



**AMENDED PROCLAMATION OF THE MAYOR OF THE
CITY OF SOUTH TUCSON DECLARING THE CONTINUING
EXISTENCE OF A LOCAL EMERGENCY RELATED TO COVID-19 AND
DECLARING REGULATIONS AND ADVISORIES NECESSARY FOR PUBLIC
SAFETY AND PROTECTION OF LIFE AND TO MITIGATE THE SPREAD OF
COVID-19**

Whereas, on January 30, 2020, the World Health Organization declared a Public Health Emergency of International Concern; and

Whereas, on January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak; and

Whereas, on March 11, 2020, the World Health Organization (WHO) officially declared a pandemic due to COVID-19 outbreak and the Governor of the State of Arizona, Douglas A. Ducey, determined that the COVID-19 outbreak presents conditions in Arizona that justified his declaration of a State of Emergency; and

Whereas, on March 13, 2020, the president of the United States of America, Donald J. Trump, found and proclaim that the COVID-19 outbreak in the United States constitute a national emergency; and

Whereas, on March 15, 2020, the Centers for Disease Control and Prevention (CDC), in accordance with its guidance for large events and mass gatherings, recommended that for the next eight weeks, organizers (weather groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States, and expected to adjust that directive to 10 people or more, and has continued to offer updated guidance on a daily basis since that date; and

Whereas, on March 15, 2020, Governor Douglas Ducey ordered statewide closures of all Arizona schools through Friday, March 27, 2020; and

Whereas, on March 16, 2020, the President of the United States of America, Donald J. Trump, issued "The President's Coronavirus Guidelines for America: 15 Days to Slow the

June 19, 2020 Declaration of Continuing Emergency – COVID-19

Spread," which recommends that all individuals avoid social gatherings in groups of more than 10 people; and

Whereas, on March 18, 2020, pursuant to the authority under A.R.S. § 26-311 and City of South Tucson Code Section 5-1, the undersigned, the Mayor of the City of South Tucson, Arizona issued a Mayor Proclamation of Emergency in response to the actions taken by federal, state, and local jurisdictions in addressing conditions related to the COVID-19 pandemic outbreak; and

Whereas, on March 19, 2020, Governor Ducey issued Executive Order 2020-09 to order select establishments to close on March 20, 2020; and

Whereas, on March 23, 2020, Governor Ducey issued Executive Order No. 2020-12, which on its face prohibits any county, city, or town in Arizona from issuing any order, rule, or regulation that restricts or prohibits any person from performing any function designated by the Governor as an "essential function" during the COVID-19 emergency; and which on its face requires any city, county, or town to coordinate with the Arizona Department of Health Services prior to issuing any order restricting persons from leaving their home due to the COVID-19 emergency; and

Whereas, within his Executive Order 2020-12, Governor Ducey defined "Essential Functions" and included within those "Essential Functions" businesses or establishments that included not only those that other states had recognized as promoting public health and safety (such as public safety responders and workers who provide critical infrastructure); and

Whereas, on March 30, 2020, Governor Ducey issued Executive Order 2020-21 which implemented a statewide "stay at home" order to slow the spread of COVID-19 while providing for the continuity of essential functions and operations throughout Arizona; and

Whereas, on April 29, 2020, Governor Ducey issued Executive Order 2020-33, entitled "Returning Stronger; Amending the Stay Home, Stay Healthy, Stay Connected Order," which extended the implementation of statewide "stay at home" provisions until May 15, 2020 at 11:59 p.m. while providing a timeline for retail businesses to reopen; and

Whereas, on May 4, 2020, Governor Ducey issued Executive Order 2020-34, entitled "Building on COVID-19 Successes; Resuming additional business operations for barbers, cosmetologists, and dine-in restaurants," which provided a timeline and parameters for restaurants, barbers, and cosmetologists to reopen their businesses; and

Whereas, on May 12, 2020, Governor Ducey issued Executive Order 2020-36, entitled "Stay Healthy, Return Smarter, Return Stronger," which provided changes to the "stay at home" order, rescinded Executive Orders 2020-18, 2020-24, 2020-33, and provided for the reopening of gyms, pools, and spas through issued ADHS guidance; and

June 19, 2020 Declaration of Continuing Emergency – COVID-19

Whereas, the most current local data related to COVID-19 as provided by the Arizona Department of Health Services (ADHS) and Pima County Health Department (PCHD) show that Pima County and the City of South Tucson are experiencing significant community-based transmission of COVID-19, and an increased pace of viral spread; and

Whereas, current local conditions demonstrate that cases of and hospitalizations for COVID-19 are increasing in Pima County, that the rate of positive test results is increasing, and that hospital capacity, and ICU bed capacity in particular within Pima County and Southern Arizona is at or very near full capacity; and

Whereas, confirmed cases in Pima County were reported as 2,382 on June 1, 2020 and at 4,329 on June 16, 2020, an increase of 1,947 cases in just 16 days; and

Whereas, the COVID-19 virus causes property loss or damage due to its ability to attach to surfaces for prolonged periods of time; and

Whereas, the CDC has recognized the critical role that Face Coverings have in containing and mitigating the spread of COVID-19; and

Whereas, on June 17, 2020, Governor Ducey, through Executive Order 2020-40, entitled "Continuing Arizona Mitigation Efforts," expressly authorized a "county, city, or town ..., based on conditions in its jurisdiction," to "adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19," and authorizing enforcement of the policy after an individual has been notified about and provided the opportunity to comply with that policy; and

Whereas, although strides to assess, mitigate, and prepare for the COVID-19 response and recovery have been made, the current efforts in the City to limit potential exposure through policies of Physical Distancing and Face Coverings is necessary; and

Whereas, I have found it necessary under the current circumstances to issue an amended Emergency Proclamation which will supersede and replace the one signed on March 18, 2020 and the amended one on April 23, 2020; and

Whereas, A.R.S. § 26-311 and City of South Tucson Code Section 5-1 authorize the Mayor of the City of South Tucson to declare and continue a local emergency under appropriate circumstances.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED, EFFECTIVE IMMEDIATELY, AS FOLLOWS:

BASED ON THE FOREGOING, I, BOB TESO, Mayor of the City of South Tucson, Arizona, DO HEREBY DECLARE:

June 19, 2020 Declaration of Continuing Emergency – COVID-19

1. That the COVID-19 outbreak, consistent with the above listed declarations, proclamations, and recommendations, present conditions in the City of South Tucson that endanger life, and I hereby declare a continuing local emergency in the City of South Tucson, Arizona.
2. The City of South Tucson Emergency Response is hereby activated and in effect until further notice, and the entire city limits of the City of South Tucson located within the boundaries of Pima County are hereby included in this declaration.
3. The City Manager is ordered, directed, and authorized, during this continued emergency, to implement any and all appropriate and lawful actions necessary to carry out the intent of this Proclamation and to continue to comply with federal and state guidelines, including prohibited public access to public buildings and facilities and limiting without prohibiting public attendance at Mayor and Council meetings or the meetings of other City of South Tucson boards, committees, and commissions in order to limit face-to-face interactions in violation of Physical Distancing requirements.

Face Coverings:

4. **EFFECTIVE ON JUNE 20, 2020 AT 6:00 A.M.**, and continuing thereafter until this Proclamation and its Orders are rescinded, terminated, or modified, every person within the jurisdiction of the City of South Tucson who is two (2) years of age or older is required to cover his or her nose and mouth with a Face Covering when in a Public Setting where continuous Physical Distancing is difficult or impossible. Adults accompanying minor children who are two (2) years of age or older shall use reasonable efforts to cause those children to wear Face Coverings when they are in a Public Setting. Businesses whose employees interact with the public must require employees to wear Face Coverings.
5. **For the purposes of this Section, the following terms have the following meanings:**
 1. "Public Setting" means:
 1. Indoor spaces that are accessible to the public such as grocery stores, retail stores, pharmacies, and health care facilities, restaurants and bars, gyms and similar facilities, and any other spaces where the public is allowed to enter;
 2. Outdoor public spaces where people congregate, including but not limited to areas where persons stand in lines for entering an establishment; and
 3. In or on public transportation such a bus or other public transit vehicle, a taxi or ride-sharing vehicle or any other vehicle for hire, or at a transit stop or waiting area for any public transportation. Public Setting does not include a personal vehicle.
 2. "Person" means any person, regardless of whether the person is an employee, customer, vendor, invitee, or other.
 3. "Physical Distancing" means keeping six (6) feet of distance between individual persons who are not of the same household.
 4. "Face Covering" means a covering made of cloth, fabric, or other soft or permeable material 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 materials, and can include a bandana or scarf. Face Coverings need to cover the nose and mouth at all times and should remain in place until taken off safely.

6. **Exceptions.** A Face Covering is not required under the following circumstances:
 1. When a person is in a personal office or similar space (a single room) where others are not present as long as the public does not regularly visit the room.
 2. For any person who falls under CDC guidance for those who should not wear a Face Covering, including but not limited to any child under the age of two (2).
 3. For any person who cannot wear a Face Covering because of a medical condition, mental health condition, or developmental disability, or who is unable to remove the Face Covering without assistance. A person who cannot wear a Face Covering because of a medical condition is not required to produce medical documentation of the condition, provided that an employer may require such documentation from an employee in accordance with state and federal law.
 4. For restaurant patrons while they are eating or drinking at their table or seating area.
 5. For public safety employees and/or emergency responders, when wearing the Face Covering would interfere with or limit their ability to carry out their duties or functions; and for any person acting at the direction of a public safety employee.
 6. In settings where it is not practicable or feasible to wear a Face Covering, such as when receiving dental services, medical treatments, or while swimming.
 7. For persons exercising outdoors, or while walking or exercising with other persons of the same household, as long as Physical Distancing from others is maintained.
7. **Effect of Other State, County, or City Regulations.**
 1. The provisions of Sections 4 and 5 above are not intended to conflict with other regulations imposed by the State of Arizona or Pima County, or imposed by subsequent ordinance by the City of South Tucson. The provisions are intended to provide a base-line of requirements relating to the wearing of Face Coverings within the corporate boundaries of the City of South Tucson beginning on June 20, 2020 at 6:00 a.m.
 2. Persons subject to any county-wide regulations relating to Face Coverings that may be adopted by Pima County are not excused or exempted from complying with those regulations by any of the provisions herein.

Advisements:

8. Face Coverings are not a replacement for adhering to other social distancing and hygiene protocols.
9. The Mayor strongly advises and encourages all businesses, including those providing Essential Functions as defined in Executive Order 2020-12, to allow their employees to work from home through telecommuting or other means to the greatest extent possible in order to limit the gathering of employees at the work site.

June 19, 2020 Declaration of Continuing Emergency – COVID-19

10. The Mayor also strongly advises that all persons within the City who have the means to acquire or make a Face Covering to adhere to CDC guidance relating to wearing face coverings to help slow the spread of COVID-19.
11. Additionally, the Mayor strongly advises that all employers provide face coverings to their employees for their use while at work, especially if employees are unable to acquire or make one themselves, even if that business does not fall under the requirements of this Proclamation.

Emergency Authority & Powers:

12. The undersigned Mayor also reserves the emergency authority and powers provided to him under City of South Tucson Code Section 5-1 and Arizona law, including but not limited to A.R.S. § 26-311, to revise, extend, modify, or amend this Proclamation, and/or to issue and impose all necessary regulations to promote and protect the health and safety of South Tucson's residents during this continuing emergency.
13. These emergency regulations shall remain in full force and effect until such time as the emergency declared herein abates and is withdrawn, or a subsequent Proclamation is issued with amendments.
14. The City continues its requests that financial, mutual aid, and in-kind assistance be obtained from the County of Pima, the State of Arizona, and the Federal Government of the United States of America as may be necessary and appropriate under the circumstances.

Enforcement and Possible Penalties:

1. Enforcement of this Proclamation and its Orders shall focus first on educating and working to promote the mitigation of the spread of COVID-19.
2. A person shall be notified of the provisions of this Proclamation and its Orders and given an opportunity to comply prior to citation or other enforcement action.
3. Citation should occur only where the person in violation demonstrates an intentional disregard for and refusal to comply with the imposed requirements.
4. Upon a repeat violation, pursuant to A.R.S. § 26-317 for refusal to obey an emergency order, a person who violates any regulation or prohibition imposed under this Proclamation and/or under Governor Ducey's Executive Orders may be cited with a Class 1 criminal misdemeanor.
5. Enforcement must be equitable, and documentation or records of any citations or other enforcement action shall be maintained and shall include readily available demographic information of the person subject to the enforcement action.

In accordance with A.R.S. § 26-307(B), this Proclamation is effective when a copy is filed in the office of the City Clerk. Existing laws, ordinances, orders, rules and regulations in conflict with this chapter or orders, rules or regulations issued under authority of this chapter are suspended during the time and to the extent that they conflict.

June 19, 2020 Declaration of Continuing Emergency – COVID-19

PROCLAIMED, DECLARED, and ADOPTED this 19th day of June, 2020 at the City of South Tucson, Arizona.



Bob Teso, Mayor

ATTEST:

APPROVED AS TO FORM:



Veronica Moreno, City Clerk



Bobby Yu, City Attorney