

CITY OF TUCSON, ARIZONA
PROCLAMATION OF THE MAYOR
DECLARING A CONTINUING EMERGENCY OR LOCAL EMERGENCY
RELATED TO COVID-19
AND ISSUING ORDERS AND ADVISORIES NECESSARY FOR PUBLIC
SAFETY
AND TO MITIGATE THE SPREAD OF COVID-19

WHEREAS, The Tucson Charter, the Tucson Code, and Arizona statute empower the Mayor of the City of Tucson to declare an emergency or local emergency and to issue orders and impose regulations by proclamation, where those regulations and orders are necessary for public peace, order, safety and welfare. The orders and regulations may include imposing curfews in all or portions of the City; ordering the closing of any business; and closing to public access any public building, street, or other public place.

WHEREAS, Chapter IV, Section 1(10) of the Tucson Charter provides that the City has the power “to make regulations to prevent the spread of diseases,” and Chapter VII, Section 1(28) of the Charter further provides that the Mayor and Council have the power to “make all regulations which may be necessary or expedient for the preservation of the health and the suppression of disease; to make regulations to prevent the introduction of contagious, infectious, or other diseases into the city; to make quarantine laws and regulations and to enforce the same within the city; to regulate, control and prevent the entry within the city of persons, baggage, merchandise or other property infected with contagious disease.”

November 30, 2020 Declaration of
Continuing Emergency – COVID-19

WHEREAS, On March 11, 2020, Governor Ducey declared that a State of Emergency existed in Arizona due to the spread of COVID-19. On March 17, 2020 the undersigned, the Mayor of the City of Tucson, Arizona, determined that an emergency, local emergency, and/or civil emergency then existed within the City limits of the City of Tucson due to COVID-19; and further determined that emergency management measures were required to reduce the severity of the local emergency and mitigate the spread of COVID-19 and protect the health, safety and welfare of the people located in the City of Tucson. Both of these declarations remain in effect.

WHEREAS, On March 23, 2020, Governor Ducey issued Executive Order No. 2020-12, which on its face purports to prohibit 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 purports to require any city, county or town to coordinate with the State prior to issuing any order restricting persons from leaving their home due to the COVID-19 emergency.

WHEREAS, On May 12, 2020, Governor Ducey issued Executive Order No. 2020-36, which on its face purports to prohibit a county, city or town from making or issuing any order, rule or regulation that “conflicts with or is in addition to” the Governor’s executive orders, including any order restricting persons from leaving their home due to the COVID-19 public health emergency; or any other order, rule or regulation that was not in place as of March 11, 2020.

WHEREAS, On November 23, 2020, the Pima County Health Department and Pima County Administrator issued a Public Health Advisory requesting that all individuals in Pima County obey a voluntary curfew with no travel, transport or activity (with various exceptions for essential activities, attending work, etc.) between 10:00 p.m. and 5:00 a.m. each day through December 22, 2020. This Health Advisory is attached as Exhibit A (see attachment 4 to the

County Administrator’s Memorandum). The Health Advisory was issued due to the dramatic increase in COVID-19 infections in our community during November, as further described in Exhibit A.

WHEREAS, On November 27, 2020, the University of Arizona’s COVID-19 Modeling Team directed a letter to the Arizona Department of Health Services, urging immediate statewide action to address current COVID-19 conditions and short-term forecasts. The letter notes that in the absence of immediate action, Arizona “risks a catastrophe on a scale of the worst natural disaster the state has ever experienced.” The letter, which is attached as Exhibit B, notes that the most current projections of cases, hospitalizations, and deaths produce a model that predicts that COVID-19 hospitalizations will exceed current ICU and general ward capacity by early December; and will exceed Arizona’s total hospital capacity by late December. The letter recommends certain specific actions, including:

1. Immediate implementation of a statewide mask mandate;
2. A statewide shelter-in-place order, effective December 1 through December 22;
3. Additional state-provided economic relief for small businesses and families; and
4. In the absence of state-wide action, the granting of authority to county and city leaders to enact local measures to mitigate the dramatic increase in community spread of COVID-19.

WHEREAS, The undersigned, the Mayor of the City of Tucson, Arizona, has determined that certain emergency actions are immediately required at the local level due to the absence of emergency action by the Governor that implements the recommendations provided by public health officials. These actions are necessary to avoid needless illness and deaths that could be avoided in advance of the availability of a vaccine; and are necessary to preserve the peace and order of the City of Tucson, and to protect life and/or property and to promote and preserve public safety and welfare, and in particular to mitigate the spread of COVID-19 and provide essential protections to Tucson residents, including those who are most vulnerable to infection, while still preserving the availability of essential services.

WHEREAS, The City, through the Office of the Mayor, has made attempts to communicate with the Office of the Governor for the purpose of coordinating on the actions included within this Proclamation, as contemplated in the Governor’s Executive Order No. 2020-12, but those attempts have been unsuccessful.

WHEREAS, The undersigned, Mayor of the City of Tucson, will call an emergency meeting of the City of Tucson Mayor and Council for December 1, 2020 so that the Mayor and Council may consider and adopt an ordinance that affirms that the local emergency due to the COVID-19 outbreak continues to exist; and that finds that the provisions of this Proclamation are necessary or expedient for the preservation of the health and the suppression of disease, and to prevent the spread of COVID-19 (hereafter, the “Ordinance”).

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

SECTION 1. I, REGINA ROMERO, Mayor of the City of Tucson, Arizona, do hereby declare, pursuant to A.R.S. § 26-311, Chapter VI, Section 5 of the Tucson Charter, and Tucson Code Section 11-101, that an emergency, civil emergency and/or local emergency continues to exist in connection with the COVID-19 outbreak, as further described in the preceding Recitals, which are incorporated herein by this reference.

SECTION 2. Subject to the adoption of the Ordinance as described in Recital J above, commencing December 1, 2020, and continuing through Tuesday, December 22, the Orders included under Section 3 below and the Advisories included under Section 4 below are in effect. The provisions of this Proclamation may thereafter be extended by subsequent Proclamation.

SECTION 3. Curfew Ordered

Following Mayor and Council adoption of the Ordinance, and thereafter effective December 1, 2020 at 8:00 p.m. and continuing through 5:00 a.m. on December 22, 2020, a limited curfew is imposed in the City of Tucson. The curfew is in place during the hours from 8:00 p.m. until 5:00 a.m. each day during this time. During the hours of curfew, all persons are prohibiting from using, standing, sitting, traveling or being present on any public street or in any public place, including for the purpose of travel, with the following exemptions:

1. All law enforcement, firefighters, paramedics or other medical personnel, and any other emergency response personnel;
2. Persons traveling directly to and from work; attending religious services; commercial trucking and delivery services; caring for a family member, friend, or animal; patronizing or operating a business that is an Essential Function; seeking medical care or fleeing dangerous circumstances; engaging in Essential Activities; and travel for any of the above services or purposes;
3. Persons engaged in or traveling to perform or receive Essential Functions; and
4. Persons who are homeless.

For purposes of this Proclamation, “Essential Functions” has the meaning as provided in Governor Ducey’s Executive Order 2020-12, dated March 23, 2020, as thereafter amended; and Essential Activities has the meaning as provided in Governor Ducey’s Executive Order 2020-18, dated March 30, 2020.

SECTION 4. Advisories – Safer at Home; Avoid Social Gatherings

Through this Proclamation, the Mayor of the City of Tucson:

November 30, 2020 Declaration of
Continuing Emergency – COVID-19

1. Strongly advises all persons in Tucson that it is safer to be at home and to avoid social gatherings, except as may be needed to address essential needs (like getting food and prescriptions, traveling to work if employed in an Essential Function, and getting some exercise and fresh air). The direction and advice provided by Governor Ducey in his June 25, 2020 press release, and repeated by him many times since, is truer now than at any prior time during the course of the COVID19 pandemic, especially considering that in Pima County, we have recently exceeded previous records set in the summer for daily and weekly case counts – “Right now, Arizonans are safer at home. And when you’re away from home, don’t forget to limit social gatherings, stay six feet from others, wash your hands and wear a mask. These simple steps can make a big difference.”
2. Strongly advises that all persons, at all times, practice and adhere to social distancing guidelines, even when engaged in Essential Functions; and encourages all businesses, including those providing Essential Functions, 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.
3. Strongly advises that any person who travels to Tucson from another state for 14 days after arrival to stay home as much as possible and/or secure a test, consistent with CDC guidelines, available here:
<https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html>
4. The purpose of this Proclamation and its Advisories is to advise individuals that it is safer at home, except for essential travel, and to prevent or limit public and private gatherings with individuals outside of one’s household, in order to slow the spread of COVID-19. When people need to leave their homes or places of refuge, whether to obtain or perform Essential Functions and services, they **should at all times** comply with social distancing guidelines.

**SECTION 5. Reservation of Emergency Powers; Request to Governor to Issue
Statewide Orders**

The undersigned Mayor of the City of Tucson also reserves the emergency authority and powers provided to her under the Tucson Charter 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 Tucson's residents during this continuing emergency.

The Mayor urges Governor Ducey to take additional actions immediately to protect Arizonans from the COVID-19 outbreak, including the immediate issuance of statewide orders that do all of the following:

1. Implement a statewide mask mandate;
2. Establish statewide curfew hours commencing December 1, 2020 or as soon as possible and continuing through at least December 22, 2020 to help slow the spread of COVID-19 while providing for the continuity of truly essential functions and operations throughout Arizona. Implementation of a statewide curfew could help avoid the need for a more restrictive shelter-in-place/stay at home order, and help avoid the associated economic impacts of such an order.
3. Provide additional state economic relief to small businesses and families, and extend protections against eviction.
4. Require that any person who travels to Arizona from another state with substantial community spread for 14 days after arrival stay home as much as possible and/or secure a test, consistent with CDC guidelines.

SECTION 6. Enforcement

Enforcement of the provisions of Section 3 of this Proclamation shall focus first on educating and working to promote the mitigation of the spread of COVID-19. A person shall be notified of the provisions and requirements of this Proclamation and given an opportunity to comply prior to any enforcement action or citation. The City Attorney may dispose or resolve any citation issued in connection with this Proclamation through diversion or other process under which the offender can avoid misdemeanor prosecution or conviction.

SECTION 7. The provisions of this Proclamation are effective as provided herein. The Mayor will review the provisions of this Proclamation as the COVID-19 emergency evolves, and may revise, extend, modify or amend this Proclamation, and/or issue and impose all necessary regulations as authorized under Arizona law to promote and protect the health and safety of Tucson’s residents.

PROCLAIMED this ___ day of _____, 202___, at _____ o’clock ___m.

REGINA ROMERO
Mayor of the City of Tucson

Attest:

ROGER W. RANDOLPH
City Clerk

Approved as to form:

Mike Rankin
City Attorney