



**CITY OF RIO RANCHO
RESOLUTION**

RESOLUTION NO. 48

ENACTMENT NO. 20-046

RESOLUTION DECLARING A HEALTH CARE EMERGENCY

1
2
3 **WHEREAS:** on January 30, 2020, the World Health Organization (WHO) announced the
4 emergency of a novel Coronavirus Disease 2019 (referred to as “COVID-19”) that
5 had not previously circulated in humans, but has been found to have
6 adapted to humans such that it is contagious and easily spread from one
7 person to another and one country to another; and
8

9 **WHEREAS:** on January 31, 2020, the United States Department of Health and Human
10 Services (HHS) Secretary declared a public health emergency as a
11 precautionary tool to facilitate preparation and availability of resources to
12 assure that the federal government had appropriate resources to combat the
13 spread of the COVID-19 virus in our nation through its support of state and
14 community-led preparedness and response efforts; and
15

16 **WHEREAS:** on March 11, 2020, the New Mexico Department of Health confirmed four
17 cases of individuals infected with COVID-19 in New Mexico; and
18

19 **WHEREAS:** on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of
20 New Mexico, declared in Executive Order 2020-004 (“EO 2020-004”) that a
21 Public Health Emergency exists in New Mexico under Public Health
22 Emergency Response Act, and invoked the All Hazards Emergency
23 Management Act by directing all cabinets, departments and agencies to
24 comply with the directives of the declaration and the further instructions of
25 the Department of Health; and
26

27 **WHEREAS:** the further spread of COVID-19 in the State of New Mexico poses a threat to
28 the health, safety, wellbeing and property of the residents in Rio Rancho due
29 to among other things, illness from COVID-19, illness-related absenteeism
30 from employment (particularly public safety and law enforcement personnel
31 and persons engaged in activities and businesses critical to the economy
32 and infrastructure of the City), and the closure of schools or other places of
33 public gathering; and
34

35 **WHEREAS:** on March 13, 2020, in response to the further spread of COVID-19 in the
36 City exigent threat towards lives, property, and the public health and
37 safety in the City, it is necessary to declare a health emergency; and
38

39 **WHEREAS:** the City’s Municipal Code, Title III, Chapter 35, Sections 35.01 through
40 35.10 grant certain powers, duties, and authority to declare an
41 emergency, engage an emergency management plan, and to activate and
42 authorize the Office of Emergency Management Director, held by the
43 Mayor, to direct staff and commit resources.
44

1 **NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY**
2 **OF RIO RANCHO:**

3
4 **Section 1.** The City declares hereby that a State of Emergency exists in Rio Rancho and
5 the following terms and provisions shall have effect and be acted upon according to Title
6 III, Chapter 35:

7
8 (A) The Office of Emergency Management Director shall be held by Mayor
9 Gregory D. Hull, or his designee, as Director in accordance with state law.

10
11 (B) An Emergency Program Manager may be appointed by and serve at the
12 pleasure of the Director.

13
14 (C) The Director shall be responsible for a program of comprehensive
15 emergency management within the City and for carrying out the duties and
16 responsibilities set forth in this chapter. He may delegate authority for execution
17 of these to the Program Manager, but ultimate responsibility for the execution
18 shall remain with the Director.

19
20 (D) The operational emergency management organization of the City shall
21 consist of the officers and employees of the city so designated by the Director, or
22 his designee in the emergency management plan, as well as organized volunteer
23 groups. The function and duties of the organization shall be distributed among
24 the officers and employees in accordance with the terms of the emergency
25 management plan.

26
27 **Section 2.** The powers, duties, and responsibilities of the Emergency Management
28 Director, or his designee, shall include, but are not limited to the following:

29
30 (A) Conduct an on-going survey of actual or potential hazards which threaten life
31 and property within the City and an on-going program of identifying and requiring
32 or recommending the implementation of measures which tend to prevent the
33 occurrence or reduce the impact of hazards if a disaster occurs; and

34
35 (B) Supervise the development and approval of an emergency management plan
36 for the City, and recommend for adoption by the City all mutual aid arrangements
37 deemed necessary for the implementation of the plan; and

38
39 (C) Issue proclamations, regulations or directives which are necessary for
40 carrying out the purposes of this chapter (the proclamations, regulations or
41 directives shall be disseminated promptly by means calculated to bring its
42 contents to the attention of the general public and, unless circumstances
43 attendant on the emergency or disaster prevent or impede, promptly filed with
44 the City Clerk); and

45
46 (D) Direct and control the operation of the City's emergency management
47 organization, as well as the training of emergency management personnel; and

1 (E) Determine all questions of authority responsibility that may arise within the
2 emergency management organization of the City; and

3
4 (F) Maintain a liaison with other municipal, county, district, state, regional or
5 federal emergency management organizations; and

6
7 (G) Marshal all necessary personnel, equipment or supplies from any
8 department of the City to aid in carrying out the provisions of the emergency
9 management plan; and

10
11 (H) Supervise or delegate the drafting and execution of mutual aid agreements,
12 in cooperation with state representatives and of other local political subdivisions
13 of the state, and the drafting and execution, if deemed desirable, of an
14 agreement with the county in which the city is located and with other
15 municipalities within the county, for the county-wide coordination of emergency
16 management efforts; and

17
18 (I) Supervise, delegate, and authorize procurement of all necessary supplies and
19 equipment, including accepting private contributions which may be offered for the
20 purposes of improving emergency management within the City; and

21
22 (J) Authorize agreements, after review by the City Attorney, for use of private
23 property for public shelter and other purposes; and

24
25 (K) Survey the availability of existing personnel, equipment, supplies and
26 services which could be used during a disaster, as provided on herein; and

27
28 (L) Other requirements as specified in the New Mexico Civil Emergency Act of
29 1978, NMSA §§ 12-10-1 to 12-10-10.

30
31 **Section 3.** Interjurisdictional Programming and Operations: The Director, or his
32 delegee, is hereby authorized to join with the County Manager and the mayors of the
33 other cities in the County to formulate and implement a Local Emergency Planning
34 Committee (LEPC) for the County and he shall have authority to cooperate in the
35 preparation of the LEPC emergency management plan, as well as all powers necessary
36 to participate in a county-wide program of emergency management that may affect the
37 City.

38
39 **Section 4.** Greater Restrictions; Override: At all times as the orders, rules and
40 regulations made and promulgated pursuant to this Ordinance shall be in effect and as
41 applicable, they shall supersede and override all existing ordinances, orders, rules and
42 regulations that may be inconsistent.

43
44 (A) It shall be unlawful for any person willfully to obstruct, hinder or delay any
45 member of the emergency management organization in the enforcement of any
46 rule or regulation issued pursuant to this chapter, or to do any act forbidden by
47 any rule or regulation issued pursuant to the authority contained in this chapter.

1 (B) It shall likewise be unlawful for any person to wear, carry or display any
2 emblem, insignia or any other means of identification as a member of the
3 emergency management organization of the city, unless authority to do so has
4 been granted to the person by proper officials.
5

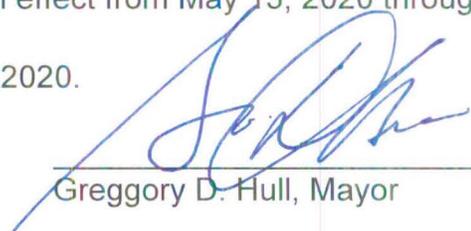
6 (C) Any person who shall without proper authority operate a siren or other device
7 so as to simulate a warning signal, or the termination of a warning, shall be
8 deemed guilty of a violation of Section 35.09 and shall be subject to the penalties
9 imposed by that chapter.
10

11 **Section 5.** The title of this Resolution is "Declaring a Health Care Emergency." A
12 general summary of the subject matter of the Resolution is contained in its title. This
13 notice constitutes compliance with Section 6-14-6, NMSA 1978.
14

15 **Section 6.** This Resolution replaces Resolution No. 35 / Enactment No. 20-033
16 approved by the Governing Body on April 8, 2020.
17

18 **Section 7.** The Resolution shall be in effect from May 13, 2020 through June 30, 2020.
19

20 ADOPTED THIS 13th DAY OF MAY, 2020.
21

22 
23 _____
24 Gregory D. Hull, Mayor

25 ATTEST:

26 
27 _____
28 Rebecca A. Martinez, City Clerk
29 (SEAL)