CITY OF RIO RANCHO
RESOLUTION

RESOLUTION NO. 94 **ENACTMENT NO. 20-092**

RESOLUTION DECLARING A HEALTH CARE EMERGENCY

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

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

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

WHEREAS: on March 11, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 ("EO 2020-004") that a Public Health Emergency exists in New Mexico under 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; and

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 Rio Rancho due to among other things, illness from COVID-19, illness-related absenteeism from employment (particularly public safety and law enforcement personnel and persons engaged in activities and businesses critical to the economy and infrastructure of the City), and the closure of schools or other places of public gathering; and

WHEREAS: on March 13, 2020, in response to the further spread of COVID-19 in Rio Rancho and exigent threat towards lives, property, and the public health and safety in the City, the Mayor determined it necessary to declare a health emergency pursuant to Municipal Code; and

WHEREAS: pursuant to Municipal Code, the Governing Body has approved extensions of the health emergency that was initially declared on March 13, 2020; and

WHEREAS: the City's Municipal Code, Title III, Chapter 35, Sections 35.01 through

35.10 grant certain powers, duties, and authority to declare an emergency, engage an emergency management plan, and to activate and authorize the Office of Emergency Management Director, held by the Mayor, to direct staff and commit resources.

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

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

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

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

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

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

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

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

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

(C) Issue proclamations, regulations or directives which are necessary for carrying out the purposes of this chapter (the proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances

attendant on the emergency or disaster prevent or impede, promptly filed with the City Clerk); and

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

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

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

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

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

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

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

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

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

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

Section 4. Greater Restrictions; Override: At all times as the orders, rules and regulations made and promulgated pursuant to this Ordinance shall be in effect and as

applicable, they shall supersede and override all existing ordinances, orders, rules and regulations that may be inconsistent.

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

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

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

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

Section 6. This Resolution shall be in effect from October 1, 2020 through October 31, 2020.

ADOPTED THIS 24th DAY OF SEPTEMBER, 2020.

Greggory D. Hull, Mayor

ATTEST:

Rebecca A. Martinez, City Clerk
(SEAL)