

**DR. MATT HEINZ**  
Supervisor  
District 2



# ADDENDUM MATERIAL

ITEM NO. ADD 2  
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district2@pima.gov

## Pima County Board of Supervisors

To: Julie Castañeda, Clerk of the Board

From: Dr. Matt Heinz, Supervisor, District 2

Date: August 13, 2021

RE: BOS Agenda 08/16/21: Resolution Mandating the Use of Face Coverings in All K-12 Schools within the county – UPDATED RESOLUTION

Please add this UPDATED AND AMENDED Resolution to the appropriate Addendum Agenda item for 8/16/21. Thank you.

### Board of Supervisors

**Discussion/Action:** Passing Resolution # 2021 - \_\_\_\_, Updated and Amended Resolution of the Pima County Board of Supervisors Mandating the Use of Face Coverings in All K-12 Schools Within the County, as an Effective Mitigation Strategy to Keep our Children Safe from COVID-19; Effective immediately as an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County.

c: C.H. Huckelberry, Pima County Administrator  
Dr. Francisco Garcia, Deputy County Administrator & Chief Medical Officer, Health & Community Services  
Dr. Theresa Cullen, Director, Pima County Health Department  
Sam Brown, Chief Civil Deputy County Attorney

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## RESOLUTION NO. 2021 - \_\_\_\_

### UPDATED AND AMENDED RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS MANDATING THE USE OF FACE COVERINGS IN ALL K-12 SCHOOLS WITHIN THE COUNTY, AS A SAFE AND EFFECTIVE MITIGATION STRATEGY TO KEEP OUR CHILDREN SAFE FROM COVID-19

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

1. WHEREAS, Pima County, after two months of experiencing “substantial” community transmission of COVID-19, according to the CDC, is now experiencing “**high community transmission**” – the highest category of transmission -- as the Delta variant infects exponentially more people every day; and
2. WHEREAS, the Delta variant has an “r-naught” value of 6.5 vs. the original COVID strain’s r-naught value of between 1 and 2 – meaning that the Delta variant is about three to six times more transmissible than the original strain of the virus, putting ALL unvaccinated people in our community, including children, at severe risk of becoming infected; and
3. WHEREAS, **hospitalizations from COVID-19 in Pima County have more than tripled** since early July, with 278 COVID-19 Positive hospital admissions across the county during the first week of August, with ICU bed capacities being hit at multiple hospitals on any given day, and with more patients on respirators, more being intubated and more dying -- as hospital resources begin again to be strained; and
4. WHEREAS, between July 20, 2021 and August 11, 2021 – just one week into the new school year for most local students -- the Pima County Health Department received reports of **455 COVID-19 cases and 26 separate outbreaks in K-12 school-based settings within the County**; and
5. WHEREAS, the situation with case numbers, percent positivity, hospitalizations and deaths from COVID-19 in our community continues to constitute **a public health emergency**, demanding that we take *every action possible* as a community to protect human life, protect our most vulnerable community members from illness, including “long-COVID”, and preserve the ability of our healthcare system to function; and
6. WHEREAS, the latest national research indicates that even those who are vaccinated against COVID-19, *while greatly protected from severe illness and death*, can still become infected, carry high levels of viral load in their nose and throat, **and**

**thereby spread the virus to others unknowingly**, even while remaining asymptomatic or mildly symptomatic themselves; and

7. WHEREAS, the Pima County Health Department issued a Public Health Advisory on July 29, 2021, **strongly recommending** that all teachers, staff, students and visitors in K-12 schools wear masks indoors regardless of vaccination status; and
8. WHEREAS, more than one hundred concerned parents of K-12 students in our community, in passionate letters to the Board, have PLEADED with us to enact a county-wide K-12 face mask mandate, many having already gotten notice from their school that their child has been exposed to a known case of COVID-19 during the first few days of school; and
9. WHEREAS, it is widely understood that K-12 students need to be physically back in school this year in order to progress academically and to preserve their physical and mental health, **and that we as a community need to do everything we can to allow schools to stay open, uninterrupted, for the entirety of this school year;** and
10. WHEREAS, some of our most vulnerable community members are children under 12 years of age, who are still ineligible to receive the COVID-19 vaccine and may not be eligible for many more months; and
11. **WHEREAS, it is our job as a community to keep our children safe;** and
12. WHEREAS, in a civilized society, **we look out for each other and do things for the common good.** When fighting a highly contagious, deadly virus that is spreading quickly, this means taking personal responsibility to follow public health guidelines, including to mask up whenever we're in public and get vaccinated at the earliest opportunity; and
13. WHEREAS, universal mask-wearing is one of the most effective tools, and in some cases, the **ONLY** effective tool we have to decrease the ability of COVID-19 to spread in our K-12 schools; and
14. WHEREAS, the supposed prohibition on mask mandates in K-12 public schools included in House Bill 2898 at the last minute and with no opportunity for public review or comment, may violate the "single subject rule" of the Arizona Constitution and therefore be unconstitutional;

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

**SECTION 1.** The Pima County Board of Supervisors, following the guidance for K-12 schools put forward by the Centers for Disease Control & Prevention (CDC) and the American Academy of Pediatrics, hereby mandates that all students, teachers, staff and visitors in K-12 public and private schools within Pima County must wear face-coverings

while indoors on school property, regardless of vaccination status, exceptions allowed for eating and drinking and for those with documented medical exemptions -- **as an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County**; and

**SECTION 2.** As an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County, this mandate shall become effective immediately, and remain in effect for at least as long as our community transmission of COVID-19 remains at "substantial" or "high" levels as defined by the CDC; and

**SECTION 3.** Enforcement: Pima County shall be responsible for enforcement of this Resolution and as such shall produce and publicize enforcement protocols, procedures, and penalties, if determined necessary, for non-compliance -- as soon as possible -- such that school and district personnel do not need to enforce this measure on their own; and

**SECTION 4.** The Pima County Board of Supervisors instructs the Pima County Attorney's Office to investigate the possibility of filing suit on behalf of the County against the State of Arizona, or of joining the existing lawsuit filed on 8/12/21 by the Arizona School Boards Association, et al, to seek Declaratory and Injunctive Relief and challenge the constitutionality of the prohibition on mask mandates in public schools that was included in HB2898; and to report back to the Board of Supervisors on or before September 7, 2021.

**PASSED AND ADOPTED** by the Board of Supervisors, Pima County, Arizona, this \_\_\_\_\_ day of August, 2021.

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Sharon Bronson, Chair  
Pima County Board of Supervisors

ATTEST:

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Julie Castañeda  
Clerk of the Board

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'S.E.B.', is written over a horizontal line.

Sam Brown

Chief Civil Deputy County Attorney