

When recorded return to:  
Clerk of the Board  
Pinal County Board of Supervisors  
P.O. Box 827  
Florence, AZ 85132

## RESOLUTION NO.

### RESOLUTION OF THE PINAL COUNTY BOARD OF SUPERVISORS MANDATING MITIGATION EFFORTS IN THE FORM OF FACE COVERINGS

WHEREAS, due to existing cases of COVID-19 within the State of Arizona and community spread of the illness within the State, on March 11, 2020, Governor Douglas A. Ducey declared a state of emergency for Arizona for COVID-19; and,

WHEREAS, multiple cases of COVID-19 have been identified within Pinal County and the situation is rapidly evolving with person-to-person transmission and continued community transmission; and

WHEREAS, the conditions and risk of increased exposures to residents of Pinal County have caused the Pinal County Board of Supervisors to declare a public health emergency; and issue a Declaration of Local Health Emergency on March 20, 2020; and

WHEREAS, A.R.S. § 26-311 authorizes the Chairman of the County Board of Supervisors, during such emergency, to govern by proclamation and have the authority to impose all necessary regulations to preserve the peace and order of the county; and

WHEREAS, ON June 17, 2020, Arizona Governor Douglas A. Ducey issued Executive Order 2020-40, Containing the Spread of COVID-19 Continuing Arizona Mitigation Efforts, that allows a county, based on conditions in its jurisdiction, to adopt policies regarding the wearing of Face Coverings in public for the purpose of mitigating the spread of COVID-19 and that any enforcement of such policy shall focus first on educating and working to promote best practices to accomplish the goal of mitigation and that individuals be given an opportunity to comply prior to any enforcement action being taken; and

WHEREAS, the CDC and the ADHS continue to update their guidance for prevention and mitigation of COVID-19 with additional information to help individuals make better decisions about going out while preventing and mitigating the spread of the virus; and

WHEREAS, published June 11, 2020, the Proceedings of National Academy of Sciences of the United States of America concluded "wearing of face masks in public corresponds to the most effective means to prevent interhuman transmission, and this inexpensive practice, in conjunction with simultaneous social distancing, quarantine, and contact tracing, represents the most likely fighting opportunity to stop the COVID-19 pandemic,"; and

WHEREAS, the Pinal County Board of Supervisors recognize that it is critical to also maintain 6-foot physical distancing to slow the spread of COVID-19, but the use of Face Coverings, as recommended by the CDC and the ADHS, can further aid in slowing the spread of the virus permitting offices, businesses, venues and activities in Pinal County to remain open; and

THEREFORE, BE IT RESOLVED, that a public health emergency continues to exist necessitating the Pinal County Board of Supervisors to adopt the following policy and order applicable in [unincorporated] Pinal County, requiring Face Coverings to be worn in public effective June \_\_\_\_, 2020.

BE IT FURTHER RESOLVED:

1. "Face Covering" means a covering made of cloth, fabric or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face, or a full plastic face shield. A covering that hides or obscures the wearer's eyes or forehead is not a Face Covering.
2. All members of the public, except as specifically exempted below, must wear a Face Covering outside of their home or other place they reside in the follow situations:
  - a. When they are inside of, or in line to obtain goods and/or services at any business or facility, including, but not limited to, grocery stores, convenience stores, and restaurants;
  - b. When they are inside or outside any location or facility seeking or receiving Government Services;
  - c. When they are waiting for or riding on public transportation or paratransit or are in a taxi, private car service, or ride-sharing vehicle. (This Resolution does not require any person to wear a Face Covering while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.)
3. All businesses must:
  - a. Require their employees, contractors, owners, and volunteers to wear a Face Covering at the workplace or when performing work off-site any time the employee, contractor, owner or volunteer is:
    - i. interacting in person with any member of the public;
    - ii. working in any space visited by members of the public,
    - iii. working in any space where food is prepared or packaged for sale or distribution to others;
  - b. Take reasonable measures, such as posting signs, to remind their customers and the public of the requirements that they wear a Face Covering while inside of or waiting in line to enter the business, facility, or location.
4. Children two years or younger are not required to wear a Face Covering.
5. Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others are not required to wear Face Covering.
6. Persons working alone in separate office spaces or in non-public workplaces where there is more than adequate physical distancing area, based on the size and number of people in the space (indoors and out of doors) need not wear a Face Covering or mask at all times.
7. When wearing a Face Covering or mask poses a greater mental or physical health, safety or security risk, such as anyone who has trouble breathing, or is unconscious,

incapacitated or otherwise unable to remove the cover without assistance, the wearing of Face Covering will not be required. A person who declines to wear a Face Covering because of a medical condition or whose religious beliefs prevent the wearing of a Face Covering shall not be required to produce documentation verifying the condition, or belief. Persons who are hearing impaired or communicating with a person who is hearing impaired, when the ability to see the mouth is essential for communication shall not be required to wear a Face Covering.

8. When eating or drinking in public at a restaurant, bar, or other food or beverage establishment a Face Covering shall not be required, provided that they are able to maintain a distance of six feet away from persons who are not members of the same household or residence. A mask or Face Covering must be worn when entering or exiting any such establishment.
9. Public Safety Employees, Detention or Correctional Officers are not required to wear a Face Covering while on duty unless required by their employer or agency.
10. Any enforcement of this Resolution shall focus first on educating and working to promote best practices to accomplish the goal of mitigation. Before any enforcement action is taken, a person shall be notified and given an opportunity to comply.
11. If any provision of this Resolution or its application to any person or circumstance is held invalid by any court or competent jurisdiction, this invalidity affects no other provision or application of this Resolution. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Resolution are declared to be severable.
12. This Resolution shall remain in effect for the duration of the COVID-19 Public Health Emergency or until lawfully amended or terminated.

PASSED AND ADOPTED this 19<sup>th</sup> day of June, 2020, by the PINAL COUNTY BOARD OF SUPERVISORS.

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Anthony Smith, Chairman of the Board

ATTEST:

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Natasha Kennedy, Clerk of the Board