

THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY

ORDINANCE NO. 2020-4

AN EMERGENCY ORDINANCE AUTHORIZING THE COUNTY MANAGER TO
EXTEND DUE DATES FOR MONEY OWED THE COUNTY AND WAIVE FEES FOR
COUNTY SERVICES, WAIVE PENALTIES AND INTEREST FOR LATE PAYMENTS,
OR DELAY THE CONSEQUENCES OF DELINQUENT PAYMENT DURING THE
COVID-19 EMERGENCY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE
COUNTY:

Section 1. Definitions. As used in this Ordinance, the following terms shall, for all purposes, have the meanings herein specified, unless the context clearly requires otherwise (such meanings to be equally applicable to both the singular and the plural forms of the terms defined):

- A. "Board" means the Board of County Commissioners of the County.
- B. "County" means Santa Fe County in the State of New Mexico.
- C. "COVID-19" means the novel coronavirus known as SARS-CoV-2.
- D. "COVID-19 Emergency" means the emergency declared by the Board in Resolution No. 2020-24, which was based, in part, on the Governor's declaration of a statewide public health emergency due to COVID-19 in Executive Order 2020-004.

Section 2. Findings. The Board finds that the COVID-19 Emergency presents a public health and economic emergency that is an immediate danger to the public health, safety, and welfare of the County and it is necessary to take immediate action to authorize the County Manager to take the actions authorized herein for the following reasons:

- A. COVID-19 has rapidly spread across the globe and there is currently no vaccine or drug therapy available.
- B. The Governor has declared a public health emergency for the entire State of New Mexico, and the Secretary of Health has issued a variety of public health orders in furtherance thereof, which has caused the closure of non-essential businesses and required hotels to operate at reduced capacity, among other things.
- C. As a result of the COVID-19 public health emergency and the emergency measures taken to protect against the spread, many County residents and businesses have experienced or will soon experience sudden and dramatic loss of income and/or unemployment. For example:
 - 1. according to newspaper reports, several hotels within the City of Santa Fe, including the 219-room Eldorado Hotel & Spa, have recently announced their (at least temporary) closure due to COVID-19; and
 - 2. one Federal Reserve Bank President has reportedly estimated that the national unemployment rate could rise to 30%.

D. The magnitude of the COVID-19 Emergency was recently recognized by the New Mexico Supreme Court, which, on March 24, 2020, issued Order No. 20-8500-007, which authorized judges to stay residential evictions for nonpayment of rent based upon demonstrated inability to pay the monthly rent established by the rental agreement.

E. Loss of income as a result of COVID-19 may inhibit the ability of County residents and businesses to pay for County services or pay taxes when due.

F. At the same time, the economic crisis, including loss of employment, health care, and medical coverage for County residents, may increase demands for certain County services and decrease County revenue.

G. County transactions conducted in person could entail risk of transmission of COVID-19.

Section 3. County Manager Authority.

A. Notwithstanding any provision of any ordinance, policy, or resolution to the contrary and subject to any legal restriction on her ability to do so, during the COVID-19 Emergency, the County Manager is authorized to:

1. Waive or reduce the typical County fee or charge for County services rendered after the effective date of this Ordinance;
2. Extend the due date for County imposed taxes due after the effective date of this Ordinance or the fee or other charge for County services rendered after the effective date of this Ordinance;
3. Waive or reduce penalties and interest for late payments due after the effective date of this Ordinance; or
4. Refrain from imposing consequences for late or missed payments (e.g., water utility shutoff).

B. The authority in Subparagraph A of this section does not extend to property taxes or gross receipts taxes, since the County does not have the legal authority to extend the due date of those taxes or waive penalties and interest for late payment.

C. In exercising the authority in Subparagraph A, the County Manager may also establish requirements for any such relief (e.g., proof of job loss) as well as policies and procedures governing it.

Section 4. Factors for County Manager to Consider. Before exercising any of the authority provided in Section 3, the County Manager must determine that it is permissible and advisable to do so, taking into consideration the following factors:

- A. the benefit to the public of the action;
- B. the impact to the County of the action;
- C. the relative ease of administration;
- D. whether the action can be implemented in an equitable way; and
- E. other appropriate factors as determined by the County Manager.

Section 5. Notice of Action.

A. Upon taking action pursuant to Section 3(A), the County Manager shall document the action taken, the reasons for the action taken, the effective date of the action taken, and the duration of the action taken, which may be for the duration of the COVID-19 emergency or such shorter or longer period as the County Manager may specify.

B. The County Manager shall post a summary of the action taken pursuant to Section 3(A) on the County website and publish notice thereof in one or more newspapers of general circulation in the County. Such posting and publishing, however, is for purposes of informing the public of the action taken and does not delay the effective date of the action taken.

Section 6. Effective Date. Due to the emergency declared in Section 2, it is necessary for the protection of the public health and safety of the County that this Ordinance take effect immediately upon recordation. Should a court of competent jurisdiction determine that it has the authority to question the Board's declaration of emergency and that emergency conditions did not exist justifying the immediate efficacy of this Ordinance, the Ordinance shall take effect on the first date otherwise allowed by law.

Section 7. Severability. If a provision of this Ordinance or its application to any person or circumstance is held by a court of competent jurisdiction to be invalid, the invalidity does not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

PASSED, APPROVED, and ADOPTED this 31ST day of March, 2020, by the Board of County Commissioners of Santa Fe County.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: Henry P. Roybal
Henry P. Roybal, Chair



ATTEST:

Geraldine Salazar
Geraldine Salazar
Santa Fe County Clerk

APPROVED AS TO FORM:

Gregory S. Shaffer
Gregory S. Shaffer
Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of April, 2020 at 03:04:07 PM
And Was Duly Recorded as Instrument # 1913310
Of The Records Of Santa Fe County

BCC ORDINANCE
PAGES: 3



Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Estrella Martinez County Clerk, Santa Fe, NM

SFC CLERK RECORDED 04/03/2020