

DR. MATT HEINZ

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Pima County Board of Supervisors

To: Julie Castañeda, Clerk of the Board

From: Dr. Matt Heinz, Supervisor, District 2

Date: August 5, 2021

RE: BOS Agenda 08/10/21: Resolution Mandating the Use of Face Coverings in All K-12 Schools Within the County, effective immediately.

Please add this item and the enclosed Resolution to the Addendum Agenda for 8/10/21. Thank you.

Board of Supervisors

Discussion/Action: Passing Resolution # 2021 - ____, 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.

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

RESOLUTION NO. 2021 - ____

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

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

1. WHEREAS, in Pima County, we are currently experiencing **substantial** community transmission of COVID-19 as defined by the CDC, as the Delta variant – the most highly transmissible variant of COVID-19 to date – infects increasingly more people every day in our county, across the state, across the nation, and around the world; and
2. WHEREAS, as of August 5, 2021, hospitalizations from COVID-19 in Pima County have nearly tripled in the past month; and
3. 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 and preserve the ability of our healthcare system to function; and
4. 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 if not taking mitigating measures, even while remaining asymptomatic or mildly symptomatic themselves; and
5. 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

6. WHEREAS, between July 20, 2021 and August 4, 2021, the Pima County Health Department received reports of at least 139 COVID-19 cases and at least 11 outbreaks in school-based situations in the County; and
7. WHEREAS, it is widely understood that K-12 students need to be physically back in school this year in order to progress academically, and just as importantly, to preserve their physical and mental health; and
8. WHEREAS, some of our most vulnerable community members are children under 12 years of age, who are ineligible as of yet to receive the COVID-19 vaccine; and
9. **WHEREAS, it is our job as a community to keep our children safe;** and
10. WHEREAS, it is **also** our job as a community to take the necessary measures to ensure that our K-12 schools can remain open for the entire school year, including taking personal responsibility to mask up ourselves when out in public and to get vaccinated if we have not already done so, to help reduce the spread of COVID-19 and protect the most vulnerable members of our community; and
11. WHEREAS, universal mask-wearing is one of the most effective tools we have to decrease the ability of the COVID-19 virus to spread in schools; and
12. WHEREAS, the supposed prohibition on mask mandates in K-12 public schools included in House Bill 2898 at the last minute to appease one hold-out legislator on the budget, and rammed through both houses of the Legislature on the final day of the legislative session – on a party-line vote and with no time for public review or comment – may violate the "single subject rule" of the Arizona Constitution and therefore may 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 the *geographic boundaries of Pima County must wear face-coverings while indoors* on school property, regardless of vaccination status, exceptions allowed for

eating and drinking; and

SECTION 2. This mandate shall become effective immediately, because of the public health emergency, 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 may be amended or revoked at a future date by the Pima County Board of Supervisors in consultation with the Pima County Health Department and in observance of the latest CDC recommendations; and

SECTION 3. 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 to challenge the constitutionality of the supposed prohibition on mask mandates in public schools 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.

Sharon Bronson, Chair
Pima County Board of Supervisors

ATTEST:

Julie Castañeda
Clerk of the Board

APPROVED AS TO FORM:



Sam Brown
Chief Civil Deputy County Attorney