

Village of Taos Ski Valley

Resolution 2020-428

DECLARATION OF AN EMERGENCY FOR THE VILLAGE OF TAOS SKI VALLEY

WHEREAS, the World Health Organization (WHO) has officially declared there to be a global pandemic of COVID-19 (Coronavirus); and

WHEREAS, the Governor of the State of New Mexico has declared a State of Emergency in order to contain and combat the virus; and

WHEREAS, the New Mexico Health Secretary has issued a public health order suspending mass gatherings in New Mexico effective immediately in order to prevent the spread of the virus; and

WHEREAS, the President of the United States has officially declared a state of health emergency with regards to the national COVID-19 epidemic; and

WHEREAS, the CDC has advised that local governments should take immediate action to limit the spread of the virus through social distancing, cancellation of public meetings, limiting public gatherings and events, and implementing additional public health safety and education measures to prevent, contain and, where possible, to mitigate the impact of the virus; and

WHEREAS, cases of the virus in New Mexico have been confirmed and continue to increase and are growing closer to the Village of Taos Ski Valley; and

WHEREAS, national and state health experts now believe that the spread of the virus throughout the country appears to be inevitable at this point; and

WHEREAS, the Village of Taos Ski Valley has thousands of out of state visitors until the ski resort operations Taos Ski Valley Incorporated closed operations within the Village on 3/15/19; and

WHEREAS, the Village has complied with the state requirements of the Open Public Meetings Act for the posting and notification of an emergency meeting of the Village Council during a declared state of emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF TAOS SKI VALLEY COUNCIL, BY THIS RESOLUTION THAT WE THE ELECTED OFFICIALS DO HEREBY DECLARE, AS FOLLOWS:

1. That, consistent with the declarations of the WHO, the federal government, and the Governor of the State of New Mexico, a Declaration of a Health Emergency is hereby established by the Council for and in the Village of Taos Ski Valley.
2. That said declaration shall invoke those financial, planning, police powers and other additional resources available to the Village through a formal declaration of a state of emergency.
3. The Council hereby authorizes the Mayor as Chief Law Enforcement Official of the Village and Village Administrator to conduct such emergency measures as may be appropriate to safeguard the public health, safety and welfare of both our residents and visitors.
4. The Council authorizes, until the termination of the Emergency Declaration, the Mayor an increase of the signing thresholds to the limit of state procurement regulations as conducted by the registered Village Certified Procurement Officer up to \$100,000 per contract without the prior approval of Council, but to be presented at the next Council meeting, or on a monthly basis to the Council for ratification.
5. The Council authorizes the Mayor Pro Tem, Tom Wittman and Councilor Chris Stagg, in that order of succession, to sign as alternate signatories on contracts for the Mayor on behalf of the Village, should he be unavailable.
6. No emergency checks may be written in relation to any contract authorized under this resolution without certification by the Treasurer/Finance Director that the appropriate funds exist to meet the obligation nor any contract or agreement entered into without the review and approval of the Village Attorney and the Certified Procurement Officer that they meet all relevant legal requirements, including the state sole source or emergency purchasing and procurement guidelines, **attached**.
7. The Council authorizes, consistent with Village Code, the implementation of electronic mechanisms for the conduct of Village business, including staff and consultant education, outreach and planning meetings, and telephonic participation by the Council of such Council Meetings and advisory boards and committees as necessary. Such meetings shall be advertised, as required, recorded and made public on the Village website or by email, upon request, as soon as possible.

8. The Council authorizes, consistent with the cooperation and guidance of the Taos County Office of Emergency Management, the Village Public Safety Team, the orders of the NM Health Secretary and the recommendations of the WHO and CDC, the following:
 - a. That all Village public; gatherings, events, trainings, meetings and any in person trainings and meetings planned to be held in or on Village property are hereby suspended until further notice, with the status to be reviewed every 30 days.
 - b. That all out-of-state travel or trainings for Village business are hereby suspended, with the status of this prohibition to be reviewed every 30 days and any requests for exceptions for public safety or other essential services to be reviewed on a case by case basis by the Village Administrator.
 - c. The Village's Public Safety Team and Village Administrator set such safeguards for the public and employees regarding employees that travel out of the area or that become ill as are reasonable to protect the health and safety of staff and the public, consistent with the most current public health guidelines and advisories.
 - d. That all non-essential programs of the Village that involve significant interaction with residents or groups from outside the state or region that might increase staff or local residents to an increased threat of exposure to the virus shall be suspended, with this prohibition to be reviewed every 30 days, and with no exceptions.
 - e. That all non-essential facilities of the Village that involve significant interaction with residents or groups from outside the state or region that might increase staff or local residents to an increased threat of exposure to the virus shall be suspended, with this prohibition to be reviewed every 30 days, with any requests for exceptions for public health, welfare and safety to be reviewed by the Village Administrator and the Public Safety Team.
 - f. That the Council authorizes that the Mayor and Village Administrator are authorized to enter into any JPA's MOU's, shared services agreements, contracts as may be necessary to provide the continued operation of services in a time of depleted staff or increased need due to this state of emergency with other governmental, quasi-governmental or private entities and may similarly assist other governmental entities, utilities, health services, public safety and entities engaged in the delivery of essential services to the community necessary for the continued public health, welfare and safety of the community.
 - g. That the Council authorizes the Mayor, Village Administrator, Treasurer/Finance Director to prepare for, expend resources in anticipation of, and to apply for such state and federal assistance as may be anticipated or allocated as related to the states of emergency.

- h. That the Council directs the Finance Director to establish an emergency Project Code for the tracking and funding of such costs as may result from or be needed to address the health emergency, including: over-time, contract labor, paid leave, computers, smart phones, electronic equipment and telecommunications services, etc. as may be necessary for remote and work at home arrangements, as directed by the Administrator , such preventative and safety equipment and supplies as antiseptic, masks, gloves, etc., and such emergency equipment or provisions as may be needed to assist staff, the residents and the visitors in a time of shortage or mandated isolation, including, food, water, medicine, etc. This funding may require a Budget Adjustment Resolution at the next possible Council meeting.
- i. That the Council authorizes such other emergency measures as outlined in the Village's coordination with the County of Taos Office of Emergency Management or by order, direction or advisement of the federal or state government, or such interagency mutual aid and emergency cooperation agreements as the FEMA and DHA approved Taos County All Hazards Plan, to which the Village is a signatory.
- j. Consistent with the state requirements under the Open Public Meetings Act and all other applicable regulations and statutes for both an emergency meeting and the declaration of a state of emergency by a local government, the Clerk and Attorney shall provide to the required offices notice of this meeting, the actions of the governing body, and make available said notice and actions to the public upon request.

PASSED, APPROVED and ADOPTED, this 16th day of March, 2020, at an Emergency Meeting of the Village Council by the following vote:

VILLAGE OF TAOS SKI VALLEY



Christof Brownell, Mayor

ATTEST:



Ann Village Clerk

APPROVED AS TO FORM



Susan Baker, Village Attorney

2017 New Mexico Statutes
Chapter 13 - Public Purchases and Property
Article 1 - Procurement
Section 13-1-127 - Emergency procurements.

Universal Citation: NM Stat § 13-1-127 (2017)

13-1-127. Emergency procurements.

A. The state purchasing agent or a central purchasing office may make emergency procurements when there exists a threat to public health, welfare, safety or property requiring procurement under emergency conditions; provided that emergency procurements shall be made with competition as is practicable under the circumstances.

B. An emergency condition is a situation that creates a threat to public health, welfare or safety such as may arise by reason of floods, fires, epidemics, riots, acts of terrorism, equipment failures or similar events and includes the planning and preparing for an emergency response. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- (1) the functioning of government;
- (2) the preservation or protection of property; or
- (3) the health or safety of any person.

C. Emergency procurements shall not include the purchase or lease purchase of heavy road equipment.

D. The state purchasing agent or a central purchasing office shall use due diligence in determining the basis for the emergency procurement and for the selection of the particular contractor. The determination shall be in writing and included in the procurement file.

E. Money expended for planning and preparing for an emergency response shall be accounted for and reported to the legislative finance committee and the department of finance and administration within sixty days after the end of each fiscal year.

History: Laws 1984, ch. 65, 100; 1987, ch. 348, 10; 2002, ch. 84, 1; 2013, ch. 40, 3.