



# MEMORANDUM

Date: June 19, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator *[Signature]*

Re: **Resolution 2020- \_\_\_ Adopting Regulations Necessary for the Public Health and Safety of Pima County’s Inhabitants, Requiring Persons to Wear Face Coverings When in Public Places and Cannot Easily Maintain a Continuous Physical Distance of at Least 6 Feet from Other Persons; and COVID-19 Update**

### Introduction

Please see the attached Resolution (Attachment 1) implementing a face covering requirement when in public and not able to maintain a continuous distance of at least 6 feet from all other persons. This resolution is being considered for adoption under the Board’s general public health authority that is applicable Countywide in both the unincorporated as well as incorporated areas of Pima County.

This action is necessary to protect public health. The Governor recently, by Executive Order, allowed counties and, in particular, County public health agencies to enact requirements to wear face coverings in public. This resolution responds to the Governor’s action.

### COVID-19 Infection Rates, Hospitalizations and Deaths

The three graphs in Attachment 2 show the number of cases each week with Weeks 22, 23 and 24 steadily increasing to 833. The number of infections reported since June 13 through June 19, now totals 1,130 without the addition of the infection that will be reported on Saturday, June 20. Clearly, the infections to be reported in Week 25 will be substantially higher than Week 24 at 833 COVID-19 infections.

Attachment 3 shows the number of new infections by month (March, April, May and June) and by age group. The most important data from this graph is that the 0 to 19 age group infections have increased in months April, May and June; however, the increase in infections among 20 to 44 year olds has dramatically increased. Positive information from this graph is that infections among the most vulnerable age group, 65 years of age and older, has decreased in the months of April, May and June.

### Science and Medical Evidence Supporting the Use of Masks

The science has been rapidly evolving with regards the potential role of cloth face coverings and masks as a mitigation strategy to prevent infection. However, in the last month there

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is scientific consensus about the benefit of masks in this pandemic. COVID-19 is a virus that we now understand is transmitted through droplets produced when coughing or sneezing, as well as aerosols that may be generated when speaking and even breathing. Cloth face coverings appear to influence both routes of transmission and appear to protect the individual wearing the mask and those that are around them. Modeling data suggests that near universal (80 percent) mask usage even if it were to be only 50 percent effective, could prevent 15 to 45 percent of COVID-19 deaths. (Attachment 4 provides the references and key findings of recently published studies that inform this discussion)

The scientific data now supports a recommendation for universal masking with nonmedical grade cloth face coverings, as an impactful low-cost broadly available evidence-based intervention that can curb infection and prevent mortality associated with COVID-19.

Recommendation from the Pima County Back to Business Task Force Road to Recovery Subcommittee

The Road to Recovery Subcommittee Co-chairs: Dr. Theresa Cullen, Pima County Health Department and Dr. Nancy Johnson, El Rio; and Members: Dr. Michael Abecassis, UA College of Medicine; Dr. Iman Hakim, MEZCOPH; Dr. Paul Horwitz, Board of Health President; Dr. Clinton Kuntz, MHC Healthcare; Dr. Jonathan Leonard, Desert Senita Community Health; Ms. Rose Lopez, Intermountain Centers; Ms. Judy Rich, Tucson Medical Center; Mr. James Stover, Arizona Complete Health and Dr. Chad Whelan, Banner Healthcare, met today to discuss and recommend a policy to mitigate the risk of COVID-19 infection in Pima County.

They have recommended that the Board adopt a face covering requirement. They also considered the issue of the age of children wearing a face covering and decided it was best to stay within CDC guidance that suggests the age of 2 be retained in lieu of age 5.

Recommendation

I recommend the Pima County Board of Supervisors approve a resolution to adopt regulations necessary to protect public health requiring Pima County residents to wear face coverings in public where they cannot maintain a continuous physical distance of at least six feet from other persons and as recommended by the Pima County Back to Business Task Force Road to Recovery Subcommittee.

Attachments

c: Jan Leshar, Chief Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
Health and Community Services  
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department

# ATTACHMENT 1

# AGENDA MATERIAL

DATE 6/19/20 ITEM NO. RA 4

## RESOLUTION NO. 2020-\_\_\_\_\_

### RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS ADOPTING REGULATIONS NECESSARY FOR THE PUBLIC HEALTH AND SAFETY OF PIMA COUNTY'S INHABITANTS, REQUIRING PERSONS TO WEAR FACE COVERINGS WHEN THEY ARE IN PUBLIC PLACES AND CANNOT EASILY MAINTAIN A CONTINUOUS PHYSICAL DISTANCE OF AT LEAST 6 FEET FROM ALL OTHER PERSONS

#### The Board of Supervisors of Pima County, Arizona finds:

1. On March 19, 2020, Pima County adopted Resolution 2020-18, declaring a state of emergency related to the Covid-19 outbreak. That state of emergency remains in effect.
2. The Covid-19 pandemic is the worst public-health crisis the United States has faced in a century. It has caused over 117,000 confirmed deaths in the United States and infected over 2.1 million people, though the actual numbers of deaths and infections are very likely higher. Many of those who survive Covid-19 will do so only after experiencing serious illness and lengthy hospitalization.
3. On May 15, Governor Doug Ducey allowed his "Stay Home, Stay Healthy, Stay Connected" order, Executive Order 2020-18, to expire, and in its place issued Executive Order 2020-36, "Stay Healthy, Return Smarter, Return Stronger," allowing businesses to reopen subject to physical-distancing and sanitation guidelines.
4. As businesses began to reopen in Arizona and other states, media outlets began reporting on and posting images of people gathering in large groups and failing to abide by physical-distancing guidelines.
5. Since the expiration of Executive Order 2020-18, and in particular in the last two-to-three weeks, Arizona has become a Covid-19 hotspot. It has seen a rapid rise in cases statewide. Before May 15, Arizona had not had a day with more than 560 reported new cases. In recent days over three times that number have been reported per day. Covid-19 hospitalizations, including hospitalizations in intensive-care units, are at record highs. The Director of the Arizona Department of Health Services has asked all hospitals to activate their emergency plans.
6. Arizona's sharp uptick in cases has alarmed public-health experts across the country.
7. SARS-CoV-2, the novel coronavirus that causes Covid-19, is believed to be spread most commonly through respiratory droplets, and a person who is not experiencing

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symptoms may still be able to spread the virus to others. Studies have shown that face coverings may inhibit the virus from spreading from the wearer to others by keeping respiratory droplets containing the virus from traveling through the air to others. In other words, though face coverings may not protect the wearer, they likely protect others from the wearer, who may unknowingly be infected.

8. Accordingly, in addition to social-distancing and sanitation measures, the Centers for Disease Control (CDC) “recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) especially in areas of significant community-based transmission.”
9. As shown by the rapid increase in reported cases, Arizona is seeing significant community-based transmission of Covid-19. Indeed, Governor Ducey recently stated that “Covid-19 is widespread in Arizona” and issued Executive Order 2020-40, “Containing the Spread of COVID-19,” which requires businesses to comply with applicable guidance, subjecting them to enforcement if they fail to do so, and provides that cities, towns, and counties are not prohibited by A.R.S. § 26-307 from adopting policies regarding wearing face coverings in public.
10. All Arizonans should be wearing face coverings when in public settings when it is not easy to stay at least six feet from others.
11. Pima County, through both the Board of Supervisors and its Health Department, has broad authority to take action to protect the public health and safety of all Pima County’s inhabitants, see A.R.S. § 11-251(17); A.R.S. Title 36, Chapter 1, Article 4; *Marsoner v. Pima County*, 166 Ariz. 486 (1991), including authority to adopt and enforce “regulations necessary for the public health and safety of the inhabitants,” A.R.S. § 36-183.02.
12. The adoption of regulations requiring all Pima County inhabitants, including those in cities and towns in Pima County, to wear face coverings when in public places where adequate physical-distancing cannot be easily maintained is necessary to protect the public health and safety of Pima County’s inhabitants.

**NOW, THEREFORE, BE IT RESOLVED,**

**Section 1. *Face coverings required.*** Every person must wear a face covering that completely and snugly covers the person’s nose and mouth when the person is in a public place and cannot easily maintain a continuous distance of at least six feet from all other persons. For purposes of this Resolution:

- a. “Face covering” does not include any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling.

- b. "Public place" means any place, indoor or outdoor, that is open to the public and includes, but is not limited to, businesses or other establishments where people assemble or members of the general public may enter; offices; public buildings, highways, and parks; and public transportation, including taxicabs and ride sharing.

**Section 2. Exempt persons.** Section 1 of this Resolution does not apply to:

- a. Children under the age of 2, based on CDC guidance. Parents or guardians are responsible for ensuring that children under between the ages of 2 and 17 wear appropriate face coverings when required under this Resolution.
- b. Persons who cannot medically tolerate wearing a face covering. A person is not required to provide documentation demonstrating that the person cannot medically tolerate wearing a face covering.
- c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- d. Persons, including on-duty law-enforcement officers, for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- e. Persons who are obtaining a service involving the nose, face, or head for which temporary removal of the face covering is necessary to perform the service.
- f. Persons who are eating or drinking at a restaurant or other establishment that offers food or beverage service, so long as the person is able to maintain a distance of 6 feet away from persons who are not members of the same household or party as the person.
- g. Any member of a group of persons who are in a public place together and live in the same household or are part of a party of 10 or less, so long as the group can easily maintain a continuous physical distance of at least 6 feet from all other persons not part of the household or party.
- h. Persons who are engaged in outdoor work, recreation, or exercise, when alone or as part of a group of people who live in the same household or constitute a party of 10 or less, so long as they are able to easily maintain a continuous physical distance of at least 6 feet from all other persons not part of the same household or party.
- i. Persons who are incarcerated.
- j. Persons who are swimming.

- k: For any activity not listed for exemption, an exemption may be granted on a case-by-case basis from the Pima County Chief Medical Officer and the Director of the Pima County Health Department. General descriptions of exemptions granted will be posted on a website accessible via [www.pima.gov](http://www.pima.gov), without identifying who requested the exemption.

**Section 3. Establishments.** Establishments that are open to the public must provide face coverings to their employees and require them to wear them. Additionally, establishments that are open to the public and in which continuous physical distancing of at least six feet between persons cannot be easily maintained may refuse to allow a person who is not exempt under Section 2 and who is not wearing a face covering to enter the establishment and may request that a person inside the establishment leave if the person is not exempt under Section 2 and is not wearing a face covering.

**Section 4. Complaints and investigations.** Pima County will provide a public website available via [www.pima.gov](http://www.pima.gov) through which any person may file a written complaint alleging noncompliance with this Resolution at any establishment that is open to the public. The website will allow the submission of photographs, and, when possible, photographs depicting violations should be provided. The Pima County Health Department will investigate complaints and take enforcement action where appropriate. Pima County will post copies of the complaints and associated documentation, including photographs, on the website.

**Section 5. Compliance and enforcement.** The primary focus of enforcement is education and promotion of best practices to accomplish the goal of mitigating the spread of Covid-19. A person must be notified of the provisions of this Resolution and given an opportunity to comply before any further enforcement action is taken against the person. Further enforcement action may thereafter be taken in any manner provided by law, including as provided in A.R.S. §§ 36-183.04 through 36-183.07 or 36-191. In addition, if the Pima County Health Department investigates and finds noncompliance at an establishment, it may recommend to any governing body that issues a permit or license to that establishment, including when applicable the Arizona State Liquor Board, that the permit or license be suspended.

**Section 6. Applicability.** This Resolution applies throughout Pima County, including within incorporated areas.

**Section 7. Effective date.** This Resolution is effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Ramón Valadez  
Chairman, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Julie Castañeda  
Clerk of the Board

APPROVED AS TO FORM:

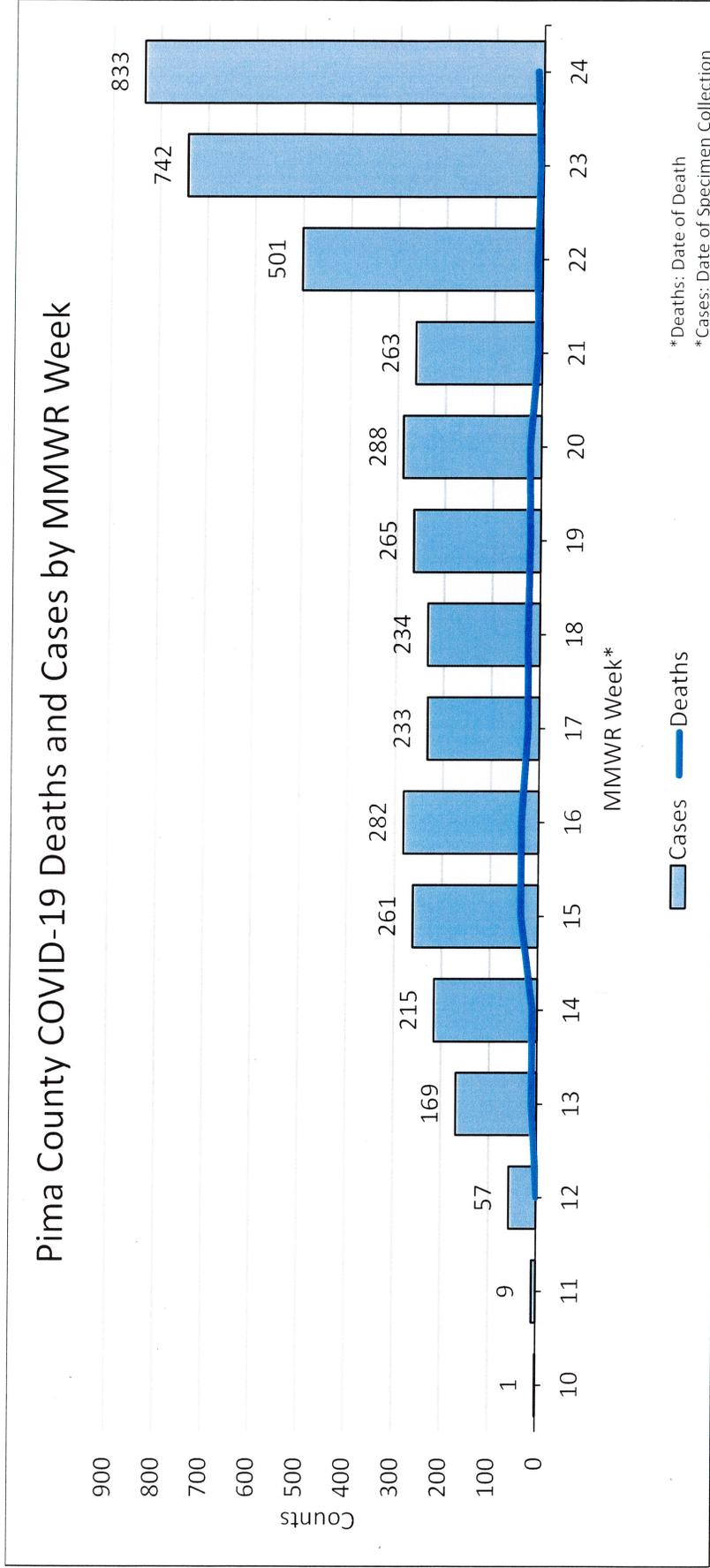
  
\_\_\_\_\_  
Andrew L. Flagg  
Chief Civil Deputy County Attorney

# ATTACHMENT 2



## Pima County COVID-19 Deaths, Cases, and Hospitalizations Report

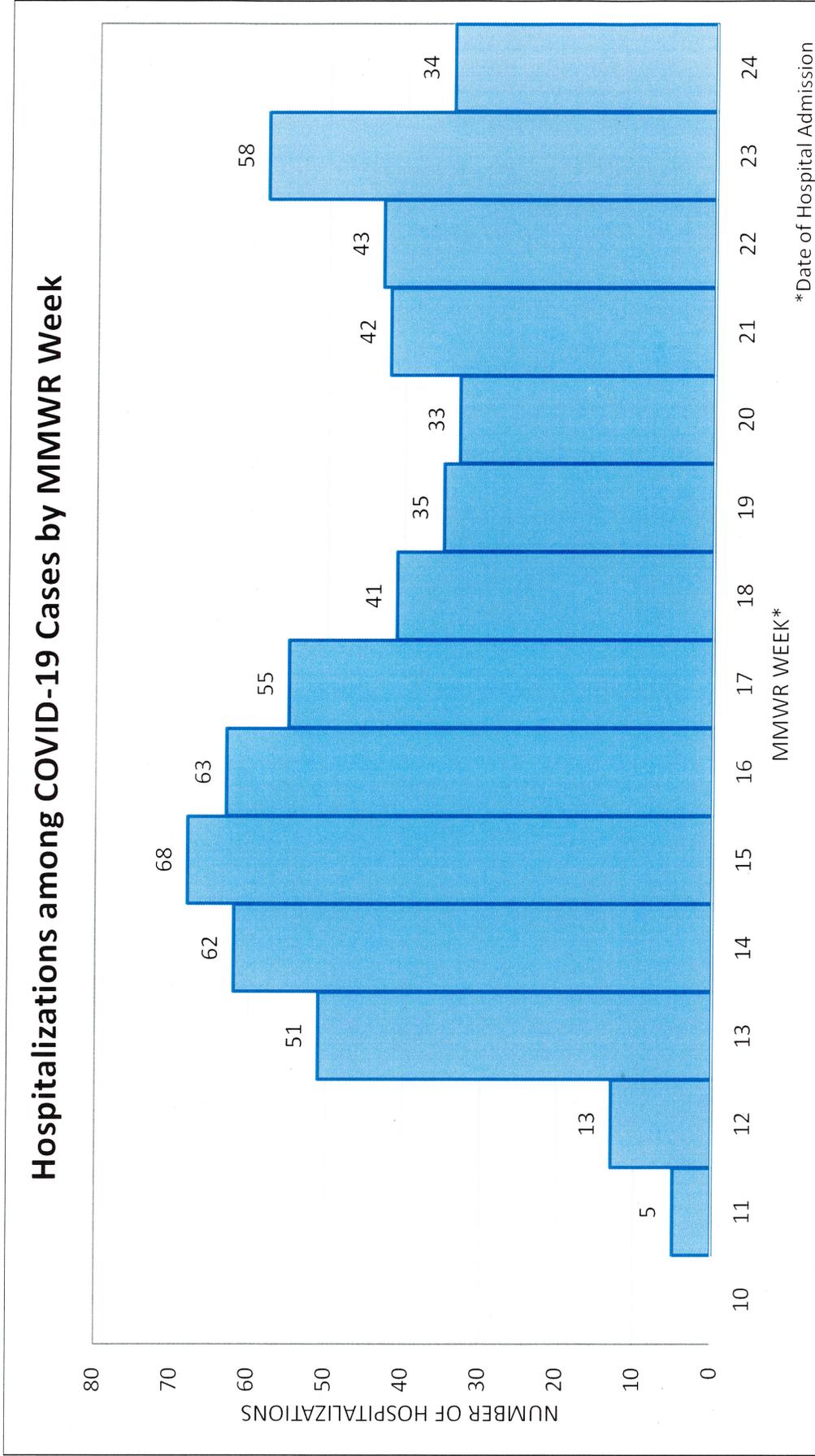
**Chart 1:** Pima County COVID-19 deaths shown with COVID-19 Cases by MMWR week



**\*\*Note:** Recent deaths or illnesses in the last 4-7 days may not be reported yet.

**Week 10:** 3/1/20-3/7/20 — **Week 11:** 3/8/20-3/14/20 — **Week 12:** 3/15/20-3/21/20 — **Week 13:** 3/22/20-3/28/20 — **Week 14:** 3/29/20-4/4/20 — **Week 15:** 4/5/20-4/11/20 — **Week 16:** 4/12/20-4/17/20 — **Week 17:** 4/19/20-4/25/20 — **Week 18:** 4/26/20-5/2/20 — **Week 19:** 5/3/20-5/9/20 — **Week 20:** 5/10/20-5/16/20 — **Week 21:** 5/17/20-5/23/20 — **Week 22:** 5/24/20-5/30/20 — **Week 23:** 5/31/20-6/6/20 — **Week 24:** 6/7/20-6/13/20

Chart 5: Pima County COVID-19 cases that are hospitalized by MMWR Week



\*\*Note: Recent hospitalizations may not be reported yet.