



**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).**

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

ATTEST:

  
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KRISTINE MIHELICIC, CITY CLERK  
(S E A L)