

October 27, 2022

MEMORANDUM TO: Honorable Mayor and City Council

FROM: Nathan J. Williams, City Attorney

SUBJECT: Request for Agenda Item Placement
Resolution 2022-068, Recession of Resolution
2020-040, authorizing the Mayor of the City of Sierra
Vista to declare a local emergency and to adopt, by
declaration, policies regarding the wearing of face
coverings

Recommendation:

The City Manager recommends approval.

Background:

On June 26, 2020, the Sierra Vista City Council approved Resolution 2020-040. This resolution, in conjunction with Arizona Governor Ducey's Executive Order 2020-40 dated June 17, 2020, entitled "Containing the Spread of COVID-19 Continuing Arizona Mitigation Efforts," authorized the Mayor of the City of Sierra Vista to Declare a Local Emergency and to Adopt Policies Regarding the Wearing of Face Coverings within the City of Sierra Vista.

Pursuant to A.R.S. §26-311, when the mayor of a city or town deems that an emergency condition exists within the city or town, the mayor may, if authorized by ordinance or resolution, declare a local emergency, and shall have the authority to impose regulations necessary to preserve the peace and order of the city. This resolution was intended to authorize the mayor of the City of Sierra Vista to declare a local emergency pursuant to A.R.S. §26-311 and to implement policies regarding the wearing of face coverings in public within the Sierra Vista City limits.

On March 30, 2022, Governor Ducey terminated the emergency declaration issued on March 11, 2020, and all subsequent orders. As a result, the need for a local authorization to declare an emergency no longer exists.

Budget Appropriation:

None.

RESOLUTION 2020-068

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; RESCINDING THE AUTHORIZATION OF THE MAYOR OF THE CITY OF SIERRA VISTA TO DECLARE A LOCAL EMERGENCY AND TO ADOPT, BY DECLARATION, POLICIES REGARDING THE WEARING OF FACE COVERINGS WITHIN THE CITY OF SIERRA VISTA; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION AND DECLARING AN EMERGENCY.

WHEREAS, the COVID-19 pandemic conditions throughout the State of Arizona have resulted in widespread illness, business and services closures, health care saturation and many other conditions that pose significant threats to communities;

WHEREAS, the COVID-19 pandemic has resulted in a condition of peril to the health and safety of many citizens as well as economic impacts to our businesses and tourism industry;

WHEREAS, on June 17, 2020, Arizona Governor Ducey issued Executive Order 2020-40 "Containing the Spread of COVID-19 Continuing Arizona Mitigation Efforts" which allows municipal governing bodies to declare an emergency and enact local regulations relating to the wearing of masks and other personal protection equipment in the City of Sierra Vista; and

WHEREAS, on June 26, 2020, the Sierra Vista City Council approved Resolution 2020-040, authorizing the Mayor of the City of Sierra Vista to declare a local emergency and to adopt, by declaration, policies regarding the wearing of face coverings' and

WHEREAS, the Policy regarding wearing of face coverings within the City of Sierra Vista was rescinded by Mayor Mueller on September 18, 2020; and

WHEREAS, it is in the best interest of the citizens of Sierra Vista that the local emergency declaration and all policies arising therefrom and applicable to the City of Sierra Vista also be rescinded.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

Resolution 2020-040, authorizing the Mayor of the City of Sierra Vista to declare a local emergency and to adopt, by declaration, policies regarding the wearing of face coverings, is hereby rescinded.

SECTION 2

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 27TH DAY OF OCTOBER 2022.

FREDERICK W. MUELLER
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN J. WILLIAMS
City Attorney

PREPARED BY:
Nathan J. Williams, City Attorney