



OFFICE OF THE MAYOR

PROCLAMATION OF CIVIL EMERGENCY

I, Daniel R. Barrone, as the duly elected and sworn Mayor of the Town of Taos, hereby do invoke those powers vested in the Office of the Mayor under Chapter 2.04 CIVIL EMERGENCIES of the Town Code and upon consultation with the Town Manager and Code Official, Police Chief and Fire Chief, do declare, that a civil emergency exists, as defined in Section 2.04.010 of the Town Code, and, consistent with those powers therein granted under Section 2.04.020, do declare as follows:

1. A PUBLIC CURFEW IS HEREBY DECLARED:

That commencing Friday, October 30th at 11:00 pm local time and continuing thereafter each day until an order by the Mayor or Council is issued declaring this emergency to have ceased, a curfew shall exist within the corporate limits of the Town of Taos beginning at 11:00 pm each evening and continuing to 5:00 am each day, requiring all persons to forthwith remove themselves from the public streets, alleys, parks, rights of way, grounds or other public and semi-public places, whether on foot, bicycle, in vehicles of any type or by any other means of conveyance during the period of said curfew.

The following persons, vehicles and services shall be exempt from the curfew while in the conduct of official business:

- a. Emergency vehicles and personnel of any government or quasi-government entity (police, fire, EMT, E-911, emergency management, public and quasi-public utilities, public works, animal control, law enforcement, building and fire inspections, prisoner transport, and other approved governmental employees and services).
- b. Home medical visits or welfare checks, including law enforcement, CYFD, doctors, nurses, home health and nursing home aides, veterinarians, psychiatrists, psychologists, social workers, state case workers and family members or neighbors responding to the needs of the elderly and infirm.
- c. Emergency repairs or deliveries related to food, water, sewer, electric, propane, and medical supplies or equipment.
- d. Licensed commercial delivery vehicles providing supplies, services or provisions to and persons employed by and going to or returning home from work or conducting the official business of any business or entity defined as "essential" by State of New

Mexico Public Health Order 3-24-2020 by New Mexico Department of Health Secretary Kathleen M. Kunkel (attached hereto).

2. PUBLIC NOTICE OF PROCLAMATION OF CIVIL EMERGENCY AND CURFEW:

That, consistent with Section 2.04.020.A. of the Town Code a copy of this Proclamation shall be delivered to the Chief of Police, who shall see that copies are therefore delivered to all news media within the Town, and who shall also use public address systems to notify the public of said proclamation and curfew hours and to warn the public that said curfew constitutes a misdemeanor and violators are subject to arrest.

Further, that, as Mayor, I direct that copies of this proclamation shall be provided to the Town Manager and Emergency Management Team, and Fire Chief. Copies shall be provided to the Town Clerk for posting at the entrance to Town Hall, on the Town website, the Town's Facebook site, distributed through the Town Council email list, and by publication in the Taos News, as the newspaper of record.

3. DURATION:

That the issuance of this emergency, as proclaimed by the Mayor herein, is consistent with the actions of the Taos Town Council taken on October 27, 2020 under *Resolution 20-51 A RESOLUTION DECLARING A CIVIL AND HEALTH EMERGENCY AND AUTHORIZING PUBLIC HEALTH AND SAFETY MEASURES* declaring a state of emergency and empowering the Mayor and Town Manager to take all measures required for the health, safety and welfare of the town and its residents.

That consistent with the Town Code, said proclamation by the Mayor shall be in effect for 48 hours from its issuance and must, consistent with Section 2.04.040, be affirmed by a majority vote of the Town Council prior to its expiration and may be extended by the action of the Council by their granting the authority to the Mayor through Resolution 20-51 affirming the Proclamation, declaring a civil and health emergency and a daily curfew as long as required, or until either the Mayor or Council rescind said proclamation.

4. PUBLIC HEALTH MEASURES:

The Mayor, per the requirements of the Town Code, has evaluated independent findings by the NM Health Department, the Town Emergency Management Team, including weekly updates provided to the Mayor and Council, as well as the findings and recommendations of the Town Manager, Code Official, Police Chief, Fire Chief and Facilities Director with regards to the impact of the current pandemic on the community and the ability of the Town to provide municipal services; especially the ability to plan for and ensure uninterrupted public health and safety.

Further, as both Mayor and State Representative for the Town, the Mayor has also coordinated on a weekly basis with the other mayors and legislators of the state with

regards to the pandemic and its impact, as well as potential responses, and has also coordinated with and received a request from the Governor's Office for local governments to (re)institute an overnight curfew as a preventive public health and safety measure, so as for the state to avoid having to resort to further restricting or completely closing businesses and government.

Therefore, in order to cooperate with the state in instituting measures that provide the least disruption to income of our local businesses, the uninterrupted employment of our residents, the continued safe provision of services to the community and in order to reduce to the extent possible the potential for transmission of the virus to locals, I do hereby declare the that a following public health measures to be taken and in force:

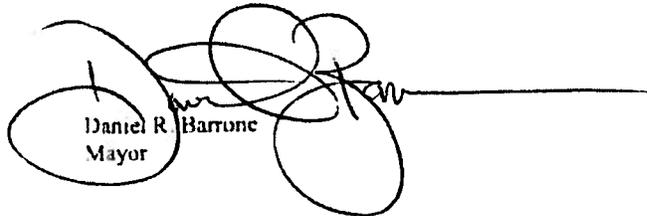
- A. **Mandatory Face Coverings:** All persons including employees, customers, residents and tourists over the age of 5 are required to wear face coverings when in public, interacting with the public or in a place where a person may interact with the public, deliberately or not, including streets, sidewalks, parking areas, parks, gyms, walking, cycling or exercising. All businesses shall require staff and customers to wear a face covering and may refuse entry or service to anyone refusing to wear a face covering properly.
- B. **Minimum Physical Distance:** "Social distancing" (maintaining a physical distance between all persons in all directions of a minimum of 6 feet) shall be maintained by all persons when outside of the home, temporary or permanent residence. All businesses, offices, organizations, museums, movie theaters, galleries, spas, gymnasiums, health facilities, any and all commercial activities, whether for-profit or non-profit, shall provide such physical and informational measures as required to maintain social distancing between all persons.
- C. **Maximum Occupancy:** All places of business, entertainment, worship, hotels, motels, short-term rentals, bed and breakfasts and any place of business shall abide by the public health orders of the state of New Mexico as to the maximum permitted occupancy.
- D. **State Public Health Orders:** This Proclamation shall, by reference, incorporate and be consistent with current COVID-19 related Public Health Orders, Executive Orders, and department regulations by the NM Health Secretary, NM Governor, NM Health Dept., NM Environmental Department and NM Bureau of Alcohol and Gaming and authorizes the Town Police Chief and Code Enforcement Officer, and those they designate to enforce the provisions of this Proclamation, any subsequent accompanying Town Resolution or Ordinance and all relevant state orders authorized by this Proclamation.
- E. **Penalties:** Violations of this order shall be considered a petty misdemeanor, consistent with the Town Code and laws of the state of New Mexico.

F. **Public Notice:** Staff are directed, through the Town Manager, to produce necessary informational mechanisms so as to alert businesses, the public and tourists as to these requirements and shall develop a system of reporting and enforcement so as to ensure their implementation in consultation with the Town Code Officer, the Chief of Police and the Town Attorney.

5. **EFFECTIVE DATE:**

This proclamation of civil emergency and the accompanying declared curfew shall become effective at 11pm, Friday, October 30, 2020.

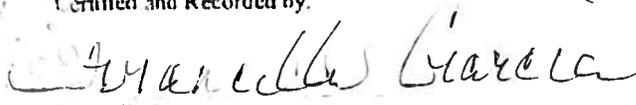
Proclaimed and declared this 27th day of October 2020.


Daniel R. Barrone
Mayor

Approved as to form:


Stephen Ross
Town Attorney

Certified and Recorded by:


Francella Garcia
Town Clerk

ATTESTATION AS TO A STATE OF EMERGENCY

The following Town officers, as required by Code, have met and concur that such circumstances and factual evidence exist as to request the Mayor of the Town of Taos to, consistent with the provisions of the Town Code, issue a Proclamation declaring a state of civil emergency and to, thereunder, take such public health and safety measures as appropriate, up to and including the implementation of a public overnight curfew.

The circumstances contributing to this civil and health emergency include, but may not be exclusive to the following:

PUBLIC HEALTH:

1. Declaration of a global pandemic and Public Health Emergency by the Governor and Health Secretary of the State of New Mexico, World Health Organization (WHO) and Centers for Disease Control (CDC).
2. The country is experiencing the worst pandemic in over 100 years.
3. Escalation of rate of infection nationally, within New Mexico, and locally, to record numbers and a determination by the state of community spread within Taos County.
4. Entering into cold weather, increasing indoor exposure, and flu season, with the first cases of Influenza Type A confirmed with vaccinations lagging.
5. Hospitals in the New Mexico metro areas that would under the state plan handle severe COVID and other medical cases are at or near capacity with hospitalizations at record numbers (the state is currently in excess of the state gating criteria) and expected to increase over the next 3 weeks.
6. The largest and fastest increase in cases nationally and locally is in younger people that are socially the most active, as we are entering the traditional holiday season from Halloween to New Years. Many countries, such as France and England, and states, such as California and New York, that have already been fighting the “second” or “third wave” facing similar demographic findings as to the source of spread have implemented curfews, banning house parties and early closings for bars and restaurants as an effective alternative to closing businesses completely.

FIRE:

- 1. Declaration of severe drought by the National Weather Service (NWS). The US is experiencing the warmest and driest year on record, with severe drought and dangerous fire conditions (such as low humidity and moisture content in vegetation) throughout the west, Rocky Mountain region and southwest with no relief projected for the foreseeable future for these regions.**
- 2. Long range forecast for continued drought, above average temperatures and below normal precipitation for Taos County and the region for the next 90 days and possibly for up to 18 months.**
- 3. Declaration of Fire Emergency by the Town of Taos for the entire fire season is still in effect.**
- 4. Declaration of a Water and Drought Emergency by the Town of Taos are still in effect.**
- 5. Notable increase in the number of deliberate or incidental human caused fires to structures and open spaces by transients.**
- 6. Active wildfires on public lands (including the Taos area) from California to North Carolina, with 88 major wildfires covering 2.7 million acres burning in 14 states, the federal budget for wildfire fighting already depleted and insufficient federal resources if needed for new fires. In summary, in the event of a new major fire local governments may be on their own.**
- 7. COVID exposure or possible exposure by paid and volunteer fire fighters during carrying out firefighting, medical assist and life saving operations will severely reduce the number of available fire fighters and the ability of the TFD and TVFD to respond, which may be further exacerbated by the increasing delays in getting test results as the number of cases are growing and demand for testing is increasing.**
- 8. Human triggered fires to structures as acts of vandalism or deliberate destruction and incidental field and structure fires due homeless, arson, underage partying and transients are overwhelmingly happen after hours and a curfew would help reduce incidents, overtime, potential exposure of fire fighters to COVID, requiring back-up law enforcement and over-taxing fire resources.**

LAW ENFORCEMENT:

- 1. Increase in non-resident transient activity and evidence of drug use or alcohol being reported to Town Manager and facilities by park users, downtown businesses and residents.**
- 2. Increase in incidents of graffiti and vandalism to public and private property being reported to Town Manager and Code Enforcement.**
- 3. Delays and procedural complications in court system due to COVID being reported by Legal and Police Departments.**
- 4. With community spread and steadily increasing infection rates locally and by tourists and 2nd home owners, as well as increase in afterhours parties and transients, there have been and will increasingly be incidents of exposure by Town Police Officers to COVID positive and COVID probable suspects resulting in required quarantine and possible illnesses. As cases statewide rise, and with it the need for exponentially increased testing, entire shifts will be sidelined awaiting results due to lab back-logs and testing delays. We have already had two incidents of having to isolate and entire shift. If two shifts became exposed we would be unable to provide adequate police protection.**
- 5. Decreased ability to book and hold suspected violators due to COVID impact on County Jail and County Courts. Currently both prisoners and guards have tested positive and the jail is unable to book or hold any new prisoners.**
- 6. Increased potential for violence or property damage due to lock-down fatigue, people being forced to be inside more as weather cools and it gets dark earlier, political polarization around the elections and other issues.**
- 7. House parties, DUI, break-ins, underage drinking, vandalism, graffiti, etc. are more likely to happen overnight than during other shifts. Any reduction in incidents of law enforcement infractions reduces demand on and exposure of law enforcement personnel.**

PUBLIC PROPERTY:

- 1. Increased damage to public property due to late night vandalism and graffiti; including theft of flower baskets, vehicles damaging fencing and park turf, tagging of Coronado Hall.**

2. Facilities Department is currently understaffed by 30%.
3. Remaining staff stretched to cover partnering with HCH in the construction of a permanent, winterized COVID Triage Unit and acting as the PPE supply hub for receiving, storing and distributing truckloads of free hand sanitizer, disposable masks, N-95 masks and other supplies for mass distribution to regional governments, large employers, local businesses and non-profits.
4. Overnight vandalism, graffiti, drug and alcohol clean-up, detracts from already limited overworked staff being able to attend to critical work for expanding hospital preparation, assisting businesses in trying to get and stay open, and distributing public health-related supplies to the community.

CODE AND HEALTH ORDER ENFORCEMENT

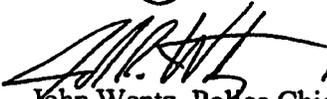
1. Increasing complaints of violations by the public that need to be investigated and town identified violations potentially due to influx of tourists, 2nd home owners, COVID fatigue, boredom, school not in session, getting dark earlier, people wanting to make political statements, and increasing economic desperation.
2. Staff burnout over growing enforcement workload, staff shortages, souring public resistance and attitude, decreasing public cooperation and failure of the state to provide legal and logistical support.
3. Exponentially increasing number of illegal short-term rentals and complaints about overcrowding, house parties, failure to follow quarantine by out-of-staters staying at illegal or legal short-term rentals.
4. Effectively policing public complaints about after-hours violations requires diverting personnel and resources to hire overnight code enforcement staff or diverting public safety resources while already experiencing budget and personnel shortages.
5. Already undermanned staffing now further stretched by being pressed into doing business assistance programs (grants, loan information, providing signage, serving area and alcohol licensed premises expansion, barricades, tents and banners, assistance to businesses in preparing loan and grant applications, etc.), immunization survey project, influenza immunization and "Flu Facts" information campaigns (ads, banners, radio, social media, etc.), participating on Enchanted Circle COAD and Taos Community Medical Task Force efforts, COVID-related grant development.

Rick Bellis, Town Manager, Code Official, COVID Emergency Management Coordinator

 10/27/20

Eddie Joe Abeyta, Fire Chief

 10/27/2020

 10/27/2020
John Wentz, Police Chief

 10/27/2020
Mitch Miller, Facilities and Special Events Director