

Dear Public Law Section Membership and Public Interest Lawyers:

The mission of the Public Law Section of the State Bar is to provide a forum for the discussion of problems of common interest to attorneys representing governmental entities and public officials, and to advance the professional interests and competency of our members. During these unprecedented times it is even more crucial that public interest attorneys understand the law surrounding their profession and serve as reliable sources of information to their clients and the public at large.

In the interest of better informing our members and other attorneys, the Public Law Section Board of Directors has compiled relevant information to share on its webpage. Our hope is that this page will continue to be updated as necessary so long as this public health emergency affects our daily lives and the laws that govern them. The Public Law Section seeks any additional feedback or suggestions on how our organization may be utilized to assist public lawyers and help during this global pandemic. If you have any questions, requests for help, or would like to share additional resources with the Public Law Section you may contact any officer or member of the board of directors.

This information is available on our section website www.nmbar.org/publiclaw.

Thank you for your service as a public lawyer and please stay safe,

Public Law Section Board of Directors

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GENERAL EMERGENCY INFORMATION

State of New Mexico Orders

- State of New Mexico, [Executive Order 2020-026](#) Renewing the State of Public Health Emergency Initially Declared in Executive Order 2020-004, Other Powers Invoked In That Order, and All Other Orders and Directives Contained in Executive Orders Tied to The Public Health Emergency
- State of New Mexico, [Executive Order 2020-022](#) Renewing the State of Public Health Emergency Declared in Executive Order 2020-004, Other Powers Invoked in That Order, and All Other Orders and Directives Contained in Executive Orders Tied to the Public Health Emergency
- State of New Mexico, [Executive Order 2020-004](#) Ordering Declaring a State of Public Health Emergency and Invoking the Powers Provided by the All Hazard Emergency Management Act and the Emergency Licensing Act
- [NMDOH Public Health Emergency Orders](#): site containing all New Mexico Public Health Orders and Executive Orders

City/County/Tribal Orders

- Santa Fe County: [The Board of County Commissioners of Santa Fe County Resolution No. 2020-24: A Resolution Declaring Santa Fe County to be an Emergency Area as a Result of COVID-19; Authorizing, Subject to Any Required Notification and/or Negotiations with Unions, the County Manager to Modify the County Human Resources Handbook and Provisions of Collective Bargaining Agreements and Establish Emergency Policies in Response to COVID-19 Emergency; Ratifying Actions Previously Taken; and Authorizing other Appropriate Measures.](#)
- City of Albuquerque: [City of Albuquerque Declaration of Local State of Emergency Due to Novel Coronavirus COVID-19](#)
- Pueblo de San Ildefonso: [Pueblo de San Ildefonso Executive Order 2020-01 Declaring State of Emergency in Response to Novel Coronavirus \(COVID-19\)](#)
- City of Santa Fe
 - Mayor's Proclamation of Emergency + Council Extension through March 13, 2020
 - [Resolution 2020-10: COVID-19 Emergency Declaration I](#)
 - [Q&A Regarding Eviction Moratorium Order](#)
 - Mayor's Proclamation of Emergency II + Council Extension through May 22, 2020
 - [Resolution 2020-13: COVID-19 Emergency Declaration II](#)
 - [Grocery Stores Order](#)
 - [Reusable Bag Exception to Grocery Stores Order](#)
- City of Taos
 - Resolution 2020-10: [Declaration of Health Emergency](#)
 - Resolution 2020-11: [Amending Town of Taos Budget Policies](#)
 - [Mayor's Proclamation of Emergency & Curfew](#)
- City of Las Cruces
 - [Mayor's Proclamation of Emergency](#)

STATUTES RELEVANT TO QUARANTING/EMERGENCY HEALTH ORDERS

- [Chapter 12, Article 10, Sections 1 to 10, All Hazard Emergency Management Act](#)
- [Chapter 12, Article 10A, Public Health Emergency Response Act](#)
- [Chapter 10, Article 10, Sections 16 to 21, Riot Control Act](#)

FUNDING RESOURCES

- [US Department of the Treasury – Coronavirus Relief Fund Guidance for State, Territorial, Local and Tribal Governments](#)
- [US Department of the Treasury - CARES Act: State and Local Government resources](#) Contains summary of CARES Act and links to resources
- [Government Finance Officers Association Resource Center for Coronavirus Response](#) Contains information and resources regarding various potential funding sources, including the CARES Act, COVID-19 Relief Fund, US Department of Health and Human Services funding, FEMA funds, and the Department of Justice Coronavirus Emergency Supplemental Funding grant program.
- [FEMA Coronavirus \(COVID—19\) Pandemic: Eligible Emergency Protective Measures Fact Sheet](#) Guidance on the types of emergency protective measures that may be eligible under FEMA's Public Assistance Program
- [USDA COVID-19 Federal Rural Resource Guide](#) Resource matrix organizing funding opportunities identified in the CARES Act and other federal resources that can help support rural America.

REMOTE PUBLIC BUSINESS LAW RESOURCES

Notarization

- [Executive Order 2020-015](#) Order Temporarily Permitting Notarial Acts Through Audiovisual Technology Under Certain Conditions
- [NM Secretary of State Guidance Regarding Executive Order 2020-015](#)
- AGO letter on Notarized property docs- Attached.

Open meetings and IPRA

- [State of New Mexico Attorney General Open Government Division Advisory During COVID-19 State of Public Health Emergency](#) Guidance from the NM Attorney General regarding compliance with the Open Meetings Act and the Inspection of Public Records Act during the COVID-19 State of Public Health Emergency
- DOIT Guidance on online meetings/Zoom- Attached.

EMPLOYMENT LAW RESOURCES

U.S. Department of Labor

- U.S. Department of Labor's [temporary regulations](#) to implement
 - public health emergency leave under Title I of the Family and Medical Leave Act (FMLA), and

- emergency paid sick leave to assist working families facing public health emergencies arising out of Coronavirus Disease 2019 (COVID-19) global pandemic.
- [U.S. Department of Labor and Occupational Safety and Health Administration \(OSHA\), OSHA 3990-03 2020: Guidance on Preparing Workplaces for COVID-19](#)
- [U.S. Department of Labor, OSHA Safety and Health Topics/ COVID-19](#) Contains the latest OSHA resources related to COVID-19
- [U.S. Department of Labor, Worker Adjustment and Retraining Notification \(WARN\) Act COVID-19 Frequently Asked Questions](#) Contains guidance for employees and employers regarding layoffs and worksite closures

New Mexico Occupation Health and Safety Bureau

- [New Mexico Occupational Health and Safety Bureau Coronavirus \(COVID-19\) Updates](#) Contains the latest updates, orders and guidance for employers from New Mexico OSHA on reducing worker exposure to COVID-19

U.S. Equal Employment Opportunity Commission

- [Vin Gurrieri, EEOC Gives Employers A Green Light to Test for Covid-19](#) Article regarding the U.S. Equal Employment Opportunity Commission's guidance that regarding testing of employees for COVID-19
- [U.S. Equal Employment Commission, What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and other EEO Laws](#) Contains Technical Assistance Questions and Answers
- [U.S. Equal Employment Commission, EEOC-NVTA-2009-3: Pandemic Preparedness in the Workplace and the Americans With Disabilities Act](#) Guidance document providing information about the ADA and pandemic planning in the workplace.

Department of Workforce Solutions

- [Information for Workers Affected by COVID-19](#)

NEW MEXICO SUPREME COURT ORDERS RELATED TO COVID-19

- [New Mexico Supreme Court Order No. 20-8500-007, In the Matter of the Stay of Writs of Restitution Issued Under the Uniform Owner-Resident Relations Act During the COVID-19 Public Health Emergency](#)
- [New Mexico Supreme Court Order No. 20-850 – In the Matter of Update Precautionary Measures for Court Operations in the New Mexico Judiciary During the COVID-19 Public Health Emergency](#)
- [Memorandum Order and Opinion in *Legacy Church, Inc., v. Kunkel et. al.*, No. CIV 20-0327 JB\SCY \(D.N.M Apr. 17, 2020\)](#) Court held that N.M. Public Health Emergency Order (Order), which restricts places of worship from gathering more than five people within a single room or connected spaces, i) does not violate Legacy Church's First Amendment religious freedom rights, because the Order is neutral and generally applicable; and ii) the Order is a reasonable time, place,

and manner restriction, and so does not violate Legacy Church's First Amendment rights to assemble.

GOVERNMENT INTEREST IN RECOVERY/ECONOMIC DEVELOPMENT RESOURCES

- [Bernalillo County Small Business Assistance Program Press Release](#)
- [An Emergency Ordinance Authorizing the County Manager to Extend Due Dates for Money Owed the County and Waive Fees for County Services, Waive Penalties and Interest for Late Payments, or Delay the Consequences of Delinquent Payment During the Covid-19 Emergency](#)

ELECTION RESOURCES

- [Order in State ex re Riddle v. Oliver, No. S-1-SC-38228 \(N.M. Sup. Ct. Apr. 16, 2020\)](#) Ordered that a writ of mandamus shall issue directing the Secretary of State and County Clerks of New Mexico to mail an application for an absentee ballot to every major party registered voter in New Mexico who has not already submitted and absentee ballot application for the 2020 primary election and conduct in-person voting for the upcoming primary election, whether on election day or during early voting, in compliance with the Election Code and all applicable Executive Orders and Public Health Orders issued by the Governor of New Mexico and Secretary of the New Mexico Department of Health.
- New Mexico Secretary of State, [2020 Primary Election Polling Location Guidance – Public Health Emergency Preparation](#) (PDF only)
- New Mexico Secretary of State, [2020 Primary Election Native American Polling Locations](#) (PDF only)
- New Mexico Department of Health, [Public Health Emergency Order Clarifying that Polling Places Shall be Open as Required in the Election Code and Imposing Certain Social Distancing Restrictions on Polling Places](#)