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Pima County Board of Supervisors

To: Julie Castañeda, Clerk of the Board
From: Dr. Matt Heinz, Supervisor, District 2
Date: Wednesday September 1, 2021
RE: Item for the September 7, 2021 Agenda

A handwritten signature in blue ink, appearing to be "MH", followed by a long, sweeping horizontal line that extends to the right.

Please add the following to the agenda for the Pima County Board of Supervisors meeting on Tuesday September 7, 2021:

Discussion/Action: Approving Resolution 2021 - _____, 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 indoor public places and cannot easily maintain a continuous physical distance of at least 6 feet from all other persons.

Thank you.

RESOLUTION NO. 2021 - _____

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 INDOOR SETTINGS 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 11, 2020, Arizona Governor Doug Ducey declared 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 637,000 confirmed deaths in the United States and infected over 39 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 June 19, 2020, the Pima County Board of Supervisors adopted Resolution 2020-49, requiring all persons in Pima County who were not exempt under that Resolution to wear compliant face coverings while in public and unable to easily and continuously physically distance from others. At that time, the caseload in Pima County was 203 cases per 100,000 residents.
4. One May 14, 2021 with vaccines widely available to adults in Pima County and the caseload dropping to just 10 cases per 100,000 residents, the Pima County Board of Supervisors adopted Resolution 2021-35, lifting the requirement for individuals to wear face coverings in public settings.
5. Since July 2021, Arizona – and Pima County – have again been experiencing alarming community spread of Covid-19, particularly among the unvaccinated, and decreased availability of necessary healthcare resources, including hospital and intensive-care beds. Since August 14, 2021, community spread of Covid-19 in Pima County has been classified as “high” by the Centers for Disease Control. The Pima County Health Department currently estimates Covid-19 caseload at 130 per 100,000 residents.
6. As part of the effort to mitigate the spread of Covid-19, more stringent and immediate enforcement of face-covering requirements is necessary on an emergency basis.
7. 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.

8. For purposes of clarity, the Board desires to readopt and restate the provisions of Resolution 2020-49, with amendments to Sections 3 and 5 and other clarifying amendments in Section 1 (b).

NOW, THEREFORE, BE IT RESOLVED,

Section 1. Face coverings required in public indoor settings. Every person must wear a face covering that completely and snugly covers the person's nose and mouth when the person is in an indoors 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. "Indoor public place" means any indoor place that is open to the public or a segment of the public and includes, but is not limited to, businesses or other establishments where people assemble or members of the general public may enter; schools; offices; public buildings; 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 5. Parents or guardians are responsible for ensuring that children between the ages of 5 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. Persons who are swimming.

h. 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, without identifying who requested the exemption.

Section 3. Establishments. Indoor establishments that are open to the public must provide face coverings to their employees and require them to wear them.

Section 4. Applicability. This Resolution applies throughout Pima County, including within incorporated areas.

Section 5. Effective date. This resolution, **as an emergency measure necessary for the immediate preservation of the peace, health or safety of Pima County**, 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.

PASSED AND ADOPTED this 7th day of September 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