



**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](mailto: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).**



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

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ATTEST:



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KRISTINE MIHELIC, CITY CLERK  
(S E A L)