WHEREAS, pursuant to LCMC Art. III, Sec. 9-35, Emergency Declaration Ordinance, the Mayor has the has the authority to proclaim that a state of emergency exists in the municipality, after consultation with the emergency manager, chief of police, or fire chief; and

WHEREAS, such proclamation allows the Mayor to prohibit and/or require certain actions to maintain the public peace, health, welfare, or safety, and if desired, to request that the Governor of New Mexico proclaim a state of emergency pursuant to the Riot Control Act; and

WHEREAS, on April 7, 2020, an Emergency Proclamation was issued by Mayor Kenneth Miyagishima, and was extended and approved by the City Council on April 10, 2020 and again on April 24, 2020; and

WHEREAS, the Emergency Proclamations support and reiterate Governor Michelle Lujan Grisham’s Executive Orders tied to the public health emergency created by the novel coronavirus disease which has been referred to as “COVID-19”; and

WHEREAS, the Governor’s Executive Orders and the City of Las Cruces Emergency Proclamations have been implemented as emergency measures intended to slow the spread of COVID-19 and to reduce the potentially devastating effects of the disease; and

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) and the New Mexico Department of Health have recommended that members of the public, when they need to interact with others outside the home, and especially in setting where many people are present, should cover their mouth and nose to prevent inadvertently spreading COVID-19. One key transmission method for the COVID-19 virus is through respiratory droplets that people expel when they breathe, cough, or sneeze and people can be infected with the COVID-19 virus and be asymptomatic but still be contagious. People can also be infected and contagious 48 hours before developing symptoms when they are pre-symptomatic. Many people have mild symptoms and do not recognize they are infected and contagious, and they can unintentionally infect others; and

WHEREAS, the City of Las Cruces continues to be supportive and cooperative with the Governor’s Executive Orders and seeks to enable local enforcement of the crucial preventative measures that may mitigate the spread of COVID-19 and support the gradual limited re-opening of businesses and public life.

NOW THEREFORE, I, Kenneth Miyagishima, Mayor of the City of Las Cruces, New Mexico, hereby declare that an emergency exists in the City. As a result of the emergency, events have caused or are causing danger of injury or damage to persons and property within the City. I hereby invoke LCMC Sections 9-35 through 9-41, to preserve the peace, health, welfare, and safety in the City of Las Cruces, consistent with the above guidance and information. In particular, I am invoking the following actions:
I order the following:

a. "Face Covering" as used in this Order, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made or may be handmade and improvised from ordinary household materials. The Face Covering should fit snugly but comfortably against the side of the face, include multiple layers of fabric, allow for breathing without restriction, and be able to be laundered and machine-dried without damage or change to shape. Face Coverings need to cover the nose and mouth at all times and should remain in place until take off safely. If a worker's Face Covering moves during work, it needs to be replaced with one that does not need to be frequently adjusted to reduce touching of the face. Face Coverings should be replaced when it becomes dirty, wet, and/or difficult to breathe through.

Note that any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is NOT a Face Covering under this Order and is NOT to be used to comply with this Order’s requirements. Valves of that type permit droplet release from the mask, putting others nearby at risk.

b. Except as specifically exempted below, all members of the public, including children three (3) years of age or older, must wear a Face Covering in the following situations:

1. When they are inside, in line to enter, or utilizing any City of Las Cruces building, property, or facility, which includes City parks.
2. When they are waiting for or riding on a City of Las Cruces public transportation vehicle or within a public transportation facility or utilizing a public transportation bus stop or drop-off facility, building, or covered space.

c. Drivers or operators of any City of Las Cruces public transportation must wear a Face Covering while driving or operating such vehicle, regardless of whether a member of the public is in the vehicle, to reduce the spread of respiratory droplets in the vehicle at all times.

d. A Face Covering is not required in a City of Las Cruces building, facility or on City property under the following circumstances:

1. When a person is in a personal office (a single room) where others are not present as long as the public does not regularly visit the room, but that individual must put on a Face Covering when the workspace does not allow for compliance with appropriate social distancing recommendations, when being visited by a client/customer, and anywhere members of the public are regularly present.
2. Any child under the age of three should not wear a Face Mask and parents should seek the advice of a physician.

3. When wearing a Face Covering would inhibit the individual’s health. Individuals with health issues that preclude them from wearing a Face Covering should document those concerns with their employer.

e. This order is intended to run concurrently with the State of New Mexico Executive Orders and all other Orders and Directives contained in the Executive Orders tied to the Public Health Emergency.

II. Effective Date
I hereby declare that this Proclamation will become effective upon my signature and direct the City Manager to disseminate the contents hereof to the public by appropriate news media, government media and website, and other means available.

III. Term.
This Proclamation of Emergency may be extended for such additional periods of time as determined necessary by Resolution of the Governing Body of the City of Las Cruces, New Mexico.

DONE at Las Cruces, New Mexico this 15th day of May, 2020, at the hour of 2:00 PM.

KENNETH MIYAGISHIMA, MAYOR
City of Las Cruces, New Mexico

ATTEST:
Christine Rivera
CHRISTINE RIVERA, CITY CLERK

(SEAL) CITY OF LAS CRUCES NEW MEXICO