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BOARD OF SUPERVISORS
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253 5TH STREET
CLIFTON, AZ 85533

DAVID GOMEZ
District 1

RON CAMPBELL
District 2

RICHARD LUNT
District 3

MEETING NOTICE and AGENDA

Pursuant to Arizona Revised Statutes §38-431, et. seq.
and amendments thereto, the

GREENLEE COUNTY BOARD OF SUPERVISORS

hereby gives notice that a

Special Meeting

will be held on Friday December 11, 2020 – 10:00 a.m.

Zoom Video Conferencing. To join the meeting enter the following URL into your browser:

Join Zoom Meeting

<https://us02web.zoom.us/j/89457320626?pwd=V2tBTFBTd0FiK0l0Z3dkT2VHOFJtdz09>

Meeting ID: 894 5732 0626

Passcode: 812444

**Board of Supervisors Meeting Room, 2nd floor Courthouse Annex, 253 5th Street,
Clifton, Arizona**

AGENDA

- 1.) Call to Order
 - A. Pledge of Allegiance
- 2.) Derek Rapiere, County Administrator
 - A. Discussion/Action regarding reimplementation and modification of County Mask Wearing Regulation
- 3.) Adjournment

All agenda items are for discussion and/or action as deemed necessary. The Board reserves the right to consider any matter out of order. The Board may retire into Executive Session for any of the purposes that are allowed by law, including but not limited to legal advice and/or personnel matters; as authorized by A.R.S. §38-431.et.seq. Persons with a disability may request accommodation for special assistance by contacting Bianca Figueroa at 928-865-2072 (TDD 928-865-2632). Requests should be made as soon as possible to allow time for arrangement of the accommodation.

**STATE OF ARIZONA
COUNTY OF GREENLEE**

REGULATIONS REQUIRING FACE COVERINGS IN GREENLEE COUNTY

WHEREAS, on March 11, 2020, the Governor of the State of Arizona issued a Declaration of Public Health Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-Co V-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can spread from person to person; and

WHEREAS, the current scientific understanding of this virus from the U.S. Centers for Disease Control and Prevention indicates that it spreads primarily from person to person, mainly through respiratory droplets produced when an infected person talks, coughs, or sneezes; and

WHEREAS, these respiratory droplets can land in the mouths or noses of nearby people or can possibly be inhaled into the lungs; and

WHEREAS, spread is more likely when people are in close contact with one another (within 6 feet); and

WHEREAS, as of December 8, 2020, data shows that 311 cases of COVID-19 already exist in Greenlee County, and the effects of person-to-person transmission throughout Greenlee County have impacted the life and health of the people of Greenlee County, as well as our economy, and is a public health incident that affects life, health, property or the public peace; and

WHEREAS, as of December 8, 2020, three deaths from COVID-19 have already occurred in Greenlee County; and

WHEREAS, Greenlee County is seeing an increase in the rate of new cases; and

WHEREAS, there are vaccines designed to protect against COVID-19 that have been developed and which are in various stages of approval, these vaccines are not yet widely available, and there are treatments for COVID-19 which are being developed and refined, there is currently no cure for COVID-19; and

WHEREAS, studies have found that mandated face coverings significantly reduce the number of infections; *and*

WHEREAS, pursuant to Executive Order No. 2020-40, the Governor of the State of Arizona authorized a county, city, or town, 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

WHEREAS, Greenlee County has authority to promulgate county-wide regulations to mitigate the spread of infectious disease for the protection and preservation of public health pursuant to A.R.S. § 26-307 and consistent with Maricopa County Health Department v. Harmon, 156 Ariz. 161 (1987);

NOW, THEREFORE, IT IS HEREBY ORDERED that, as a result of the aforementioned conditions, it is the policy of Greenlee County that all persons within Greenlee County shall wear face coverings in compliance with the following regulations:

I. Definitions

A. "Face Covering" means a covering that fully covers a person's nose and mouth. The term "Face Covering" includes, but is not limited to, cloth face masks, surgical masks, towels, scarves, and bandanas. A "Face Covering" shall fit snugly on a person's face but allow the person to breathe easily. A Face Covering shall be worn consistent with the guidance provided by the U.S. Centers for Disease Control and Prevention.

B. "Home" has its natural meaning, as a person's residence, to include the dwelling structure and all property legally associated with the dwelling structure.

C. "Patron" means a customer or other person who visits a Place of Public Accommodation who is not a staff member of the Place of Public Accommodation.

D. "Physical distancing" means keeping 6 feet of distance between persons who are not in the same household.

E. "Place of Public Accommodation" means facilities, buildings, establishments, accommodations, services, commodities, or uses offered to or for use by the general public in Greenlee County, including public places where food or beverages are offered for sale, public places operated for temporary lodging, use or accommodation of those seeking health or recreation and all establishments offering goods or facilities, communal outdoor spaces such as sidewalks, trails, and parks, and entities soliciting patronage from the general public.

II. Use of Face Coverings

A. Effective as of 12:00 a.m. on July 1, 2020, all persons in Greenlee County who do not qualify for an exemption described in Section III of these regulations must wear a Face Covering under the following circumstances:

i. All patrons age six and over required to wear Face Coverings while inside the enclosed area of any Place of Public Accommodation;

ii. Adult patrons accompanying children aged two through five shall use reasonable efforts to cause those children to wear Face Coverings while inside the enclosed area of any Place of Public Accommodation; and

iii. All Places of Public Accommodation shall require staff members to wear, and those staff members shall wear, Face Coverings while working in areas open to the general public and areas in which interactions with other staff members are likely.

B. Wearing a Medical-Grade Mask satisfies any requirement in section II.A to wear a Face Covering. But all persons in Greenlee County are urged to reserve Medical-Grade Masks for use by health care workers and first responders.

III. Categorical Exemptions

A. These regulations do not apply to persons in Homes.

B. Exemptions are also applicable under the following circumstances:

i. For persons who fall into the U.S. Centers for Disease Control and Prevention's guidance for those who should not wear Face Coverings due to a medical or mental health condition or developmental disability;

ii. For children under 2 years old;

iii. For restaurant patrons while they are eating or drinking;

iv. For persons exercising in communal outdoor spaces, or persons walking or exercising with other persons from the same household in communal outdoor spaces, as long as Physical Distancing is maintained. For persons congregating in communal outdoor spaces with other persons not in their same household, Face Coverings are required when Physical Distancing is not maintained;

v. In settings where it is not practical or feasible to wear a Face Covering, including when obtaining or rendering goods or services, such dental services, medical treatments or while swimming;

vi. For persons in a personal vehicle, personal office, or similarly private space where other persons outside of the person's household are not present;

vii. For public safety employees and/or emergency responders and/or field employees engaged in essential functions, when wearing a Face Covering would interfere with or severely limit their ability to carry out their essential duties or functions; and

viii. For persons complying with the directions of public safety employees and/or emergency responders.

ix. For persons wearing a face shield while providing instruction to others in an educational setting or while testifying in court.

x. For persons inside the grounds of a public school which is operating under a COVID-19 school safety plan approved by the Greenlee County Health Department, provided that the individual follows the requirements of the COVID-19 school safety plan.

xi. For persons participating in a sport or recreation league or other organized event which is operating under a COVID-19 safety plan approved by the Greenlee County Health Department, provided that the individual follows the requirements of the COVID-19 safety plan.

IV. Territorial Applicability

A. These regulations apply throughout Greenlee County, without regard to whether the area is in incorporated or unincorporated Greenlee County.

B. These regulations set minimum standards for Face Coverings. Nothing in these regulations prohibits or impedes any city, town, other public entity, or private entity from enacting and enforcing more restrictive regulations regarding the use of Face Coverings.

V. Enforcement

A. A person who declines to wear a Face Covering because of a medical condition shall not be required to produce documentation verifying the condition.

B. Consistent with the Governor of the State of Arizona's Executive Order No. 2020-40, enforcement of these regulations shall focus first on educating the public on the dangers of community spread and promoting best public health practices to achieve the goal of these regulations: mitigating the spread of COVID-19.

C. Any person violating these regulations shall be notified of the provisions of these regulations and be given an opportunity to comply prior to any enforcement action being taken.

i. A first offense under these regulations shall result in a warning.

ii. Further offenses may subject the person violating these regulations to a civil penalty of not more than \$50.

VI. Severability

It is the intent of Greenlee County that if a provision of these regulations or their application to any person or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or applications of the regulations that can be given effect without the invalid provision or application, and to this end the provisions of this regulation are severable.

IT IS FURTHER PROCLAIMED that Greenlee County encourages cities and towns in Greenlee County to adopt regulations at least as restrictive as these regulations; and

IT IS FURTHER PROCLAIMED AND ORDERED that these regulations shall be reviewed during the _____ meeting of the Board of Supervisors to be held on _____. If not renewed at said meeting, the regulations shall expire on _____.

ADOPTED by the Greenlee County Board of Supervisors, Greenlee County, Arizona, this __ day of _____, 2020

Richard Lunt
Chairman of the Greenlee County Board of Supervisors

Attest:

Clerk of the Board of Supervisors

Approved as to Form:

Greenlee County Attorney