

**PROCLAMATION - FIFTH AMENDMENT**

BY THE MAYOR OF THE TOWN OF PATAGONIA, ARIZONA

DECLARING AN EMERGENCY IN THE TOWN OF PATAGONIA TO ADDRESS COVID-19

**WHEREAS**, the World Health Organization declared a Public Health Emergency of

International Concern on January 30, 2020, the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020, the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020, and the Governor of Arizona declared an emergency due to COVID-19 and issued Executive Order 2020-07 providing Proactive Measures to Protect Against COVID-19 on March 11, 2020; and

**WHEREAS**, on March 15, 2020, Governor Doug Ducey and School Superintendent

Kathy Hoffman announced a statewide closure of Arizona schools from Monday, March 16, 2020 through Friday, March 27, 2020; and

**WHEREAS**, on March 15, 2020, the Center for Disease Control and Prevention (CDC), in accordance with its guidance for large events and mass gatherings, recommended that for the next 8 weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States, and today adjusted that directive to 10 people or more; and has continued to offer updated guidance on a near-daily basis since that date: 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 Spread," which recommends that all individuals avoid social gatherings in groups of more than 10 people; and

**WHEREAS**, on March 19, 2020, I 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,** later on March 19, 2020, Governor Ducey issued Executive Order 2020-09, titled "Limiting the Operations of Certain Businesses to slow the spread of COVID-19". to order select establishments to close on March 20, 2020; and

**WHEREAS,** on March 23, 2020, I issued the first amended Emergency Proclamation consistent with Governor Ducey's Executive Order 2020-09, which will superseding the one signed on March 19, 2020; and

**WHEREAS,** On March 23, 2020, Governor Ducey issued Executive Order No. 2020-12, titled "Prohibiting the Closure of Essential Services", prohibiting 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 ("ADHS") 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 2020-18, titled "Stay Home, Stay Healthy, Stay Connected; Physical Distancing to Mitigate COVID-19 Transmission", which implemented a statewide "stay at home" order to slow the spread of COVID-19 while permitting persons to leave their residences only for Essential Activities, Essential Government Functions, or Essential Functions; and

**WHEREAS,** I issued a second amended Emergency Proclamation consistent with Governor Ducey's Executive order 2020-18 on March 31, 2020, superseding the one signed on March 23, 2020; and

**WHEREAS,** on April 29, 2020, Governor Ducey issued Executive Order 2020-33 titled "Returning Stronger; Amending the Stay at 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,** I issued a third amended Emergency Proclamation consistent with Governor

 Ducey's Executive Order 2020-33 on April 30, 2020, superseding the one signed on

March 31, 2020; and

**WHEREAS,** on May 4, 2020, Governor Ducey issued Executive Order 2020-34, titled "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**, although strides to assess, mitigate and prepare for the COVID-19 response and recovery have been made, the current efforts in our Town to limit potential exposure through a policy of physical distancing is necessary; and

**WHEREAS,** I issued a fourth amended Emergency Proclamation consistent with Governor Ducey's Executive Orders 2020-09, 2020-12, 2020-18, 2020-33 and 2020-34 on May 4, 2020, superseding the one signed on April 30, 2020; and

**WHEREAS,** on May 12, 2020, Governor Ducey issued Executive Order 2020-36, titled

"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

**WHEREAS,** although strides to assess, mitigate, and prepare for the COVID-19 response

and recovery have been made, the current efforts in the Town to limit potential exposure

through a policy of physical distancing is necessary; and

**WHEREAS,** I have found it necessary under the current circumstances to issue a fifth

Amended Emergency Proclamation consistent with Governor Ducey's Executive Orders

2020-09, 2020-12, 2020-18, 2020-33, 2020-34 and 2020-36 which will supersede the one

signed on May 4, 2020; and

**WHEREAS,** I sincerely encourage our community to come together and follow the guidelines provided by the CDC, The President of the United States and the Governor, and I am optimistic that as we unite as a community, we can reduce the risk of our residents contracting and spreading the COVID-19 virus.

**NOW THEREFORE**, pursuant to A.R.S. § 26-311 and Patagonia Town Code Section 2- 2-4 (E),

The Mayor of the Town of Patagonia, Andrea Wood, hereby declares a continuing local

Emergency in the Town of Patagonia, Arizona.

**IT IS PROCLAIMED AND ORDERED** that in order to flatten the curve of the spread of the

COVID-19 virus, keep our hospitals from becoming overwhelmed, and maximize available

funding, and to be consistent with Governor Ducey's Executive Orders 2020-09, 2020-12,

2020-18, 2020-33, 2020-34 and 2020-36, these steps are to be taken to reduce the spread

of the COVID-19 virus:

**Business Establishments:**

1. The following businesses may remain open during the continuing local Emergency:

 a. Grocery Stores, markets, convenience stores, and other similar businesses and establishments that offer food and beverage that is not for on-premises

 consumption;

 b. Health care services, such as clinics;

 c. Food Banks, food pantries, and soup kitchens;

 d. Mail and shipping services;

 e. Taxis and ridesharing services;

 f. Home Care services;

 g. Day care centers;

 h. Hotels and motels;

 i. Cafeterias, commissaries, and restaurants located within health care facilities,

 nursing homes, shelters, group homes, places of worship, or similar facilities;

 j. Essential infrastructure operations, including construction, building management,

 landscaping, waste collection, distribution centers, as well as water, sewer and

 gas system operations;

 k. Any other establishment that is an Essential function as defined in Governor

 Ducey's Executive Order 2020-12, dated March 23, 2020.

 l. Retailers located in an enclosed or confined areas where people may be inclined to congregate may operate through delivery or curbside service or appointment only;

 and

 m. Retailers not located in enclosed or confined areas which establish and implement

 protocols and best practices to address COVID-19 and follow CDC guidelines set

 forth in section 7 of this amended proclamation;

 n. Barbers and cosmetologists who adhere to CDC guidelines set forth in section 7 of

 this amended proclamation and as long as employees wear face coverings and

 provide face coverings for their clients and operating by appointment only;

 o. Restaurants which comply with CDC guidelines set forth in section 7 of this

 amended proclamation and who limit the number of diners;

 p. Pools, gyms, fitness providers, spas, massage therapists, and personal services

 who adhere to ADHS guidelines and CDC guidelines set forth in section 7 of this amended proclamation.

 2. The following business establishments shall be closed to the public until further notice: a. Movie theaters, cinemas, and indoor and outdoor performance venues.

 b. Museums;

 c. Bingo halls, bowling alleys, indoor climbing or jumping/bouncing facilities, skating

 rinks, and other similar recreational or entertainment facilities;

 3. Businesses which remain closed to the public pursuant to Executive Order 2020-12 may

 continue to operate business activities if the business is not physically open to serve the

 public, and the business does not interface with customers or clients in public on site at the business;

 a. Proprietors, employees, contractors, vendors, or suppliers of a local business may enter, use, or occupy the place of business in their professional capacity; and

 b. Businesses may conduct the minimum necessary activities to maintain the value

 of the business's inventory, ensure security, process payroll and employee benefit,

 and related functions, as well as the minimum necessary activities to facilitate employees of the business to continue to work remotely from their residences.

4. Businesses shall develop, establish, and implement policies based on guidance from the CDC, Department of Labor, Occupational and Safety Administration (OSHA), and ADHS to limit, and mitigate the spread of COVID-19, including the following:

 a. Promoting healthy hygiene services; and

 b. Intensifying cleaning, disinfection, and ventilation practices; and

 c. Monitoring for sickness; and

 d. Ensuring physical distancing; and

 e. Providing necessary protective equipment; and

 f. Allowing for and encouraging teleworking whenever possible; and

 g. Providing plans, where possible, to return to work in phases; and

 h. Limiting the congregation of groups of no more than ten persons when feasible

 and in relation to the size of the location.

 **Members of the Public:**

 5. Until May 15, 2020 at 11:59 p.m., Individuals must stay at home, but may leave

 their place of residence or property for the following reasons:

 a. Obtaining groceries, food and supplies for home consumption and use for family, household members, and pets:

 b. Obtaining supplies and equipment needed to work from home:

 c. Obtaining assignments for students completing remote learning:

 d. Obtaining products necessary to maintain safety, sanitation, and essential home maintenance:

 e. Seeking and obtaining medical, behavioral health, or emergency services, or obtaining

 medical supplies and services:

 f. Caring for a family member, friend, or pet in another household or residence, including transportation for essential health and safety activities and to obtain necessary supplies and services:

 g. Walking, hiking, running, or biking, if maintaining physical distancing of at least **six feet**  **from any other person**:

 h. Working or volunteering to attend work at an essential business, or to transport children to child care services:

 i. Visit retailers permitted to operate pursuant to Section 4 of this amended proclamation

 j. Engaging in the exercise of free speech and religion, if maintaining physical **distancing of** **at least six feet from any other person:**

 k. If without a home, although individuals who are homeless are strongly urged to obtain shelter as soon as possible and to the maximum extent practicable; and

 l. Their residence is unsafe or has become unsafe, such as due to domestic violence.

 6. After May 16, 2020 at 12:00 A.M, all vulnerable individuals, including the elderly and individuals

 with underlying health conditions, are still advised to take reasonable steps to continue limiting

 their time away from their place of residence or property.

 7. Members of the public are also urged to follow CDC guidelines by doing the following:

 a. **Maintain physical distance of at least six feet from any other person**:

 b. Avoid contact with those with elevated risks associated with COVID-19: and

 c. **Stay home** and contact your medical provider if you or others in your household feel sick: and

 d. **Stay home** and away from other people if you are an older person and/or you have a serious underlying condition that can put you at increased risk (for example, a condition that impairs your lung or heart function or weakens your immune system): and

 e. **Practice good personal hygiene**, such as regularly washing your hands, avoid touching your face, sneezing into a tissue or the inside of your elbow, and frequently disinfecting;

 and

 f. Avoid social settings where appropriate physical distancing is not practical, unless

 precautionary measures are observed and CDC guidelines are followed.

**Enforcement and Possible Penalties:**

 8. The undersigned, Mayor of the Town of Patagonia, has determined that the Orders within

 this Amended Proclamation are necessary to preserve the peace and order of the Town of

 Patagonia, and to protect life and to promote and preserve public safety and welfare, and in

 particular to mitigate the spread of COVID-19 and provide essential protections to

 Patagonia residents, including those who are most vulnerable to infection: and

 9 . The undersigned Mayor of the Town of Patagonia also reserves the emergency authority and powers provided to her under Patagonia Town Code Section 2-2-4(E) 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 Patagonia's residents during this continuing emergency: and

 10. The Town Marshal's Office will enforce the Governor's emergency declaration orders and the Mayor's emergency orders pursuant to A.R.S. § 36-787 and A.R.S. § 26-317 for refusal to obey

 a lawful order, with the exception of any private organization or one of its members which has trained and available emergency personnel and decide not to assist in meeting emergency

 needs: and

 11. **On a first violation of the emergency orders, the Town Marshal's Office will notify the**

 **person and give them an opportunity to comply before any enforcement. Upon a**

 **repeat violation, pursuant to A.R.S. § 26-317, 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, with maximum**

 **penalties as established in A.R.S. § 13-707 of six months in jail, three years of**

 **probation, and a $2,500.00 fine; and**

 12. The Town Manager is ordered, directed, and authorized to implement any and all appropriate and lawful actions necessary to carry out the intent of this Proclamation,

 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

 Town boards, committees and commissions in order to limit face-to-face interactions in

 violation of the social distancing requirements; and

 13. The Town requests that financial, mutual aid, and in-kind assistance be obtained from the

 County of Santa Cruz, the State of Arizona, and the Federal Government of the United

 States of America as may be necessary and appropriate under the circumstances; and

 14. 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; and

 15. In accordance with A.R.S. § 26-307(B), this Proclamation shall be effective when a copy is

 filed in the office of the Town 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.

 **IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the

 Seal of the Town of Patagonia on this **15th day of May, 2020**.

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 Andrea Wood, Mayor

 Attest:

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Ron Robinson, Town Clerk