

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

RESOLUTION NO. 2020 - 24

A RESOLUTION

DECLARING SANTA FE COUNTY TO BE AN EMERGENCY AREA AS A RESULT OF COVID-19; AUTHORIZING, SUBJECT TO ANY REQUIRED NOTIFICATION TO AND/OR NEGOTIATIONS WITH UNIONS, THE COUNTY MANAGER TO MODIFY THE COUNTY HUMAN RESOURCES HANDBOOK AND PROVISIONS OF COLLECTIVE BARGAINING AGREEMENTS AND ESTABLISH EMERGENCY POLICIES IN RESPONSE TO COVID-19 EMERGENCY; RATIFYING ACTIONS PREVIOUSLY TAKEN; AND AUTHORIZING OTHER APPROPRIATE MEASURES

WHEREAS, on March 11, 2020, the Governor declared a public health emergency due to COVID-19 in Executive Order 2020-4; and

WHEREAS, since then, the Secretary of Health has issued several Public Health Orders that, among other things, have forbidden mass gatherings, limited restaurants to take-out and home delivery services, recommended isolation and quarantines for people traveling out of the state or with symptoms of COVID-19, encouraged teleworking and social distancing in the work place, and encouraged businesses to provide essential services only, in order to limit operations, all in an effort to reduce the spread of COVID-19; and

WHEREAS, notwithstanding these measures, the confirmed cases of COVID-19 in the State and Santa Fe County (County) has continued to grow; and

WHEREAS, these measures, as well as voluntary and mandatory travel restrictions, have had, and will continue to have, material, negative effects on our citizens, the County's and State's economy, and the County's revenues, many sources of which are dependent upon taxable economic activity; and

WHEREAS, these measures and the risks associated with the spread of COVID-19 throughout the community have required, and may continue to require, changes to the County Human Resources Handbook, collective bargaining agreements, and the manner and means by which the County does business, as well as the establishment of new, emergency policies; and

WHEREAS, COVID-19 and the effects of its extreme risk of person-to-person transmission throughout New Mexico and the County significantly impact the life and health of our people, as well as the economy of the County, and is a public emergency/disaster that affects life, health, property, and/or the public peace; and

WHEREAS, the Board of County Commissioners (Board or BCC) desires to declare the existence of a COVID-19 emergency in the County, authorize the County Manager to take appropriate action in response to the emergency, ratify action previously taken (to the extent necessary), and otherwise ensure that the County is able to timely respond to the COVID-19 emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. Pursuant to the All Emergency Management Act, NMSA 1978, Sections 12-10-1 through 12-10-10, Santa Fe County is hereby declared to be an emergency/disaster area as a result of COVID-19. The purpose of this declaration is to authorize the exercise of necessary emergency powers and expenditure of available resources, as well as the requesting and accepting of aid, assistance, and relief programs and funds available from the State of New Mexico, federal government, and others. The County Manager is hereby authorized to apply for and accept all such aid, assistance, relief, and funds.
2. The COVID-19 emergency declared herein shall be in effect until it is declared to be over by future BCC Resolution or by the County Manager.
3. Assistant Fire Chief Martin Vigil is hereby confirmed as the local coordinator of emergency management for the COVID-19 emergency as contemplated by Section 12-10-5 NMSA 1978.
4. The County Manager shall authorize County Offices and Departments to render assistance in response to the COVID-19 emergency within the County's capabilities and in accordance with the provisions of the program and plan promulgated by the Homeland Security and Emergency Management Department.
5. The County Manager is hereby authorized, subject to any required notification to and/or negotiations with unions who are the exclusive representative of bargaining units within the County, to modify the County Human Resources Handbook and provisions of collective bargaining agreements and to establish emergency human resources and other policies in response to COVID-19. Given the COVID-19 emergency, the Board waives any requirement that such policies be adopted by resolution.
6. The County Manager is further authorized, subject to any required notification to and/or negotiations with unions who are the exclusive representative of bargaining units within the County, to make such changes to County operations and policies as may be necessary or proper in light of the COVID-19 emergency, including, but not limited to, allowing use of electronic media, including electronic signatures, in the procurement process (as allowed by Section 13-1-95.1 NMSA 1978), prohibiting in-person contact between the public and County staff, limiting the availability of certain County services and the means through which they are provided, shutting certain County buildings, departments, divisions, and offices to the public, as well as limiting hiring and non-essential expenditures to prepare for the anticipated drop in revenue due to COVID-19 and the response thereto.
7. Actions previously taken by the County Manager in response to the COVID-19 emergency are, to the extent necessary, hereby ratified. Such ratified measures include, but are not limited to, the loosening of rules related to sick leave usage to cover quarantines and the care of immediate family members who are quarantined, the waiver of advance request requirements for the use of annual leave related to COVID-19, the grant of leave without pay to County employees who have exhausted their leave and are isolated or quarantined (or caring for immediate family members

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who are), the Emergency Alternate Work Arrangement Policy, which allows employees to work from home and pursue other alternate work arrangements in response to COVID-19, and limiting or eliminating hours during which County Offices and Departments are open to the public.

8. County Offices and Departments are requested and directed to coordinate their response to the COVID-19 emergency with each other, the State, other political subdivisions, and other governmental entities.
9. Subject to any statutory or other restriction on the use of the funds, the County Manager may authorize the expenditure of any available funds for COVID-19 emergency purposes, regardless of the Office, Department, or Division in which the funds are budgeted.
10. To the extent that existing ordinances, resolutions, or policies grant the County Manager the discretionary authority to extend due dates for money owed the County, waive penalties and interest for late payments, or delay the consequences of delinquent payment, the County Manager is directed to consider doing so, in whole or in part, when it is determined to be permissible and advisable to do so, taking into consideration the benefit to the public, the impact to the County, ease of administration, whether the measure can be implemented in an equitable way, and other appropriate factors. To the extent that existing ordinances, resolutions, or policies do not currently grant such discretionary authority to the County Manager, the County Manager and County Attorney are directed to prepare an emergency ordinance for consideration by the BCC on Tuesday, March 31, 2020, that would provide such discretionary authority.
11. Instead of the signature authority in Section 3(a) of Resolution No. 2014-143, the County Manager's and BCC's signature authority for contracts related to COVID-19 expenditures shall be as follows during the COVID-19 emergency declared herein:

	<u>Original Contract</u>		<u>Amendments to Contracts Approved by the County Manager</u>		<u>Amendments to Contracts Approved by the BCC</u>	
	<u>Contract Sum</u>		<u>Amended Contract Sum</u>		<u>Increase to Contract Sum Approved by BCC Due to Amendments</u>	
<u>Official or Body</u>	\leq \$500,000	$>$ \$500,000	\leq \$500,000	$>$ \$500,000	\leq \$500,000	$>$ \$500,000
County Manager	Y	N	Y	N	Y	N
BCC	Y	Y	Y	Y	Y	Y

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PASSED, APPROVED, AND ADOPTED THIS 24th DAY OF MARCH, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: [Signature]
Henry P. Roybal, Chair



ATTEST:
[Signature]
Geraldine Salazar, County Clerk

Date: March 24, 2020

APPROVED AS TO FORM:

[Signature]
Gregory S. Shaffer, County Attorney

Date: 3/23/20

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
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I Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of March, 2020 at 11:21:21 AM
And Was Duly Recorded as Instrument # 1912394
Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy [Signature] County Clerk, Santa Fe, NM

[Signature]
[Signature]

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