



CITY OF SANTA FE
PROCLAMATION OF EMERGENCY XV - COVID-19
January 24, 2022

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, the public health emergency due to the Coronavirus Disease 2019 (referred to as "COVID-19") declared by the United States Department of Health and Human Services Secretary and New Mexico Department of Health (NMDOH) continues and evolves, with more virulent variants;

WHEREAS, the spread of COVID-19 in New Mexico and the City of Santa Fe continues to threaten the health of residents and visitors and negatively impacts the social, emotional, and overall quality of life of the residents of Santa Fe;

WHEREAS, according to NMDOH data, there are a growing number of COVID-19 cases in New Mexico, including 22,355 cases and 218 deaths in Santa Fe County as of January 21, 2022;

WHEREAS, according to the Center for Disease Control (CDC), <https://covid.cdc.gov/covid-data-tracker/#variant-proportions>, the Omicron variant of the COVID-19 virus has quickly become the primary variant nationwide and in the region that includes New Mexico;

WHEREAS, according to the CDC, COVID-19 vaccines continue to protect people from being hospitalized with COVID-19 against Delta and other variants and continue to prevent COVID-19 hospitalizations, even though many months have passed since some people got vaccinated.¹;

WHEREAS, more than 3,559,396 doses of the three COVID-19

¹ <https://covid.cdc.gov/covid-data-tracker/#vaccine-effectiveness>.

vaccines the Food and Drug Administration has authorized with full approval in the United States have been administered in New Mexico and, due to waning efficacy², boosters are now recommended after between two to six months after initial full vaccination, depending on the vaccine received;

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 (86.2%) of eligible Santa Fe residents over the age of 18 have completed a vaccination series, and ninety-nine percent (99%) have had at least one shot;

WHEREAS, Santa Fe is a national and international tourist destination and visitors arrive from both neighboring states and countries around the world;

WHEREAS, despite its high vaccination rate, Santa Fe County has a “High” transmission rate, based on the CDC’s classifications and estimates of cases per 100,000 persons and

² <https://www.science.org/doi/10.1126/science.abm0620>

WHEREAS, during a state of emergency declared by NMDOH 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 XIV expired at noon today, January, 24, 2022; 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 continue to 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, including, but not limited to, monitoring and adjusting as needed the current, two-week directive to supervisors to avoid in-person meetings and direct remote working when possible without decreasing City services;

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;

v. maintaining the conditions of employment for vacant positions to include maintaining “up-to-date” vaccination status for COVID-19 for new employees, meaning obtaining the vaccines and boosters recommended by the CDC;

vi. authorizing five (5) days of administrative leave for all employees for use for verified COVID-19 purposes, such as isolation or quarantine, pursuant to Personnel Rule 13.60(A); and

vii. encouraging employees and supervisors to watch for symptoms in others and to encourage a culture in which employees reinforce to each other that they should not expose each other to infection;

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 for City employees 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 5 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 5 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, cumulatively, with the person in a 24-hour period;

iii. In the past 5 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 John Blair, 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 covid safe practices (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 the following precautions:

- a. All individuals wear at least KN95 rated facial coverings in indoor spaces and otherwise comply with official recommendations from the CDC and comply with any mandatory directives issued by the CDC regarding the use of face masks; and
- b. Local businesses and employers consider requiring proof of vaccination for admittance to venues such as restaurants, bars, entertainment spaces.

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

- a. Obtain “up-to-date” vaccination against the COVID-19 virus, which includes all recommended booster vaccinations. Available locations for vaccination are posted on <https://cvvaccine.nmhealth.org>;
- b. Even when not otherwise required, wear a facial covering rated at least KN-95 in close-contact situations;
- 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 MEXICOHOMEOWNERASSISTANCEFUND/Participant](https://portal.neighborlysoftware.com/NEW_MEXICOHOMEOWNERASSISTANCEFUND/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. Seek "up to date" vaccination as the best protection against serious illness, hospitalization, and death;
 - ii. If you cannot get vaccinated, practice "social distancing", by maintain six (6) feet between yourself and others;
 - iii. Avoid large indoor gatherings;
- 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 described in Section III 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
 - i. regularly for COVID-19, regardless of vaccination status and symptoms; and
 - ii. when and if they have symptoms or know they have been exposed to someone with COVID-19
 - m. *Symptomatic persons* should isolate and obtain a “PCR” test at one of many local testing sites, searchable on the NMDOH website (<https://cvprovider.nmhealth.org/directory.html>)
 - n. *Asymptomatic persons* should obtain an antigen test such as a self-administered saliva test, available at <https://learn.vaulthealth.com/nm/>, at local pharmacies,

or through a home-delivered COVID test ordered through www.usps.com/covidtest; and

- o. 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 24 day of January, 2022 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)