

SPECIAL CITY COUNCIL MEETING AGENDA

Monday, June 1, 2020

Immediately following the Regular Meeting

CITY HALL
P.O. BOX 20000
LAS CRUCES, NM 88004

700 N. Main St.
PHONE (575) 541-2067

Mayor
Ken Miyagishima

Mayor Pro-Tem
Kasandra Gandara

Councilors
Tessa Abeyta-Stuve
Gabriel Vasquez
Johana Bencomo
Gill Sorg
Yvonne Flores



Individuals may view meetings live at
lascruces.civicweb.net

The health, safety and well-being of our residents and businesses are a top priority for City Council and the leadership in Las Cruces. As such, and consistent with and in support of the direction from Gov. Michelle Lujan Grisham and the New Department of Health public health order the Special Council Meeting will be held via video conference. In an effort to seek public input we ask that if you have comments/concerns/questions please e-mail your Councilor as follows:

District 1 – kgandara@las-cruces.org
District 2 – tstuve@las-cruces.org
District 3 – gvasquez@las-cruces.org
District 4 – jbencomo@las-cruces.org
District 5 – gsorg@las-cruces.org
District 6 – [yflore@las-cruces.org](mailto:yflores@las-cruces.org)
Mayor – mayor@las-cruces.org

If you need an accommodation for a disability to enable you to fully participate in this event please contact us 72 hours before this event at [541-2115/V](tel:541-2115).

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1. **CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC
SECTION 2-27 (E)(2)**

2. **RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

2.1. RESOLUTION NO. 20-165: A RESOLUTION EXTENDING THE TERM
FOR THE MAYOR'S EMERGENCY PROCLAMATION.

[Resolution No. 20-165 - Pdf](#)

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3. **ADJOURNMENT**

**20-165****Type of Action:**☒ **Resolution**☐ **Ordinance**☐ **TIDD Resolution****Council Action and Executive Summary**

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6		
1st Reading:		Adopted:	June 1, 2020
Drafter:	Christine Rivera	Department:	Legal
Program:	Compliance	Line of Business:	Office of City Clerk
Title:	A RESOLUTION EXTENDING THE TERM FOR THE MAYOR'S EMERGENCY PROCLAMATION.		

TYPE OF ACTION: ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial****PURPOSE(S) OF ACTION:**

To approve extension of the term of the Mayor's Emergency Proclamation.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On March 11, 2020, Governor Michelle Lujan Grisham issued an Executive Order declaring a state of public health emergency and invoked her executive powers as authorized by the All Hazard Emergency Management Act and the Emergency Licensing Act. This action was taken in response to a declared pandemic of the COVID-19 virus. Since that time, the New Mexico Department of Health has issued at least two separate Public Health Emergency Orders in an effort to slow or halt transmission of the virus.

On March 27, 2020, the City Council passed the Emergency Declaration Ordinance, LCMC 1997, Chapter 9, Art. III Sections 9-35 through 9-41. It provides the Mayor and Mayor Pro Tem the authority to take immediate action for the protection of life and property, and for the preservation of public peace, safety, health, welfare, and for the continuity of efficient government operations. It also allows the City Council to authorize limited action in response to an emergency situation. The Emergency Declaration Ordinance authorizes the Mayor and Council to exercise their emergency powers through a proclamation. The term of the proclamation is three (3) days, but can be extended for up fourteen (14) days at a time.

On April 7, 2020 the Mayor issued an Emergency Proclamation, which originally expired three days later at noon on April 10, 2020 pursuant to LCMC 1997, Section 9-38(B). This action was taken so that the City may have the potential to receive reimbursement for funding and programs from the Federal Emergency Management Agency (FEMA) based on qualified expenses as Federal assistance is ordered. On the morning of April 10, 2020, per the Ordinance, the City Council met in a special meeting to pass Resolution 20-133, extending the term of the Emergency Proclamation by fourteen (14) days to expire on April 24, 2020 pursuant to Section 9-38(C). On April 24, 2020, Resolution 20-147 was approved extending the term of the Emergency Proclamation to run concurrent with the New Mexico Governor's Executive Order 2020-022 (Attachment "A") so long as the Executive Order is in effect or by separate action of the City Council rescinding the Mayor's Emergency Proclamation, whichever occurs first.

On May 15, 2020, the Mayor issued another Emergency Proclamation, requiring face coverings in City of Las Cruces buildings, facilities or properties. City Council met in a special meeting on May 18, 2020, to pass Resolution 20-160, extending the term of the Emergency Proclamation. The order would run concurrently with the Governor's Executive Order 2020-030.

Agenda Item #2.1.

On May 29, 2020, the Mayor issued a third Emergency Proclamation with additional requirements for restaurants, movie theaters, gyms, hair salons, and nail salons during the reopening process set to expire on June 1, 2020 at 3:30 p.m. This action is being taken to council to extend the term of the Emergency Proclamation by fourteen (14) days to run concurrently with the New Mexico Governor's Executive Order.

SUPPORT INFORMATION:

[Exhibit "A" Proclamation of Emergency 2020-03](#)

[Attachment "A" - PHO-5-26-2020](#)

ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☐ No

☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote yes, this would approve the Resolution and allow the term of the Mayor's Emergency Proclamation to be extended as long as the Governor's Executive Order is in place or unless rescinded by separate, future resolution of the City Council.
2. Vote no, this would not approve the Resolution and the term of the Mayor's Emergency Proclamation would not be extended.
3. Vote to amend would delay extending the the Mayor's Emergency Proclamation.
4. Vote to table, this will postpone consideration of the Resolution and staff will require direction from City Council.

RESOLUTION 20-165

A RESOLUTION EXTENDING THE TERM FOR THE MAYOR'S EMERGENCY PROCLAMATION.

The City Council is informed that:

WHEREAS, as of Monday, May 28, 2020, at least 7,364 New Mexicans have tested positive for the novel coronavirus, COVID-19 and at least 265 have died; and

WHEREAS, at least 442 residents of Doña Ana County have tested positive of the novel coronavirus, COVID-19, with two deaths; and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can spread via droplets from person to person; and

WHEREAS, on March 11, 2020 the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a "Pandemic"; and

WHEREAS, on March 11, 2020, Governor Michelle Lujan Grisham proclaimed a public health emergency and invoked all powers under the All Hazards Emergency Act (§§12-10-1 through 12-10-10, NMSA 1978), for a minimum period of thirty (30) days; and

WHEREAS, on March 27, 2020 the City Council passed the Emergency Declaration Ordinance, LCMC 1997, Art. III Sections 9-35 through 9-41, which provides the Mayor and Mayor Pro Tem the authority to take immediate action for the protection of life and property, and for the preservation of public peace, safety, health, welfare, and for the continuity of efficient government operations and allows the City Council to authorize limited action in response to an emergency situation; and

WHEREAS, the Emergency Declaration Ordinance authorizes the Mayor and Council to exercise their emergency powers through a proclamation for term of three (3) days, but can be extended for up fourteen (14) days at a time; and

WHEREAS, on May 29, 2020, Mayor Miyagishima issued an Emergency Proclamation pursuant to the Emergency Declaration Ordinance and this action was taken to preserve the peace, health, welfare and safety in the City of Las Cruces; and

WHEREAS, pursuant to LCMC 1997, Section 9-38(B), the original Emergency Proclamation was scheduled to expire on Monday, June 1, 2020 at 3:30 p.m.; and

WHEREAS, the City Council wishes that the Proclamation be extended, for a term pursuant to LCMC, 1997, Section 9-38(C), to run concurrently with the State of New Mexico declared state of emergency for fourteen (14) days and to renew every fourteen (14) days and run concurrently with the State of New Mexico declared state of emergency in response to the novel COVID-19 pandemic, or until such time that the governing body cancels the Proclamation, which ever time is sooner.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Las Cruces:

(I)

THAT the Emergency Proclamation, as shown in Exhibit "A" and made part of this Resolution, issued by Mayor Miyagishima on May 29, 2020 is hereby extended pursuant to LCMC 1997, Section 9-36, to run concurrent with the State of New Mexico declared state of emergency for fourteen (14) days and run

Agenda Item #2.1.

concurrently with the State of New Mexico declared state of emergency in response to the novel COVID-19 pandemic, or until such time that the governing body cancels the Proclamation, which ever time is sooner.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

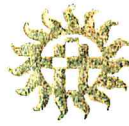
City Clerk

Moved by:

Seconded by:

AYES

NAYS



Office of the Mayor

KENNETH D. MIYAGISHIMA
MAYOR

CITY OF LAS CRUCES

CITY OF LAS CRUCES

PROCLAMATION OF EMERGENCY 2020-03

WHEREAS, pursuant to LCMC Art. III, Sec. 9-35, Emergency Declaration Ordinance, the Mayor has the authority to proclaim that a state of emergency exists in the municipality, after consultation with the emergency manager, chief of police, or fire chief; and

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

WHEREAS, on April 7, 2020, an Emergency Proclamation was issued by Mayor Kenneth Miyagishima, and was extended and approved by the City Council on April 10, 2020 and again on April 24, 2020; and

WHEREAS, the Emergency Proclamations support and reiterate Governor Michelle Lujan Grisham's Executive Orders tied to the public health emergency created by the novel coronavirus disease which has been referred to as "COVID-19"; and

WHEREAS, the Governor's Executive Orders and the City of Las Cruces Emergency Proclamations have been implemented as emergency measures intended to slow the spread of COVID-19 and to reduce the potentially devastating effects of the disease; and

WHEREAS, the City of Las Cruces continues to be supportive and cooperative with the Governor's Executive Orders and on May 28, 2020, the Governor issued guidelines for limited reopening for dine-in restaurants, indoor malls, gyms, salons and more; and

WHEREAS, in addition to the Governor's recently issued guidelines, the City issues the following requirements for the applicable businesses.

NOW THEREFORE, I, Kenneth Miyagishima, Mayor of the City of Las Cruces, New Mexico, hereby invoke LCMC Sections 9-35 through 9-41, to preserve the peace, health, welfare, and safety in the City of Las Cruces, consistent with the above guidance and information. In particular, I am invoking the following actions:

- I. I order the following:
 - a. Requirements for restaurants:
 1. Must utilize disposable menus;
 2. No self-serve stations, i.e. Ketchup, Mustard etc.;
 3. Tables to be sanitized after each party leaves;
 4. Tables must be 8 feet apart on all sides;
 5. Employees/Staff must wear face coverings;

6. Maximum occupancy 25% inside and 50% first 30 days, then 50%/75% respectively;
 7. Must place hand sanitizer stands at all entrances.
- b. Requirements for theaters:
1. Must disinfect entire auditorium after each showing, [Foggers are recommended];
 2. Must skip every other row;
 3. Patrons must maintain 8 feet distance, immediate family members may sit together (Max 6 people);
 4. Must purchase tickets online only for the first 30 Days;
 5. Employees/Staff must wear face coverings;
 6. Maximum occupancy 25%;
 7. Must place hand sanitizer stands at all entrances;
 8. No self-serve stations, i.e. Ketchup, Mustard, Butter etc.
- c. Requirements for gyms
1. Exercise machines only, no free weights;
 2. Occupancy limited to number of stationary machines; for Example, 5 Treadmills, 5 exercise bikes, 5 stair masters, 5 elliptical machines (20 machines) will equal 20 person maximum;
 3. Must place hand sanitizer stands at all entrances;
 4. Employees/Staff must wear face coverings;
 5. Machines must be wiped down or sanitized after every use.
- d. Requirements for hair/ nail salons:
1. Must install plexiglass barriers around each workstation or provide 6 feet spacing between booths;
 2. Must provide contactless payment and receipts;
 3. Require clients to wear face coverings during service;
 4. Recommended the use of face shields, in addition to appropriate face coverings by those employees providing shampoo services and other services requiring face-to-face interaction;
 5. Recommended screening of employees and customers with a no-contact thermometer; individuals with a temperature reading above 100.4°F should be denied entry;
 6. Recommended staggered work schedules to lower workplace density;
 7. Sanitize exposed touchpoints after every individual appointment;
 8. Recommended at least 15 minutes between the conclusion of an appointment and the beginning of the next appointment for proper disinfecting practices.
 9. No group appointments permitted.

10. Require clients to wash their hands or use hand sanitizer before providing nail service;

II. Effective Date

I hereby declare that this Proclamation will become effective upon my signature and direct the City Manager to disseminate the contents hereof to the public by appropriate news media, government media and website, and other means available.

III. Term.

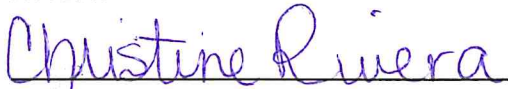
This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Las Cruces, New Mexico.

DONE at Las Cruces, New Mexico this 29 day of MAY, 2020, at the hour of 3:30 PM (MST).

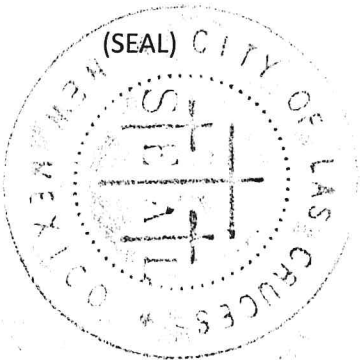


KENNETH MIYAGISHIMA, MAYOR
City of Las Cruces, New Mexico

ATTEST:



CHRISTINE RIVERA, CITY CLERK



MICHELLE LUJAN GRISHAM
GOVERNOR



KATHYLEEN M. KUNKEL
CABINET SECRETARY

**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
CABINET SECRETARY KATHYLEEN M. KUNKEL**

MAY 27, 2020

**Public Health Emergency Order Clarifying that Current Guidance Documents, Advisories,
and Emergency Public Health Orders Remain in Effect; and Amending the March 23,
2020, April 6, 2020, April 11, April 30, 2020, May 5, 2020, and May 15, 2020, Public Health
Emergency Orders Closing All Businesses and Non-Profit Entities Except for those
Deemed Essential and Providing Additional Restrictions on Mass Gatherings Due to
COVID-19**

PREFACE

The purpose of this amended Public Health Emergency Order is to amend restrictions on mass gatherings and business operations, which were implemented in response to the spread of the Novel Coronavirus Disease 2019 ("COVID-19"). Continued social distancing and self-isolation measures are necessary to protect public health given the potentially devastating effects that could result from a rapid increase in COVID-19 cases in New Mexico. While this Order loosens some restrictions on mass gatherings and business operations, the core directive underlying all prior public health initiatives remains intact; **all New Mexicans should be staying in their homes for all but the most essential activities and services.** When New Mexicans are not in their homes, they should strictly adhere to social distancing protocols to minimize risks. These sacrifices are the best contribution that each of us can individually make to protect the health and wellbeing of our fellow citizens and the State as a whole. In accordance with these purposes, this Order and its exceptions should be narrowly construed to encourage New Mexicans to stay in their homes for all but the most essential activities.

It is hereby **ORDERED** that:

1. All current guidance documents and advisories issued by the Department of Health remain in effect.
2. The following Public Health Emergency Orders remain in effect through the current Public Health Emergency and any subsequent renewals of that Public Health Emergency or until they are amended or rescinded:
 - A. March 13, 2020 Public Health Emergency Order to Temporarily Limit Nursing Home Visitation Due to COVID-19;
 - B. April 30, 2020 Public Health Emergency Order Modifying Temporary Restrictions on Non-Essential Health Care Services, Procedures, and Surgeries;

OFFICE OF THE SECRETARY

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(505) 827-2613 • FAX: (505) 827-2530 • www.nmhealth.org



- C. March 24, 2020 Public Health Emergency Order Temporarily Regulating the Sale and Distribution of Personal Protective Equipment Due to Shortages Caused by COVID-19; and
- D. April 30, 2020 Public Health Emergency Order Clarifying that Polling Places Shall be Open as Required in the Election Code and Imposing Certain Social Distancing Restrictions on Polling Places

3. The May 5, 2020 Public Health Emergency Order Amending the March 23, 2020, April 6, 2020, April 11, 2020, April 30, 2020, May 5, 2020, and May 15, 2020 Public Health Emergency Orders Closing All Businesses and Non-Profit Entities Except for those Deemed Essential and Providing Additional Restrictions on Mass Gatherings Due to COVID-19 is hereby amended as follows:

ORDER

WHEREAS, on March 11, 2020, because of the spread of the novel Coronavirus Disease 2019 (“COVID-19”), Michelle Lujan Grisham, the Governor of the State of New Mexico, declared that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked her authority under the All Hazards Emergency Management Act;

WHEREAS, Governor Michelle Lujan Grisham has renewed the declaration of a Public Health Emergency through May 31, 2020;

WHEREAS, COVID-19 continues to spread in New Mexico and nationally. Since, Executive Order 2020-004 was issued, confirmed COVID-19 infections in New Mexico have risen to more than 5,500 and confirmed cases in the United States have risen to more than 1.4 million;

WHEREAS, the further spread of COVID-19 in the State of New Mexico poses a threat to the health, safety, wellbeing and property of the residents in the State due to, among other things, illness from COVID-19, illness-related absenteeism from employment (particularly among public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the State), potential displacement of persons, and closures of schools or other places of public gathering;

WHEREAS, social distancing is the sole way New Mexicans can minimize the spread of COVID-19 and currently constitutes the most effective means of mitigating the potentially devastating impact of this pandemic in New Mexico; and

WHEREAS, the New Mexico Department of Health possesses legal authority pursuant to the Public Health Act, NMSA 1978, Sections 24-1-1 to -40, the Public Health Emergency Response Act, NMSA 1978, Sections 12-10A-1 to -10, the Department of Health Act, NMSA 1978, Sections 9-7-1 to -18, and inherent constitutional police powers of the New Mexico state

government, to preserve and promote public health and safety, to adopt isolation and quarantine, and to close public places and forbid gatherings of people when deemed necessary by the Department for the protection of public health.

NOW, THEREFORE, I, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me by the Constitution and the Laws of the State of New Mexico, and as directed by the Governor pursuant to the full scope of her emergency powers under the All Hazard Emergency Management Act, do hereby declare 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(A) as an infection, a disease, a syndrome, a symptom, an injury or other threat that is identifiable on an individual or community level and 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.

The following definitions are adopted for the purposes of this Order:

Definitions: As used in this Public Health Order, the following terms shall have the meaning given to them, except where the context clearly requires otherwise:

(1) “Essential business” means any business or non-profit entity falling within one or more of the following categories:

- a. Health care operations including hospitals, walk-in-care health facilities, pharmacies, medical wholesale and distribution, home health care workers or aides for the elderly, emergency dental facilities, nursing homes, residential health care facilities, research facilities, congregate care facilities, intermediate care facilities for those with intellectual or developmental disabilities, supportive living homes, home health care providers, drug and alcohol recovery support services, and medical supplies and equipment manufacturers and providers;
- b. Homeless shelters, food banks, and other services providing care to indigent or needy populations;
- c. Childcare facilities necessary to provide services to those workers employed by essential businesses, essential non-profit entities, and other operating non-essential businesses;
- d. Grocery stores, supermarkets, food banks, farmers’ markets and vendors who sell food, convenience stores, and other businesses that generate the majority of their revenue from the sale of canned food, dry goods, fresh fruits and vegetables, pet food, feed, and other animal supply stores, fresh meats, fish, and poultry, and any other household consumer products;
- e. Farms, ranches, and other food cultivation, processing, or packaging operations;

- f. All facilities routinely used by law enforcement personnel, first responders, firefighters, emergency management personnel, and dispatch operators;
- g. Infrastructure operations including, but not limited to, public works construction, commercial and residential construction and maintenance, airport operations, public transportation, airlines, taxis, private transportation providers, transportation network companies, water, gas, electrical, oil drilling, oil refining, natural resources extraction or mining operations, nuclear material research and enrichment, those attendant to the repair and construction of roads and highways, gas stations, solid waste collection and removal, trash and recycling collection, processing and disposal, sewer, data and internet providers, data centers, technology support operations, and telecommunications systems;
- h. Manufacturing operations involved in food processing, manufacturing agents, chemicals, fertilizer, pharmaceuticals, sanitary products, household paper products, microelectronics/semi-conductor, primary metals manufacturers, electrical equipment, appliance, and component manufacturers, and transportation equipment manufacturers;
- i. Services necessary to maintain the safety and sanitation of residences or essential businesses including security services, towing services, custodial services, plumbers, electricians, and other skilled trades;
- j. Veterinary and livestock services, animal shelters, and facilities providing pet adoption, grooming, daycare, or boarding services;
- k. Media services including television, radio, and newspaper operations;
- l. Automobile repair facilities, bike repair facilities, and retailers who generate the majority of their revenue from the sale of automobile or bike repair products. Contactless car washes, which are those that do not require person-to-person interaction between customers and employees, are permitted to operate;
- m. Hardware stores and self-storage facilities;
- n. Laundromats and dry cleaner services;
- o. Utilities, including their contractors, suppliers, and supportive operations, engaged in power generation, fuel supply and transmission, water and wastewater supply;
- p. Funeral homes, crematoriums and cemeteries;

- q. Banks, credit unions, insurance providers, payroll services, brokerage services, and investment management firms;
- r. Real estate services including brokers, title companies, and related services;
- s. Businesses providing mailing and shipping services, including post office boxes;
- t. Laboratories and defense and national security-related operations supporting the United States government, a contractor to the United States government, or any federal entity;
- u. Restaurants, but only for delivery or carry out and local breweries, wineries, or distillers but only for carry out. Restaurants, but not Bars, may also offer dine-in service in outdoor seating areas only at up to 50% of their outdoor area fire code occupancy, if applicable. No dine-in service may be provided in indoor seating areas. Outdoor dine-in service may only be provided to patrons who are seated. Tables must be placed with at least six feet of distance between tables. No more than six patrons may be seated at any single table. No bar or counter seating is permitted.
- v. Professional services, such as legal or accounting services, but only where necessary to assist in compliance with legally mandated activities; and
- w. Logistics, and also businesses that store, transport, or deliver groceries, food, materials, goods or services directly to residences, retailers, government institutions, or essential businesses.

(2) "Individuals" means natural persons.

(3) "Gathering" means any grouping together of individuals in a single connected location.

(4) "Mass gathering" means any public gathering, private gathering, organized event, ceremony, or other grouping that brings together five (5) or more individuals in a single room or connected space, confined outdoor space or an open outdoor space. "Mass gathering" does not include the presence of five (5) or more individuals where those individuals regularly reside. "Mass gathering" does not include individuals who are public officials or public employees in the course and scope of their employment.

(5) "Houses of worship" means any church, synagogue, mosque, or other gathering space where persons congregate to exercise their religious beliefs.

(6) "Close-contact business" includes barbershops, adult entertainment venues, hair salons, tattoo parlors, nail salons, spas, massage parlors, esthetician clinics, tanning salons, guided raft tours, guided balloon tours, gyms, and personal training services.

(7) "Recreational facilities" include movie theaters, swimming pools, museums, bowling alleys, miniature golf, arcades, amusement parks, concert venues,

performance venues, go-kart courses, indoor shopping malls, and other places of indoor recreation or indoor entertainment.

(8) “Bars” are defined as food and beverage service establishments that derived more than 50% of their revenue in the prior calendar year from the sale of alcoholic beverages.

(8) “COVID-Safe Practices” (“CSP”) are those directives, guidelines, and recommendations for businesses and other public operations that are set out and memorialized in the document titled “All Together New Mexico: COVID-Safe Practices for Individuals and Employers”. That document may be obtained at the following link <https://cv.nmhealth.org/covid-safe-practices/>.

(9) “Places of lodging” means all hotels, motels, RV parks, co-located short-term condominium rentals with a central check-in desk, and short-term vacation rentals.

(10) “Retail space” means any essential business that sells goods or services directly to consumers or end-users such as grocery stores or hardware stores and includes the essential businesses identified in the categories above: 1(d), 1(l), 1(m), 1(p), and 1(s).

I HEREBY DIRECT AS FOLLOWS:

- (1) Except as provided elsewhere in this Order, all “mass gatherings” are hereby prohibited under the powers and authority set forth in the Public Health Act.
- (2) “Essential businesses” must operate in accordance with the pertinent “COVID-Safe Practices (CSPs)” section(s) of the “All Together New Mexico: COVID-Safe Practices for Individuals and Employers”.
- (3) “Close-contact businesses” and “recreational facilities” must remain closed.
- (4) Any business that is not identified as an “essential business”, a “close-contact business”, or a “recreational facility” may open provided that the total number of persons situated within the business does not exceed 25% of the maximum occupancy of any enclosed space on the business’s premises, as determined by the relevant fire marshal or fire department. Businesses identified as a “retail space” may operate provided that the total number of persons situated within the business does not exceed 25% of the maximum occupancy of any enclosed space on the business’s premises, as determined by the relevant fire marshal or fire department. Any business opening pursuant to this provision must comply with the pertinent CSP’s set out in the “All Together New Mexico: COVID-Safe Practices for Individuals and Employers”.
- (5) If customers are waiting outside of a business, the business must take reasonable measures to ensure that customers maintain a distance of at least six-feet from other individuals and avoid person-to-person contact.
- (6) Bars are not permitted to operate other than for take-out and delivery if otherwise permitted under their applicable licenses.

- (7) "Houses of worship" may hold services and other functions provided that they comply with the "COVID-Safe Practices (CSPs) for Houses of Worship" section of the "All Together New Mexico: COVID-Safe Practices for Individuals and Employers". Further, "houses of worship" may not exceed 25% of the maximum occupancy of any enclosed building, as determined by the relevant fire marshal or fire department. Nothing in this order is intended to preclude these faith-based institutions from holding services through audiovisual means.
- (8) "Places of lodging" shall not operate at more than 25% percent of maximum occupancy. Health care workers who are engaged in the provision of care to New Mexico residents or individuals utilizing lodging facilities for extended stays, as temporary housing, or for purposes of a quarantine or isolation period shall not be counted for purposes of determining maximum occupancy. Further, short-term vacation rentals shall limit guests to New Mexico residents only.
- (9) Unless a healthcare provider instructs otherwise, all individuals shall wear a mask or multilayer cloth face covering in public settings except when eating, drinking, or exercising. Further, all individuals should comply with the "COVID-Safe Practices (CSPs) for All New Mexicans" section of the "All Together New Mexico: COVID-Safe Practices for Individuals and Employers".
- (10) All casinos shall close during the pendency of this Order. This directive excludes those casinos operating on Tribal lands. Horse racing facilities may operate without spectators.
- (11) This Order does not limit animal shelters, zoos, and other facilities with animal care operations from performing tasks that ensure the health and welfare of animals. Those tasks should be performed with the minimum number of employees necessary, for the minimum amount of time necessary, and with strict adherence to all social distancing protocols.
- (12) Golf courses may open for golf only and provided that they operate in accordance with the pertinent "All Together New Mexico: COVID-Safe Practices for Individuals and Businesses".
- (13) Outdoor tennis facilities may open for outdoor use only and provided that they operate in accordance with the pertinent "All Together New Mexico: COVID-Safe Practices for Individuals and Businesses".
- (14) State parks may open on a modified basis and subject to staff availability. They may only be open for day use. Camping areas, visitor centers, and any other large enclosed indoor spaces normally open to the public shall remain closed.
- (15) Summer youth programs may operate on a limited basis that complies with the pertinent CSP's set out in the "All Together New Mexico: COVID-Safe Practices for Individuals and Employers".

- (16) The New Mexico Department of Public Safety, the New Mexico Department of Homeland Security and Emergency Management, the Department of the Environment, and all other State departments and agencies are authorized to take all appropriate steps to ensure compliance with this Order.
- (17) In order to minimize the shortage of health care supplies and other necessary goods, grocery stores and other retailers are hereby directed to limit the sale of medications, durable medical equipment, baby formula, diapers, sanitary care products, and hygiene products to three items per individual. NMSA 1978, § 12-10A-6 (2012).

I FURTHER DIRECT as follows:

- (1) This Order shall be broadly disseminated in English, Spanish and other appropriate languages to the citizens of the State of New Mexico.
- (2) This Order declaring restrictions based upon the existence of a condition of public health importance shall not abrogate any disease-reporting requirements set forth in the New Mexico Public Health Act.
- (3) Nothing in this Order is intended to restrain or preempt local authorities from enacting more stringent restrictions than those required by the Order.
- (4) This Order shall take effect immediately and remain in effect through May 31, 2020. This Order shall be effective in all counties of New Mexico except for Cibola County, McKinley County, and San Juan County. Cibola County, McKinley County, and San Juan County are subject to the terms of the May 5, 2020 Public Health Emergency Order through May 31, 2020.

I FURTHER ADVISE the public to take the following preventive precautions:

- New Mexico citizens should stay at home and undertake only those outings absolutely necessary for their health, safety, or welfare.
- Retailers should take appropriate action consistent with this order to reduce hoarding and ensure that all New Mexicans can purchase necessary goods.
- Avoid crowds.
- Avoid all non-essential travel including plane trips and cruise ships. Self-quarantine or self-isolate for at least fourteen days after all out-of-state travel.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 27TH DAY OF MAY 2020

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Kathleen M. Kunkel

KATHYLEEN M. KUNKEL
SECRETARY OF THE STATE OF NEW
MEXICO DEPARTMENT OF HEALTH

