



## **Town of Fountain Hills**

### **Proclamation of Emergency (9)**

#### **PROCLAMATION BY GINNY DICKEY, THE MAYOR OF THE TOWN OF FOUNTAIN HILLS, ARIZONA**

**WHEREAS**, on March 11, 2020, 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 based upon the outbreak's threat to human health and safety; and

**WHEREAS**, on March 13, 2020, the President of the United States of America, Donald J. Trump, found and proclaimed that the COVID-19 outbreak in the United States constituted a national emergency based upon the outbreak's threat to human health and safety; and

**WHEREAS**, on March 15, 2020, the Centers for Disease Control and Prevention and the Arizona Department of Health Services recommended: (1) that for the next 8 weeks, organizers cancel or postpone in-person events that consist of 50 people or more, (2) statewide closures of Arizona schools through Friday, March 27, 2020, and (3) that employers permit telework and other alternatives when available (collectively, the "CDC Instructions"); and

**WHEREAS**, on March 16, 2020, President Trump issued his "Coronavirus Guidelines for America: 15 Days to Slow the Spread" (the "March 16, 2020 Presidential Directive") which provides guidance to avoid social gatherings of more than 10 people (and direction to "listen to and follow the directions of your state and local authorities"); and

**WHEREAS**, on March 19, 2020, Governor Ducey issued Executive Order 2020-09, requiring restaurants in Arizona counties with confirmed COVID-19 cases to provide dine-out options only; and requiring all bars, movie theaters and gyms in those counties be closed.

**WHEREAS**, on March 23, 2020, Governor Ducey issued Executive Order 2020-12, prohibiting the closure of businesses and operations deemed "essential" by the State and providing certainty to business owners, employees, and families. The order is a proactive and administrative measure to ensure consistent guidance across the state, as it also prohibited counties, cities or towns from enacting local stay-at-home restrictions.

**WHEREAS**, on March 29, 2020, President Trump extended national social distancing guidelines until April 30.

**WHEREAS**, on March 30, 2020, Governor Ducey issued Executive Order 2020-18, mandating "Stay Home, Stay Healthy, Stay Connected" – to Arizonans to control the spread of COVID-19.

**WHEREAS**, on April 1, 2020, Governor Ducey wrote a letter to President Trump requesting a Presidential Major Disaster Declaration from the federal government – a procedural step to pull down necessary federal assets and resources to assist Arizona’s COVID-19 response efforts.

**WHEREAS**, on April 3, 2020, Governor Ducey released additional guidance on essential services and recreational activities that do not comply with the guidelines required in paragraph 11 of Executive Order 2020-18 directing Arizonans to “Stay Home, Stay Healthy, and Stay Connected” shall cease operations no later than 5 p.m. on April 4, 2020,

**WHEREAS**, on April 4, 2020, President Trump in coordination with the Federal Emergency Management Agency (FEMA) approved Governor Ducey’s request for a Presidential Major Disaster Declaration for the state. The declaration makes available additional federal assets and resources to aid Arizona’s COVID-19 response efforts.

**WHEREAS**, on April 29, 2020, Governor Ducey issued Executive Order 2020-33, “Returning Stronger” amending “Stay Home, Stay Healthy, Stay Connected Order” – extending physical distancing measures until May 15, 2020 for Arizonans and providing step-by-step guidance for reopening to businesses not classified as “essential” under Governor Ducey’s Executive Order 2020-12.

**WHEREAS**, on May 4, 2020, Governor Ducey issued Executive Order 2020-34, “Building on COVID 19 Successes” providing guidance and allowing barbers, cosmetologists and dine-in restaurants to resume operations provided they establish and implement protocols and best practices for businesses to address COVID-19 — effective May 8, 2020, barbers and cosmetologists to resume business operations by “appointment only” provided they enact using face coverings for employees and customers — effective May 11, 2020, restaurants may resume dine-in services provided they enact physical distancing policies and limit the number of diners.

**WHEREAS**, on May 12, 2020, Governor Ducey issued Executive Order 2020-36, “Stay Healthy, Return Smarter, Return Stronger” effective May 16, 2020, to replace the ending May 15, 2020 Executive Order 2020-18, “Stay Home, Stay Healthy, Stay Connected”, to provide new guidance for the next stage of recovery — mitigation of COVID-19 resurgence, protection of vulnerable populations, reopening of businesses with enhanced physical distancing and safety measures in place,

**WHEREAS**, the Mayor of the Town of Fountain Hills is authorized under the current circumstances by Town Code § 3-5-4(B), A.R.S. § 26-307, and/or A.R.S. § 26-311 to proclaim that a local emergency exists and, thereafter, to impose all necessary regulations to preserve the peace and order of the Town of Fountain Hills.

**IT IS HEREBY PROCLAIMED AND IMPOSED AS FOLLOWS:**

1. The COVID-19 outbreak and the instructions in the above-listed declarations, proclamations, executive orders, and recommendations present conditions in the Town of Fountain Hills that justify this proclamation of an emergency.
2. The March 16, 2020 and March 29, 2020, Presidential Directive, CDC Instructions, and above-mentioned Executive Orders are hereby incorporated by reference, and compliance with the guidance and instructions therein is hereby ordered, with the Town giving deference, to the

extent applicable, to the State of Arizona and the County of Maricopa in their interpretation or further instructions regarding the March 16, 2020 Presidential Directive, CDC Instructions, and above-mentioned Executive Orders given their superior knowledge of, expertise in, and greater responsibility for public health matters.

3. Along with the March 16, 2020 Presidential Directive, CDC Instructions, and above-mentioned Executive Orders given the fluidity of the current situation, other instructions that may emerge from qualified governmental public health officials related to COVID-19 and reducing its spread shall be incorporated herein and followed to the extent applicable.

4. On March 11, 2020, the Town of Fountain Hills implemented measures in the workplace to limit exposure to COVID-19.

5. Effective March 13, 2020, all Town events at Town facilities and parks are cancelled through the end of April 2020.

6. Effective March 16, 2020, all Boards and Commissions meetings are postponed through the end of April 2020.

7. Effective March 16, 2020, Town Council meetings are limited to live broadcasts and live streaming from the internet without attendance from the general public.

8. Effective March 17, 2020, Fountain Hills Community Center is closed through the end of April 2020.

9. Effective March 18, 2020, it is determined by the Manager of the Town of Fountain Hills, in consultation with the Mayor of the Town of Fountain Hills, that the COVID-19 outbreak presents conditions in Fountain Hills that justify a declaration of a State of Emergency based upon the outbreak's threat to human health and safety.

10. Effective March 19, 2020, all restaurants in Fountain Hills may only provide dine-out and drive through options; and all bars, movie theaters, and gyms shall remain closed consistent with Executive Order 2020-09.

11. Effective March 23, 2020, Town Hall is closed to the public through the end of April 2020.

12. Effective March 23, 2020, all park restrooms, playgrounds, and other park amenities are closed through the end of April 2020.

13. Effective April 2, 2020, the Town of Fountain Hills implores all residents to adhere to Executive Order 2020-18, "Stay Home, Stay Healthy, Stay Connected," in order to maintain the health, safety, and welfare of our community.

14. Effective April 7, 2020, the Town of Fountain Hills implores businesses and services deemed "essential" in Executive Order 2020-12 to adhere to Governor Ducey's added guidance issued on April 3, 2020 on essential services, mandating barbershops, cosmetology, hairstyling, nail salons, aesthetic salons, tanning salons, tattoo parlors, spas and massage therapist services cease operations through the end of April 2020.

15. Effective April 7, 2020, the Town of Fountain Hills implores businesses and services to adhere to Governor Ducey's additional guidance issued on April 3, 2020, pertaining to recreational activities; amenities at public parks that do not allow for recommended physical distancing or proper hygiene, such as basketball courts, splash pads, playgrounds, public restrooms; swap

meets; and communal pools such as those at hotels, condominiums, apartment complexes, and parks, to cease operations.

16. Effective May 4, 2020, the Town of Fountain Hills will reopen the dog park and the following park amenities; skate park, pickleball courts, tennis courts, basketball courts and the main restrooms at the south end of Fountain Park.

17. Effective May 4, 2020, Town of Fountain Hills retailers, whose business involves the "sale of goods" not deemed as "essential" under Governor Ducey's Executive Order 2020-12; may operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up services, curbside delivery or appointment provided they establish, and implement best practices and protocols for businesses to address COVID-19 outlined in Governor Ducey's Executive Order 2020-33.

18. Effective May 8, 2020, Town of Fountain Hills retailers, whose business involves the "sale of goods" that is not deemed as "essential" under Governor Ducey's Executive Order 2020-12; may open, operate and offer goods provided they establish, and implement best practices and protocols for businesses to address COVID-19 outlined in Governor Ducey's Executive Order 2020-33.

19. Effective May 8, 2020, Town of Fountain Hills barbers and cosmetologists may resume operations consistent with Governor Ducey's Executive Order 2020-34.

20. Effective May 11, 2020, the Town of Fountain Hills will reopen all restrooms at all park locations.

21. Effective May 11, 2020, Town of Fountain Hills restaurants and coffee shops may resume dine-in services consistent with Governor Ducey's Executive Order 2020-34.

22. Effective May 13, 2020, pools, spas, gyms and fitness providers may resume services in Fountain Hills consistent with Governor Ducey's Executive Order 2020-36 and according to Arizona Department of Health Services guidelines.

23. Effective May 18, 2020, the Town of Fountain Hills shall reopen Town Hall and the Community Center consistent with Governor Ducey's Executive Order 2020-36 and according to CDC and Arizona Department of Health Services guidelines.

24. Effective May 19, 2020, the Town of Fountain Hills shall resume its Town Council meetings with public attendance consistent with Governor Ducey's Executive Order 2020-36 and according to CDC and Arizona Department of Health Services guidelines.

25. Effective June 1, 2020, the Town of Fountain Hills shall resume public meetings and advisory board meetings with public attendance consistent with Governor Ducey's Executive Order 2020-36 and according to CDC and Arizona Department of Health Services guidelines.

26. Effective October 5, 2020, the Town of Fountain Hills shall open the Community Center with reduced occupancy. Classroom use will be limited to 15 people as social distancing allows and gatherings of no more than 50 individuals will be permitted consistent with Governor Ducey's Executive Order 2020-43 and according to CDC and Arizona Department of Health Services guidelines.

27. Effective October 10, 2020, the Town of Fountain Hills shall open park ramadas for reservations by the public and limit gatherings to no more than 50 individuals consistent with Governor Ducey's Executive Order 2020-43 and according to CDC and Arizona Department of Health Services guidelines.

28. Effective January 1, 2021, the Fountain Hills Community Center shall be closed for all programs, room rentals, events, and related uses until further notice. No lingering or loitering in the Community Center shall be permitted. The Community Center lobby and front counter shall remain open for individuals and members of the public to transact business.

29. The Town Manager, in consultation with the Mayor, is ordered, directed, and authorized to implement any procedures and take any actions that he deems necessary to carry out the intent of this Proclamation.

30. 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.

31. The Town requests that financial, mutual aid, and in-kind assistance be obtained from the County of Maricopa, the State of Arizona, and the Federal Government of the United States of America as may be necessary and appropriate under the circumstances.

32. In accordance with A.R.S. § 26-307(B), this Proclamation shall be effective when a copy thereof is filed in the office of the Town Clerk. Existing laws, ordinances, orders, rules and regulations in conflict with the same are hereby suspended during the time and to the extent that they conflict.

**IN WITNESS WHEREOF**, I have set my hand and caused to be affixed the seal of the Town of Fountain Hills this 17<sup>th</sup> day of December 2020.



  
Ginny Dickey, Mayor

ATTEST:

  
Elizabeth Burke, Town Clerk