employers shall not retaliate against employees for seeking to comply with CSPs, advocating that their place of business follow CSPs, or reporting non-compliance with CSPs.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day-to-day activities:

- a. For those who have traveled into New Mexico from out of the state or out of the country, self-quarantine for two (2) weeks after return or arrival to New Mexico;
- b. For those at high risk (elderly and immune compromised individuals), secure three (3) months of all necessary medical prescriptions;
- c. Avoid contact with people who are sick;
- d. Practice “social distancing”, by maintain six (6) feet between yourself and others;
- e. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- f. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- g. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- h. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- i. Avoid handshaking;
- j. Avoid touching your face, nose, and eyes;
- k. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices); and
- l. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above, and as further described in the Santa Fe

Promise, below;

- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should ban non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children while the schools are closed;
- e. Local businesses should establish capabilities for employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;
- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for "Alert Santa Fe" at <https://www.santafenm.gov/alertsantafe>; and
- k. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City's most vulnerable populations;
- l. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico; and
- m. Residents should make the "Santa Fe Promise" at <https://www.santafenm.gov/promise>:

I promise to:

Act as if I carry the coronavirus.

Maintain social distancing of at least six feet.

Wear a face covering, wash my hands, use sanitizer.

Buy from local businesses that also make this promise.

Practice patience, compassion, empathy, connection, respect and love.

We will keep Santa Fe safe. We will keep Santa Fe open.

Together.

n. Residents should support local businesses that take the Santa Fe Promise.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.


This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 27th day of July, 2020 at the hour of 3:04 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:



YOLANDA Y. MIGIK, CITY CLERK
(SEAL)

EXHIBIT E

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-39

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

**EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON
SEPTEMBER 28, 2020 BY SIXTY (60) DAYS, PURSUANT TO SECTION 20-1.3(C) SFCC
1987.**

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, on May 25, 2020, the Mayor proclaimed a state of emergency in response to
3 the continuing Public Health Emergency a third time, due to the continuing public health
4 emergency that is the COVID-19 pandemic (COVID-19 Proclamation III); and

5 **WHEREAS**, on May 27, 2020, the Governing Body extended COVID-19 Proclamation
6 III for sixty days; and

7 **WHEREAS**, the COVID-19 pandemic has intensified in Santa Fe since Mayor Webber
8 issued Proclamation III; and

9 **WHEREAS**, on July 27, 2020 Mayor Webber proclaimed a state of emergency for a fourth
10 time, due to the continuing public health emergency that is the COVID-19 pandemic (COVID-19
11 Proclamation IV);

12 **WHEREAS**, on July 29th, 2020 the Governing Body extended COVID-19 Proclamation
13 IV for sixty days; and

14 **WHEREAS**, Proclamation IV expired on September 27 and the Mayor again proclaimed
15 an emergency on September 28, 2020 (Proclamation V), due to the ongoing pandemic;

16 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
17 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
18 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
19 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
20 Proclamation IV and the resolution extended it, Resolution No. 2020-30 are attached as Exhibit D;
21 and

22 **WHEREAS**, the Governing Body wishes to extend Proclamation V, attached as Exhibit
23 E, for an additional sixty (60) days pursuant to Section 20-1.3(C).

24 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
25 **CITY OF SANTA FE** that Proclamation V is hereby extended by sixty (60) days, expiring at noon

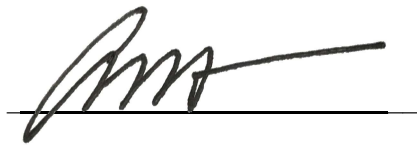
1 on November 30, 2020, pursuant to Section 20-1.3(C).

2 PASSED, APPROVED, and ADOPTED this 30th day of September, 2020.

3

4

5

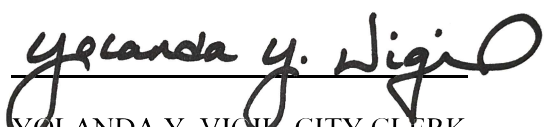


6

ALAN WEBBER, MAYOR

7 ATTEST:

8



10 YOLANDA Y. VIGIL, CITY CLERK

11 APPROVED AS TO FORM:

12



14 ERIN K. McSHERRY, CITY ATTORNEY

15

16

17

18

19

20

21

22

23

24

25 *Legislation/2020/Resolutions/2020-39 State of Emergency Extension V*

EXHIBIT E



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY V- COVID-19

WHEREAS, pursuant to SFCC 1987, Section 2-1.3, Powers and Duties of the Mayor, the Mayor has, within the City limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City's Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists in the city, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and preserve public peace and safety and, if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act;

WHEREAS, Santa Fe City Code 1987, Section 2-16, defines "emergency" as any "occasion or instance, such as a terrorist attack, terrorist threat, civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft accident, earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public health or medical emergency, other occurrence requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment";

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and

Human Services Secretary declared a public health emergency as a precautionary tool to facilitate preparation and availability of resources to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus in the nation through its support of state and community-led preparedness and response efforts;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2, as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe poses a threat to the health, safety, well-being and property of the residents of the City, including the potential loss of life, serious illness resulting from exposure to the COVID-19 virus, significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020 (Proclamation I), and I recognized the continuation of the emergency on March 23, 2020 in a second proclamation (Proclamation II), in a third proclamation on May 26, 2020 (Proclamation III), and in a fourth proclamation on July 27, 2020 (Proclamation IV);

WHEREAS, Secretary Kunkel issued a series of Public Health Orders on March 13, 2020; March 16, 2020; March 19, 2020; March 23, 2020; March 25, 2020; April 6, 2020; April 11, 2020; April 30, 2020; May 5, 2020; May 15, 2020, May 27, 2020; June 1, 2020; June 12, 2020; June 15, 2020; June 30, 2020; and July 13, 2020,

imposing various restrictions on activities within New Mexico;

WHEREAS, the New Mexico Department of Health continues to identify a growing number of individuals who have been infected with COVID-19 in New Mexico, including 970 cases in Santa Fe County;

WHEREAS, after certain restrictions were lifted in May and June, rates of COVID-19 infection increased, exceeding earlier rates of transmission;

WHEREAS, Proclamation IV expired on September 27, 2020;

WHEREAS, the Centers for Disease Control (CDC) has issued guidance during the pandemic that cautions against moving or clearing encampments due to the risk of dispersing people in the community and breaking their connections with service providers; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve public peace and safety of the people of Santa Fe; and other orders I previously issued require updating to address the continuing pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result of these emergencies, events have caused or are causing danger of injury or damage to persons and property within the City. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. Gatherings of greater than ten (10) persons may not take place on the public streets, public parks, or other open areas, either public or private, or in any public building. When the State's limitations on mass gatherings permit greater numbers of persons to gather, this order shall allow the same number to gather. As used herein, "public" means a place used for a public purpose or as a place of public gathering, owned or under the control of the City and privately owned properties that are open to the public, other than in religious and educational buildings as permitted pursuant to State orders

that are in place. “Assemble or gather” refers to intentional assemblies of a group of people; it does not refer to the use of a space by individuals or families in the location’s regular course of business, such as shopping at a retail location where there are more than ten (10) customers or entering a commercial establishment that happens to have more than ten (10) people present at that time. This prohibition also does not apply to weddings or funerals, shelters, or hospitals and other healthcare settings;

- b. The City Manager shall address the public health emergency by
 - i. reducing or eliminating in-person provision of City services wherever possible;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. facilitating the implementation of the policy adopted to evaluate and address the public health risks, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments when leaving them in place furthers the purposes of this Order; and
 - iii. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees;

d. All available resources of the City shall be used to address the emergency as reasonably necessary;

e. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

f. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory’s email;

g. Until the New Mexico Supreme Court lifts its injunction, landlords are prohibited from evicting residential tenants. In addition, landlords are

prohibited from evicting commercial tenants who are unable to pay rent on time because, due to the public health emergency, they have been prohibited from opening to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages discussions of payment plans between landlords and tenants;

h. Lodgers Tax payments shall continue on a monthly basis and payments previously delayed during the public health emergency shall be submitted during Fiscal Year 2021, along with future payments; at least one quarter of the delayed amount shall be paid by the end of each quarter of Fiscal Year 2021;

i. The moratorium on water shut-offs will continue, while charges will continue to accrue and be owed;

m. The April 6, 2020 orders I issued regarding grocery stores and super markets and the April 10, 2020 exceptions to those orders that I issued for use of reusable bags remain in place;

n. Unless a healthcare provider instructs otherwise or the State exempts a person from wearing a facial covering for a reason such as age, all individuals shall wear a mask or facial covering in public settings except when eating or drinking; as used here “public setting” means places that are open to the public where there is not six-feet of distance between persons at all times;

o. Retail; restaurants; office and call centers; grocery stores and farmers’ markets; youth programs; manufacturing, warehouse, and food production; hotels, resorts and lodging; golf courses; tour operators; houses of worship; farms, ranches and dairy producers and processors; veterinarians and animal care facilities; construction and field operations; automobile dealerships and services; and medical providers and other industries shall comply with the State-issued CSPs, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

p. Employers shall not retaliate against employees for seeking to comply with CSPs, advocating that their place of business follow CSPs, or reporting non-compliance with CSPs.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day-to-day activities:

- a. For those who have traveled into New Mexico from out of the state or out of the country, self-quarantine as required in the Executive Order in place at the time of return to the State. Currently that Order requires a fourteen (14) day self-quarantine when an individual returns to New Mexico from a State or Country with a positive test rate of greater than a seven-day rolling average of 80 per 100,000 individuals or five percent (5%) or greater, unless they have obtained a negative COVID-19 test within three (3) days before or after arrival in the state;
- b. For those at high risk (elderly and immune compromised individuals), secure three (3) months of all necessary medical prescriptions;
- c. Avoid contact with people who are sick;
- d. Practice “social distancing”, by maintain six (6) feet between yourself and others;
- e. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- f. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- g. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- h. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- i. Avoid handshaking;
- j. Avoid touching your face, nose, and eyes;
- k. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices); and
- l. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section

II of this Order, above, and as further described in the Santa Fe Promise, below;

- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should ban non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children while the schools are closed;
- e. Local businesses should establish capabilities for employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;
- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
- k. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City’s most vulnerable populations;
- l. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico;
- m. Residents should make the “Santa Fe Promise” at <https://www.santafenm.gov/promise>:

I promise to:

Act as if I carry the coronavirus.

Maintain social distancing of at least six feet.

Wear a face covering, wash my hands, use sanitizer.

Buy from local businesses that also make this promise.

Practice patience, compassion, empathy, connection, respect and love.

We will keep Santa Fe safe. We will keep Santa Fe open.
Together.

- n. Residents should support local businesses that take the Santa Fe Promise; and
- o. Residents should download the NOVID phone application, which allows for user alerts of their actual or potential exposure to individuals who have a positive COVID-19 test within a relevant time period, without either collecting or disclosing the users' personal identifying information or locations.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

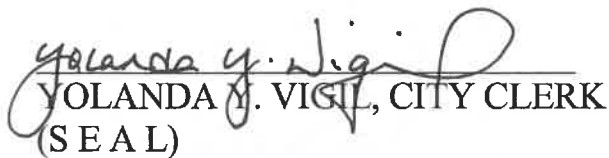
This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 28th day of September, 2020 at the hour of 11:30 o'clock A.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:



YOLANDA J. VIGIL, CITY CLERK
(SEAL)

EXHIBIT F



CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-44

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON NOVEMBER 30, 2020 BY SIXTY (60) DAYS, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, on May 25, 2020, the Mayor proclaimed a state of emergency in response to
3 the continuing Public Health Emergency a third time, due to the continuing public health
4 emergency (COVID-19 Proclamation III); and

5 **WHEREAS**, on May 27, 2020, the Governing Body extended COVID-19 Proclamation
6 III for sixty days; and

7 **WHEREAS**, the COVID-19 pandemic has intensified in Santa Fe since Mayor Webber
8 issued Proclamation III; and

9 **WHEREAS**, on July 27, 2020 Mayor Webber proclaimed a state of emergency for a fourth
10 time, due to the continuing public health emergency (COVID-19 Proclamation IV);

11 **WHEREAS**, on July 29, 2020 the Governing Body extended COVID-19 Proclamation IV
12 for sixty days; and

13 **WHEREAS**, on September 28, 2020, Mayor Webber proclaimed a state of emergency for
14 a fifth time, due to the continuing public health emergency (COVID-19 Proclamation V);

15 **WHEREAS**, on September 30, 2020 the Governing Body extended COVID-19
16 Proclamation V for sixty days;

17 **WHEREAS** on November 30, Mayor Webber proclaimed a state of emergency for a
18 sixth time, due to the continuing public health emergency (COVID-19 Proclamation VI); and

19 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
20 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
21 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
22 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
23 Proclamation IV and the resolution extended it, Resolution No. 2020-30 are attached as Exhibit D;
24 COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
25 as Exhibit E; and COVID-19 Proclamation VI is attached as Exhibit F; and

1 **WHEREAS**, if not extended, Proclamation VI would expire on December 3, 2020. The
2 Governing Body wishes to extend Proclamation VI for an additional sixty (60) days pursuant to
3 Section 20-1.3(C).

4 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
5 **CITY OF SANTA FE** that Proclamation VI is hereby extended by sixty (60) days, expiring at
6 noon on January 30, 2021, pursuant to Section 20-1.3(C).

7 PASSED, APPROVED, and ADOPTED this 1st day of December, 2020.

8
9
10 

11 ALAN WEBBER, MAYOR

12 ATTEST:

13
14 
15 YOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

17 
18
19 ERIN K. McSHERRY, CITY ATTORNEY



CITY OF SANTA FE
PROCLAMATION OF EMERGENCY VI- COVID-19
November 30, 2020

WHEREAS, pursuant to SFCC 1987, Section 2-1.3, Powers and Duties of the Mayor, the Mayor has, within the City limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City’s Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists in the city, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and preserve public peace and safety and, if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act;

WHEREAS, Santa Fe City Code 1987, Section 2-16, defines “emergency” as any “occasion or instance, such as a terrorist attack, terrorist threat, civil unrest, wildland and urban fire, flood, hazardous materials spill, nuclear accident, aircraft accident, earthquake, hurricane, tornado, tropical storm, tsunami, war-related disaster, public health or medical emergency, other occurrence requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but has been found to have adapted to humans such that it is contagious and easily spread from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and

Human Services Secretary declared a public health emergency as a precautionary tool to facilitate preparation and availability of resources to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus in the nation through its support of state and community-led preparedness and response efforts;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the current outbreak of COVID-19 a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2, as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and that can reasonably be expected to lead to adverse health effects in the community, and that poses an imminent threat of substantial harm to the population of New Mexico;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe poses a threat to the health, safety, well-being and property of the residents of the City, including the potential loss of life, serious illness resulting from exposure to the COVID-19 virus, significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020 (Proclamation I), and I recognized the continuation of the emergency in a second proclamation on March 23, 2020 (Proclamation II), in a third proclamation on May 26, 2020 (Proclamation III), in a fourth proclamation on July 27, 2020 (Proclamation IV), and in a fifth proclamation on September 28, 2020 (Proclamation V);

WHEREAS, Secretary Kunkel issued a series of Public Health Orders on March 13, 2020; March 16, 2020; March 19, 2020; March 23, 2020; March 25, 2020; April 6, 2020; April 11, 2020; April 30, 2020; May 5, 2020; May 15, 2020, May 27, 2020;

June 1, 2020; June 12, 2020; June 15, 2020; June 30, 2020; July 13, 2020, July 30, 2020; August 28, 2020; September 3, 2020; and September 18, 2020; and Acting NMDOH Cabinet Secretary Billy Jimenez issued additional Public Health Orders on October 16, 2020; October 22, 2020; November 5, 2020; November 13, 2020; and November 18, 2020, imposing various restrictions on activities within New Mexico;

WHEREAS, the New Mexico Department of Health continues to identify a growing number of individuals who have been infected with COVID-19 in New Mexico, including 5,053 cases in Santa Fe County as of yesterday, November 29, 2020, nearly five times the number of cases recorded on the date I issued Proclamation V (1,014);

WHEREAS, after certain restrictions were lifted in May and June, rates of COVID-19 infection increased, exceeding earlier rates of transmission;

WHEREAS, Proclamation V expired on November 29, 2020;

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve public peace and safety of the people of Santa Fe; and other orders I previously issued require updating to address the continuing pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result of these emergencies, events have caused or are causing danger of injury or damage to persons and property within the City. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. Gatherings of greater than five (5) persons, or ten (10) or more vehicles, may not take place on the public streets, public parks, or other open areas, either public or private, or in any public building for coordinated events. When the State's limitations on mass gatherings permit greater numbers of persons to gather, or restrict gatherings to fewer persons, this order shall allow or restrict, as applicable, the same number to gather. As used herein,

"public" means a place used for a public purpose or as a place of public gathering, owned or under the control of the City and privately owned properties that are open to the public, other than in religious and educational buildings as permitted pursuant to State orders that are in place. "Assemble or gather" refers to intentional assemblies of a group of people; it does not refer to the use of a space by individuals or families in the location's regular course of business, such as shopping at a retail location where there are more than five (5) customers or entering a commercial establishment that happens to have more than five (5) people present at that time. This prohibition also does not apply to weddings or funerals, shelters, or hospitals and other healthcare settings;

- b. The City Manager shall address the public health emergency by
 - i. reducing or eliminating in-person provision of City services wherever possible;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. facilitating the implementation of the policy adopted to evaluate and address the public health risks, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments when leaving them in place furthers the purposes of this Order; and
 - iii. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees;

- c. All available resources of the City shall be used to address the emergency as reasonably necessary, including the following practices:
 - i. The City shall only provide in-person services to persons following COVID-Safe practices and requirements, including wearing a facial covering;
 - ii. If a member of the public requiring services has a medical reason to not wear a facial covering, and provides City employees evidence of that medical limitation, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include putting the employee at risk; and
 - iii. City employees shall participate in regular COVID-19 testing if the

City enters an agreement with the New Mexico Department of Health and New Mexico Environment Department for an exemption to Public Health Order Rapid Response COVID-19 closure protocols or if the City otherwise provides regular/surveillance testing for employees.

d. Before entering City facilities, members of the public must wear a facial covering and they shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:

i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

ii. In the past 14 days, have you had close contact with anyone that you know had COVID-19 or COVID-like symptoms? “Close contact” includes being 6 feet or closer for more than 15 minutes with the person?

iii. Have you been tested for COVID-19 and are waiting to receive test results?

iv. In the past 14 days, have you traveled outside the state or country?

v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

e. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

f. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory’s email;

g. Until the New Mexico Supreme Court lifts its injunction, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. In addition, landlords are prohibited from evicting commercial tenants who are unable to pay rent on time because, due to

the public health emergency, they have been prohibited from opening to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages discussions of payment plans between landlords and tenants;

h. Lodgers Tax payments shall continue on a monthly basis and payments previously delayed during the public health emergency shall be submitted during Fiscal Year 2021, along with future payments; at least one quarter of the delayed amount shall be paid by the end of each quarter of Fiscal Year 2021;

i. The moratorium on water shut-offs will continue, while charges will continue to accrue and be owed;

j. The April 6, 2020 orders I issued regarding grocery stores and super markets and the April 10, 2020 exceptions to those orders that I issued for use of reusable bags remain in place to the extent the orders are more restrictive than the currently effective Public Health Order:

A. The City shall not enforce its Single-Use Carryout Bags Ordinance, Section 21-8. In particular, the City shall not:

1. Penalize the use of single-use plastic bags;
2. Require the collection of \$0.10/bag environmental service fee; or
3. Collect environmental service fees.

B. Grocery stores and supermarkets shall:

1. Not permit customers to bring their own reusable/“from home” bags;
2. Provide, without charging the City’s environmental service fee, recyclable paper bags, compostable plastic bags, or single use plastic bags;
3. Provide access to handwashing facilities and break time for employees to wash their hands;
4. Provide customers access to restrooms for hand washing, if possible, without causing other risks to customers or employees;
5. Disinfect handles of all shopping carts and baskets in between uses or provide customers access to disinfecting options, as accessible, at the point or points of entry;
6. Provide disinfecting wipes, as available, at cash registers and other high-touch points in the store;

7. Provide, as available, alcohol-based sanitizers in the store for customer use;
8. Implement procedures to sanitize frequent touch-points in the store throughout the day;
9. Discontinue all self-service salad bars, self-service food stations, including bulk food stations, and product tasting or sampling stands;
10. Designate employees or use management personnel to ensure that stores follow the Center for Disease Control's cleaning guidelines; implement procedures to ensure that both customers and employees remain at least six (6) feet apart, including "social distancing lines" that begin six (6) feet from checkout counters; and monitor social distancing and assist customers in practicing social distancing in the stores;
11. "Meter" the number of customers in the store at any one time, limiting the number to no more than thirty percent (30%) of the facility's listed fire capacity or a number that allows for a six (6) foot radius between all customers when considering all infrastructure in the facilities, by designating staff, management personnel, or contractors to count the number of customers entering and leaving the store and to enforce the limits;
12. Mark off six (6) foot distances between waiting spaces where lines form, both inside and outside the store; and
13. Provide exclusive hours for self-identified high-risk populations and limit entrances during those special shopping hours to twenty-five percent (25%) of maximum occupancy levels.

k. The November 20, 2020 orders I issued closing sports courts, including basketball courts, handball courts, and any other courts; playground equipment; athletic fields; and other shared infrastructure in City parks, remain in effect as follows:

1. All sports courts, including basketball courts, handball courts, and any other courts in the City's parks are closed to the public and may not be used;
2. All playground equipment in City parks is closed to the public and may not be used;
3. All athletic fields in City parks are closed; and
4. All other infrastructure in City parks, including skate parks, is

closed to the public and may not be used.

l. Unless a healthcare provider instructs otherwise or the State exempts a person from wearing a facial covering for a reason such as age, all individuals shall wear a mask or facial covering in public settings except when eating or drinking; as used here “public setting” means places that are open to the public;

m. Retail; restaurants; office and call centers; grocery stores and farmers’ markets; youth programs; manufacturing, warehouse, and food production; hotels, resorts and lodging; golf courses; tour operators; houses of worship; farms, ranches and dairy producers and processors; veterinarians and animal care facilities; construction and field operations; automobile dealerships and services; and medical providers and other industries shall comply with the State-issued CSPs to the extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

n. Employers shall not retaliate against employees for seeking to comply with CSPs, advocating that their place of business follow CSPs, or reporting non-compliance with CSPs.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day-to-day activities:

- a. For those who have traveled into New Mexico from out of the state or out of the country, self-quarantine as required in the Executive Order in place at the time of return to the State. Currently that Order requires a fourteen (14) day self-quarantine when an individual returns to New Mexico from a State or Country with a positive test rate of greater than a seven-day rolling average of 80 per 100,000 individuals or five percent (5%) or greater and advises such a quarantine after return from a state with a positivity rate lower than 80 per 100,000 or 5 percent or greater;
- b. For those at high risk (elderly and immune compromised individuals), secure three (3) months of all necessary medical prescriptions;
- c. Avoid contact with people who are sick;
- d. Practice “social distancing”, by maintain six (6) feet between yourself and others;

- e. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- f. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- g. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- h. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- i. Avoid handshaking;
- j. Avoid touching your face, nose, and eyes;
- k. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices); and
- l. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above, and as further described in the Santa Fe Promise, below;
- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should ban non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children while the schools are closed;
- e. Local businesses should establish capabilities for employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;
- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and

- vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
 - k. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City’s most vulnerable populations;
 - l. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico;
 - m. Residents should make the “Santa Fe Promise” at <https://www.santafenm.gov/promise>:
I promise to:
 - Act as if I carry the coronavirus.
 - Maintain social distancing of at least six feet.
 - Wear a face covering, wash my hands, use sanitizer.
 - Buy from local businesses that also make this promise.
 - Practice patience, compassion, empathy, connection, respect and love.
 - We will keep Santa Fe safe. We will keep Santa Fe open. Together.
 - n. Residents should support local businesses that take the Santa Fe Promise; and
 - o. Residents should download the NOVID phone application, which allows for user alerts of their actual or potential exposure to individuals who have a positive COVID-19 test within a relevant time period, without either collecting or disclosing the users’ personal identifying information or locations.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

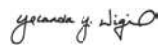
**DONE at Santa Fe, New Mexico this 30th day of November, 2020 at the
hour of 10:39 o'clock A.M. (MDT).**



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

—

ATTEST:



YOLANDA Y. VIGIL, CITY CLERK
(S E A L)

EXHIBIT G

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-9

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON JANUARY 30, 2021 BY FIFTY-SIX (56) DAYS, EXPIRING AT NOON ON MARCH 29, 2021, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, the public health emergency declared by the New Mexico Department of
3 Health continues; and

4 **WHEREAS**, subsequent to the Governing Body’s amendments to Section 20-1.3, the
5 Mayor has proclaimed a state of emergency four times in response to the continuing public health
6 on May 25, 2020, July 27, 2020, September 28, 2020; and November 30, 2021 (COVID-19
7 Proclamations II through VI); and

8 **WHEREAS**, on December 1, 2020 the Governing Boy extended COVID-19 Proclamation
9 VI for sixty days; and

10 **WHEREAS**, while vaccine distribution has begun since Mayor Webber issued
11 Proclamation VI, supply of the vaccine is currently limited and inoculation to levels that will
12 provide herd immunity will take months to implement; and

13 **WHEREAS**, COVID-19 infections continue to spread and new, more infectious variants
14 have emerged; and

15 **WHEREAS**, at least one of the more infectious variants has been detected in New Mexico,
16 requiring ongoing diligence and City response to suppress the virus; and

17 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
18 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
19 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
20 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
21 Proclamation IV and the resolution extended it, Resolution No. 2020-30 are attached as Exhibit D;
22 COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
23 as Exhibit E; COVID-19 Proclamation VI is attached as Exhibit F; and COVID-19 Proclamation
24 VII is attached as Exhibit G; and

25 **WHEREAS**, if not extended, Proclamation VII would expire on February 2, 2021; and

1 **WHEREAS**, the Governing Body wishes to extend Proclamation VI for an additional fifty-
2 six (56) days pursuant to Section 20-1.3(C), an extension timeline that will allow, if needed,
3 reissuance by the Mayor and extension by the Governing Body on March 31, 2021, a regularly
4 scheduled Governing Body meeting.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
6 **CITY OF SANTA FE** that Proclamation VII is hereby extended by fifty-six (56) days, expiring at
7 noon on March 29, 2021, pursuant to Section 20-1.3(C).

8 PASSED, APPROVED, and ADOPTED this 1st day of February, 2021.

9
10
11 

12 ALAN WEBBER, MAYOR

13 ATTEST:

14 
15 Kristine Mihelcic (Feb 3, 2021 11:31 MST)
16 KRISTINE MIHELIC, CITY CLERK

17 APPROVED AS TO FORM:

18 
19 ERIN K. McSHERRY, CITY ATTORNEY
20 ERIN K. McSHERRY, CITY ATTORNEY

Exhibit G



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY VII- COVID-19

January 30, 2021

WHEREAS, pursuant to Santa Fe City Code (SFCC) 1987, Section 2-1.3, “Powers and Duties of the Mayor,” the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City’s Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and to preserve public peace and safety;

WHEREAS, SFCC 1987, Section 2-16, defines “emergency” to include a “public health or medical emergency” and other occurrences “requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but that is contagious and easily spreads from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the COVID-19 outbreak a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe has killed, harmed, impaired economically and suppressed the wellbeing of the residents of the City, resulting in an ongoing and significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020, (Proclamation I), March 23, 2020 (Proclamation II), May 26, 2020 (Proclamation III), July 27, 2020 (Proclamation IV), September 28, 2020 (Proclamation V); and November 30, 2020 (Proclamation VI);

WHEREAS, Secretary Kunkel issued a series of Public Health Orders and Amendments on March 13, 2020; March 16, 2020; March 19, 2020; March 23, 2020; March 25, 2020; April 6, 2020; April 11, 2020; April 30, 2020; May 5, 2020; May 15, 2020, May 27, 2020; June 1, 2020; June 12, 2020; June 15, 2020; June 30, 2020; July 13, 2020, July 30, 2020; August 28, 2020; September 3, 2020; and September 18, 2020; Acting NMDOH Cabinet Secretary Billy Jimenez issued additional Public Health Orders and Amendments on October 16, 2020; October 22, 2020; November 5, 2020; November 13, 2020; November 18, 2020; November 30, 2020; December 2, 2020; and December 9, 2020; and Secretary-Designate Tracie C. Collins issued additional Public Health Orders and Amendments on December 15, 2020; December 23, 2020; December 30, 2020; and January 8, 2021, imposing various restrictions on activities within New Mexico;

WHEREAS, a growing number of individuals have been infected with COVID-19 in New Mexico, including 9,064 cases in Santa Fe County as of yesterday, November 29, 2020, nearing twice the number of cases recorded on the date I issued

Proclamation VI (5,053);

WHEREAS, since my last proclamation, several new variants of the COVID-19 virus have been identified that have a higher infection rate, which results in the virus causing more illness and deaths per capita;

WHEREAS, at least two instances of one of the known, more infectious variants were recently detected in New Mexico;

WHEREAS, 114 Santa Fe County residents have died from COVID-19 infections as of January 29, 2021;

WHEREAS, the State's public health order is now structured to classify counties as "Red", "Yellow" or "Green", depending upon their COVID-19 positivity rates and infection rates;

WHEREAS, as counties lower their positivity rates and infection rates, they move from Red to Yellow to Green and, as the risk of virus spread declines, restrictions are also reduced on indoor dining, retail occupancy, and the size of gatherings;

WHEREAS, despite recent improvements in infection and positivity rates, Santa Fe County remains classified as "Red";

WHEREAS, since my last proclamation, the first COVID-19 vaccines were authorized for experimental use in the United States and approximately 250,000 doses have been administered in New Mexico;

WHEREAS, two doses of the vaccines, administered several weeks apart, and a waiting period following the second shot, are needed to achieve the vaccines' approximate 95% efficacy rate;

WHEREAS, current demand for both of the vaccines far exceeds their availability, and that imbalance between supply and demand is expected to continue for several months;

WHEREAS, on a population level, the efficacy of the vaccines on infection rates is improved if the vaccine is administered when the local infection rate is lower: 95% prevention of infection for 100 cases that would otherwise occur results in 5 cases,

while 95% prevention of 1000 cases that would otherwise occur results in 50 cases;

WHEREAS, COVID-19 testing is now readily available for free for those with or without symptoms and for those with or without known exposures;

WHEREAS, recently, local COVID-19 test results often come back within 48 hours;

WHEREAS, free, at-home COVID-19 saliva tests are available for New Mexicans from “<https://learn.vaulthealth.com/nm/>”;

WHEREAS, regular, surveillance testing for COVID-19 helps to suppress the infection rate by notifying asymptomatic persons who test positive that they need to quarantine;

WHEREAS, increased, regular testing of asymptomatic persons also improves the positivity rate by increasing the likelihood that there will be more tests with a negative result;

WHEREAS, many City employees are unable to telework and they are, therefore, at risk of spreading the virus to others and contracting the virus while working;

WHEREAS, a number of the City’s firefighters are trained to test for COVID-19 and other City employees could be trained to assist with implementing regular, surveillance testing;

WHEREAS, Proclamation VI expired at noon today, January 30, 2021; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve the public peace and safety of the people of Santa Fe; other orders I previously issued require updating to address the continuing pandemic; and certain new orders will improve the City of Santa Fe’s pace of recovery from, and limit the harm caused by, the pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result, events have caused and are causing danger of injury or damage to persons and property within the city. I hereby invoke all Section 2-1.3, and Sections

20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

a. Gatherings of greater than five (5) persons, or ten (10) or more vehicles, may not take place on the public streets, public parks, or other open areas, either public or private, or in any public building for coordinated events while Santa Fe County is classified as “Red” under the State’s public health order. When Santa Fe County’s NMDOH “Red to Green” status changes to Yellow or Green, this order shall allow or restrict, as applicable, the number of persons and vehicles permitted under the State’s limitations for that level of risk to gather. As used herein, "public" means a place used for a public purpose or as a place of public gathering, owned or under the control of the City and privately owned properties that are open to the public, other than in religious and educational buildings as permitted pursuant to State orders that are in place. “Assemble or gather” refers to intentional assemblies of a group of people; it does not refer to the use of a space by five or more individuals or by families in a location’s regular course of business. That is, this prohibition does not restrict a person from shopping at a retail location where there are already more than five (5) customers or from entering a commercial establishment that happens to have more than five (5) people present at that time. This prohibition also does not apply to shelters, hospitals, or other healthcare settings;

b. The City Manager shall address the public health emergency by

- i. reducing or eliminating in-person provision of City services wherever possible;
- ii. directing City employees, as applicable, to perform emergency functions;
- iii. facilitating the implementation of the policy adopted to evaluate and address the public health risks, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments,

other than encampments in City parks, when leaving them in place furthers the purposes of this Order; and
iv. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees;

c. All available resources of the City shall be used to address the emergency as reasonably necessary, including the following:

i. The City shall only provide in-person services to persons who are following COVID Safe Practices (CSPs) and requirements, including wearing a facial covering;

ii. If a member of the public requiring services has a medical reason to not wear a facial covering, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include putting employees at risk;

iii. Should the City's temporary administrative and sick leave authorized pursuant to Resolution No. 2020-11 and the City Manager's existing administrative leave authority not be sufficient to implement the New Mexico Department of Health's recommended quarantining time periods for close contacts, positive cases, and/or to allow the care of family members who are at home due to the limitations imposed under the declared emergency, the City Manager shall provide administrative leave up to the permitted hours and pursuant to the other limitations that were permitted under the federal leave benefits that expired on December 31, 2020 under the Families First Coronavirus Response Act (FFCRA), including Emergency Paid Sick Leave (EPSL) and Expanded Family and Medical Leave (EFMLA); and

iv. Upon availability and notice, City employees shall participate in regular/surveillance testing provided by the City, during the work day, as follows:

A. Employees who cannot telework a majority of their time shall be tested on at least an every-other-weekly basis;

B. Employees who telework a majority of their time shall be tested or shall self-administer an at-home test on at least a monthly basis;

C. Employees who only telework from home are encouraged but not required to get tested on a regular basis; and

D. Employees who provide the City's Human Resources Department documentation that they have received a

COVID-19 vaccine and the associated booster shot shall be exempt from testing requirements two weeks after receipt of their booster shot;

d. Before entering City facilities, members of the public must wear a facial covering and they shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:

i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

ii. In the past 14 days, have you had close contact with anyone that you know had COVID-19 or COVID-like symptoms? “Close contact” includes being 6 feet or closer for more than 15 minutes with the person?

iii. Have you been tested for COVID-19 and are waiting to receive test results?

iv. In the past 14 days, have you traveled outside the state or country?

v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

e. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

f. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory’s email;

g. Until the New Mexico Supreme Court lifts its injunction, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. In addition, landlords are prohibited from evicting commercial tenants who are unable to pay rent on time because, due to the public health emergency, they have been prohibited from opening

to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages discussions of payment plans between landlords and tenants;

h. Lodgers Tax payments shall continue on a monthly basis and payments previously delayed during the public health emergency shall be submitted during Fiscal Year 2021, along with future payments; at least one quarter of the delayed amount shall be paid by the end of each quarter of Fiscal Year 2021;

i. The moratorium on water shut-offs will continue, while charges will continue to accrue and be owed;

j. The April 6, 2020 orders I issued regarding grocery stores and super markets remain in place, except that, beginning on February 7, 2021, the City shall again enforce its Single-Use Carryout Bags Ordinance, Section 21-8, in relation to in-store purchases from grocery stores and super markets.

i. Beginning immediately, stores must permit customers to use reusable bags, but may require customers to pack the bags the customers are reusing.

ii. To the extent that the following orders are more restrictive than the current effective Public Health Order, grocery stores and supermarkets shall:

1. Provide access to handwashing facilities and break time for employees to wash their hands;
2. Provide customers access to restrooms for hand washing, if possible, without causing other risks to customers or employees;
3. Disinfect handles of all shopping carts and baskets in between uses or provide customers access to disinfecting options, as accessible, at the point or points of entry;
4. Provide disinfecting wipes, as available, at cash registers and other high-touch points in the store;
5. Provide, as available, alcohol-based sanitizers in the store for customer use;
6. Implement procedures to sanitize frequent touch-points in the store throughout the day;
7. Discontinue all self-service salad bars, self-service food

stations, including bulk food stations, and product tasting or sampling stands;

8. Designate employees or use management personnel to ensure that stores follow the Center for Disease Control's cleaning guidelines; implement procedures to ensure that both customers and employees remain at least six (6) feet apart, including "social distancing lines" that begin six (6) feet from checkout counters; and monitor social distancing and assist customers in practicing social distancing in the stores;

9. "Meter" the number of customers in the store at any one time, limiting the number to no more than thirty percent (30%) of the facility's listed fire capacity or a number that allows for a six (6) foot radius between all customers when considering all infrastructure in the facilities, by designating staff, management personnel, or contractors to count the number of customers entering and leaving the store and to enforce the limits;

10. Mark off six (6) foot distances between waiting spaces where lines form, both inside and outside the store; and

11. Provide exclusive hours for self-identified high-risk populations and limit entrances during those special shopping hours to twenty-five percent (25%) of maximum occupancy levels.

k. Unless a healthcare provider instructs otherwise or the State exempts a person from wearing a facial covering for a reason such as age, all individuals shall wear a mask or facial covering in public settings except when eating or drinking; as used here "public setting" means places that are open to the public;

l. Retail; restaurants; office and call centers; grocery stores and farmers' markets; youth sports and programs; intercollegiate sports; professional sports; manufacturing, warehouse, and food production; hotels, resorts and lodging; golf courses; tour operators; houses of worship; farms, ranches and dairy producers and processors; veterinarians and animal care facilities; construction and field operations; automobile dealerships and services; salons, spas, tattoo parlors and related services; gyms; drive-in events; museums and cultural institutions; youth livestock shows; agritourism establishments; and medical providers and other industries shall comply with

the State-issued CSPs to the extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

m. Employers shall not retaliate against employees for seeking to comply with CSPs, advocating that their place of business follow CSPs, or reporting non-compliance with CSPs.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day-to-day activities:

- a. For those who have traveled into New Mexico from out of the state or out of the country, self-quarantine as required in the Executive Order in place at the time of return to the State. Currently that Order requires a fourteen (14) day self-quarantine when an individual returns to New Mexico from a State or Country with a positive test rate of greater than a seven-day rolling average of 80 per 100,000 individuals or five percent (5%) or greater and advises such a quarantine after return from a state with a positivity rate lower than 80 per 100,000 or 5 percent or greater;
- b. For those at high risk (elderly and immune compromised individuals), secure three (3) months of all necessary medical prescriptions;
- c. Avoid contact with people who are sick;
- d. Practice “social distancing”, by maintain six (6) feet between yourself and others;
- e. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- f. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- g. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- h. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- i. Avoid handshaking;
- j. Avoid touching your face, nose, and eyes;
- k. Clean and disinfect your home to remove germs: practice routine

cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices); and

- l. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above, and as further described in the Santa Fe Promise, below;
- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should ban non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children while the schools are closed;
- e. Local businesses should establish capabilities for employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;
- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
- k. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City’s most vulnerable populations;
- l. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico;
- m. Residents should make the “Santa Fe Promise” at

<https://www.santafenm.gov/promise>:

I promise to:

Act as if I carry the coronavirus.

Maintain social distancing of at least six feet.

Wear a face covering, wash my hands, use sanitizer.

Buy from local businesses that also make this promise.

Practice patience, compassion, empathy, connection, respect and love.

We will keep Santa Fe safe. We will keep Santa Fe open. Together.

- n. Residents should support local businesses that take the Santa Fe Promise;
- o. Residents should download the NOVID phone application, which allows for user alerts of their actual or potential exposure to individuals who have a positive COVID-19 test within a relevant time period, without either collecting or disclosing the users' personal identifying information or locations;
- p. Residents should register for the COVID-19 vaccine at <https://cvvaccine.nmhealth.org> and update their profile regularly; and
- q. Residents and visitors should regularly obtain COVID-19 testing, either in person at one of the many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>) or at home, using a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 30 day of January, 2021 at the hour of o'clock .M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

—

ATTEST:



Kristine Mihelcic (Jan 30, 2021 12:05 MST)

KRISTINE MIHELICIC, CITY CLERK
(S E A L)

EXHIBIT H

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-19

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON MARCH 29, 2021 BY FIFTY-FOUR (54) DAYS, EXPIRING AT NOON ON MAY 24, 2021, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, the public health emergency declared by the New Mexico Department of
3 Health continues; and

4 **WHEREAS**, subsequent to the Governing Body’s amendments to Section 20-1.3, the
5 Mayor has proclaimed a state of emergency four times in response to the continuing public health
6 on May 25, 2020, July 27, 2020, September 28, 2020; November 30, 2021, and January 20, 2021
7 (COVID-19 Proclamations II through VII); and

8 **WHEREAS**, on February 1st, 2021 the Governing Boy extended COVID-19 Proclamation
9 VII for fifty-six days; and

10 **WHEREAS**, while vaccine distribution has begun since Mayor Webber issued
11 Proclamation VI, supply of the vaccine is currently limited and inoculation to levels that will
12 provide herd immunity will take months to implement; and

13 **WHEREAS**, COVID-19 infections continue to spread and new, more infectious variants
14 have emerged; and

15 **WHEREAS**, at least one of the more infectious variants has been detected in New Mexico,
16 requiring ongoing diligence and City response to suppress the virus; and

17 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
18 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
19 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
20 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
21 Proclamation IV and the resolution extended it, Resolution No. 2020-30 are attached as Exhibit D;
22 COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
23 as Exhibit E; COVID-19 Proclamation VI and the resolution extending it, Resolution No. 2020-44
24 are attached as Exhibit F; COVID-19 Proclamation VII and the resolution extending it, Resolution
25 No. 2021-9 are attached as Exhibit G; and COVID-19 Proclamation VIII is attached as Exhibit H;

1 and

2 **WHEREAS**, if not extended, Proclamation VIII would expire on April 1, 2021; and

3 **WHEREAS**, the Governing Body wishes to extend Proclamation VIII for an additional
4 fifty-four (54) days pursuant to Section 20-1.3(C), an extension timeline that will allow, if needed,
5 reissuance by the Mayor and extension by the Governing Body on May 26, 2021, a regularly
6 scheduled Governing Body meeting.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that Proclamation VIII is hereby extended by fifty-four (54) days, expiring
9 at noon on May 24, 2021, pursuant to Section 20-1.3(C).

10 PASSED, APPROVED, and ADOPTED this 31st day of March, 2021.

11

12

13

14

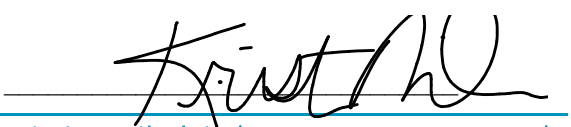


ALAN WEBBER, MAYOR

15 ATTEST:

16

17



Kristine Mihalic (Apr 3, 2021 12:21 MDT)
KRISTINE MIHALIC, CITY CLERK

19 APPROVED AS TO FORM:

20

21



ERIN K. McSHERRY, CITY ATTORNEY

23

24

25 *Legislation/2021/Resolutions/2021-19 State of Emergency Extension VIII*

EXHIBIT H



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY VIII- COVID-19

March 29, 2021

WHEREAS, pursuant to Santa Fe City Code (SFCC) 1987, Section 2-1.3, “Powers and Duties of the Mayor,” the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City’s Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and to preserve public peace and safety;

WHEREAS, SFCC 1987, Section 2-16, defines “emergency” to include a “public health or medical emergency” and other occurrences “requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but that is contagious and easily spreads from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the COVID-19 outbreak a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe has killed, harmed, impaired economically and suppressed the wellbeing of the residents of the City, resulting in an ongoing and significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020, (Proclamation I), March 23, 2020 (Proclamation II), May 26, 2020 (Proclamation III), July 27, 2020 (Proclamation IV), September 28, 2020 (Proclamation V); November 30, 2020 (Proclamation VI); and January 30, 2021 (Proclamation VII);

WHEREAS, former Secretary Kunkel, formerly acting NMDOH Cabinet Secretary Billy Jimenez, and current Secretary Tracie C. Collins have issued a series of Public Health Orders and Amendments, approximately 38 of them, beginning on March 13, 2020; , with the most recent issued on March 15, 2021, imposing various restrictions on activities within New Mexico;

WHEREAS, a growing number of individuals have been infected with COVID-19 in New Mexico, including 9,834 cases in Santa Fe County as of March 28, 2021;

WHEREAS, since my last proclamation, the new variants of the COVID-19 virus, at least some with higher infection rates, have continued to spread;

WHEREAS, at least two instances of one of the known, more infectious variants were recently detected in New Mexico;

WHEREAS, 142 Santa Fe County residents have died from COVID-19 infections as of March 28, 2021;

WHEREAS, the State’s public health order is now structured to classify counties as “Red”, “Yellow”, “Green”, or “Turquoise” depending upon their COVID-19 positivity rates, infection rates, and the continuity of those rates;

WHEREAS, as counties lower their positivity rates and infection rates, they move from Red to Yellow to Green and, as the risk of virus spread declines, restrictions are also reduced on indoor dining, retail occupancy, and the size of gatherings;

WHEREAS, if a county remains within the positivity rates and infection rates of the Green level for the two weeks after being classified as Green, it becomes classified “Turquoise”, lifting COVID-19 restrictions significantly;

WHEREAS, Santa Fe County recently became classified as “Green”, then “Turquoise”;

WHEREAS, with the Turquoise classification, gatherings of 150 persons are permitted, bars and clubs in the County may operate with 33% indoor capacity, and recreation centers and large event centers in the County may operate at 50% capacity;

WHEREAS, if Santa Fe’s positivity or infection rates fall below the Green level, the County will fall two levels, to the “Yellow” category, with significantly restricted gatherings and business operations;

WHEREAS, while reopening steps are positive for the County’s economy, they also increase the risk of infection for unvaccinated persons;

WHEREAS, three COVID-19 vaccines have now been authorized for experimental use in the United States and more than 1 million doses have been administered in New Mexico;

WHEREAS, for two of the three vaccines, two doses of the vaccines, administered several weeks apart, and a waiting period following the second shot, are needed to achieve the vaccines’ approximate 95% efficacy rate;

WHEREAS, current demand for all three of the vaccines far exceeds their availability, and that imbalance between supply and demand is expected to continue through at least April and May;

WHEREAS, on a population level, the efficacy of the vaccines on infection rates is improved if the vaccine is administered when the local infection rate is lower: 95% prevention of infection for 100 cases that would otherwise occur results in 5 cases, while 95% prevention of 1000 cases that would otherwise occur results in 50 cases;

WHEREAS, COVID-19 testing is now readily available for free for those with or without symptoms and for those with or without known exposures;

WHEREAS, recently, local COVID-19 test results often come back within 48 hours;

WHEREAS, free, at-home COVID-19 saliva tests are available for New Mexicans from “<https://learn.vaulthealth.com/nm/>”;

WHEREAS, regular, surveillance testing for COVID-19 helps to suppress the infection rate by notifying asymptomatic persons who test positive that they need to quarantine;

WHEREAS, increased, regular testing of asymptomatic persons also improves the positivity rate by increasing the likelihood that there will be more tests with a negative result;

WHEREAS, many City employees are unable to telework and they are, therefore, at risk of spreading the virus to others and contracting the virus while working;

WHEREAS, a number of the City’s firefighters are trained to test for COVID-19 and other City employees could be trained to assist with implementing regular, surveillance testing;

WHEREAS, Proclamation VII expired at noon today, March 29, 2021; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve the public peace and safety of the people of Santa Fe; other orders I previously issued require updating to address the continuing pandemic; and

certain new orders will improve the City of Santa Fe's pace of recovery from, and limit the harm caused by, the pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result, events have caused and are causing danger of injury or damage to persons and property within the city. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. This order shall allow or restrict, as applicable, the number of persons and vehicles permitted to assemble or gather under the State's mass gathering limitations and exceptions, except that, inside City-owned buildings, gatherings for events shall be limited to 150 while Santa Fe County is classified as "Turquoise", shall decrease to 10 if the County's classification becomes Yellow, and return to 20 if the County's classification subsequently returns to Green. The City's Convention Center may increase its occupancy to the State's event center occupancy levels beginning May 6, if the County's classification remains Turquoise or the equivalent;
- b. The City Manager shall address the public health emergency by
 - i. increasing in-person City services and access to facilities gradually and in a safety-conscious manner, and as City employees have the opportunity to get vaccinated, as long as local infection rates continue to remain in the Green levels or lower and City employee rates remain near zero;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. facilitating the continued application of the policy adopted to evaluate and address the public health risks, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments,

other than encampments in City parks, when leaving them in place furthers the purposes of this Order; and
iv. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees;

c. Resources of the City shall be used to address the emergency as reasonably necessary, including the following:

- i. The City shall only provide in-person services to persons who are following COVID Safe Practices (CSPs) and requirements, including wearing a facial covering;
- ii. If a member of the public requiring services has a medical reason to not wear a facial covering, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include putting employees at risk;
- iii. Upon availability and notice, City employees shall participate in regular/surveillance testing provided by the City, during their scheduled work days, as follows:

- A. Employees who cannot telework a majority of their time shall be tested on at least an every-other-weekly basis;
- B. Employees who telework a majority of their time shall be tested or shall self-administer an at-home test on at least a monthly basis;
- C. Employees who only telework from home are encouraged but not required to get tested on a regular basis; and
- D. Employees who provide the City's Human Resources Department documentation that they have received a COVID-19 vaccine and the associated booster shot, if applicable, shall be exempt from testing requirements beginning the month when two weeks have lapsed after receipt of their booster shot or two weeks after the vaccine administration, if there is not a booster shot for the vaccine;

d. Before entering City facilities, members of the public must wear a facial covering and they shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:

- i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or

difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

ii. In the past 14 days, have you had close contact with anyone that you know had COVID-19 or COVID-like symptoms? “Close contact” includes being 6 feet or closer for more than 15 minutes with the person?

iii. Have you been tested for COVID-19 and are waiting to receive test results?

v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

e. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

f. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory’s email;

g. Until the New Mexico Supreme Court lifts its injunction, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. In addition, landlords are prohibited from evicting commercial tenants who are unable to pay rent on time because, due to the public health emergency, they have been prohibited from opening to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages discussions of payment plans between landlords and tenants;

h. Lodgers’ Tax payments shall continue on a monthly basis and payments previously delayed during the public health emergency shall be submitted during Fiscal Year 2021, along with future payments; at least one quarter of the delayed amount shall be paid by the end of each quarter of Fiscal Year 2021;

i. The moratorium on water shut-offs will continue, while charges will

continue to accrue and be owed;

j. In situations in which compliance with COVID-19 Safe Practices (CSPs) would result in higher per-person fees in City-owned recreation facilities, the associated fee shall be reduced proportionately to allow compliance without increased fees;

j. Unless a healthcare provider instructs otherwise or the State exempts a person from wearing a facial covering for a reason such as age, all individuals shall wear a mask or facial covering in public settings except when eating or drinking; as used here “public setting” means places that are open to the public;

k. Retail; restaurants and bars; office and call centers; grocery stores and farmers’ markets; youth club sports; youth programs; intercollegiate sports; professional sports; manufacturing, warehouse, and food production; hotels, resorts and lodging; golf courses; tour operators; houses of worship; farms, ranches and dairy producers and processors; veterinarians and animal care facilities; construction and field operations; automobile dealerships and services; salons, spas, tattoo parlors and related services; gyms; drive-in events; museums and cultural institutions; youth livestock shows; agritourism establishments; ski areas; recreational facilities; and entertainment venues; and medical providers and other industries shall comply with the State-issued CSPs to the extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

l. Employers shall not retaliate against employees for seeking to comply with CSPs, advocating that their place of business follow CSPs, or reporting non-compliance with CSPs.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following precautions in their day-to-day activities:

- a. Avoid contact with people who are sick;
- b. Practice “social distancing”, by maintain six (6) feet between yourself and others;

- c. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- d. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- e. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- f. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- g. Avoid handshaking;
- h. Avoid touching your face, nose, and eyes;
- i. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices); and
- j. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above, and as further described in the Santa Fe Promise, below;
- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should limit non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children when schools are closed;
- e. Local businesses should continue to allow employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;
- i. Businesses should refrain from price gouging of supplies;

- j. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- k. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
- l. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City’s most vulnerable populations;
- m. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico;
- n. Residents should make the “Santa Fe Promise” at <https://www.santafenm.gov/promise>:
I promise to:
 - Act as if I carry the coronavirus.
 - Maintain social distancing of at least six feet.
 - Wear a face covering, wash my hands, use sanitizer.
 - Buy from local businesses that also make this promise.
 - Practice patience, compassion, empathy, connection, respect and love.
 - We will keep Santa Fe safe. We will keep Santa Fe open. Together.
- o. Residents should support local businesses that take the Santa Fe Promise;
- p. Residents should download the NOVID and NM Notify phone applications, which allow for user alerts of their actual or potential exposure to individuals who have a positive COVID-19 test within a relevant time period, without either collecting or disclosing the users’ personal identifying information or locations;
- q. Residents should register for the COVID-19 vaccine at <https://cvvaccine.nmhealth.org> and update their profile regularly; and
- r. Residents and visitors should regularly obtain COVID-19 testing, either in person at one of the many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>) or at home, using a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 29 day of March, 2021 at the hour of 4 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:



KRISTINE MIHELICIC, CITY CLERK
(S E A L)

EXHIBIT I

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-31

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON
MAY 24, 2021 BY FORTY-SEVEN (47) DAYS, EXPIRING AT NOON ON JULY 12, 2021,
PURSUANT TO SECTION 20-1.3(C) SFCC 1987.

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in
response to the Public Health Emergency that is the rapid spread of an infection called COVID-19
(COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's
Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time
in response to the continuing Public Health Emergency, due to the continued and growing
emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020, the Governing Body adopted amendments to Section 20-
1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to
sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, the public health emergency declared by the New Mexico Department of
3 Health continues; and

4 **WHEREAS**, subsequent to the Governing Body’s amendments to Section 20-1.3, the
5 Mayor has proclaimed a state of emergency seven times in response to the continuing public health
6 on May 25, 2020, July 27, 2020, September 28, 2020; November 30, 2021, January 20, 2021, March
7 29, 2021, and May 24, 2021 (COVID-19 Proclamations II through VIII); and

8 **WHEREAS**, in Santa Fe County, at least 72.2% of eligible residents ages 16 or older have
9 had at least one dose of a COVID-19 vaccine and at least 60.6% are fully vaccinated; and

10 **WHEREAS**, COVID-19 infections continue to spread, and the current 7-day rolling
11 average of cases in Santa Fe County is 18, up from 10 when the last emergency proclamation was
12 extended; and

13 **WHEREAS**, several of the more infectious variants, including one from the United
14 Kingdom and one from California, have been detected in New Mexico, requiring ongoing diligence
15 and City response to suppress the spread of the virus; and

16 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
17 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
18 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
19 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
20 Proclamation IV and the resolution extending it, Resolution No. 2020-30 are attached as Exhibit D;
21 COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
22 as Exhibit E; COVID-19 Proclamation VI and the resolution extending it, Resolution No. 2020-44
23 are attached as Exhibit F; COVID-19 Proclamation VII and the resolution extending it, Resolution
24 No. 2021-9 are attached as Exhibit G; COVID-19 Proclamation VIII and the resolution extending
25 it, Resolution No. 2021-19 are attached as Exhibit H, and COVID-19 Proclamation IX is attached

1 as Exhibit I; and

2 **WHEREAS**, if not extended, Proclamation IX would expire on May 27, 2021; and

3 **WHEREAS**, the Governing Body wishes to extend Proclamation IX for an additional
4 forty-seven (47) days pursuant to Section 20-1.3(C), an extension that will allow, if needed,
5 reissuance of a proclamation by the Mayor on July 12th, 2021 and an extension by the Governing
6 Body on July 14, 2021, a regularly scheduled Governing Body meeting.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that Proclamation IX is hereby extended by forty-seven (47) days, expiring
9 at noon on July 12, 2021, pursuant to Section 20-1.3(C).

10 PASSED, APPROVED, and ADOPTED this 26th day of May, 2021.

11
12
13 

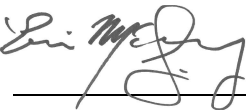
14 ALAN WEBBER, MAYOR

15 ATTEST:

16
17 

18 KRISTINE MIHELIC, CITY CLERK

19 APPROVED AS TO FORM:

20
21 

22 ERIN K. McSHERRY, CITY ATTORNEY

23
24
25 *Legislation/2021/Resolutions/2021-31 State of Emergency Extension IX*

EXHIBIT I



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY IX- COVID-19

May 24, 2021

WHEREAS, pursuant to Santa Fe City Code (SFCC) 1987, Section 2-1.3, “Powers and Duties of the Mayor,” the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City’s Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and to preserve public peace and safety;

WHEREAS, SFCC 1987, Section 2-16, defines “emergency” to include a “public health or medical emergency” and other occurrences “requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") that had not previously circulated in humans, but that is contagious and easily spreads from one person to another and one country to another;

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency to assure that the federal government had appropriate resources to combat the spread of the COVID-19 virus;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments, and agencies to comply with the directives of the declaration and the further instructions of the Department of Health;

WHEREAS, on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the COVID-19 outbreak a condition of public health importance as defined in the New Mexico Public Health Act, NMSA 1978, Section 24-1-2;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe has killed, harmed, impaired economically and suppressed the wellbeing of the residents of the City, resulting in an ongoing and significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020, (Proclamation I), March 23, 2020 (Proclamation II), May 26, 2020 (Proclamation III), July 27, 2020 (Proclamation IV), September 28, 2020 (Proclamation V); November 30, 2020 (Proclamation VI); January 30, 2021 (Proclamation VII); and March 29, 2021 (Proclamation VIII);

WHEREAS, former Secretary Kunkel, formerly acting NMDOH Cabinet Secretary Billy Jimenez, and current Secretary Tracie C. Collins have issued a series of Public Health Orders and Amendments, approximately 43 of them, beginning on March 13, 2020 ,with the most recent issued on May 14, 2021, imposing various restrictions on activities within New Mexico;

WHEREAS, a growing number of individuals have been infected with COVID-19 in New Mexico, including 10,379 cases in Santa Fe County as of May 21, 2021;

WHEREAS, since my last proclamation, the new variants of the COVID-19 virus, at least some with higher infection rates, have continued to spread;

WHEREAS, at least two instances of one of the known, more infectious variants were recently detected in New Mexico;

WHEREAS, 146 Santa Fe County residents have died from COVID-19 infections as of May 21, 2021;

WHEREAS, Santa Fe County, and all other Counties but one, are classified as “Turquoise” under the State’s updated public health order that classifies counties as “Red”, “Yellow”, “Green”, or “Turquoise” depending upon their COVID-19 positivity rates, infection rates, vaccination rates, and the continuity of those rates, demonstrating decreased positivity rates and infection rates, and increased vaccination rates, allowing fewer restrictions on indoor dining, retail occupancy, and the size of gatherings;

WHEREAS, with the Turquoise classification, gatherings of 150 persons are permitted, bars and clubs may operate with 33% indoor capacity, and recreation centers and large event centers may operate at 50% capacity;

WHEREAS, the State Public Health Order issued on April 28th, 2021, provides that counties classified as Turquoise will be Turquoise for at least two, two-week periods in a row, making Turquoise a “sticky” classification;

WHEREAS, Santa Fe’s infection rate of 2.88% and vaccination rate of 60.6% are well within the ranges required for the State’s Turquoise classification, 7.5% and 45% (to be increased by 5% every other week), respectively;

WHEREAS, Santa Fe’s positivity rate of 8.8/100,000, however, is relatively close to the State’s Turquoise criteria of 10/100, 0000;

WHEREAS, numerous counties risk reclassification into a more restrictive category on June 2, 2021, based on their rates being outside the State’s required Turquoise levels on May 17, 2021;;

WHEREAS, since early April, most schools and children’s programs have returned to in-person classes and programming;

WHEREAS, while reopening steps are positive for the City’s economy, they also increase the risk of infection for unvaccinated persons;

WHEREAS, more than 1,881,000 doses of the three COVID-19 vaccines authorized for experimental use in the United States have been administered in New

Mexico;

WHEREAS, for two of the three vaccines, two doses of the vaccines, administered several weeks apart, and a waiting period following the second dose, are needed to achieve the vaccines' approximate 95% efficacy rate;

WHEREAS, the vaccines are now readily available to persons ages 12 or older, but demand has decreased significantly over the last few weeks due to vaccine hesitancy;

WHEREAS, the Centers for Disease Control (CDC) recently updated its facial covering guidance for outdoor activities for all persons and for indoor activities for vaccinated persons, no longer recommending that facial coverings be used in most outdoor settings and no longer recommending that vaccinated persons wear facial coverings in most indoor settings, recognizing the efficacy of vaccination and the unlikelihood of outdoor transmission;

WHEREAS, unvaccinated persons continue to face a significant risk of infection, particularly in close-contact, indoor settings, and particularly when in close-contact with unvaccinated persons;

WHEREAS, emergency relief funds are available from a number of sources for tenants who are behind on their rent payments;

WHEREAS, the City's Utilities Department works with residents who need to set up a payment plan in order to avoid water shut-offs;

WHEREAS, Proclamation VIII expired at noon today, May 24, 2021; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve the public peace and safety of the people of Santa Fe; other orders I previously issued require updating to address the continuing pandemic; and certain new orders will improve the City of Santa Fe's pace of recovery from, and limit the harm caused by, the pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result, events have caused and are causing danger of injury or damage to

persons and property within the city. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. This order shall allow or restrict, as applicable, the number of persons and vehicles permitted to assemble or gather under the State’s mass gathering limitations and exceptions; City facilities shall accommodate public use up to the State’s permitted occupancies to the extent possible while maintaining the applicable COVID-Safe Practices (CSPs);
- b. The City Manager shall address the public health emergency by
 - i. increasing in-person City services and access to facilities in a safety-conscious manner, as long as local infection rates continue to remain in the Turquoise levels or lower and City employee rates remain near zero;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. facilitating the continued application of the policy adopted to evaluate and address the public health risks, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments, other than encampments in City parks, when leaving them in place furthers the purposes of this Order; and
 - iv. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees.
- c. Resources of the City shall be used to address the emergency as reasonably necessary, including the following:
 - i. The City shall only provide in-person services to persons who are following applicable CSPs and requirements and wearing a facial covering;
 - ii. If a member of the public requiring services has a medical reason to

not wear a facial covering, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include putting employees at risk;

iii. City employees who are not vaccinated are encouraged, but not required, to get tested on a regular basis;

d. When inside the publically accessible areas of City facilities, and when engaging in direct, in-person services to members of the public outdoors, employees, and other City actors, such as committee members and contractors, must wear a facial covering.

e. Employees, and other City actors, such as committee members and contractors, may engage in public business inside City facilities without a facial covering when they are both (1) fully vaccinated (two weeks after final dose); and (2) in areas of City facilities that are not open to the public.

f. Before entering City facilities, members of the public shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:

i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

ii. Are you unvaccinated, and either

a. In the past 14 days, had close contact with anyone that you know had COVID-19 or COVID-like symptoms? “Close contact” includes being 6 feet or closer for more than 15 minutes with the person. or

b. Been tested for COVID-19 and are waiting to receive test results?

v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

g. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

h. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory's email;

i. Until the New Mexico Supreme Court lifts its injunction, and to allow time for tenants to apply for and obtain relief funds, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. In addition, landlords are prohibited from evicting commercial tenants who are unable to pay rent on time because, due to the public health emergency, they have been prohibited from opening to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages tenants to seek relief funds and discussions of payment plans between landlords and tenants;

j. Lodgers' Tax payments shall continue on a monthly basis and payments previously delayed during the public health emergency shall be submitted during Fiscal Year 2021, along with future payments; at least one quarter of the delayed amount shall be paid by the end of each quarter of Fiscal Year 2021;

k. The moratorium on water shut-offs will continue in order to allow customers the opportunity to seek a payment plan and/or relief funds, while charges will continue to accrue and be owed;

l. In situations in which compliance with COVID-19 Safe Practices (CSPs) would result in higher per-person fees in City-owned recreation facilities, the associated fee shall be reduced proportionately to allow compliance without increased fees;

m. Unless a healthcare provider instructs otherwise or the State exempts a person from wearing a facial covering for a reason such as age,

i. persons in Santa Fe must wear a facial covering in health care settings, including but not limited to hospitals, long-term care

facilities, and doctors' offices; public transit; homeless shelters, and as required by federal and state, laws, rules, and regulations;

ii. local businesses and employers may require facial coverings for clients, employees, and customers; and

iii. unvaccinated persons must wear facial coverings in indoor public settings and when attending outdoor ticketed public events, such as concerts and sporting events.

These requirements apply except when persons are eating or drinking. As used here, "public setting" means places that are open to the public;

n. Retail; restaurants and bars; office and call centers; grocery stores and farmers' markets; youth club sports; youth programs; intercollegiate sports; professional sports; manufacturing, warehouse, and food production; hotels, resorts and lodging; golf courses; tour operators; houses of worship; farms, ranches and dairy producers and processors; veterinarians and animal care facilities; construction and field operations; automobile dealerships and services; salons, spas, tattoo parlors and related services; gyms; drive-in events; museums and cultural institutions; youth livestock shows; agritourism establishments; ski areas; recreational facilities; and entertainment venues; and medical providers and other industries shall comply with the State-issued CSPs to the extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

o. Employers shall not retaliate against employees for seeking to comply with CSPs, advocating that their place of business follow CSPs, or reporting non-compliance with CSPs.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following actions and/or precautions:

- a. Wear a facial covering in close-contact situations with unvaccinated persons and persons whose vaccination status is unknown;
- b. Seek relief funds for overdue rent and utilities payments. Available sources include the following:

- i. For rent and/or mortgage assistance, from the following sources:
 1. For renters, the Emergency Rental Assistance Program: <https://www.renthelpnm.org/> ; and
 2. For homeowners, the State of New Mexico Mortgage Finance Authority: <https://portal.neighborlysoftware.com/NEWMEXICOHOMEOWNERASSISTANCEFUND/Participant>, 505-308-4206, 866-488-0498, or housingassistance@housingnm.org
- ii. For assistance with utilities payments, the following organizations have resources: Rent Help NM (linked above with rental assistance sources), Adelante Santa Fe Public Schools, Connect, St. Bede's Episcopal Church, St. Vincent de Paul, The Cathedral Basilica of St. Francis of Assisi, Help New Mexico, San Isidro Catholic Church, Life Link, Our Lady of Guadalupe Church, Income Support Division, Salvation Army, Communities in Schools New Mexico, and Westminster Presbyterian Church;
- c. If utilities payments are overdue to the City, set up a payment plan by calling Utility Billing's main number 505-955-4333 and selecting option "2";
- d. Avoid contact with people who are sick;
- e. Practice "social distancing", by maintain six (6) feet between yourself and others;
- f. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- g. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- h. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- i. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- j. Avoid handshaking;
- k. Avoid touching your face, nose, and eyes;
- l. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell

- phones, and other electronic devices); and
- m. Avoid all non-essential travel, including plane trips and cruise ships.

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above, and as further described in the Santa Fe Promise, below;
- b. Local businesses should offer paid sick leave whenever feasible;
- c. Local businesses should limit non-essential travel for work;
- d. Local businesses should, when feasible, allow employees to take leave to care for children when schools are closed;
- e. Local businesses should continue to allow employees to work from home where feasible;
- f. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- g. Residents should refrain from hoarding household and medical supplies, such as water, sanitizer, diapers, non-perishable food items, and toilet paper;
- h. Residents should refrain from reselling purchases of household items for exorbitant prices;
- i. Businesses should refrain from price gouging of supplies;
- j. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- k. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
- l. Residents should identify opportunities to use technology to maintain supportive community engagement and contact with the City’s most vulnerable populations;
- m. Residents who have lost their jobs due to the economic aftershock of the COVID-19 virus should immediately apply for and take the steps necessary to begin to receive unemployment benefits through the State of New Mexico;
- n. Residents should make the “Santa Fe Promise” at <https://www.santafenm.gov/promise>:

I promise to:

Act as if I carry the coronavirus.

Maintain social distancing of at least six feet.

Wear a face covering, wash my hands, use sanitizer.

Buy from local businesses that also make this promise.

Practice patience, compassion, empathy, connection, respect and love.

We will keep Santa Fe safe. We will keep Santa Fe open. Together.

- o. Residents should support local businesses that take the Santa Fe Promise;
- p. Residents should download the NOVID and NM Notify phone applications, which allow for user alerts of their actual or potential exposure to individuals who have a positive COVID-19 test within a relevant time period, without either collecting or disclosing the users' personal identifying information or locations;
- q. Residents should register for the COVID-19 vaccine at <https://cvvaccine.nmhealth.org> and update their profile regularly; and
- r. Residents and visitors who have symptoms or know they have been exposed to someone with COVID-19 should obtain COVID-19 testing, either in person at one of the many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>) or at home, using a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 24 day of May, 2021 at the hour of 5 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

—

ATTEST:



KRISTINE MIHELICIC, CITY CLERK
(S E A L)

EXHIBIT J

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-40

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE STATE OF EMERGENCY AS PROCLAIMED BY THE MAYOR ON JULY 12, 2021 BY TWENTY-SIX (26) DAYS, EXPIRING AT NOON ON AUGUST 9, 2021, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber's Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020 the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, the public health emergency declared by the New Mexico Department of
3 Health continues; and

4 **WHEREAS**, subsequent to the Governing Body’s amendments to Section 20-1.3, the
5 Mayor has proclaimed a state of emergency eight times in response to the continuing public health
6 emergency on May 25, 2020; July 27, 2020; September 28, 2020; November 30, 2020; January
7 20, 2021; March 29, 2021; May 24, 2021; and July 12, 2021 (COVID-19 Proclamations II through
8 X); and

9 **WHEREAS**, in Santa Fe County, at least 81.2% of eligible residents ages 16 or older have
10 had at least one does of a COVID-19 vaccine and at least 72.4% are fully vaccinated; and

11 **WHEREAS**, several of the more infectious variants, including the Delta variant, have been
12 detected in New Mexico, requiring ongoing diligence and City response to suppress the spread of
13 the virus; and

14 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
15 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
16 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
17 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
18 Proclamation IV and the resolution extending it, Resolution No. 2020-30 are attached as Exhibit
19 D; COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
20 as Exhibit E; COVID-19 Proclamation VI and the resolution extending it, Resolution No. 2020-44
21 are attached as Exhibit F; COVID-19 Proclamation VII and the resolution extending it, Resolution
22 No. 2021-9 are attached as Exhibit G; COVID-19 Proclamation VIII and the resolution extending
23 it, Resolution No. 2021-19 are attached as Exhibit H; COVID-19 Proclamation IX and the
24 resolution extending it, Resolution No. 2021-31 are attached as Exhibit I; and COVID-19
25 Proclamation X is attached as Exhibit J; and

1 **WHEREAS**, if not extended, Proclamation X would expire on July 15, 2021; and
2 **WHEREAS**, the Governing Body wishes to extend Proclamation X for an additional
3 twenty-six (26) days pursuant to Section 20-1.3(C), an extension that will allow, if needed,
4 reissuance of a proclamation by the Mayor on August 9, 2021 and an extension by the Governing
5 Body on August 11, 2021, a regularly scheduled Governing Body meeting.

6 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
7 **CITY OF SANTA FE** that Proclamation X is hereby extended by twenty-six (26) days, expiring
8 at noon on August 9, 2021, pursuant to Section 20-1.3(C).

9 PASSED, APPROVED, and ADOPTED this 14th day of July, 2021.

11
12 


13 ALAN WEBBER, MAYOR

14 ATTEST:

15 
16 Kristine Mihelcic (Jul 20, 2021 10:20 MDT)

17 KRISTINE MIHELICIC, CITY CLERK

18 APPROVED AS TO FORM:

19 
20 _____

21 ERIN K. McSHERRY, CITY ATTORNEY



CITY OF SANTA FE
PROCLAMATION OF EMERGENCY X- COVID-19
July 11, 2021

WHEREAS, pursuant to Santa Fe City Code (SFCC) 1987, Section 2-1.3, “Powers and Duties of the Mayor,” the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City’s Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and to preserve public peace and safety;

WHEREAS, SFCC 1987, Section 2-16, defines “emergency” to include a “public health or medical emergency” and other occurrences “requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") and on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency due to the virus;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared a Public Health Emergency exists in New Mexico and on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the COVID-19 outbreak a condition of public health importance;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe has killed, harmed, impaired economically and suppressed the wellbeing of the residents of the City, resulting in an ongoing and significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020, (Proclamation I), March 23, 2020 (Proclamation II), May 26, 2020 (Proclamation III), July 27, 2020 (Proclamation IV), September 28, 2020 (Proclamation V); November 30, 2020 (Proclamation VI); January 30, 2021 (Proclamation VII); March 29, 2021 (Proclamation VIII); and May 24, 2021 (Proclamation IX);

WHEREAS, former Secretary Kunkel, formerly acting NMDOH Cabinet Secretary Billy Jimenez, and former Secretary Tracie C. Collins, issued a series of Public Health Orders and Amendments, approximately 45 of them, beginning on March 13, 2020, with the most recent issued on June 30, 2021, imposing various restrictions on activities within New Mexico;

WHEREAS, a growing number of individuals have been infected with COVID-19 in New Mexico, including 10,642 cases in Santa Fe County as of June 6, 2021;

WHEREAS, since my last proclamation, new variants of the COVID-19 virus, with higher infection rates, have continued to spread and the most infectious variants known are being transmitted in New Mexico;

WHEREAS, 151 Santa Fe County residents have died from COVID-19 infections as of June 6, 2021;

WHEREAS, while reopening steps are positive for the City's economy, they also increase the risk of infection for unvaccinated persons;

WHEREAS, more than 2,203,856 doses of the three COVID-19 vaccines authorized for experimental use in the United States have been administered in New Mexico;

WHEREAS, Centers for Disease Control (CDC) no longer recommends facial coverings for outdoor activities and it no longer recommends facial coverings for

vaccinated persons in indoor settings, recognizing the high efficacy of vaccination and the unlikelihood of outdoor transmission;

WHEREAS, unvaccinated persons continue to face a significant risk of infection, particularly in close-contact, indoor settings, and particularly when in close-contact with unvaccinated persons;

WHEREAS, while New Mexico leads the nation in percent decreases in COVID in the last 14 days, Santa Fe is a national and international tourist destination and neighboring states and countries of origins for tourists are hotspots in percent increases in cases, particularly of the more contagious Delta variant;

WHEREAS, the duration of effectiveness of vaccines is unclear and we do not yet know when and whether boosters should be required;

WHEREAS, emergency relief funds are available from a number of sources for tenants who are behind on their rent and utilities payments;

WHEREAS, the City's Utilities Department works with residents who need to set up a payment plan in order to avoid water shut-offs;

WHEREAS, recently, there has been a spike in the acuity of behavioral health (substance use disorder and mental health) episodes;

WHEREAS, Proclamation IX expired at noon today, July 12, 2021; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve the public peace and safety of the people of Santa Fe; other orders I previously issued require updating to address the continuing pandemic; and certain new orders will improve the City of Santa Fe's pace of recovery from, and limit the harm caused by, the pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result, events have caused and are causing danger of injury or damage to persons and property within the city. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. City facilities may accommodate public use to the extent possible while maintaining the applicable COVID-Safe Practices (CSPs) and as not difficult or impossible with regards to in-person public meetings;
- b. The City Manager shall address the public health emergency by
 - i. increasing in-person City services and access to facilities in a safety-conscious manner, as long as local infection rates continue to decrease and as long as City employee rates remain near zero;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. facilitating the continued application of the policy adopted to evaluate and address the public health and safety risks, including illegal activity, flash floods, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments, other than encampments in City parks, when leaving them in place furthers the purposes of this Order; and
 - iv. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees.
- c. Resources of the City shall be used to address the emergency as reasonably necessary, including the following:
 - i. Only persons who are following applicable CSPs and requirements and wearing a facial covering may enter City facilities
 - ii. If a member of the public requiring indoor services has a medical reason to not wear a facial covering, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include putting employees and other members of the public at risk; and
 - iii. City employees who are not vaccinated shall be encouraged, but not required, to get tested on a regular basis.

d. When inside the publicly accessible areas of City facilities employees, and other City actors, such as committee members and contractors, must wear a facial covering.

e. Employees, and other City actors, such as committee members and contractors, may only engage in public business inside City facilities without a facial covering when they are both (1) fully vaccinated (two weeks after final dose); and (2) in areas of City facilities that are not open to the public. “Open to the public” includes areas where the public is present (with or without an appointment) and areas the public may enter without an appointment. An area is not open to the public if it is fully enclosed by walls and a door that separates the area from an area accessible to the public. An area with a partial barrier between City actors and the public is open to the public.

f. Before entering City facilities, members of the public shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:

i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

ii. Are you unvaccinated, and either

a. In the past 14 days, had close contact with anyone that you know had COVID-19 or COVID-like symptoms? “Close contact” includes being 6 feet or closer for more than 15 minutes with the person. or

b. Been tested for COVID-19 and are waiting to receive test results?

v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

g. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

h. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory's email;

i. Until the New Mexico Supreme Court lifts its injunction and the federal government lifts its moratorium, and to allow time for tenants to apply for and obtain relief funds, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. In addition, landlords are prohibited from evicting commercial tenants who are unable to pay rent on time because, due to the public health emergency, they have been prohibited from opening to the public. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages tenants to seek relief funds and discussions of payment plans between landlords and tenants;

j. The moratorium on water shut-offs will continue in order to allow customers the opportunity to seek a payment plan and/or relief funds, and to allow the Utilities Department to facilitate customers' access to relief funds, while charges will continue to accrue and be owed;

k. Unless a healthcare provider instructs otherwise,

i. persons in Santa Fe must wear a facial covering as required by federal and state, laws, rules, and regulations and as provided in this Order for City facilities and City employees and agents; and

ii. local businesses and employers may require facial coverings for clients, employees, and customers.

l. Businesses and non-profits shall comply with the State-issued CSPs to the extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

m. Employers shall not retaliate against employees for seeking to comply with CSPs, advocating that their place of business follow CSPs, or reporting non-

compliance with CSPs.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I advise residents and visitors to the City to take the following actions and/or precautions:

- a. Obtain full vaccination against the COVID-19 virus. Available locations are posted on <https://cvvaccine.nmhealth.org>;
- b. Wear a facial covering in close-contact situations with unvaccinated persons and persons whose vaccination status is unknown;
- c. Seek relief funds for overdue rent and utilities payments. Available sources include the following:
 - i. For rent and/or mortgage assistance, from the following sources:
 1. For renters, the Emergency Rental Assistance Program: <https://www.renthelpnm.org/> ; and
 2. For homeowners, the State of New Mexico Mortgage Finance Authority: <https://portal.neighborlysoftware.com/NEWMEXICOHOMEOWNERASSISTANCEFUND/Participant>, 505-308-4206, 866-488-0498, or housingassistance@housingnm.org
 - ii. For assistance with utilities payments, the following organizations have resources: Rent Help NM (linked above with rental assistance sources), Adelante Santa Fe Public Schools, Connect, St. Bede's Episcopal Church, St. Vincent de Paul, The Cathedral Basilica of St. Francis of Assisi, Help New Mexico, San Isidro Catholic Church, Life Link, Our Lady of Guadalupe Church, Income Support Division, Salvation Army, Communities in Schools New Mexico, and Westminster Presbyterian Church;
- d. If utilities payments are overdue to the City, set up a payment plan by calling Utility Billing's main number 505-955-4333 and selecting option "2";
- e. Avoid contact with people who are sick;
- f. If you are unvaccinated,
 - i. practice "social distancing", by maintain six (6) feet between yourself and others;

- ii. Avoid handshaking; and
 - iii. Avoid all non-essential travel, including plane trips and cruise ships.
- g. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- h. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- i. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- j. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- k. Avoid touching your face, nose, and eyes; and
- l. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices).

III. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above;
- b. Landlords should work with their tenants to obtain the maximum relief funds available for past-due rental payments;
- c. Utilities should work with their customers to obtain the maximum relief funds available for past-due utilities bills;
- d. Event planners should seek testing and vaccinations for performers, vendors, and other traveling participants to the greatest extent possible, preferably vaccination before arrival and testing for unvaccinated participants;
- e. Local businesses should offer paid sick leave whenever feasible;
- f. Local businesses should limit non-essential travel for work;
- g. Local businesses should continue to allow employees to work from home where feasible;
- h. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;

- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
- k. Residents should register for the COVID-19 vaccine at <https://cvvaccine.nmhealth.org> and update their profile regularly;
- l. Residents and visitors who have symptoms or are unvaccinated and know they have been exposed to someone with COVID-19 should obtain COVID-19 testing, either in person at one of the many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>) or at home, using a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>; and
- m. Residents should call 1-855-NMCRISIS (1-855-662-7474) if they or someone they know is having a behavioral health (substance use disorder or mental health) crisis and need assistance.

IV. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

V. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 12 day of July, 2021 at the hour of 3 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:

Kristine Mihelcic
Kristine Mihelcic (Jul 12, 2021 15:43 MDT)

KRISTINE MIHELICIC, CITY CLERK

(S E A L)

Exhibit K



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY XI- COVID-19

August 9, 2021

WHEREAS, pursuant to Santa Fe City Code (SFCC) 1987, Section 2-1.3, “Powers and Duties of the Mayor,” the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City’s Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and to preserve public peace and safety;

WHEREAS, SFCC 1987, Section 2-16, defines “emergency” to include a “public health or medical emergency” and other occurrences “requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") and on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency due to the virus;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared a Public Health Emergency exists in New Mexico and on March 12, 2020, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, declared the COVID-19 outbreak a condition of public health importance;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe has killed, harmed, impaired economically and suppressed the wellbeing of the residents of the City, resulting in an ongoing and significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020, (Proclamation I), March 23, 2020 (Proclamation II), May 26, 2020 (Proclamation III), July 27, 2020 (Proclamation IV), September 28, 2020 (Proclamation V); November 30, 2020 (Proclamation VI); January 30, 2021 (Proclamation VII); March 29, 2021 (Proclamation VIII); May 24, 2021 (Proclamation IX); and July 11, 2021;

WHEREAS, former Secretary Kunkel, formerly acting NMDOH Cabinet Secretary Billy Jimenez, former Secretary Tracie C. Collins, and acting Secretary David R. Scrase, M.D., issued a series of Public Health Orders and Amendments, approximately 45 of them, beginning on March 13, 2020, with the most recent issued on July 30, 2021, imposing various restrictions on activities within New Mexico;

WHEREAS, a growing number of individuals have been infected with COVID-19 in New Mexico, including 10,939 cases in Santa Fe County as of August 4, 2021;

WHEREAS, since my last proclamation, new variants of the COVID-19 virus, with higher infection rates, have continued to spread and the most infectious variants known are being transmitted in New Mexico;

WHEREAS, 153 Santa Fe County residents have died from COVID-19 infections as of August 4, 2021;

WHEREAS, while the vast majority of cases, hospitalizations, and deaths are occurring among the unvaccinated population, **and** recent studies show that the variant known as the “Delta Variant” is also significantly more likely to spread within the vaccinated population than previously known variants;

WHEREAS, more than 2,203,856 doses of the three COVID-19 vaccines authorized for experimental use in the United States have been administered in New Mexico, but rates of vaccination have decreased significantly over the course of the

last few months;

WHEREAS, Centers for Disease Control (CDC) recommends that, in counties with “High” or “Substantial” contagion risk, vaccinated persons wear facial coverings inside again, due to the new study regarding the higher contagion of, and transmission by, vaccinated persons by the Delta Variant;

WHEREAS, unvaccinated persons continue to face a significantly higher risk of infection, hospitalization, and death, particularly in close-contact, indoor settings, and particularly when in close-contact with unvaccinated persons;

WHEREAS, Santa Fe County residents have a 74% vaccination rate among adults;

WHEREAS, Santa Fe is a national and international tourist destination and neighboring states and countries of origins for tourists are hotspots in percent increases in cases, particularly of the Delta Variant;

WHEREAS, the CDC currently classifies Santa Fe County as having a “Substantial” transmission rate, based on cases per 100,000 persons and test positivity rates;

WHEREAS, the duration of effectiveness of vaccines is unclear and we do not yet know when and whether boosters should be required;

WHEREAS, emergency relief funds are available from a number of sources for tenants who are behind on their rent and utilities payments, but the funds have been difficult for some residents to access who remain at risk of eviction due to the financial impacts of the pandemic;

WHEREAS, the City’s Utilities Department works with residents who need to set up a payment plan in order to avoid water shut-offs;

WHEREAS, recently, there has been a spike in the acuity of behavioral health (substance use disorder and mental health) episodes;

WHEREAS, the Governor’s emergency order requires adherence to COVID-Safe Practices (CSPs), which require employers to follow the CDC’s recommendations

regarding wearing facial coverings;

WHEREAS, after a period with few or no employees with positive COVID tests, there have recently been 5 employees with positive COVID-19 tests;

WHEREAS, during a state of emergency declared by the New Mexico department of health or recognized by the world health organization as a pandemic, the Santa Fe City Code SFCC Section 20-1.4(E), authorizes the City Manager to exclude or limit the public from in-person attendance at meetings, provided that the public may witness the meeting, either by telephone, the internet, or on television, and provided that the meeting provides adequate means for public participation to satisfy constitutional due process;

WHEREAS, Section 20-1.4(E) also authorizes the City Manager to cancel any Governing Body, City Council standing committee, or standing committee meeting prior to commencement of such meeting to preserve the public health, safety, and welfare;

WHEREAS, Proclamation X expired at noon today, August 9, 2021; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve the public peace and safety of the people of Santa Fe; other orders I previously issued require updating to address the continuing pandemic; and certain new orders will improve the City of Santa Fe's pace of recovery from, and limit the harm caused by, the pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result, events have caused and are causing danger of injury or damage to persons and property within the city. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. City facilities may accommodate public use while maintaining the

applicable COVID-Safe Practices (CSPs) when such use is not difficult or impossible with regards to in-person public meetings;

- b. The City Manager shall address the public health emergency by
 - i. maintaining the level of in-person City services and access to facilities that are currently available, to the extent that is possible in a safety-conscious manner, and begin increasing in-person services again when local infection rates decrease again;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. facilitating the continued application of the policy adopted to evaluate and address the public health and safety risks, including illegal activity, flash floods, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments, other than encampments in City parks, when leaving them in place furthers the purposes of this Order; and
 - iv. working with the Human Resources Department to issue policies regarding COVID-19 Safe Practices for City employees and policies for in-person work and telework for staff as appropriate.

- c. Resources of the City shall be used to address the emergency as reasonably necessary, including the following:
 - i. Only persons wearing a facial covering may enter City facilities;
 - ii. If a member of the public requiring indoor services has a medical reason to not wear a facial covering, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include putting employees and other members of the public at risk; and
 - iii. City employees must either
 - a. Provide documentation of their full COVID-19 vaccination, as defined by the CDC; or
 - b. Provide proof of a negative COVID-19 test on a weekly basis.
 - iv. All vaccination records and test results shall be submitted pursuant to guidance issued by the City Manager and shall be maintained as

confidential.

v. Employees who refuse to abide by the above documentation and confidentiality requirements may be subject to disciplinary action.

d. When the CDC rates the County of Santa Fe's COVID-19 transmission rate as either "High" or "Substantial", facial coverings are required for all persons inside City buildings, except when eating, drinking, or swimming, or when in enclosed, private spaces that are not shared with others.

e. Regardless of the applicable CDC transmission rating, when inside the publicly accessible areas of City facilities employees, and other City actors, such as committee members and contractors, must wear a facial covering.

f. Regardless of the applicable CDC transmission rating, employees, and other City actors, such as committee members and contractors, may only engage in public business inside City facilities without a facial covering when they are both (1) fully vaccinated (two weeks after final dose); and (2) in areas of City facilities that are not open to the public. "Open to the public" includes areas where the public is present (with or without an appointment) and areas the public may enter without an appointment. An area is not open to the public if it is fully enclosed by walls and a door that separates the area from an area accessible to the public. An area with a partial barrier between City actors and the public is open to the public.

g. Before entering City facilities, members of the public shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:

i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

ii. Are you unvaccinated, and either

a. In the past 14 days, had close contact with anyone that you know had COVID-19 or COVID-like symptoms? "Close contact" includes being 6 feet or closer for more than 15 minutes with the person. or

b. Been tested for COVID-19 and are waiting to receive test

results?

v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

h. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

i. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory's email;

j. Until the New Mexico Supreme Court lifts its injunction and the federal government lifts its moratorium, and to allow time for tenants to apply for and obtain relief funds, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages tenants to seek relief funds and discussions of payment plans between landlords and tenants;

k. The moratorium on water shut-offs will continue in order to allow customers the opportunity to seek a payment plan and/or relief funds, and to allow the Utilities Department to facilitate customers' access to relief funds, while charges will continue to accrue and be owed;

l. Unless a healthcare provider instructs otherwise,

i. persons in Santa Fe must wear a facial covering as required by federal and state, laws, rules, and regulations and as provided in this Order for City facilities and City employees and agents; and

ii. local businesses and employers may require facial coverings for clients, employees, and customers.

l. Businesses and non-profits shall comply with the State-issued CSPs to the

extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

m. Employers shall not retaliate against employees for seeking to comply with CSPs, this Order or CDC guidance, advocating that their place of business follow CSPs, this Order or CDC guidance, or reporting non-compliance with this Order or CDC guidance.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I strongly recommend that all individuals comply with official recommendations from the CDC and comply with any mandatory directives issued by the CDC regarding the use of face masks.

III. In addition, I advise residents and visitors to the City to take the following actions and/or precautions:

- a. Obtain full vaccination against the COVID-19 virus. Available locations are posted on <https://cuvaccine.nmhealth.org>;
- b. Wear a facial covering in close-contact situations with unvaccinated persons and persons whose vaccination status is unknown;
- c. Seek relief funds for overdue rent and utilities payments. Available sources include the following:
 - i. For rent and/or mortgage assistance, from the following sources:
 1. For renters, the Emergency Rental Assistance Program: <https://www.renthelpnm.org/> ; and
 2. For homeowners, the State of New Mexico Mortgage Finance Authority: <https://portal.neighborlysoftware.com/NEWMEXICOHOMEOWNERASSISTANCEFUND/Participant>, 505-308-4206, 866-488-0498, or housingassistance@housingnm.org
 - ii. For assistance with utilities payments, the following organizations have resources: Rent Help NM (linked above with rental assistance sources), Adelante Santa Fe Public Schools, Connect, St. Bede's Episcopal Church, St. Vincent de Paul, The Cathedral Basilica of St. Francis of Assisi, Help New Mexico,

Life Link, Our Lady of Guadalupe Church, Income Support Division, Salvation Army, Communities in Schools New Mexico, and Westminster Presbyterian Church;

- d. If utilities payments are overdue to the City, set up a payment plan by calling Utility Billing's main number 505-955-4333 and selecting option "2";
- e. Avoid contact with people who are sick;
- f. If you are unvaccinated,
 - i. practice "social distancing", by maintain six (6) feet between yourself and others;
 - ii. Avoid handshaking; and
 - iii. Avoid all non-essential travel, including plane trips and cruise ships.
- g. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- h. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- i. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- j. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- k. Avoid touching your face, nose, and eyes; and
- l. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices).

IV. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above;
- b. Landlords should work with their tenants to obtain the maximum relief funds available for past-due rental payments;
- c. Utilities should work with their customers to obtain the maximum relief funds available for past-due utilities bills;
- d. Event planners should seek testing and vaccinations for performers, vendors, and other traveling participants to the greatest extent possible,

- preferably vaccination before arrival and testing for unvaccinated participants;
- e. Local businesses should offer paid sick leave whenever feasible;
 - f. Local businesses should limit non-essential travel for work;
 - g. Local businesses should continue to allow employees to work from home where feasible;
 - h. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
 - i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
 - j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
 - k. Residents should register for the COVID-19 vaccine at <https://cvvaccine.nmhealth.org> and update their profile regularly;
 - l. Residents and visitors should get tested regularly for COVID-19, regardless of vaccination status and symptoms;
 - m. Residents and visitors should also get tested when and if they have symptoms or are unvaccinated and know they have been exposed to someone with COVID-19 should obtain COVID-19 testing, either in person at one of the many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>) or at home, using a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>; and
 - n. Residents should call 1-855-NMCRISIS (1-855-662-7474) if they or someone they know is having a behavioral health (substance use disorder or mental health) crisis and need assistance.

V. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

VI. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing

Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 9 day of August, 2021 at the hour of 3 o'clock P.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:


Kristine Mihelcic (Aug 9, 2021 15:52 MDT)

KRISTINE MIHELICIC, CITY CLERK
(S E A L)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-47

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

EXTENDING THE EMERGENCY PROCLAMATION DECLARED BY THE MAYOR ON AUGUST 9, 2021, BY FORTY-SEVEN DAYS, EXPIRING AT NOON ON SEPTEMBER 27, 2021, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber’s Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020 the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, the public health emergency declared by the New Mexico Department of
3 Health continues; and

4 **WHEREAS**, subsequent to the Governing Body’s amendments to Section 20-1.3, the
5 Mayor has proclaimed a state of emergency nine times in response to the continuing public health
6 emergency on May 25, 2020; July 27, 2020; September 28, 2020; November 30, 2020; January 20,
7 2021; March 29, 2021; May 24, 2021; July 12, 2021, and August 9, 2021 (COVID-19
8 Proclamations II through XI); and

9 **WHEREAS**, in Santa Fe County, at least 83.6% of eligible residents ages 18 or older have
10 had at least one does of a COVID-19 vaccine and at least 74.9% are fully vaccinated; and

11 **WHEREAS**, despite the County’s high vaccination rate, instances of positive cases and
12 hospitalizations are increasing again as several of the more infectious variants, including the Delta
13 variant, have been detected in New Mexico, requiring ongoing diligence and City response to
14 suppress the spread of the virus; and

15 **WHEREAS**, New Mexico has seen a rapid rise in positive cases as a result of the highly
16 infectious nature of the Delta variant, with most cases and hospitalizations occurring among the
17 unvaccinated; and

18 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
19 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
20 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
21 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
22 Proclamation IV and the resolution extending it, Resolution No. 2020-30 are attached as Exhibit
23 D; COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
24 as Exhibit E; COVID-19 Proclamation VI and the resolution extending it, Resolution No. 2020-44
25 are attached as Exhibit F; COVID-19 Proclamation VII and the resolution extending it, Resolution

1 No. 2021-9 are attached as Exhibit G; COVID-19 Proclamation VIII and the resolution extending
2 it, Resolution No. 2021-19 are attached as Exhibit H; COVID-19 Proclamation IX and the
3 resolution extending it, Resolution No. 2021-31 are attached as Exhibit I; COVID-19 Proclamation
4 X and the resolution extending it, Resolution No. 2021-40 is attached as Exhibit J, and COVID-19
5 Proclamation XI is attached as Exhibit K; and

6 **WHEREAS**, if not extended, Proclamation XI would expire on August 12, 2021; and

7 **WHEREAS**, the Governing Body wishes to extend Proclamation XI for an additional
8 forty-seven (47) days pursuant to Section 20-1.3(C), an extension that will allow, if needed,
9 reissuance of a proclamation by the Mayor on September 27th, 2021, and an extension by the
10 Governing Body on September 29th, 2021, a regularly scheduled Governing Body meeting.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
12 **CITY OF SANTA FE** that Proclamation XI is hereby extended by forty-seven (47) days, expiring
13 at noon on September 27, 2021, pursuant to Section 20-1.3(C).

14 PASSED, APPROVED, and ADOPTED this 11th day of August, 2021.

15
16
17 

18 ALAN WEBBER, MAYOR

19
20 ATTEST:

21
22 

23 Kristine Mihelcic (Aug 16, 2021 18:33 MDT)
KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

2

3



4

ERIN K. McSHERRY, CITY ATTORNEY

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Legislation/2021/Resolutions/2021-47 State of Emergency Extension XI

EXHIBIT L



CITY OF SANTA FE **PROCLAMATION OF EMERGENCY XII- COVID-19** **September 27, 2021**

WHEREAS, pursuant to Santa Fe City Code (SFCC) 1987, Section 2-1.3, “Powers and Duties of the Mayor,” the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City’s Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and to preserve public peace and safety;

WHEREAS, SFCC 1987, Section 2-16, defines “emergency” to include a “public health or medical emergency” and other occurrences “requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment”;

WHEREAS, on January 30, 2020, the World Health

Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") and on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency due to the virus;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared a Public Health Emergency exists in New Mexico and on March 12, 2020, Kathyleen M. Kunkel, then the Cabinet Secretary of the New Mexico Department of Health, declared the COVID-19 outbreak a condition of public health importance;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe has killed, harmed, impaired economically and suppressed the wellbeing of the residents of the City, resulting in an ongoing and significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020, (Proclamation I), March 23, 2020 (Proclamation II), May 26, 2020 (Proclamation III), July 27, 2020 (Proclamation IV), September 28, 2020 (Proclamation V); November 30, 2020 (Proclamation VI); January 30, 2021 (Proclamation VII); March 29, 2021 (Proclamation VIII); May 24, 2021 (Proclamation IX); July 11, 2021 (Proclamation X); and August 9, 2021 (Proclamation XI);

WHEREAS, former Secretary Kunkel, formerly acting NMDOH Cabinet Secretary Billy Jimenez, former Secretary Tracie C. Collins, and acting Secretary David R. Scrase, M.D., have issued

a series of Public Health Orders and Amendments, approximately 50 of them, beginning on March 13, 2020, with the most recent issued on September 15, 2021, imposing various restrictions on activities within New Mexico;

WHEREAS, a growing number of individuals have been infected with COVID-19 in New Mexico, including 12,201 cases in Santa Fe County as of September , 2021;

WHEREAS, since my last proclamation, the Delta variant of the COVID-19 virus, has become the primary variant being transmitted in New Mexico;

WHEREAS, 165 Santa Fe County residents have died from COVID-19 infections as of September 24, 2021;

WHEREAS, the vast majority of cases, hospitalizations, and deaths are occurring among the unvaccinated population, **and** recent studies show that the variant known as the “Delta Variant” is also significantly more likely to spread within the vaccinated population than previously known variants;

WHEREAS, more than 2,536,234 doses of the three COVID-19 vaccines the Food and Drug Administration has either authorized with full approval or for experimental use in the United States have been administered in New Mexico, but rates of initial vaccination have decreased significantly over the course of the last few months;

WHEREAS, Centers for Disease Control (CDC) continues to recommend that, in counties with “High” or “Substantial”

contagion risk, vaccinated persons wear facial coverings inside, due to the new study regarding the higher contagion of, and transmission by, vaccinated persons by the Delta Variant;

WHEREAS, unvaccinated persons continue to face a significantly higher risk of infection, hospitalization, and death, particularly in close-contact, indoor settings, and particularly when in close-contact with unvaccinated persons;

WHEREAS, Over eighty percent (80.4%) of eligible Santa Fe residents have completed a vaccination series and over ninety percent (90.5%) have had at least one shot;

WHEREAS, Santa Fe is a national and international tourist destination and neighboring states and countries of origins for tourists are hotspots in percent increases in cases;

WHEREAS, despite its high vaccination rate, Santa Fe County still has a “High” transmission rate, based on cases per 100,000 persons and test positivity rates;

WHEREAS, the duration of effectiveness of vaccines may be decreasing for at least some populations and a booster has recently been approved for high-risk populations;

WHEREAS, emergency relief funds are available from a number of sources for tenants who are behind on their rent and utilities payments, but the funds continue to be difficult to access for some residents who remain at risk of eviction due to the financial impacts of the pandemic;

WHEREAS, the City’s Utilities Department works with residents who need to set up a payment plan in order to avoid water shut-offs;

WHEREAS, recently, there has been a spike in the acuity of behavioral health (substance use disorder and mental health) episodes;

WHEREAS, the Governor’s emergency order requires facial coverings in all indoor public settings and adherence to pertinent COVID-Safe Practices;

WHEREAS, shortly before my last proclamation there were 5 employees with positive COVID-19 tests, but since that time there have been many more;

WHEREAS, as a result of my last order’s requirement that employees either disclose a fully vaccinated status or turn in COVID-19 test results on a weekly basis, the City’s documented vaccination status increased from approximately fifty percent (50%) to more than seventy-five percent (75%);

WHEREAS, during a state of emergency declared by the New Mexico department of health or recognized by the world health organization as a pandemic, the Santa Fe City Code SFCC Section 20-1.4(E), authorizes the City Manager to exclude or limit the public from in-person attendance at meetings, provided that the public may witness the meeting, either by telephone, the internet, or on television, and provided that the meeting provides adequate means for public participation to satisfy constitutional due process;

WHEREAS, Section 20-1.4(E) also authorizes the City Manager to cancel any Governing Body, City Council standing committee, or standing committee meeting prior to commencement of such meeting to preserve the public health, safety, and welfare;

WHEREAS, Proclamation XI expired at noon today, September 27, 2021; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve the public peace and safety of the people of Santa Fe; other orders I previously issued require updating to address the continuing pandemic; and certain new orders will improve the City of Santa Fe's pace of recovery from, and limit the harm caused by, the pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result, events have caused and are causing danger of injury or damage to persons and property within the city. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. City facilities may accommodate public use while maintaining the applicable COVID-Safe Practices (CSPs)

and when such use is not difficult or impossible with regards to in-person public meetings;

b. The City Manager shall address the public health emergency by

i. maintaining the level of in-person City services and access to facilities that are currently available, to the extent that is possible in a safety-conscious manner, and increasing in-person services when and as local infection rates decrease again;

ii. directing City employees, as applicable, to perform emergency functions;

iii. facilitating the continued application of the policy adopted to evaluate and address the public health and safety risks, including illegal activity, flash floods, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments, other than encampments in City parks, when leaving them in place furthers the purposes of this Order;

iv. work with the Human Resources Department in enforcing the policies regarding COVID-19 Safe Practices for City employees and policies for in-person work and telework for staff as appropriate; and

v. updating the conditions of employment for vacant positions to include maintaining full vaccination status for COVID-19;

c. Resources of the City shall be used to address the emergency as reasonably necessary, including the following:

i. Only persons wearing a facial covering may enter City facilities;

ii. If a member of the public requiring indoor services has a medical reason to not wear a facial covering, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include admitting the member of the public into the City facility and putting employees and other members of the public at risk; and

iii. City employees must either

a. Provide documentation of their full COVID-19 vaccination, as defined by the CDC; or

b. Provide proof of a negative COVID-19 test on a weekly basis.

iv. All vaccination records and test results shall be submitted pursuant to guidance issued by the City Manager and shall be maintained as confidential.

v. Employees who refuse to abide by the above documentation and confidentiality requirements may be subject to disciplinary action.

d. While the State's facial covering order is in place and when the CDC rates the County of Santa Fe's COVID-19 transmission rate as either "High" or "Substantial", facial coverings are required for all persons inside City buildings, except when eating, drinking, or swimming, or when in enclosed, private spaces that are not shared with others.

e. Regardless of the applicable CDC transmission rating, when inside the publicly accessible areas of City facilities employees, and other City actors, such as committee members and contractors, must wear a facial covering.

f. Regardless of the applicable CDC transmission rating, employees, and other City actors, such as committee members and contractors, may only engage in public business inside City facilities without a facial covering when the State's order ceases and they are both (1) fully vaccinated (two weeks after final dose); and (2) in areas of City facilities that are not open to the public. "Open to the public" includes areas where the public is present and areas the public may enter with or without an appointment. An area is not open to the public if it is fully enclosed by walls and a door that separates the area from an area accessible to the public. An area with a partial barrier between City actors and the public is open to the public.

g. Before entering City facilities, members of the public shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:

i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

ii. Are you unvaccinated, and either

a. In the past 14 days, had close contact with

anyone that you know had COVID-19 or COVID-like symptoms? “Close contact” includes being 6 feet or closer for more than 15 minutes with the person. or

b. Been tested for COVID-19 and are waiting to receive test results?

v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

h. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

i. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory’s email;

j. Until the New Mexico Supreme Court lifts its injunction and to allow time for tenants to apply for and obtain relief funds, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages landlords and tenants to seek relief funds and landlords and

tenants to discuss of payment plans;

k. The moratorium on water shut-offs will continue in order to allow customers the opportunity to seek a payment plan and/or relief funds, and to allow the Utilities Department to facilitate customers' access to relief funds, while charges will continue to accrue and be owed;

l. Unless a healthcare provider instructs otherwise,

i. persons in Santa Fe must wear a facial covering as required by federal and state, laws, rules, and regulations and as provided in this Order for City facilities and City employees and agents; and

ii. local businesses and employers may require facial coverings for clients, employees, and customers;

l. Businesses and non-profits shall comply with the State-issued CSPs to the extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

m. Employers shall not retaliate against employees for seeking to comply with CSPs, this Order or CDC guidance, advocating that their place of business follow CSPs, this Order or CDC guidance, or reporting non-compliance with this Order or CDC guidance.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of

Health, and other governmental, medical, and public health experts, I strongly recommend that all individuals comply with official recommendations from the CDC and comply with any mandatory directives issued by the CDC regarding the use of face masks.

III. In addition, I advise residents and visitors to the City to take the following actions and/or precautions:

- a. Obtain full vaccination against the COVID-19 virus. Available locations are posted on <https://cvvaccine.nmhealth.org>;
- b. Even when not otherwise required, wear a facial covering in close-contact situations with unvaccinated persons and persons whose vaccination statuses are unknown;
- c. Seek relief funds for overdue rent and utilities payments. Available sources include the following:
 - i. For rent and/or mortgage assistance, from the following sources:
 - 1. For renters, the Emergency Rental Assistance Program: <https://www.renthelpnm.org/> ; and
 - 2. For homeowners, the State of New Mexico Mortgage Finance Authority: [https://portal.neighborlysoftware.com/NEW MEXICOHOMEOWNERASSISTANCEFU](https://portal.neighborlysoftware.com/NEW_MEXICOHOMEOWNERASSISTANCEFU) ND/Participant, 505-308-4206, 866-488-0498, or housingassistance@housingnm.org
 - ii. For assistance with utilities payments, the following organizations have resources: Rent

Help NM (linked above with rental assistance sources), Adelante Santa Fe Public Schools, Connect, St. Bede's Episcopal Church, St. Vincent de Paul, The Cathedral Basilica of St. Francis of Assisi, Help New Mexico, Life Link, Our Lady of Guadalupe Church, Income Support Division, Salvation Army, Communities in Schools New Mexico, and Westminster Presbyterian Church;

- d. For utilities payments that are overdue to the City, set up a payment plan by calling Utility Billing's main number 505-955-4333 and selecting option "2";
- e. Avoid contact with people who are sick;
- f. If you are unvaccinated,
 - i. practice "social distancing", by maintain six (6) feet between yourself and others;
 - ii. Avoid handshaking; and
 - iii. Avoid all non-essential travel, including plane trips and cruise ships.
- g. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- h. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- i. To the extent possible, avoid touching high-touch surfaces in public places, such as elevator buttons, door handles, and handrails;
- j. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- k. Avoid touching your face, nose, and eyes; and

1. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices).

IV. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above;
- b. Landlords should work with their tenants to obtain the maximum relief funds available for past-due rental payments;
- c. Utilities should work with their customers to obtain the maximum relief funds available for past-due utilities bills;
- d. Event planners should seek testing and vaccinations for performers, vendors, and other traveling participants to the greatest extent possible, preferably vaccination before arrival and testing for unvaccinated participants;
- e. Local businesses should offer paid sick leave whenever feasible;
- f. Local businesses should limit non-essential travel for work;
- g. Local businesses should continue to allow employees to work from home where feasible;
- h. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- i. Residents should, to the extent feasible without

- compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
 - k. Residents should register for the COVID-19 vaccine at <https://cvvaccine.nmhealth.org> and update their profile regularly;
 - l. Residents and visitors should get tested regularly for COVID-19, regardless of vaccination status and symptoms;
 - m. Residents and visitors should also get tested when and if they have symptoms or are unvaccinated and know they have been exposed to someone with COVID-19 should obtain COVID-19 testing, either in person at one of the many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>) or at home, using a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>; and
 - n. Residents should call 1-855-NMCRISIS (1-855-662-7474) if they or someone they know is having a behavioral health (substance use disorder or mental health) crisis and need assistance.

V. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and order the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.

VI. Term.

This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

**DONE at Santa Fe, New Mexico this 27 day of
September , 2021 at the hour of 3 o'clock P.M. (MDT).**



**ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico**

ATTEST:



**KRISTINE MIHELICIC, CITY CLERK
(S E A L)**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2021-51

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

**EXTENDING THE EMERGENCY PROCLAMATION DECLARED BY THE MAYOR ON
SEPTEMBER 27, 2021, BY FORTY DAYS, EXPIRING AT NOON ON NOVEMBER 8,
2021, PURSUANT TO SECTION 20-1.3(C) SFCC 1987.**

WHEREAS, on March 13, 2020, Mayor Webber proclaimed a state of emergency in response to the Public Health Emergency that is the rapid spread of an infection called COVID-19 (COVID-19 Proclamation I); and

WHEREAS, on March 16, 2020 the Governing Body voted to extend Mayor Webber’s Proclamation, pursuant to SFCC 1987, Section 20-1.3(C); and

WHEREAS, on March 23, 2020 the Mayor proclaimed a state of emergency a second time in response to the continuing Public Health Emergency, due to the continued and growing emergency (COVID-19 Proclamation II); and

WHEREAS, on March 25, 2020 the Governing Body adopted amendments to Section 20-1.3 SFCC 1987 that allow the Governing Body to extend the proclamation of emergency by up to sixty (60) days in the event a public health emergency has been declared by the New Mexico

1 Department of Health; and

2 **WHEREAS**, the public health emergency declared by the New Mexico Department of
3 Health continues; and

4 **WHEREAS**, subsequent to the Governing Body’s amendments to Section 20-1.3, the
5 Mayor has proclaimed a state of emergency nine times in response to the continuing public health
6 emergency on May 25, 2020; July 27, 2020; September 28, 2020; November 30, 2020; January 20,
7 2021; March 29, 2021; May 24, 2021; July 12, 2021; August 9, 2021; and September 27, 2021
8 (COVID-19 Proclamations II through XII); and

9 **WHEREAS**, in Santa Fe County, at least 90.5% of eligible residents ages 18 or older have
10 had at least one dose of a COVID-19 vaccine and at least 80.4% are fully vaccinated, nearly 20
11 percentage points more than New Mexico as a whole; and

12 **WHEREAS**, despite the County’s high vaccination rate, instances of positive cases and
13 hospitalizations remain high as the highly infections Delta variant accounts for nearly all of the
14 positive cases throughout the State, requiring ongoing diligence and City response to suppress the
15 spread of the virus; and

16 **WHEREAS**, as a result of Proclamation XI and its associated Emergency Orders, the City
17 of Santa Fe reached a 75% vaccination rate among employees – an increase from 50% five weeks
18 prior – and five percentage points higher than the State as a whole; and

19 **WHEREAS**, the COVID-19 Proclamation I and the resolution extending it, Resolution
20 No. 2020-10, are attached as Exhibit A; COVID-19 Proclamation II and the resolution extending
21 it, Resolution No. 2020-13 are attached as Exhibit B; COVID-19 Proclamation III and the
22 resolution extending it, Resolution No. 2020-20, are attached as Exhibit C; COVID-19
23 Proclamation IV and the resolution extending it, Resolution No. 2020-30 are attached as Exhibit
24 D; COVID-19 Proclamation V and the resolution extending it, Resolution No. 2020-39 are attached
25 as Exhibit E; COVID-19 Proclamation VI and the resolution extending it, Resolution No. 2020-44

1 are attached as Exhibit F; COVID-19 Proclamation VII and the resolution extending it, Resolution
2 No. 2021-9 are attached as Exhibit G; COVID-19 Proclamation VIII and the resolution extending
3 it, Resolution No. 2021-19 are attached as Exhibit H; COVID-19 Proclamation IX and the
4 resolution extending it, Resolution No. 2021-31 are attached as Exhibit I; COVID-19 Proclamation
5 X and the resolution extending it, Resolution No. 2021-40 is attached as Exhibit J, COVID-19
6 Proclamation XI and the resolution extending it, Resolution No. 2021-47 is attached as Exhibit K;
7 and COVID-19 Proclamation XII is attached as Exhibit L; and

8 **WHEREAS**, if not extended, Proclamation XII would expire on September 30, 2021; and

9 **WHEREAS**, the Governing Body wishes to extend Proclamation XII for an additional
10 forty (40) days pursuant to Section 20-1.3(C), an extension that will allow, if needed, reissuance of
11 a proclamation by the Mayor on November 8, 2021, and an extension by the Governing Body on
12 November 10, 2021, a regularly scheduled Governing Body meeting.

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
14 **CITY OF SANTA FE** that Proclamation XII is hereby extended by forty (40) days, expiring at
15 noon on November 8, 2021, pursuant to Section 20-1.3(C).

16 PASSED, APPROVED, and ADOPTED this 29th day of September, 2021.

17
18
19 

20 ALAN WEBBER, MAYOR

21
22 ATTEST:

23
24 

25 KRISTINE MIHELIC, CITY CLERK

1 APPROVED AS TO FORM:

2



3

4 ERIN K. McSHERRY, CITY ATTORNEY

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 *Legislation/2021/Resolutions/2021-51 State of Emergency Extension XII*

EXHIBIT M



CITY OF SANTA FE

PROCLAMATION OF EMERGENCY XIII - COVID-19

November 8, 2021

WHEREAS, pursuant to Santa Fe City Code (SFCC) 1987, Section 2-1.3, "Powers and Duties of the Mayor," the Mayor has, within the city limits, the power conferred on the sheriffs of counties to suppress disorders and keep the peace;

WHEREAS, the City's Emergency Declaration Ordinance, Section 20-1, authorizes the Mayor to proclaim that a state of emergency exists, after consultation with the emergency manager, chief of police, and/or fire chief;

WHEREAS, such an emergency proclamation allows the Mayor to prohibit and/or require certain actions to protect life and property and to preserve public peace and safety;

WHEREAS, SFCC 1987, Section 2-16, defines "emergency" to include a "public health or medical emergency" and other occurrences "requiring an emergency response, or any other condition that warrants action to protect life, property, or the environment";

WHEREAS, on January 30, 2020, the World Health Organization announced the emergence of a novel Coronavirus Disease 2019 (referred to as "COVID-19") and on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency due to the virus;

WHEREAS, on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared a Public Health Emergency exists in New Mexico and on March 12, 2020, Kathyleen M. Kunkel, then the Cabinet Secretary of the New Mexico Department of Health, declared the COVID-19 outbreak a condition of public health importance;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe has killed, harmed, impaired economically, and suppressed the wellbeing of the residents of the City, resulting in an ongoing and significant negative impact on the social, economic, and overall quality of life of the residents of Santa Fe;

WHEREAS, pursuant to the foregoing clauses, I declared an emergency to exist in the City on March 13, 2020, (Proclamation I), March 23, 2020 (Proclamation II), May 26, 2020 (Proclamation III), July

27, 2020 (Proclamation IV), September 28, 2020 (Proclamation V); November 30, 2020 (Proclamation VI); January 30, 2021 (Proclamation VII); March 29, 2021 (Proclamation VIII); May 24, 2021 (Proclamation IX); July 11, 2021 (Proclamation X); August 9, 2021 (Proclamation XI); and September 27, 2021 (Proclamation XII);

WHEREAS, former Secretary Kunkel, formerly acting NMDOH Cabinet Secretary Billy Jimenez, former Secretary Tracie C. Collins, and acting Secretary David R. Scrase, M.D., have issued a series of Public Health Orders and Amendments, approximately 52 of them, beginning on March 13, 2020, with the most recent issued on October 25, 2021, imposing various restrictions on activities within New Mexico;

WHEREAS, according to NMDOH data, there are a growing number of COVID-19 cases in New Mexico, including 13,467 cases in Santa Fe County as of November 5, 2021;

WHEREAS, according to the CDC, <https://covid.cdc.gov/covid-data-tracker/#variant-proportions>, the Delta variant of the COVID-19 virus continues to be the primary variant nationwide and in New Mexico;

WHEREAS, according to NMDOH data, there have been 172 COVID-19 deaths as of November 5, 2021;

WHEREAS, according to the Center for Disease Control (“CDC”) director Rochelle Walensky, the vast majority of cases, hospitalizations, and deaths are occurring among the unvaccinated population with the unvaccinated 11 times more likely to die from COVID-19¹ ;

WHEREAS, more than 2,817,266 doses of the three COVID-19 vaccines the Food and Drug Administration has authorized with full approval in the United States have been administered in New Mexico, but rates of initial vaccination have decreased significantly over the course of the last few months;

WHEREAS, the CDC continues to recommend that, in counties with “High” or “Substantial” contagion risk, vaccinated persons wear facial coverings inside;

WHEREAS, unvaccinated persons continue to face a significantly higher risk of infection, hospitalization, and death, particularly in close-contact, indoor settings, and particularly when in close-contact with unvaccinated persons;

WHEREAS, According to NMDOH data, over eighty-two percent (82.5%) of eligible Santa Fe residents have completed a vaccination series and over ninety-three percent (93.3%) have had at least one shot;

¹[Press Briefing by White House COVID-19 Response Team and Public Health Officials, https://www.whitehouse.gov/briefing-room/press-briefings/2021/09/10/press-briefing-by-white-house-covid-19-response-team-and-public-health-officials-55/](https://www.whitehouse.gov/briefing-room/press-briefings/2021/09/10/press-briefing-by-white-house-covid-19-response-team-and-public-health-officials-55/)

WHEREAS, the FDA has approved the administration of the Pfizer-BioNTech vaccine for those aged 12-17 and has approved the administration of the same vaccine for those aged 5-11;

WHEREAS, Santa Fe is a national and international tourist destination and neighboring states and countries of origins for tourists are hotspots in percent increases in cases;

WHEREAS, despite its high vaccination rate, Santa Fe County still has a “High” transmission rate, based on the CDC’s classifications and estimates of cases per 100,000 persons and test positivity rates, at 166.93 and 8.07% respectively as of November 5, 2021²;

WHEREAS, according to a study published in Science, the duration of effectiveness of vaccines may be decreasing for at least some populations³ and a booster has recently been approved for high-risk populations;

WHEREAS, emergency relief funds are available from a number of sources for tenants who are behind on their rent and utilities payments, but the funds continue to be difficult to access for some residents who remain at risk of eviction due to the financial impacts of the pandemic;

WHEREAS, the City’s Utilities Department works with residents who need to set up a payment plan in order to avoid water shut-offs;

WHEREAS, recently, according to the City’s public safety officials, there has been a spike in the acuity of behavioral health (substance use disorder and mental health) episodes;

WHEREAS, the Governor’s emergency order requires facial coverings in all indoor public settings and adherence to pertinent COVID-Safe Practices;

WHEREAS, since imposing Proclamation XI’s requirement that employees either disclose a fully vaccinated status or turn in COVID-19 test results on a weekly basis, the City’s documented vaccination status increased from approximately fifty percent (50%) to nearly eighty percent (79.8%);

WHEREAS, consistent with the requirements that the City began to enforce for its workforce in September, beginning January 4, 2022, the Occupational Safety and Health Administration recently announced that it will require businesses with 100 or more workers to ensure either that their workers are fully vaccinated or test negative for the coronavirus at least once a week;

WHEREAS, during a state of emergency declared by the New Mexico department of health or recognized by the world health organization as a pandemic, the Santa Fe City Code SFCC Section 20-1.4(E), authorizes the City Manager to exclude or limit the public from in-person attendance at

² https://covid.cdc.gov/covid-data-tracker/#county-view|New%20Mexico|Risk|community_transmission_level

³ <https://www.science.org/doi/10.1126/science.abm0620>

meetings, provided that the public may witness the meeting, either by telephone, the internet, or on television, and provided that the meeting provides adequate means for public participation to satisfy constitutional due process;

WHEREAS, Section 20-1.4(E) also authorizes the City Manager to cancel any Governing Body, City Council standing committee, or standing committee meeting prior to commencement of such meeting to preserve the public health, safety, and welfare;

WHEREAS, Proclamation XII expired at noon today, November 8, 2021; and

WHEREAS, certain orders I previously issued remain necessary to protect life and property and preserve the public peace and safety of the people of Santa Fe; other orders I previously issued require updating to address the continuing pandemic; and certain new orders will improve the City of Santa Fe's pace of recovery from, and limit the harm caused by, the pandemic.

THEREFORE, I, ALAN M. WEBBER, Mayor of the City of Santa Fe, New Mexico, hereby declare, that a public health emergency continues to exist in the City. As a result, events have caused and are causing danger of injury or damage to persons and property within the city. I hereby invoke all Section 2-1.3, and Sections 20-1.2 through 20-1.5 of the Santa Fe City Code of 1987, to preserve the peace and order in the City of Santa Fe.

In particular, I take the following actions:

I. I order the following:

- a. City facilities may accommodate public use while maintaining the applicable COVID-Safe Practices (CSPs) and when such use is not difficult or impossible with regards to in-person public meetings;
- b. The City Manager shall address the public health emergency by
 - i. maintaining the level of in-person City services and access to facilities that are currently available, to the extent that is possible in a safety-conscious manner, and increasing in-person services when and as local infection rates decrease again;
 - ii. directing City employees, as applicable, to perform emergency functions;
 - iii. facilitating the continued application of the policy adopted to evaluate and address the public health and safety risks, including illegal activity, flash floods, environmental compliance of, and locations of encampments, and to provide residents of such encampments with access to available social services, including transitional housing in furtherance of the Built for Zero initiative to eliminate chronic homelessness, to avoid removing encampments, other than encampments in City parks, when leaving them in place furthers the purposes of this Order;
 - iv. work with the Human Resources Department in enforcing the policies regarding COVID-19 Safe Practices for City employees and policies for in-person work and telework for staff as appropriate; and

- v. updating the conditions of employment for vacant positions to include maintaining full vaccination status for COVID-19;
- c. Resources of the City shall be used to address the emergency as reasonably necessary, including the following:
- i. Only persons wearing a facial covering may enter City facilities;
 - ii. If a member of the public requiring indoor services has a medical reason to not wear a facial covering, City employees shall find a reasonable way to accommodate providing services to that member of the public that does not include admitting the member of the public into the City facility and putting employees and other members of the public at risk; and
 - iii. City employees must either
 - a. Provide documentation of their full COVID-19 vaccination, as defined by the CDC; or
 - b. Provide proof of a negative COVID-19 test on a weekly basis.
 - iv. All vaccination records and test results shall be submitted pursuant to guidance issued by the City Manager and shall be maintained as confidential.
 - v. Employees who refuse to abide by the above documentation and confidentiality requirements may be subject to disciplinary action.
- d. While the State's facial covering order is in place and when the CDC rates the County of Santa Fe's COVID-19 transmission rate as either "High" or "Substantial", facial coverings are required for all persons inside City buildings, except when eating, drinking, or swimming, or when in enclosed, private spaces that are not shared with others.
- e. Regardless of the applicable CDC transmission rating, when inside the publicly accessible areas of City facilities employees, and other City actors, such as committee members and contractors, must wear a facial covering.
- f. Regardless of the applicable CDC transmission rating, employees, and other City actors, such as committee members and contractors, may only engage in public business inside City facilities without a facial covering when the State's order ceases and they are both (1) fully vaccinated (two weeks after final dose); and (2) in areas of City facilities that are not open to the public. "Open to the public" includes areas where the public is present and areas the public may enter with or without an appointment. An area is not open to the public if it is fully enclosed by walls and a door that separates the area from an area accessible to the public. An area with a partial barrier between City actors and the public is open to the public.
- g. Before entering City facilities, members of the public shall review the posted COVID-19 Screening Questions regarding their COVID-19 positivity risk. Entry into City buildings is prohibited if the answer to any of the following screening questions is yes:
- i. Are you currently experiencing, or have you experienced in the past 14 days, fever of 100.4 degrees or greater, cough, shortness of breath or difficulty breathing, sore throat, new loss of taste or smell, chills, body aches, nausea, diarrhea, or vomiting?

- ii. Are you unvaccinated, and either
 - a. In the past 14 days, had close contact with anyone that you know had COVID-19 or COVID-like symptoms? “Close contact” includes being 6 feet or closer for more than 15 minutes with the person; or
 - b. Been tested for COVID-19 and are waiting to receive test results?
- v. In the past 14 days, has a public health or medical professional told you to self-monitor, self-isolate, or self-quarantine because of concerns about COVID-19 infection?

h. Mayor Pro-Tem Signe Lindell, City Manager Jarel LaPan Hill, and Finance Director Mary McCoy are my substitute signatories for emergency obligation of funds during the pendency of the declared emergency;

i. The City Clerk shall accept electronic signatures, including scanned copies of hard-copy signature, on legal documents, including but not limited to contracts, property documents, ordinances, resolutions, etc., and shall attest to electronic signatures of the Mayor and City Manager or their designees, if submitted by the signatory through the signatory’s email;

j. Until the New Mexico Supreme Court lifts its injunction and to allow time for tenants to apply for and obtain relief funds, landlords are prohibited from taking action towards evicting residential tenants who are unable to pay rent due to COVID-19. This order does not seek to change the obligation of a tenant to pay rent and strongly encourages landlords and tenants to seek relief funds and landlords and tenants to discuss of payment plans;

k. The moratorium on water shut-offs will continue in order to allow customers the opportunity to seek a payment plan and/or relief funds, and to allow the Utilities Department to facilitate customers’ access to relief funds, while charges will continue to accrue and be owed;

l. Unless a healthcare provider instructs otherwise,

- i. persons in Santa Fe must wear a facial covering as required by federal and state, laws, rules, and regulations and as provided in this Order for City facilities and City employees and agents; and

- ii. local businesses and employers may require facial coverings for clients, employees, and customers;

1. Businesses and non-profits shall comply with the State-issued CSPs to the extent applicable, which are accessible online: <https://cv.nmhealth.org/covid-safe-practices/>; and

m. Employers shall not retaliate against employees for seeking to comply with CSPs, this Order, or CDC guidance, advocating that their place of business follow CSPs, this Order or CDC guidance, or reporting non-compliance with this Order or CDC guidance.

II. Further, based on the recommendations of the Centers for Disease Control, National Institutes of Health, and other governmental, medical, and public health experts, I strongly recommend that all individuals comply with official recommendations from the CDC and comply with any mandatory directives issued by the CDC regarding the use of face masks.

III. In addition, I advise residents and visitors to the City to take the following actions and/or precautions:

- a. Obtain full vaccination against the COVID-19 virus. Available locations are posted on <https://cvvaccine.nmhealth.org>;
- b. Even when not otherwise required, wear a facial covering in close-contact situations with unvaccinated persons and persons whose vaccination statuses are unknown;
- c. Seek relief funds for overdue rent and utilities payments. Available sources include the following:
 - i. For rent and/or mortgage assistance, from the following sources:
 1. For renters, the Emergency Rental Assistance Program: <https://www.renthelpnm.org/> ; and
 2. For homeowners, the State of New Mexico Mortgage Finance Authority: <https://portal.neighborlysoftware.com/NEWMEXICOHOMEOWNERASSISTANCEFUND/Participant>, 505-308-4206, 866-488-0498, or housingassistance@housingnm.org
 - ii. For assistance with utilities payments, the following organizations have resources: Rent Help NM (linked above with rental assistance sources), Adelante Santa Fe Public Schools, Connect, St. Bede's Episcopal Church, St. Vincent de Paul, The Cathedral Basilica of St. Francis of Assisi, Help New Mexico, Life Link, Our Lady of Guadalupe Church, Income Support Division, Salvation Army, Communities in Schools New Mexico, and Westminster Presbyterian Church;
- d. For utilities payments that are overdue to the City, set up a payment plan by calling Utility Billing's main number 505-955-4333 and selecting option "2";
- e. Avoid contact with people who are sick;
- f. If you are unvaccinated,
 - i. practice "social distancing", by maintain six (6) feet between yourself and others;
 - ii. Avoid handshaking; and
 - iii. Avoid all non-essential travel, including plane trips and cruise ships.
- g. Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place;
- h. If soap and water are not available, use a hand sanitizer that contains at least sixty percent (60%) alcohol;
- i. To the extent possible, avoid touching high-touch surfaces in public places, such as

- elevator buttons, door handles, and handrails;
- j. Use a tissue or your sleeve to cover your hand or finger if you must touch something;
- k. Avoid touching your face, nose, and eyes; and
- l. Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, cell phones, and other electronic devices).

IV. I also encourage the following:

- a. To the greatest extent possible, all residents should practice safe and hygienic conduct as the City begins to re-open, as described in Section II of this Order, above;
- b. Landlords should work with their tenants to obtain the maximum relief funds available for past-due rental payments;
- c. Utilities should work with their customers to obtain the maximum relief funds available for past-due utilities bills;
- d. Event planners should seek testing and vaccinations for performers, vendors, and other traveling participants to the greatest extent possible, preferably vaccination before arrival and testing for unvaccinated participants;
- e. Local businesses should offer paid sick leave whenever feasible;
- f. Local businesses should limit non-essential travel for work;
- g. Local businesses should continue to allow employees to work from home where feasible;
- h. Local businesses should, to the extent feasible, respond to requests from the City to contribute to and participate in such activities and efforts as may assist in responding to the current COVID-19 health crisis;
- i. Residents should, to the extent feasible without compromising other advisories, patronize and shop at local businesses, merchants, and vendors;
- j. Residents should sign up for “Alert Santa Fe” at <https://www.santafenm.gov/alertsantafe>;
- k. Residents should register for the COVID-19 vaccine at <https://cvvaccine.nmhealth.org> and update their profile regularly;
- l. Residents and visitors should get tested regularly for COVID-19, regardless of vaccination status and symptoms;
- m. Residents and visitors should also get tested when and if they have symptoms or are unvaccinated and know they have been exposed to someone with COVID-19 should obtain COVID-19 testing, either in person at one of the many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>) or at home, using a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>; and
- n. Residents should call 1-855-NMCRISIS (1-855-662-7474) if they or someone they know is having a behavioral health (substance use disorder or mental health) crisis and need assistance.

V. Effective Date

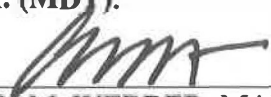
I hereby declare that this Proclamation will become effective upon my signature and order

the City Manager to disseminate the contents hereof to the public by appropriate news media and any other means at her disposal.


VI. Term.


This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Santa Fe, New Mexico.

DONE at Santa Fe, New Mexico this 8th day of November, 2021 at the hour of 3 o'clock —.M. (MDT).



ALAN M. WEBBER, MAYOR
City of Santa Fe, New Mexico

ATTEST:


KRISTINE MIHELICIC, CITY CLERK
(SEAL)


2021-63 (R) State of Emergency Extension XIII

Final Audit Report

2021-11-12

Created:	2021-11-11
By:	Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAI0nfvpClyPdgyKe-j6-ZYfKG-2Mk-P9b

"2021-63 (R) State of Emergency Extension XIII" History

-  Document created by Jesse Guillen (jbguillen@ci.santa-fe.nm.us)
2021-11-11 - 4:05:42 AM GMT- IP address: 73.127.150.6
-  Document emailed to Erin Mcsherry (ekmcsherry@ci.santa-fe.nm.us) for signature
2021-11-11 - 4:07:58 AM GMT
-  Document emailed to Alan Webber (amwebber@ci.santa-fe.nm.us) for signature
2021-11-11 - 4:07:59 AM GMT
-  Document emailed to Kristine Mihelcic (kmmihelcic@ci.santa-fe.nm.us) for signature
2021-11-11 - 4:07:59 AM GMT
-  Email viewed by Erin Mcsherry (ekmcsherry@ci.santa-fe.nm.us)
2021-11-11 - 5:21:07 AM GMT- IP address: 104.47.65.254
-  Document e-signed by Erin Mcsherry (ekmcsherry@ci.santa-fe.nm.us)
Signature Date: 2021-11-11 - 5:22:12 AM GMT - Time Source: server- IP address: 174.62.11.171
-  Email viewed by Alan Webber (amwebber@ci.santa-fe.nm.us)
2021-11-11 - 3:22:52 PM GMT- IP address: 216.207.130.218
-  Document e-signed by Alan Webber (amwebber@ci.santa-fe.nm.us)
Signature Date: 2021-11-11 - 3:23:02 PM GMT - Time Source: server- IP address: 216.207.130.218
-  Email viewed by Kristine Mihelcic (kmmihelcic@ci.santa-fe.nm.us)
2021-11-12 - 3:47:30 PM GMT- IP address: 104.47.64.254
-  Document e-signed by Kristine Mihelcic (kmmihelcic@ci.santa-fe.nm.us)
Signature Date: 2021-11-12 - 3:47:36 PM GMT - Time Source: server- IP address: 76.113.70.149
-  Agreement completed.
2021-11-12 - 3:47:36 PM GMT