



MEMORANDUM

Date: July 6, 2020

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

From: C.H. Huckelberry
County Administrator

Re: **COVID-19 Mask and Safety Measure Complaints Intake and Response Process for Week of June 23, 2020 through June 30, 2020; and Bar Inspections**

Background

The Board of Supervisors has adopted a number of regulations to minimize the spread of COVID-19 in our community. Most recently, the Board adopted Resolution 2020-49, requiring people to wear masks in public areas when a 6 foot distance between others cannot be maintained. Prior to that, on May 21, 2020, the Board passed a Proclamation requiring a number of safety measures intended for restaurants, gyms and fitness centers, hotel and resorts, and other attractions. In addition to these Board actions, the Governor enacted Executive Order 2020-43, effective June 29, 2020, closing bars, indoor gyms and fitness centers, indoor movie theaters, water parks and tubing operations, and limiting the size of public events to not more than 50 people. The Governor's order provides cities, towns and counties with the authority to enforce the order.

This memorandum is the first of many weekly updates the Board will receive regarding responses to, and enforcement of, these Board and Governor safety regulations. If members of the Board would like to see additional information in these reports, please let me know.

Mask Complaints

For the week of June 23, 2020 through June 30, 2020:

- 112 mask related complaints received and addressed
- 1 scheduled for a site visit because of multiple complaints
- Complaints were about customers or employees not wearing masks in public areas.

Anyone can submit a mask complaint. We ask that they do so through the form posted at this County web address: <https://web1.pima.gov/applications/covid19/businessreporting/>. However, if someone does not have access to a computer, County staff will enter the information into the form on their behalf.

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The complaint is received by the Consumer Health and Food Safety Division of the Health Department. An email response is provided to the complainant letting them know that the business or establishment will be contacted and educated about the requirements. County staff place a phone call to the establishment, notify the person in charge about the complaint, and email or mail them a copy of the mask Resolution. If a second complaint is received 48 hours after contact was made with the establishment, then a site visit is made to verify the complaint and provide additional education. If the second complaint is determined to be valid during the site visit, then it is posted to the County website at this address www.pima.gov/facecoverings. Repeat offenders will be referred to the Board of Supervisors for enforcement. Repeat offenders located in Marana and Sahuarita will first be referred to the Town Managers prior to forwarding to the Board for enforcement. The Board can direct the County Attorney's Office to pursue civil or criminal actions against the establishment. All information is tracked and can be provided to the Board upon request.

Complaints Regarding Proclamation Safety Measures

For the week of June 23, 2020 through June 30, 2020:

- 72 Proclamation complaints received and addressed
- 98 onsite assessments completed (due to a combination of complaints, requests, and routine scheduled inspections)
- Complaints were submitted by customers and employees and included issues regarding lack of cleaning, lack of masks by employees, ill employees, etc.

The complaint is received by the Consumer Health and Food Safety Division of Health Department. An email response is provided to the person who submitted the complaint letting them know that the business or establishment will be contacted and educated about the requirements. County staff place a phone call to the establishment, notify the person in charge about the complaint, and email or mail them a copy of the Proclamation and a link to the county's COVID-19 webpage. If a second complaint is received 48 hours after contact was made with the establishment, then a site visit is made to verify the complaint and provide additional education. During the site visit, a full Proclamation assessment is conducted. If a third complaint is made and is determined to be valid during the next site visit, then it is posted to the website at this address www.pimaready.com. Repeat offenders will be referred to the Board of Supervisors for enforcement. Repeat offenders located in Marana and Sahuarita will first be referred to the Town Managers prior to forwarding to the Board for enforcement. The Board can direct the County Attorney's Office to pursue civil or criminal actions against the establishment. All information is tracked and can be made available to the Board upon request.

Site Visits to Bars Impacted by Executive Order of the Governor Starting June 29, 2020

Last week I directed Consumer Health and Food Safety Division of the Health Department to visit every bar in Pima County that holds a series 6 or 7 liquor license from the Arizona Department of Liquor Licenses and Control to make sure they were in compliance with the Governor's Order. Of the 200 facilities, 168 were visited July 2 through July 5. The remainder

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are in more remote locations of the County and will be visited as soon as possible. Note that the Executive Order does allow these types of facilities to serve customers through pick-up, delivery and drive-thru. Also, some of these facilities also have additional types of liquor licenses which were not impacted by the Order. For example, Peter Piper Pizza has a series 7 and series 12 liquor license. They are able to continue to serve alcohol to customers sitting at tables.

Of the 168 visited:

- 124 facilities were closed.
- 44 facilities were open for business and an onsite observation was conducted.
- 11 facilities were referred to the State Liquor Board for non-compliance, including the following:
 - Zona 78 7301 E Tanque Verde
 - Famous Sam's 2320 N Silverbell Rd
 - Old Father Inn 4080 W Ina Rd
 - Salty Dawg II 6121 E Broadway Blvd
 - Iguana Café 210 E Congress
 - El Chinito Gordo 2920 N Oracle Rd
 - Home Plate 4880 E 22nd St
 - Famous Sams # 17 8058 N Oracle Rd
 - Casa Marana 8225 N Courtney Page Way
 - Circle S Saloon 16021 W EL TIRO RD
 - Buggy Wheel 3156 E Drexel

Gyms and Fitness Centers Impacted by Executive Order of the Governor Starting June 29, 2020

Complaints were received about five gyms and fitness centers remaining open June 29 or after. Three were Orange Theory's. When called, the voice mail for Orange Theory says they are closed for the holiday weekend and will reopen July 7. They will be contacted again tomorrow, July 7, and made aware of the Executive Order. Another fitness center had a voice mail and will be contacted again. The fifth had no voicemail, will receive a copy of the Executive Order by certified mail and will be visited.

Complaints against Employers Who Force COVID-19 Positive Employees to Continue to Work

We have received several anonymous complaints with regard to this matter. I have asked the County Attorney if we can establish an anonymous tip line, similar to 88 Crime, and take legal action if such complaints are found to be valid.

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Summary

As you can see, we are taking these complaints very seriously and will continue to perfect the processes to receive and respond to these complaints, and to pursue enforcement for those that warrant enforcement. As stated in my July 2, 2020 memorandum to the Board, enforcement could include civil or criminal actions, revoking a restaurant's food permit, recommendation that liquor license be suspended or revoked, and suspension of Certificate of Occupancy permit for establishments in unincorporated Pima County. Staff in my office are working with the Health Department to provide timely responses to these complaints, and to determine the long-term staffing needs for such an effort. Any additional safety measures authorized by the Board or the Governor will be incorporated going forward.

CHH/dr

c: Jan Leshar, Chief Deputy County Administrator
Dr. Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services
Carmine DeBonis, Deputy County Administrator for Public Works
Dr. Terry Cullen, Public Health Director, Pima County Health Department
Loni Anderson, Consumer Health and Food Safety Division Manager, Pima County
Health Department
Nicole Fyffe, Executive Assistant to the County Administrator
Diana Durazo, Special Projects Manager, County Administrator's Office