

**HEALTH EMERGENCY  
RESOLUTION NO. 2020- 07  
OF THE VILLAGE OF TIJERAS**

**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**, 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 of the Village of Tijeras due to, among other things, illness from COVID-19, illness-related absenteeism from Village employment by Village employees engaged in activities critical to public safety such as water/wastewater, fire suspension, animal control, and closures of Village places of public gathering; and

**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 Village of Tijeras, a municipal corporation has those powers delegated it by statute, among them:

1. The Mayor shall cause the ordinances and regulations of the Village to be obeyed and in furtherance thereof he has the powers conferred on county sheriffs to suppress disorder, keep the peace and perform other duties conferred by the Village Council NMSA 1978 §3-11-4.
2. The Village Council shall adopt rules or regulations necessary to effect the powers granted to the Village including management and control of Village finances and all property real and personal belonging to the Village as well as impose additional powers and duties on Village officers, NMSA 1978 §3-12-3.

**WHEREAS**, the Village of Tijeras pursuant to the March 23, 2020 Public Health Order New Mexico Department of Health Cabinet Secretary Kathyleen M. Kunkel signed by the Governor March 24, 2020, (Order) possesses legal authority to take such action found necessary to assist the State in preserving and promoting public health and safety.

**WHEREAS**, this Resolution is adopted in accordance with the Village authority vested in it by the Order 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 Hazards Emergency Management Act as invoked through Executive Order 2020-004.

**WHEREAS**, the Order shuts down all restaurants, bars and most other tourist reliant businesses which are critical to support Village revenues without which the Village cannot keep on the payroll employees who are ordered to stay home.

**WHEREAS**, by the Village of Tijeras Council adopting this Resolution declaring an emergency:

- It allows the State of New Mexico to ensure compliance with FEMA's Public Assistant Program Guide,
- Helps to justify local municipalities costs associated with responding to the COVID-19 emergency,
- In the event that the State of New Mexico makes a Major Disaster Declaration, this Resolution will be required by FEMA and without it critical emergency funding could be delayed,
- It authorizes the Mayor to take all actions necessary or convenient to protect Village fiscal solvency by whatever means necessary including layoff of Village employees now removed from Village employment so they may seek Unemployment Insurance through New Mexico Workforce Solutions.

**WHEREAS**, New Mexico Department of Workforce Solutions guidelines explain that closure of businesses, cancelation of events and the prohibition of large gatherings may result in individuals being dismissed or suspended from work through no fault of their own; certain workers may be eligible for unemployment insurance benefits:

- Employees who are laid off some or all as a result of the impact of COVID-19;
- Workers who are self-quarantined or directed to be quarantined, or who have immediate family who are quarantined, or
- Workers who have their hours reduced significantly as a result of COVID-19 even if the claimant was not a full-time employee prior to the reduction. (This is an exception to the regular UI partial benefits provisions and will only apply to claimants affected by COVID-19 during the time the state is under a state of emergency.)

**WHEREAS**, Enhanced Unemployment Benefits in the Coronavirus Aid, Relief and Economic Security (CARES) Act:

- In Section 2104 provides for an emergency increase in traditional unemployment insurance (UI) benefits of \$600 per week through June 30, 2020, fully funded by the federal government;
- In Section 2102 of the Pandemic Unemployment Assistance program, there is provided up to 39 weeks of UI to people not otherwise eligible for regular unemployment compensation (including the self-employed and those who have exhausted their regular benefits); and
- In Section 2107 creating the Pandemic Emergency Unemployment Compensation program provides for 13 weeks of emergency UI for people

who remain unemployed after they have exhausted their benefits or are not otherwise eligible for benefits.

**NOW, THEREFORE BE IT RESOLVED BY THE VILLAGE OF TIJERAS COUNCIL** that an imminent threat of substantial harm to the population of the Village is now declared to exist.

1. The order shuts down all operations of the Village of Tijeras except water, wastewater, solid waste, recycling collection or the Village attorney's office as necessary to assist the Village in complying with the Order and it orders all other Village officials or employees to stay at home and undertake outings only necessary for health, safety or welfare.

2. The Village of Tijeras' general fund budget consists of \$852,900 in projected revenue for the year ending June 30, 2020.

3. 70% of the general fund budget is supported by gross receipts tax revenue (GRT).

4. Due to the fact that the Governor's order effectively shuts down all the businesses in the Village that are critical to the Village's GRT, it is projected that for the quarter ending June 30, 2020 there will be a GRT shortfall of \$150,000.

5. The loss of tax base may make it impossible to keep on the payroll Village employees not working or unable to work from home.

6. The following are the names of Village employees sent home because of the Order that it is necessary to consider furlough, layoff or be the subject of a reduction in force (RIF):

- Jennifer Darnell: weekly gross pay - \$432
- Meaghan Sarracino: weekly gross pay - \$520.40
- Sonya Apodaca: weekly gross pay - \$453.60
- Rita Rivera: weekly gross pay – \$587.20
- Flori Silva: weekly gross pay - \$446.00
- Cheyanne Herrera: weekly gross pay - \$ 464.40

7. If in the Mayor's discretion he determines RIF/shortened hours of any or all of the above listed Village employees must be done in order to maintain the budget for essential services, he shall do so.

8. This shall be done by the Mayor only if he determines that the RIFFED/shortened hours of employees will make them eligible for regular state unemployment insurance benefits plus a federally financed benefit of \$600 per week.

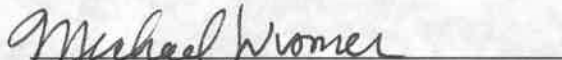
PASSED, ADOPTED AND APPROVED THIS 6<sup>th</sup> DAY OF APRIL, 2020.

APPROVED:

A handwritten signature in black ink, appearing to read "Jake Bruton", written over a horizontal line.

Honorable Jake Bruton  
Mayor, Village of Tijeras

Attest:

A handwritten signature in black ink, appearing to read "Michael Wismer", written over a horizontal line.  
Michael Wismer, Village Clerk