PROCLAMATION OF THE SANTA CRUZ COUNTY BOARD OF SUPERVISORS MANDATING THAT COUNTY RESIDENTS WEAR FACE COVERINGS IN PUBLIC.

The Board of Supervisors of Santa Cruz County, Arizona, finds:

1. On March 15, 2017, the Santa Cruz County Board of Supervisors adopted Resolution No. 2017-02, a Resolution of the Santa Cruz County Board of Supervisors to Establish the Emergency Powers and Authority of the Board of Supervisors and Implementing the Provisions of ARS Section 26-301 and through Resolution No. 2017-02 authorized pursuant to ARS Section 26-311(A) for the Chairman of the Board of Supervisors to declare an emergency and during such emergency to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the unincorporated areas of Santa Cruz County.

2. On January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak.

3. On March 11, 2020, the Governor of the State of Arizona, Douglas A. Ducey, declared that a State of Emergency exists in Arizona due to the COVID-19 outbreak.

4. On March 13, 2020, the President of the United States of America, Donald J. Trump, found and proclaimed that the COVID-19 outbreak in the United States constituted a national emergency.

5. On March 20, 2020, the Santa Cruz County Board of Supervisors, through the Chairman of the Board proclaimed, pursuant to A.R.S. § 26-311, that an emergency or local emergency existed in unincorporated Santa Cruz County related to the COVID-19 outbreak.

6. On March 30, 2020, Governor Doug Ducey issued Executive Order 2020-18, entitled "*Stay Home, Stay Healthy, Stay Connected; Physical Distancing to Mitigate COVID-19 Transmission*." That order generally permitted persons to leave their residences only for Essential Activities, Essential Governmental Functions, or Essential Functions. The order initially was effective until April 30, 2020.

7. On May 12, 2020, Governor Doug Ducey issued Executive Order 2020-36, entitled "*Stay Healthy, Return Smarter, Return Stronger.*" The order implemented a limited reopening of businesses.

8. On May 10, 2020, Santa Cruz County reported forty-five (45) positive COVID-19 cases, and no deaths. Just a little over a month later, on June 17, 2020, the Santa Cruz County Health Department has confirmed one thousand two hundred and seventeen (1,217) COVID-19 cases in Santa Cruz County, with 12 deaths.

9. On June 13, 2020, the Arizona Border Counties Coalition, including Cochise, Pima, Santa Cruz and Yuma Counties, wrote a letter to Governor Ducey advising him of the serious health crisis in our counties. The letter requested that the Governor allow individual jurisdictions to require face coverings in public to address the recent spike in positive cases.

10. On June 15, 2020, 688 Maricopa County medical providers addressed a letter to Governor Ducey urging him to implement a statewide requirement for face coverings in public for everyone over the age of 2. The letter stated, "*There is sufficient, clear, scientific evidence that wearing masks is one way to decrease the spread of COVID-19 and thus would reduce both the wave of severely affected patients requiring ICU and ventilator resources as well as unnecessary deaths.*" The letter indicated "*strong[. . .] support [for] universal masking*" was provided by the following references:

    https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)31183-1/fulltext?fbclid=IwAR0TSoh6w_Pl54K5ZmmNU6p_cIBo2EoP9BmSxY5Pu2K0aV95IPwk5T53Q6s [thelancet.com]

    https://www.pnas.org/content/early/2020/06/10/2009637117?fbclid=IwAR0tKGtHigbtbB3zfTjLSgMvXVhch_qCNPkgoSOzuksucaMD7_SJbVawG4E [pnas.org]

    https://www.sfgate.com/science/article/Study-100-face-mask-use-could-crush-second-15333170.php? [sfgate.com]

    https://www.sciencedirect.com/science/article/pii/S2468042720300117?via%3Dihub [sciencedirect.com]

    http://ftp.iza.org/dp13319.pdf?fbclid=IwAR1jlcs2PjDIvg3AjqxMucwVPfexpxRDOt5T3k24MzNYmTCIE0Resziaeto [ftp.iza.org]

    https://www.nbcnews.com/news/us-news/no-new-covid-19-cases-reported-after-infected-hair-stylists-n1230346 [nbcnews.com]

11. As of June 16, 2020, Santa Cruz County has the third highest infection rate per capita of COVID-19 in Arizona (2,077 per 100,000) and is experiencing increased community spread. The threat of infection remains high, as shown by the increase in positive cases. As of the date of this Proclamation, the Arizona Department of Health Services has confirmed a twenty-four point six percent (24.6%) positive rate of all people tested for COVID-19 in Santa Cruz County.

12. The spread of COVID-19 can lead to severe respiratory illness, disease complications, and death for Santa Cruz County residents, particularly those with underlying medical conditions and the elderly.

13. Per the United States Centers for Diseases Control and Prevention (CDC) website, individuals who are sick or know they have COVID-19 should isolate at home, COVID-19 can be spread by people who do not have symptoms and do not know that they are infected.

14. The best way to prevent illness is to avoid being exposed to this virus. The virus is thought to spread mainly from person-to-person. Per CDC, individuals should avoid close contact (keep a 6 foot distance) with people, especially those who are sick; stay home as much as possible; and avoid gatherings of more than 10 individuals.

15. The CDC recommends people older than two years old (2) wear cloth face coverings in public settings, where social distancing measures are difficult to maintain, due to the fact that COVID-19 spreads through respiratory droplets produced by an infected person when they cough, sneeze, or talk. The droplets can then be inhaled into the lungs or land in the mouths or noses of people nearby. A person in a private setting or without a cloth face covering, should always cover their mouth and nose with a tissue when coughing or sneezing or use the inside of their elbow.

16. On June 17, 2020, Governor Ducey issued Executive Order #2020-40, entitled "Containing the Spread of COVID-19: Continuing Arizona Mitigation Efforts." Section 4 of the Order authorizes individual counties to adopt policies mandating the wearing of face coverings in public.

17. Pursuant to Section 2 of the Emergency Proclamation of the Santa Cruz County Board of Supervisors on March 20, 2020, the Santa Cruz County Board of Supervisors is authorized to govern by proclamation as provided in A.R.S. § 26-311 and Resolution 2017-02.

18. The Santa Cruz County Board of Supervisors, in consultation with the Santa Cruz County Health Director, believes it is imperative to immediately take action to address this public-health crisis that is disproportionately impacting our rural, border community.

NOW, THEREFORE IT IS ORDERED AND PROCLAIMED EFFECTIVE IMMEDIATELY, AS FOLLOWS:

SECTION 1. The Santa Cruz County Board of Supervisors, through the Chairman of the Board, hereby proclaims and declares, that a public health emergency continues to exist.

SECTION 2. Santa Cruz County abides by all Executive Orders of the Governor of Arizona.

SECTION 3. 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 and cannot easily maintain a continuous distance of at least six feet from all other persons. For purposes of this Proclamation:

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 and includes, but is not limited to, businesses or other establishments where people assemble or members of

the general public may enter; offices; grocery stores pharmacies, or retail establishments; public buildings, highways, and parks; and public transportation, including taxicabs and ride sharing.

SECTION 4. Exempt persons. Section 3 of this Proclamation does not apply to:

a. Children under the age of 2, based on CDC guidance. Parents or guardians are responsible for ensuring that children between the ages of 2 and 17 wear appropriate face coverings when required under this Proclamation.

b. 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.

c. 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.

d. 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.

e. Persons who are seated at a restaurant or other establishment that offers food or beverage service, may temporarily remove the face covering while eating.

f. 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 fewer, 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.

g. Persons who are engaged in outdoor work or recreation, when alone or as part of a group of people who live in the same household or constitute a party of 10 or fewer, 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.

i. Persons who are incarcerated, unless directed to wear a face covering by an employee of the agency detaining the person.

j. Persons who are swimming.

SECTION 5. Government buildings. The public shall not be allowed to enter the Santa Cruz County Government buildings or facilities, including open space areas, without wearing a Face Covering.

SECTION 6. Establishments. Establishments that are open to the public must provide face coverings to their employees and require them to wear them. Additionally, establishments that are open to the public and in which continuous physical distancing of at least six feet between persons cannot be easily maintained may refuse to allow a person who is not exempt under Section 4 and who is not wearing a face covering to enter the establishment and may request that a person inside the establishment leave if the person is not exempt under Section 4 and is not wearing a face covering.

SECTION 7. *Compliance and enforcement.* The primary focus of enforcement is education and promotion of best practices to accomplish the goal of mitigating the spread of Covid-19. A person must be notified of the provisions of this Proclamation and given an opportunity to comply before any further enforcement action is taken against the person. If available, law enforcement shall issue a pamphlet with educational information regarding the spread of COVID-19 and the benefits of wearing a face covering. If a person refuses to wear a face covering or leave a public place after notification pursuant to, the person is in violation of this Proclamation. Pursuant to A.R.S. §26-317, violation of this Proclamation is a class 1 misdemeanor.

SECTION 8. It is a defense to a violation of this Proclamation if an individual has a medical condition which would preclude them from wearing a Face Covering. If an individual is cited for a violation of this provision, the individual shall present to the Court a medical excuse from a physician, nurse practitioner or physician's assistant to establish the defense. The medical excuse must state that in the medical opinion of the physician, nurse practitioner or physician's assistant, the individual's medical condition precludes them from wearing a Face Covering of any kind.

SECTION 9. Applicability. This Proclamation applies in unincorporated areas of Santa Cruz County.

SECTION 10. If any provision of this proclamation or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity affects no other provision or application of this proclamation. Those provisions that remain valid shall be given effect without the invalid provision or application. To achieve this purpose, the provisions of this proclamation are declared to be severable.

SECTION 11. This Proclamation shall remain in full force and effect until lawfully amended or terminated.

SECTION 12. Effective date. This Proclamation is effective upon adoption.

PROCLAIMED AT 11:40 this 19th day of June, 2020.

Bruce Bracker
Chairman, Santa Cruz County Board of Supervisors