State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2020-028

GRANTING CITY OF GALLUP'S SECOND REQUEST FOR DECLARATION OF EMERGENCY; IMPOSING BUSINESS CLOSURES; CLOSING CERTAIN ROADWAYS; LIMITING GATHERINGS

On April 30, 2020, the Mayor of Gallup requested that I declare a state of emergency in the City of Gallup pursuant to NMSA 1978, §§ 12-10-16 through 12-10-21 ("Riot Control Act"). In that request, the Mayor noted that the City was in the throes of an unprecedented health crisis and that available medical resources had been stretched thin. See Press Release – Letter to the Governor – April 30th, 2020 available at https://www.gallupnm.gov/CivicAlerts.aspx?AID=843. Further, the Mayor indicated that the community would be unable to adequately address the COVID-19 outbreak without the imposition of restrictions necessary to regulate social distancing, public gatherings, sales of goods, and use of public streets. Id.

On May 1, 2020, consistent with the Mayor's request, I declared a state of emergency and invoked powers under the Riot Control Act through Executive Order 2020-027 ("EO 2020-027"). EO 2020-027 closed most businesses between certain hours, closed roadways into Gallup for most purposes, limited the number of individuals who can be in one vehicle, and ordered the residents of Gallup to shelter in place and only leave when absolutely necessary for reasons attendant to health, safety, or welfare.

On May 3, 2020, the Mayor of Gallup asked me to extend my declaration of emergency under the Riot Control Act due to the continuing public health crisis there. The Mayor also

requested that businesses be allowed to remain open until 8:00 P.M. to allow essential workers access to groceries and other food after work.

The Mayor's concerns are consistent with New Mexico Department of Health data. Over the last several weeks, there has been a significant spike in the number of COVID-19 cases within the City of Gallup and the surrounding areas; since April 17, 2020, the number of confirmed cases in McKinley County has increased from 265 to 1,114 as of Sunday, May 3, 2020, and deaths have increased from 3 to 21 during that same timeframe. These numbers, standing alone, are disturbing but when viewed in the context of increasingly scarce medical resources, they are alarming. This dire factual predicate suggests that additional measures must continue so as to reduce infection rates in Gallup and the surrounding communities.

Invocation of powers emergency powers under the Riot Control Act is a drastic measure and this authority should be utilized sparingly. However, given the continuing health emergency and the particular exigencies at issue, extreme action is warranted. I find that there is an emergency which affects life or property, and which endangers the public health, safety, and welfare of the citizens of Gallup and surrounding communities.

Therefore, for the reasons above, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico, hereby ORDER and DIRECT:

Pursuant to the Riot Control Act, I declare a state of emergency in the City of Gallup. The following prohibitions shall apply in Gallup for the duration of this proclamation:

1. All businesses and nonprofits must close between 8:00 P.M. and 5:00 A.M. This directive excludes hospitals, urgent care centers, residential treatment facilities, stepdown care services, and related healthcare operations;

2. All roadways providing access to the City of Gallup shall be closed and only Gallup residents, those who work in Gallup, and members of the media shall be permitted entry into the municipality;

3. No more than two (2) people shall be allowed in any vehicle during the pendency of this declaration; and

4. Gallup residents should shelter in place and stay in their homes unless travel is absolutely necessary for reasons attendant to health, safety, or welfare,

5. Local government employees, acting within the course and scope of their employment, are excluded from this Order. Also excluded from this Order are those hotels serving as designated COVID-19 sheltering facilities. This Order also does not apply to contractors of the School District who are entering Gallup for the purpose of delivering and/or providing meals to students at schools in Gallup and to students' families who are entering Gallup for the purpose of picking up those meals. Finally, trucks and shipping companies carrying supplies of food, medicine, and/or water may enter Gallup for the limited purpose of delivering those supplies.

This Order supersedes any previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately, and shall remain in effect until noon on May 7, 2020, unless renewed or until the Governor rescinds it.

ATTEST:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 4TH DAY OF MAY 2020

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO

Michelle Lujan Grisham

MICHELLE LUJAN GRISHAM
GOVERNOR