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**CAPTION HEADING:**

**PROCLAMATION**

Proclamation

Proclamation and Continued Declaration of Emergency by Mayor Gerardo Sanchez of the City of San Luis, Arizona, April 29, 2021.



# *Proclamation*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

**PROCLAMATION AND CONTINUED DECLARATION OF EMERGENCY  
BY  
MAYOR GERARDO SANCHEZ OF THE CITY OF SAN LUIS, ARIZONA  
April 29, 2021**

**COVID-19**

**WHEREAS**, on March 13, 2020, by the Mayor's emergency proclamation and City Council Order No. 2020-6, a determination and state of emergency was declared and ordered due to the COVID-19 pandemic; and

**WHEREAS**, since March 13, 2020, the San Luis Parks and Recreation Department facilities have been closed to prevent gatherings of people that would lead to transmission of COVID-19; and

**WHEREAS**, after more than a year since the onset of the pandemic, the City of San Luis would like to start to offer recreational activities on a trial basis, starting with outdoor movie events as pandemic conditions allow; and

**WHEREAS**, with the advents of vaccines and COVID-19 variants, the city needs the flexibility to act quickly in response to either open or close facilities to the public; and

**Legal Authority**

**WHEREAS**, the City of San Luis is within its powers to take measures to protect the health, safety and welfare of and reduce the harm to the residents and visitors within its city limits from the spread of COVID-19 and other diseases, specifically its police powers as a political subdivision of the State of Arizona, including ARS § 9-240(B)(20) and (22) which give the city the power to take any action and prescribe regulations, which may be necessary or expedient for the prevention or suppression of disease; and as a power reserved to the States under the Tenth Amendment to the US Constitution; and

**WHEREAS**, the recitations made in the Declarations of Emergency issued by the City of

San Luis on March 13, 2020, and March 18, 2020, recite that all levels of government are taking steps to mitigate the harms posed by COVID-19; and

**WHEREAS**, ARS § 26-311; San Luis City Code § 30.004 "Powers and Duties of the Mayor," San Luis City Code § 30.002 "Vice Mayor," empower the Mayor of the City of San Luis, or Vice Mayor in the Mayor's absence or disability, to declare a local emergency exists; and

**WHEREAS**, ARS Title 26, Chapter 2, Article 1, San Luis City Code § 30.004(A)(5) and (B) and the October 9, 2019, San Luis Emergency Operations Plan, Basic Plan II(E), Page 6, authorize the Mayor to govern by proclamation during an emergency; and

**WHEREAS**, no proclamation and continued declaration of emergency may conflict with any Executive Orders of the Governor of Arizona; and

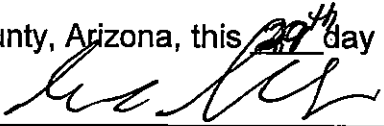
**NOW, THEREFORE**, I, Gerardo Sanchez, Mayor of the City of San Luis, Arizona, by the authority vested in me by the urgency of the circumstances and law and facts recited above proclaim and order:

1. **Public Health Emergency**. The March 13, 2020, Declaration of a public health emergency continues.
2. **Relation to the Governor's Executive Orders**. The City of San Luis abides by all of the Arizona Governor's lawful Executive Orders, including but not limited to Executive Order 2021-06 dated March 25, 2021, which pre-empted all of the emergency proclamations and orders of the City of San Luis except for those concerning the city's facilities and its role as an employer. In the event of any conflict, the provisions of an Executive Order of the Arizona Governor shall prevail, and the conflicting provisions of any emergency order or proclamation of the City of San Luis shall be null and void.
3. **Parks and Recreation Allowable Events**. The March 13, 2020, Declaration and City Council Order No. 2020-6 are hereby modified to allow the Parks and Recreation Department to provide local community outdoor movie events which follow the latest applicable guidance of the CDC or ADHS or Yuma County Public Health Services District. The first outdoor movie event with COVID-19 precautions is approved for April 29, 2021, in celebration of Día Del Niño. City facilities will remain available for public, city-hosted or city-approved events to control COVID-19.
4. **City Facilities**. Parks and Recreation facilities and other city facilities that have not been opened to date remain closed to the public for in-person services and events (other than the outdoor movie nights described above) until further proclamation, Council order or order of the City Manager in consultation with and consent of the Mayor. The Mayor is also the Chief Executive Officer of the City by City Code.
5. **Gatherings**. Gatherings limited to ten (10) people are not required for city operations

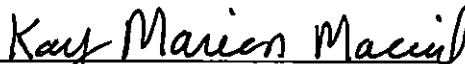
or city-sponsored functions. For such gatherings, the City will follow any legal requirements and applicable CDC, Arizona Department of Health Services, Yuma County Public Health District, or reliable science for the COVID-19 pandemic conditions of San Luis, Arizona. For gatherings of twenty-five (25) or more, Risk Management and the City Attorney must be consulted for their written recommendations (email is acceptable) before seeking the City Manager's authorization.

6. **Severability.** If any provision of this Proclamation or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity affects no other provision or application of this Proclamation. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Proclamation are declared to be severable.
7. **Conflicting Provisions.** To the extent they do not conflict with this Proclamation or the Arizona Governor's Executive Orders, this Proclamation and the declarations of emergency, proclamations and Council orders the City of San Luis issued since March 13, 2020, shall remain in full force and effect for the duration of the Public Health Emergency or until lawfully amended or terminated.

**ISSUED** by the Mayor of the City of San Luis, Yuma County, Arizona, this 29<sup>th</sup> day of April 2021 at 2:47 a.m./p.m.

  
Gerardo Sanchez, Mayor

**ATTEST:**  
  
Tadeo A. De La Hoya, City Manager  
Notary Public

**APPROVED AS TO FORM**  
  
Kay Marion Macuil, City Attorney