MEMORANDUM

Date: May 14, 2021

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

From: C.H. Huckelberry
County Administrator

Re: COVID-19 Update for the Emergency Board of Supervisors Meeting of May 14, 2021

Possible Rescission or Modification of Resolution 2020-96

Yesterday the Centers for Disease Control (CDC) released guidance that reflects best interpretation of science and that takes into account the continued uptake of vaccination across the country. Perhaps the most dramatic change is that fully vaccinated individuals no longer need to wear a mask or physically distance. The federal language identifies certain settings where mask use continues to be appropriate regardless of vaccination status. These include correctional facilities, schools, shelters and health care settings as well as any setting required by federal, state, local, tribal laws or regulations. The Health Department has appropriately updated its Public Health Advisory to reflect these most recent federal recommendations.

The new federal guidance conflicts directly with the Board’s resolution requiring universal mask use in Pima County, and it is appropriate to reassess the issue. Procedurally, I believe the Board has at least three options to reconcile your prior resolution with the new federal recommendation:

1. The Board could amend its current resolution to apply only to unvaccinated individuals and exempt fully vaccinated persons. This action, although symbolically meaningful, would be unenforceable; (Attachment 1)
2. The Board could consider a new resolution repealing Resolution 2020-96 and articulating new recommendations. A resolution rather than a proclamation would be appropriate in this circumstance since the Board would be repealing a prior resolution.(Attachment 2); and
3. The Board could simply repeal the resolution.

Given the new CDC guidance and our own updated Public Health Advisory (Attachment 3), I recommend the Board exercise Option 2 to repeal 2020-96 and update its recommendations for mask usage.

Pediatric age group vaccination efforts

The FDA issued an EUA (emergency use authorization) for Pfizer vaccine for 12-15 year olds on May 10, 2021. On May 12, 2021, the CDC’s Advisory Committee on Immunization Practice endorsed the use of Pfizer vaccination for this age group, which was codified as a
recommendation from that agency. This action significantly expands vaccination from the current 16 to 18 year age group.

Effective May 13, the Pima County Health Department in coordination with the Arizona State Department of Health, began to facilitate access to Pfizer vaccine for the approximately 48,000 children in the 12 to 15 year age group in Pima County. Appropriate consent processes have been refined and are in place at County operated vaccination sites.

Current Pfizer vaccination sites serving this pediatric population include the University of Arizona state POD, TMC supported POD at Udall, the FEMA Mobile Vaccination Units, mobile pop up sites, select pediatric practices and retail pharmacies throughout the County. The first mobile effort serving 12 to 15 year olds occurred yesterday at Canyon del Oro High School and vaccinated nearly 250 individuals.

**FEMA and Mobile Point of Distribution (POD) Operations**

Since February, the Health Department and its partners have hosted 182 mobile PODs and delivered more than 27,000 doses through that significant effort. These logistically complex events have been possible through the collaboration of countless local partners on the ground who have helped us meet the unique local needs of vulnerable communities across this county. At this time, we are operating approximately 14 mobile pop-up sites per week and plan to continue to do so.

This effort was further significantly augmented with the additional resources that were brought to bear from our federal partner. Since FEMAs arrival on May 3, this strong, consistent, and flexible partnership has allowed us to expand into increasingly hard to reach communities. To date this effort has vaccinated in excess of 1,800 individuals who would not otherwise have been served. Notably, this targeted effort has been successful and the most recent demographic analysis suggest that well over 60 percent of patients served are Hispanic or other racial minority.

CHH/anc

Attachments

c: Jan Lesher, Chief Deputy County Administrator  
   Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
   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
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 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:


2. The Covid-19 pandemic is the worst public-health crisis the United States has faced in a century. It has caused over 580,000 confirmed deaths in the United States and infected over 32.6 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. There have been over 115,000 COVID-19 cases diagnosed in Pima County since the beginning of the pandemic. More than one out of every 450 residents of Pima County has died due to COVID-19.

4. COVID-19 is highly contagious and spreads primarily through person-to-person contact. Significant community and individual adherence to mitigation recommendations has been demonstrated to decrease illness and death. Starting in late November 2020, the Pima County Health Department identified an accelerated transmission of COVID-19 throughout Pima County that lasted until February 2021.

5. On December 4, 2020, the Pima County Board of Supervisors adopted Resolution 2020-96, requiring all persons in Pima County who are not exempt under that Resolution to wear compliant face coverings while in public and unable to easily and continuously physically distance from others. The Board hereby readopts and incorporates by reference the findings in Resolution 2020-96, as updated by those in this Resolution.

6. Compliance with mitigation measures and the availability of vaccines have resulted in a considerable decline in our case rate. Over 400,000 residents of Pima County have received COVID-19 vaccines. 49% of the population 18 or older have received a vaccination. Over 76% of people 65 and over have been vaccinated.

7. A growing body of evidence suggests that fully vaccinated people are less likely to have asymptomatic infection and to be able to transmit SARS-CoV-2 to others.
Studies show full vaccination to be >90% effective in the real-world settings in preventing mild and severe disease, hospitalization, and death. If you're vaccinated, you're less likely to spread the virus.

8. In light of this evidence, the United States Centers for Disease Control and Prevention (CDC) updated its COVID-19 advice on May 13, 2021, eliminating the recommendation that fully vaccinated people wear masks in most public places.

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 2020-96, with amendments to Sections 1, 2, and 3.

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 or using public transportation 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 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, highways, and parks.

c. "Public transportation" includes planes, buses, trains, taxicabs and ride sharing, and transportation hubs such as airports and bus stations.

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

a. Except with respect to public transportation, persons who have been fully vaccinated against COVID-19. A person is fully vaccinated 2 weeks after receiving their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine.

b. 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.
c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.

j. Persons who are incarcerated.

k. Persons who are swimming.

l. 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. Establishments that are open to the public must provide face coverings to any employees who are not exempt under Section 2 and require them to wear them.

Section 4. Complaints and investigations. Pima County will provide a public website available via 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.**

a. A violation of Section 1 of this Resolution is a civil infraction that carries a penalty of $50 per infraction.

b. A violation of Section 3 of this Resolution by an establishment is a civil infraction that carries a penalty of $500 per infraction. 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.

c. Nothing in this Resolution limits or precludes any other means of enforcement authorized by law.

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

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

**Section 8. Repeal of Resolution 2020-96.** This Resolution supersedes Resolution 2020-96, which is repealed upon the adoption of this Resolution, except that any investigation or enforcement taken under Resolution 2020-96 may continue until it has concluded, and any prior violations of Resolution 2020-96 may be considered prior noncompliance for purposes of investigations and enforcement under this Resolution.

PASSED AND ADOPTED this _____ day of May, 2021.

____________________________
Sharon Bronson
Chair, Board of Supervisors

ATTEST: _______________________
Julie Castañeda, Clerk of the Board

APPROVED AS TO FORM:

____________________________
Jonathan Pinkney, Deputy County Attorney
RESOLUTION NO. 2021-________

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS ADOPTING RECOMMENDATIONS FOR FACE MASK USE

The Board of Supervisors of Pima County, Arizona finds:


2. The Covid-19 pandemic is the worst public-health crisis the United States has faced in a century. It has caused over 580,000 confirmed deaths in the United States and infected over 32.6 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. There have been over 115,000 COVID-19 cases diagnosed in Pima County since the beginning of the pandemic. More than one out of every 450 residents of Pima County has died due to COVID-19.

4. COVID-19 is highly contagious and spreads primarily through person-to-person contact. Significant community and individual adherence to mitigation recommendations has been demonstrated to decrease illness and death. Starting in late November 2020, the Pima County Health Department identified an accelerated transmission of COVID-19 throughout Pima County that lasted until February 2021.

5. On December 4, 2020, the Pima County Board of Supervisors adopted Resolution 2020-96, requiring all persons in Pima County who are not exempt under that Resolution to wear compliant face coverings while in public and unable to easily and continuously physically distance from others. The Board hereby readopts and incorporates by reference the findings in Resolution 2020-96, as updated by those in this Resolution.

6. Compliance with mitigation measures and the availability of vaccines have resulted in a considerable decline in our case rate. Over 400,000 residents of Pima County have received COVID-19 vaccines. 49% of the population 18 or older have received a vaccination. Over 76% of people 65 and over have been vaccinated.

7. A growing body of evidence suggests that fully vaccinated people are less likely to have asymptomatic infection and to be able to transmit SARS-CoV-2 to others. Studies show full vaccination to be >90% effective in the real-world settings in preventing mild and severe disease, hospitalization, and death. If you're vaccinated, you're less likely to spread the virus.
8. In light of this evidence, the United States Centers for Disease Control and Prevention (CDC) updated its COVID-19 advice on May 13, 2021, eliminating the recommendation that fully vaccinated people wear masks in most public places.

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.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. Resolution 2020-94 is repealed.

Section 2. Face coverings recommended.

2.1 Every person who is reasonably able to do so and has not been fully vaccinated is advised to 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.

2.2 All persons, vaccinated or not, are advised to continue to wear such a face covering on public transportation if they are reasonably able to do so.

2.3 Mask use is still recommended for health care settings, schools, correctional facilities, shelters, congregate facilities and any other setting where it is required by local, state or federal law.

2.4 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. A person is "fully vaccinated" 2 weeks after receiving their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or 2 weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

c. "Public place" means any place, indoor or outdoor, 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, highways, and parks.

d. "Public transportation" includes planes, buses, trains, taxicabs and ride sharing, and transportation hubs such as airports and bus stations.
Section 3. Establishments.

3.1 Establishments that are open to the public are requested to provide face coverings for any employees who are not fully vaccinated and to encourage their use.

3.2 Nothing in this resolution prevents an establishment, or any private or public entity or service, from setting its own stricter standards for masking and social distancing, or from refusing access to anyone not in compliance.

3.3 Nothing in this resolution excuses any establishment’s failure to comply with the Pima County Code, any conditions of licensing or permitting, or any other applicable statute or regulation.

Section 4. Public Health Advisories. All persons are recommended to follow updated advice as provided by the Pima County Health Department in its COVID-19 Public Health Advisory Updates.

Section 5. Applicability. This Resolution applies throughout Pima County, including within incorporated areas.

Section 6. Effective date. This Resolution is effective upon adoption.

PASSED AND ADOPTED this _____ day of May, 2021.

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Sharon Bronson
Chair, Board of Supervisors

ATTEST:

_________________________
Julie Castañeda, Clerk of the Board

APPROVED AS TO FORM:

_________________________
Jonathan Pinkney, Deputy County Attorney
The Pima County Health Department (PCHD) is committed to ensuring that our community is able to resume the variety of activities previously experienced before the pandemic. This update to the April 23, 2021 Public Health Advisory (PHA) provides a status update of the pandemic in Pima County, including the latest on vaccination efforts, disease situation, and ongoing recommendations to reduce the impact of COVID-19. The Department will continue to provide Public Health Advisory Updates that are informed by an analysis of increasing data and knowledge about COVID-19.

What We Know
COVID-19 is highly contagious and spreads primarily through person-to-person contact. Significant community and individual adherence to mitigation recommendations as well as high vaccination rates have been demonstrated to decrease illness and death.

There have been over 115,000 COVID-19 cases diagnosed in Pima County as of May 13, 2021. 2,407 deaths have been attributed to COVID-19 since the start of the pandemic. The number of cases and deaths have significantly slowed over the past 6 weeks. Over one out of every 450 residents of Pima County have died due to COVID-19. The availability of clinical services, hospital beds and timely epidemiological response continues to improve across Pima County.

COVID-19 Response Updates

Vaccination
- As of May 14, 2021, over 511,000 residents of Pima County have received COVID-19 vaccines at numerous locations throughout the state, including the state POD, and 49% of the population 18 or older are fully vaccinated. Over 76% of people 65 and over have been fully vaccinated.
- The Pima County Vaccine Data Dashboard has further information about vaccine distribution in Pima County is available at [https://covid.cdc.gov/covid-data-tracker/ - county-view](https://covid.cdc.gov/covid-data-tracker/ - county-view).
- Anyone 12 years or older can receive the COVID-19 vaccine in Pima County. Vaccine is broadly available to rural areas and vulnerable populations through mobile points of distribution, retail pharmacies, schools, faith communities, businesses, community health centers and other organizations. Further information is available at [www.pima.gov/covid19vaccine](http://www.pima.gov/covid19vaccine).
- A growing body of evidence suggests that fully vaccinated people are less likely to have asymptomatic infection and to be able to transmit SARS-CoV-2 to others. Studies show full vaccination to be >90% effective in the real-world settings in preventing mild and severe disease, hospitalization, and death. If you are vaccinated, you are less likely to spread the virus.
- If an individual who is vaccinated develops symptoms of COVID-19, they should resume mask use and get tested for COVID-19.
- If you are not fully vaccinated, you should continue to wear a mask to protect yourself and others who have not yet been vaccinated.

Therapeutics

COVID-19 Mitigation Measures
- Face Coverings – Anyone who is fully vaccinated can participate in indoor and outdoor activities without wearing a mask or physically distancing.
- Individuals who are not vaccinated should continue to wear masks and maintain 6 feet distancing until they are fully vaccinated.
• Fully vaccinated individuals who are immune compromised, including those undergoing transplant or cancer treatment, should seek the guidance of their clinical care team before discontinuing mask use.
• Regardless of vaccination status, correct use of well-fitted face coverings may be required by local governments, businesses, schools, health care facilities, or other entities that serve the public.
• Fully vaccinated residents and employees of correctional facilities, homeless shelters, congregate living facilities and health care facilities should still wear a mask.
• In general, people are considered fully vaccinated:
  o 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines
  o 2 weeks after a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine
  o If you don’t meet these requirements, regardless of your age, you are NOT fully vaccinated and require continued masking and other precautions

Maintenance of Public Health Mitigation Measures
• PCHD recommends the following of mitigation measures be continued by all:
  o Frequently wash hands with soap and water for at least 20 seconds or use hand sanitizer
  o Stay home when sick with a fever, cough, or other COVID-19 symptoms
  o Cover coughs and sneezes with a tissue or fabric or, if not possible, into their sleeve or elbow (but not into hands)
  o Avoid poorly ventilated and crowded spaces

Travel
• Individuals are still required to wear a mask on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in transportation hubs such as airports, bus, train or other transit stations.

Mandatory Reporting
• Mandatory reporting of confirmed and suspected cases of COVID-19 cases continues to be a requirement of schools, businesses, and government entities.
• Schools, businesses and governmental entities must require employees or students to report if they test positive for COVID-19 and were present in the workplace or school within the 48 hours prior to onset of symptoms or testing.
• Entities should instruct employees, staff or students to adhere to isolation and quarantine protocols specified by the County and exclude positive cases and close contacts from the school or workplace during the isolation or quarantine periods.

School and Childcare Settings
• As of today, the CDC’s school guidance remains unchanged. Most students will still be unvaccinated, and schools should continue to require mask use where physical distancing is not possible and follow their school districts guidance. Teachers, school administrators, and staff should continue to follow CDC’s school guidance.
• The school dashboard indicates that Pima County is considered to have moderate transmission; data is available at https://www.azdhs.gov/covid19/index.php#schools-dashboard
• The Health Department continues to support schools and districts in implementing strong layered mitigation strategies as a part of their return to learning.

Who Should Continue to Mask?
• People who are not fully vaccinated.
• People who are vaccinated and develop symptoms of COVID-19 should resume mask use and get tested for COVID-19.
• People on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in transportation hubs such as airports, bus, train or other transit stations.
• Residents and employees of correctional facilities, homeless shelters, congregate living facilities and health care facilities regardless of vaccination status.
• Students, teachers, school administrators and staff should continue mask use in accordance with the CDC’s school guidance.
• People who are attending large indoor events (greater than 1000).

**County Response Priorities for 2021**
Pima County is working to build infrastructure that supports a strong community, using the lessons learned from our response to the COVID-19 Pandemic. We are committed to:
• continuing to ensure COVID-19 vaccine availability and delivery throughout the community.
• advancing health equity and access to services for our diverse population.
• enhancing public health infrastructure.
• increasing engagement with Pima County residents.
• supporting individuals and families impacted by COVID-19.

*The Pima County Health Department helps to guide the COVID-19 response and recommend appropriate layered mitigation that should help minimize COVID-19 transmission and save lives. As we have realized over the previous year, the situation is fluid. PCHD recognizes the ongoing strain associated with the COVID-19 pandemic on individual lives as well as our educational institutions, businesses and community. PCHD remains grateful for the County residents’ cooperation and commitment to wellness.*