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Re: Notice of Investigation Under A.R.S. § 41-194.01 and Request for Response

Dear Ms. Wilson:

On May 14, 2020, Sen. Vince Leach and Reps. Mark Finchem and Bret Roberts (collectively, “Requesting Legislators”) requested that your office begin an investigation, under A.R.S. § 41-194.01, into whether a Proclamation adopted by the Pima County Board of Supervisors on May 13, 2020. You notified us of the investigation on May 15. The May 13 Proclamation was repealed on May 21, and a new, materially different Proclamation (the “May 21 Proclamation”) was adopted. The repeal of the May 13 Proclamation would appear to end the investigation and require a new request from Requesting Legislators to initiate an investigation regarding the May 21 Proclamation. Nevertheless, based on our conversations and emails, Pima County provides this response addressing the May 21 Proclamation, a copy of which is attached as Exhibit 1.¹

¹This response addresses only the subject of your office’s investigation: whether the County’s action “violates state law or the Constitution of Arizona.” A.R.S. § 41-194.01(A). By not addressing other issues with § 41-194.01—including its validity and proper interpretation—we do *not* waive the right to do so in any future proceeding.

1. Background.

A. The backdrop of the Proclamation's enactment: the worst public-health crisis in anyone's memory.

On December 31, 2019, the World Health Organization “was informed of a cluster of cases of pneumonia of unknown cause detected in Wuhan City, Hubei Province of China.”² By March 2020, the novel virus had caused a global pandemic,³ and has now spread to every continent except Antarctica.⁴ The Covid-19 pandemic has led the United States⁵ and every state in the union⁶ to declare a state of emergency. Pima County declared a state of emergency on March 19, which remains in effect.⁷

Covid-19 is widespread in Arizona and nationwide, with tens of thousands of new cases being reported every day nationwide,⁸ including hundreds a day in Arizona.⁹ It is likely that the actual number of infections is much higher.¹⁰ It would be useless to include numbers of cases or

²World Health Organization, *Novel Coronavirus (2019-nCoV)*, archived at <https://web.archive.org/web/20200202151307/https://www.who.int/westernpacific/emergencies/novel-coronavirus>.

³World Health Organization, *WHO Director-General's opening remarks at the media briefing on COVID-19* (March 11, 2020), at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

⁴Joshua Berlinger, CNN, *Coronavirus has now spread to every continent except Antarctica* (Feb. 26, 2020), at <https://www.cnn.com/2020/02/25/asia/novel-coronavirus-covid-update-us-soldier-intl-hnk/index.html>.

⁵President Donald J. Trump, *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak* (March 13, 2020), at <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

⁶National Conference of State Legislatures, *State Action on Coronavirus (COVID-19)* (updated May 15, 2020), at <https://www.ncsl.org/research/health/state-action-on-coronavirus-covid-19.aspx>. Governor Ducey declared a state of emergency in Arizona on March 11. Gov. Douglas A. Ducey, *Declaration of Emergency *COVID-19** (March 11, 2020), available at https://azgovernor.gov/sites/default/files/declaraton_0.pdf.

⁷Pima County, Ariz., Resolution 2020-18, § 1 (March 19, 2020) (copy attached as Exhibit 2).

⁸Centers for Disease Control, *Cases in the U.S.* (accessed May 16, 2020), at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>.

⁹Ariz. Dep't of Health Servs., *Data Dashboard (Summary)* (accessed May 16, 2020), at <https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>.

¹⁰See Stacey McKenna, *What COVID-19 Antibody Tests Can and Cannot Tell Us*, *Scientific American* (May 5, 2020), at <https://www.scientificamerican.com/article/what-covid-19-antibody-tests-can-and-cannot-tell-us/>.

deaths in this response because the information will be dated almost immediately. Suffice it to say that, despite earlier models predicting lower numbers, by the time your office completes its investigation, over 100,000 Americans may well have died from Covid-19—and this will be an undercount.¹¹ Only centenarians who lived through the Spanish Influenza pandemic of 1918-20 can say they have been through anything like this.

B. Pima County's actions.

As noted above, Pima County declared an emergency on March 19. It simultaneously adopted restrictions on the operation of various businesses (as well as the County's own facilities).¹² On March 26, the County extended the initial expiration of the restrictions on businesses until April 10,¹³ and then Gov. Ducey issued his stay-home order on March 30.¹⁴

In late April, in anticipation of a phased reopening of businesses in Pima County, County Administrator C.H. Huckelberry formed a Back to Business Steering Committee, consisting of 128 members, including many representatives from large and small businesses in Pima County.¹⁵ The Steering Committee, on May 11, relying generally on the expertise of task forces consisting of local business owners, adopted physical-distancing and sanitation measures for restaurants and other dine-in establishments; pools associated with lodging establishments, gyms, fitness centers, hotels, and resorts; and attractions.¹⁶

On May 13, the Board of Supervisors adopted those recommendations in a Proclamation, providing for compliance monitoring through Health Department inspections that occur as part of the enforcement of the food and pool codes.¹⁷ Compliance results in the issuance of a "Best Practice Pledge badge" that a compliant business can display as "a visual symbol of the commitment to the community's health and well-being." The May 13 Proclamation also included a potential \$500 civil penalty for a third or subsequent violation, if it is the same as or similar to two prior violations. On May 21, the Board of Supervisors repealed the May 13 Proclamation

¹¹The CDC counts confirmed or probable Covid-19 cases, but this misses other deaths that are caused by Covid-19. For example, a preliminary study of excess-mortality data in Italy suggests actual Covid-19 deaths were about 50% higher than the reported numbers. See Chirag Modi et al., *How deadly is COVID-19? A rigorous analysis of excess mortality and age-dependent fatality rates in Italy* (preprint), medRxiv, available at <https://www.medrxiv.org/content/10.1101/2020.04.15.20067074v3.full.pdf> (accessed May 21, 2020).

¹²Proclamation of the Pima County Board of Supervisors (March 19, 2020) (copy attached as Exhibit 3).

¹³Proclamation of the Pima County Board of Supervisors (March 26, 2020) (copy attached as Exhibit 4).

¹⁴Gov. Douglas A. Ducey, Executive Order 2020-18, Stay Home, Stay Healthy, Stay Connected, *Physical Distancing to Mitigate COVID-19 Transmission* (March 30, 2020), available at <https://azgovernor.gov/file/34365/download?token=6YdWos-F>.

¹⁵See May 21 Proclamation (Exhibit 1), at 2 ¶ 7.

¹⁶*Id.* ¶ 8.

¹⁷A copy of the May 13 Proclamation is attached as Exhibit 5.

and replaced it with the May 21 Proclamation, which amended, deleted, or clarified several provisions and replaced the \$500 civil penalty with a posting of noncompliant and compliant businesses on the County website.¹⁸ Accordingly, there is no longer any prospect of a monetary penalty for violating the measures in the Proclamation.

The full list of measures adopted is in Sections 1, 3, and 4 the May 21 Proclamation. They are all consistent with what we know about how physical-distancing and sanitation measures—including maintaining a distance of at least six feet from others; avoiding large gatherings, particularly indoors; using good sanitation practices; wearing face coverings—are effective in slowing the spread of Covid-19.¹⁹ They are also consistent with the requirement in Gov. Ducey’s recent *Stay Healthy, Return Smarter, Return Stronger* order that businesses operating in Arizona adopt a variety of practices to “limit and mitigate the spread of COVID-19.”²⁰

In addition, Pima County has good reason to provide more detailed temporary measures for implementing the Governor’s guidance. Statistically, when reviewing the Arizona Department of Health Services COVID-19 Data Dashboard²¹ for May 21, 2020, Pima County has the fourth highest fatality rate, surpassed only by Apache, Navajo and Coconino counties, twice that of Maricopa County, and higher than that of the State.

2. Analysis.

Under § 41-194.01, your office must investigate whether the County’s action “violates state law or the Constitution of Arizona.” The May 21 Proclamation does not.

A. Arizona counties have broad authority to respond to public-health crises.

As political subdivisions of the State of Arizona, counties have those powers the Legislature chooses to give them. *See, e.g., Maricopa County v. S. Pac. Co.*, 63 Ariz. 342, 347 (1945). One of those powers is broad authority to regulate the public health. *See Marsoner v. Pima County*, 166 Ariz. 486, 489 (1991). County boards of supervisors can “[a]dopt provisions necessary to preserve the health of the county, and provide for the expenses thereof.” A.R.S. § 11-251(17). Indeed, the public-health authority delegated to counties and their health

¹⁸May 21 Proclamation (Exhibit 1), § 5(C)-(D).

¹⁹*See, e.g.*, Centers for Disease Control & Prevention, *Coronavirus Disease 2019 (COVID-19): How to Protect Yourself & Others* (accessed May 16, 2020), at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; Ariz. Dep’t of Health Servs., *COVID-19: What Everyone Needs to Do* (accessed May 16, 2020), at <https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-what-everyone-needs>.

²⁰Gov. Douglas A. Ducey, Executive Order No. 2020-36, *Stay Healthy, Return Smarter, Return Stronger*, at 3, ¶ 5 (May 12, 2020).

²¹<https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/covid-19/dashboards/index.php>.

departments is coextensive with the authority of the Arizona Department of Health Services. *Marsoner*, 166 Ariz. at 488. Additionally, counties have emergency authority within unincorporated areas under A.R.S. § 26-311. That authority is coextensive with the governor’s; the Legislature has only prohibited county actions “inconsistent” with emergency action taken by the governor. A.R.S. § 26-307(A).

B. The May 21 Proclamation *does not* violate state law.

It appears from the request submitted to your office that the requesting legislators believe the County’s action is “inconsistent” with Gov. Ducey’s *Stay Healthy, Return Stronger, Return Smarter* order. But it is not.

Even irrespective of the County’s emergency authority under § 26-311, the County and its Health Department clearly have authority to address a public-health crisis. *See* § 11-251(17); *Marsoner*, 166 Ariz. at 488. If a County can adopt measures to prevent HIV transmission in adult-amusement establishments, which the Court said it could in *Marsoner*, surely it can adopt temporary, penalty-free measures applicable to reopening businesses to mitigate and slow the spread of Covid-19.

Based on their citation of A.R.S. § 26-307 and paragraph 7 of Executive Order 2020-36, it appears the Requesting Legislators believe that the County’s action is prohibited by Governor Ducey’s statement in Executive Order 2020-36 that:

Pursuant to A.R.S. § 26-307, no county, city or town may make or issue any order, rule or regulation that conflicts with *or is in addition to* the policy, directives or intent of this Executive Order, including but not limited to any order restricting persons from leaving their home due to the COVID-19 public health emergency, *or any other order, rule or regulation that was not in place as of March 11, 2020.*²² (Emphasis added.)

The emphasized text purports to prohibit not only county emergency action inconsistent with the Governor’s order, but *any* county action related to Covid-19 that was not in place as of March 11. This the Governor lacks authority to do.

The legislative, executive, and judicial powers in Arizona must remain “separate and distinct,” Ariz. Const. art. III, and a member of one branch cannot “encroach[] upon or usurp[] the functions properly belonging to another branch,” *State v. Montes*, 226 Ariz. 194, 196, ¶ 8 (2011). Only the Legislature and the People have lawmaking power. Ariz. Const. art. IV, pt. 1, § 1(1). The Legislature chose to give counties broad authority to address all manner of public-health concerns, including surely the worst pandemic in 100 years. If the Legislature, of whose 90 members Requesting Legislators are only 3, wanted to take that authority away, it could. It has not.

²²Executive Order 2020-36, at 3, ¶ 7 (emphasis added).

The Governor lacks the “power to make legislative decisions.” *Rios v. Symington*, 172 Ariz. 3, 12 (1992) (quoting *Litchfield Elementary Sch. No. 79 v. Babbitt*, 125 Ariz. 215, 220 (App. 1980)). And in executing the laws, the Governor can’t act in a way that would “compromise the achievement of underlying legislative purposes and goals.” *Id.* (quoting *Opinion of the Justices to the Senate*, 376 N.E.2d 1217, 1223 (Mass. 1978)).

The *Legislature* has granted the County broad public-health and emergency authorities, with the only arguably applicable limitation here being that the County’s emergency actions cannot be “inconsistent” with orders of the Governor. § 26-307(A). Governor Ducey has no authority to, with the stroke of a pen, prohibit additional, consistent emergency actions by a county or swipe away public-health authority granted by the Legislature. To the extent Governor Ducey, in paragraph 7 of Executive Order 2020-36, purported to prohibit emergency actions by counties other than those inconsistent with his order, or to take away counties’ broad public-health authority, he plainly overreached.

As explained above, in the case of a *public-health emergency* (as opposed to other types of emergency), the County’s authority to act comes not only from Title 26, but also the broad public-health authority delegated to counties in § 11-251(17) and Title 36. Thus, the County quite likely has authority to act independently under its public-health authority unconstrained by the “inconsistent orders” provision in § 26-307(A).

But the Attorney General need not address that because, although the County’s orders are *in addition to* the Governor’s orders in the sense that they provide more detailed implementation of his requirements, they are not *inconsistent* with the Governor’s orders. The table below shows all the County’s orders (with similar ones grouped together) side-by-side with the requirement in Executive Order 2020-36 they are consistent with. In reviewing the table below, your office should apply the common meaning of “inconsistent” and determine whether the orders in Executive Order 2020-36 and the measures in the County’s May 21 proclamation can coexist.²³ Plainly, they can.

County Measures	Governor’s Order
<ul style="list-style-type: none"> • “Wellness/symptom checks, including temperature checks for all restaurant personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of a restaurant.” (Section 1(A)(1); similar provisions in Sections 3(A)(1) and 4(A)(1)) • “Any patron exhibiting symptoms of COVID-19 is prohibited from entering the facility.” (Section 4(A)(3)) 	Businesses must “[m]onitor[] for sickness” (§ 5(c))

²³See, e.g., INCONSISTENT, *Black’s Law Dictionary* (11th ed. 2019) (“Lacking agreement among parts; not compatible with another fact or claim.”); INCONSISTENT (1) & (2), www.merriam-webster.com (accessed May 17, 2020) (“not compatible with another fact or claim”; “containing incompatible elements”).

<p>(applicable only to “attractions”))</p> <ul style="list-style-type: none">• “Similar symptoms and temperature checks for guests are optional.” (Section 3(A)(2))• “Pima County Health Notice – Posting of the ‘STOP Please do not enter if you have COVID-19 symptoms’ at the entrance of the facility.” (Section 1(A)(3); similar provision in Section 4(A)(3))• “Physical and/or electronic signage posting at the restaurant entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises.” (Section 1(B)(4); similar provisions in Sections 3(B)(4) and 4(B)(4))	
<ul style="list-style-type: none">• “Cloth masks and gloves and/or frequent hand-washing is required for all servers and restaurant personnel. Develop or follow handwashing policy for servers as it exists in the Pima County Food Code.” (Section 1(A)(2); similar provisions in Sections 3(A)(3) and 4(A)(2))• “Menus must be in a format that does not promote potential virus transmission e.g. menu boards, single use menus.” (Section 1(B)(9))• “Elimination of self-service stations including salad bars and buffets.” (Section 1(B)(10))• “Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations.” (Section 1(B)(12); similar provisions in Sections 3(B)(9) and 4(B)(9))• “Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/both seats, table-top condiments and condiment holders.” (Section 1(B)(13); similar provisions in Sections 3(B)(10) and 4(B)(11))• “Implement touchless payment methods if possible.” (Section 1(C)(14); similar provisions in Sections 3(B)(11) and 4(C)(1))• “Restaurant personnel to have a national certification in food safety and handling, as well as specific training in the prevention of COVID-19.”²⁴ (Section 1(C)(15))• “Frequently touched indoor/outdoor exhibits or any exhibit that would not allow physical distancing should be closed.” (Section 4(B)(8))	<p>Businesses must “[p]romot[e] healthy hygiene practices” and “[i]ntensify cleaning, disinfection and ventilation practices” (§ 5(a) & (b))</p>

²⁴This is a measure for restaurants to “consider.”

<ul style="list-style-type: none"> • “Elimination of self-service stations including water fountains, unless touchless. Nothing prohibits the serving of bottled water.” (Section 3(B)(8); similar provisions in Section 4(B)(10)) 	
<ul style="list-style-type: none"> • “Indoor occupancy limited to 50 percent unless meeting physical distancing standards allows a higher occupancy.” (Section 1(B)(5); similar provisions in Sections 3(B)(5) and 4(B)(5)) • “Physical distancing of 6 feet minimum between tables. Bar top or counter seating is not allowed, unless each party is spaced 6 feet apart.” (Section 1(B)(6)) • “Clearly marked 6-foot spacing marks and/or signage along entrances, hallways, restrooms and any other location within a restaurant where ques [sic] may form or patrons may congregate.” (Section 1(B)(7); similar provisions in Sections 3(B)(6) and 4(B)(8)) • “Parties no larger than 10 allowed per table.” (Section 1(B)(8)) • “Expansion of outdoor service areas to increase physical distancing standards.” (Section 1(B)(12)) • “Physical distancing of 6 feet minimum between fitness equipment, deck loungers, chairs and/or tables.” (Section 3(B)(7)) • “Attendance by reservation or advance ticketing is strongly encouraged to control guest entry and exit to comply with physical distancing.” (Section 4(B)(6)) • “Physical distancing of 6 feet minimum throughout the attraction.” (Section 4(B)(7)) • “Frequently touched indoor/outdoor exhibits or any exhibit that would not allow physical distancing should be closed.” (Section 4(B)(8)) 	<p>Businesses must “[e]nsur[e] physical distancing” and “[l]imit[] the congregation of groups of no more than 10 persons when feasible and in relation to the size of the location.” (§ 5(d) & (h))</p>

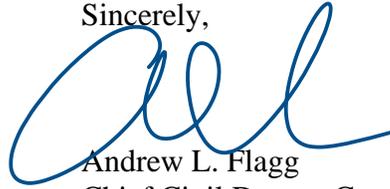
The consistency becomes even more apparent when we add in *Governor Ducey’s own guidance*, which is more specific than the language in his order. Attached Exhibit 6 provides a detailed side-by-side comparison including Governor Ducey’s own guidance into the analysis.

These side-by-side comparisons demonstrate that the measures in the May 21 Proclamation merely implement, and can coexist with, the Governor’s requirements in Executive Order 2020-36. Therefore, the County’s measures are not “inconsistent” with the Governor’s requirements. Even if § 26-307(A) applies to the County’s exercise of its independent public-health authority during a pandemic, it is no impediment to the County’s action.

C. Conclusion

The Attorney General must conclude that the May 21 Proclamation *does not* violate state law.

Sincerely,



Andrew L. Flagg
Chief Civil Deputy County Attorney

**PROCLAMATION OF THE PIMA COUNTY BOARD OF
SUPERVISORS REGARDING A STATE OF EMERGENCY
RELATED TO THE COVID-19 OUTBREAK,
ESTABLISHING MEASURES FOR REOPENING OF
CERTAIN BUSINESSES AND ACTIVITIES**

The Board of Supervisors of Pima County, Arizona finds:

1. On March 19, 2020, the Pima County Board of Supervisors adopted Resolution No. 2020-18, declaring an emergency or local emergency to exist in unincorporated Pima County related to the COVID-19 outbreak and adopting the orders contained in an accompanying Proclamation issued the same day.
2. Section 2 of Resolution No. 2020-18 authorized and empowered the Chairman of the Pima County Board of Supervisors to govern by proclamation, as authorized by A.R.S. § 26-311, in consultation with the County Administrator and Chief Medical Officer, as provided in the Proclamation accompanying Resolution No. 2020-18.
3. Section 2 of Resolution No. 2020-18 further provided that any additional or future proclamation or change to the Proclamation dated March 19, 2020 must be approved at a regular or special meeting of the Board.
4. 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.
5. On April 29, 2020, Governor Ducey issued Executive Order 2020-33, entitled "Returning Stronger; *Amending the Stay Home, Stay Healthy, Stay Connected Order.*" The Returning Stronger order extended the Stay Home, Stay Healthy, Stay Connected order, as modified in the Returning Stronger order, until May 15, 2020, at 11:59 p.m. Among the modifications in the Returning Stronger order, Governor Ducey authorized:
 - a. Nonessential retailers to "operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or appointment provided they establish and implement protocols and best practices for businesses to address COVID-19 as outlined in this order," effective May 4, 2020.
 - b. Nonessential retailers to begin to "operate and offer goods for sale to customers in their stores provided they establish and implement protocols

and best practices for businesses to address COVID-19 as outlined in this order,” effective May 8, 2020.

6. On May 4, 2020, Governor Ducey issued Executive Order 2020-34, entitled “Building on COVID-19 Successes; *Resuming additional business operations for barbers, cosmetologists, and dine-in restaurants.*” That order provided that:
 - a. Barbers and cosmetologists could resume operations May 8, 2020, “provided they establish and implement protocols and best practices for businesses to address COVID-19, including using face coverings for employees and customers, operating by appointment only and following protocols as directed by the Centers for Disease Control and Prevention, the United States Department of Labor Division of Occupational Safety and the Arizona Department of Health Services.”
 - b. Dine-in services could resume May 11, 2020, provided they establish and implement protocols and best practices for businesses to address COVID-19, including enacting physical distancing policies, limiting the number of diners and following protocols as directed by the Centers for Disease Control and Prevention, the United States Department of Labor Division of Occupational Safety and the Arizona Department of Health Services.”
7. In order to properly plan for a phased reopening of the economy in Pima County, Pima County created the Back to Business Steering Committee, which includes private-sector and government leaders, including representatives of businesses large and small a total of 128 members. The Steering Committee has overseen task forces for Bars and Restaurants; Resorts, Pools, and Spas; and Attractions, each of which consists of representatives from a variety of businesses within each of those sectors. Each task force developed temporary measures applicable to businesses within each task force sector.
8. At a meeting held May 11, 2020, the Back to Business Steering Committee generally approved the proposed temporary measures proposed by the Bars and Restaurants Task Force; the Resorts, Pools, and Spas Task Force; and the Attractions Task Force.
9. The Pima County Board of Supervisors has determined that, in order to implement Governor Ducey’s physical-distancing requirements in Pima County, it is necessary to adopt temporary measures applicable to restaurants and other dine-in establishments; public/semi-public pools, gyms, fitness centers, hotels and resorts; and attractions for the duration of Governor Ducey’s orders.

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

SECTION 1. The Pima County Board of Supervisors hereby adopts the following temporary measures applicable to all restaurants and other dine-in establishments:

A. Minimum employee, vendor, delivery service and patron health and wellness measures:

1. Wellness/symptom checks, including temperature checks for all restaurant personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of a restaurant.
2. Cloth masks and gloves and/or frequent hand-washing is required for all servers and restaurant personnel. Develop or follow handwashing policy for servers as it exists in the Pima County Food Code.
3. Pima County Health Notice - Posting of the "STOP Please do not enter if you have COVID-19 symptoms" at the entrance of the facility.

B. Minimum restaurant operation measures:

4. Physical and/or electronic signage posting at the restaurant entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises.
5. Indoor occupancy limited to 50 percent unless meeting physical distancing standards allows a higher occupancy.
6. Physical distancing of 6 feet minimum between tables. Bar top or counter seating is not allowed, unless each party is spaced approximately 6 feet apart.
7. Clearly marked 6-foot spacing marks and/or signage along entrances, hallways, restrooms and any other location within a restaurant where queues may form or patrons may congregate.
8. Parties no larger than 10 allowed per table.
9. Menus must be in a format that does not promote potential virus transmission e.g. menu boards, single use menus.
10. Elimination of self-service stations including salad bars and buffets.,
11. Expansion of outdoor service areas to increase physical distancing standards.
12. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations.
13. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders.

C. Additional measures restaurants and other dine-in establishments should also consider:

14. Implement touchless payment methods if possible.
15. Restaurant personnel to have a national certification in food safety and handling, as well as specific training in the prevention of COVID-19.

D. The measures in this Section also apply to event spaces and catered functions.

- E. Compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

SECTION 2. The Pima County Board of Supervisors adopts the following temporary modifications to zoning requirements applicable to restaurants or other dine-in establishments to provide more usable seating area to maximize physical distancing:

- A. Limits and Restrictions: Specific limits are not recommended on seating area expansions to allow maximum flexibility to accommodate a wide variety of business sizes, locations and types. This would apply to restaurants in shopping centers, retail strips, stand-alone structures and multi-use buildings. Potential expansion areas could include vacant land, vacant building space, common areas, sidewalks, parking lots, etc. More importantly, restaurants have flexibility to work with the landlord/building owner to identify the best locations to establish expanded seating areas.
- B. Adjacency of Seating Areas: The expanded seating area does not have to be immediately adjacent to the existing restaurant footprint. It may be desirable to establish a seating area on the shady side of a storefront or other areas such as a parking lot away from the main structure. It is noted there may be certain state liquor license requirements, which Pima County and other jurisdictions do not have control over, that need to be adhered to and may affect the location of the expanded seating.
- C. Café Seating on Sidewalks and Common Areas: Seating outdoors near an entrance or patio to a restaurant is currently permitted in commercial zones. Café seating is fairly common at restaurants throughout the County such as North Italia, Blanco Taco and others at La Encantada, but is potentially underutilized especially during hotter months. Promenades and sidewalk areas have minimal criteria that must be maintained when expanding into these areas, such as providing 6 feet of distance for safe ingress/egress and no obstruction of American with Disabilities compliance requirements. A minimum distance of 8 feet, or 5 feet if there are wheel stops, must be maintained from the seating area to the parking lot curb.
- D. Use of Parking Lot: Most shopping centers in unincorporated Pima County, and likely other jurisdictions, are substantially over-parked and have promenades that could be utilized to expand seating to offset table loss from indoor seating limits and to maximize distances between patrons. However, expanded seating areas should not block parking spaces designated for individuals with disabilities or emergency services access lanes.

Wherever parking or loading spaces are used for expanded seating, adherence to the following criteria is recommended:

- Barriers with a minimum height and weight similar to curbs or wheel stops shall be provided on the Parking Area Access Lanes (PAAL) and along the sides of seating areas where adjacent parking spaces will remain in use.
 - A five-foot clear zone shall exist between the parking area barriers and the expanded seating area. Tables and equipment must not be located in this five-foot clear zone.
- E. On Street Parking Spaces: These locations could be easily converted to outdoor seating areas or “parklet” type seating areas. These locations, typically found in mixed-use, urban and downtown settings, could be used as seating area extensions. If located within a public street, approval of the jurisdiction’s Transportation Department would be required.
- F. Temporary Shade and Tent Structures: If a tent structure is utilized, and is less than 900 square feet and open on two or more sides, no permit is necessary in unincorporated Pima County. If a tent structure over 900 square feet is erected, a building permit is required with a Fire Department inspection.
- G. Other Permits: If construction or erecting of a structure is proposed that involves electrical, grading/drainage, plumbing or other non-minor improvements, a staff evaluation will determine what other permits may be needed in consultation with the restaurant owner/operator. Most “pop-up” style café and outdoor seating will not trigger any permits.
- H. Other Agencies’ Requirements: Expansions must adhere to applicable requirements of other agencies such as the Pima County Food Code and pandemic-related reopening measures and the Arizona Department of Liquor License and Control regulations.
- I. Signage: Enforcement of temporary sign requirements and prohibitions have previously been suspended in unincorporated Pima County, and many other jurisdictions, to allow the use of temporary signage to inform customers during the pandemic emergency declaration.
- J. Landlord/Property Owner Consent: With landlord or property owner consent, and subject to adherence to these outlined measures, restaurants may establish expanded seating areas in locations authorized by the landlord or property owner such as courtyards, promenades, sidewalks, parking lots, loading bays, etc.
- K. Review Process: For unincorporated areas, Pima County Development Services Department will provide same day review and evaluation for proposed temporary outdoor expansion. A simple floor/plan, landlord/owner consent letter, and vehicle barrier diagram (when located in parking lot) can be submitted by email to DSDPlanning@pima.gov for review.

SECTION 3. The Pima County Board of Supervisors hereby adopts the following temporary measures applicable to all public/semi-public pools associated with lodging, gyms, fitness centers, hotels and resorts:

- A. Minimum employee, vendor, and guest health and wellness measures:
 - 1. Wellness/symptom and temperature checks for all personnel, and when possible for vendors, contractors as they arrive on premises and before opening of a pool.
 - 2. Similar symptoms and temperature checks for guests are optional.
 - 3. Cloth masks and gloves and /or frequent hand-washing is required for all staff.

- B. Minimum operation measures:
 - 4. Physical and/or website signage posting at the pool or gym entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises.
 - 5. Indoor occupancy limited to 50 percent or lower unless 6-foot physical distance standards can be achieved with higher occupancy.
 - 6. Clearly marked 6-foot spacing marks and/or signage at entrances, hallways, restrooms and any other location within the gym or pool where patrons may queue or congregate.
 - 7. Physical distancing of 6 feet minimum between fitness equipment, deck loungers, chairs and/or tables.
 - 8. Elimination of self-service stations including water fountains, unless touchless. Nothing prohibits the serving of bottled water.
 - 9. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations.
 - 10. Sanitize customer areas and high-touched surface areas after each sitting or equipment use with EPA-registered disinfectant.
 - 11. Implement cashless and/or minimal touch payment methods if possible.

- C. Establishments subject to the measures in this Section may also be subject to the guidance in Section 1 regarding restaurants and other dine-in establishments.

- D. For pool operators, compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

SECTION 4. The Pima County Board of Supervisors hereby adopts the following temporary measures applicable to all attractions.

- A. Minimum employee, vendor, delivery service health and wellness measures:

1. Wellness/symptom checks, including temperature checks for all attraction personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of an attraction. Patron wellness checks are recommended but not required.
2. Cloth masks gloves and/or frequent hand-washing is required for all staff and volunteers.
3. Pima County Health Notice - Posting of the "STOP Please do not enter if you have COVID-19 symptoms" at the entrance of the facility

B. Minimum attraction operation measures:

4. Physical and/or electronic signage posting at the attraction entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises.
5. Indoor occupancy limited to 50 percent or lower unless physical distance standards can be achieved with higher occupancy. Outdoor attractions are also limited in capacity by social distancing and the ability of the attraction to clearly monitor attendance in the outdoor space.
6. Attendance by reservation or advance ticketing is strongly encouraged to control guest entry and exit to comply with physical distancing.
7. Physical distancing of 6 feet minimum throughout the attraction.
8. Clearly marked 6-foot spacing marks and/or signage throughout the attraction, along entrances, hallways, restrooms and all exhibits. Frequently touched indoor/outdoor exhibits or any exhibit that would not allow physical distancing should be closed.
9. Hand sanitizers available at or adjacent to entrances to the attraction, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations.
10. Elimination of self-service stations including water fountains, unless touchless. Nothing prohibits the serving of bottled water.
11. Sanitize customer areas through-out the attraction with EPA-registered disinfectant, including but not limited to: entry and exit points, and tables or chairs open to the public.

C. Additional measures attractions should also consider:

1. Implement touchless payment methods if available.

D. If the attraction has a restaurant component, compliance with Section 1 also required. Those provisions also apply to event spaces and catered functions.

E. Compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice

Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

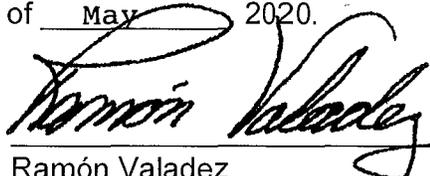
SECTION 5. Failure to comply with measures set forth in Sections 1, 3, or 4 of this Proclamation, except for those that are solely recommendations, subjects an establishment to enforcement as follows:

- A. First violation: a written warning whose primary purpose is to educate the establishment in order to obtain voluntary compliance.
- B. Second violation of the same or a similar nature: a written warning whose primary purpose is to notify the establishment that future violations of the same or a similar nature as the first violation will result in a posting as described in subsection (C) below..
- C. Third and subsequent violations of the same or a similar nature. Posting on the County COVID-19 website that the facility, business or location is not in compliance with the approved County standards designed to minimize the spread of COVID-19.
- D. Establishments that have been found to meet these standards and have not had a valid complaint in violation of either these temporary measures or the Pima County Food Code within the past 12 months, will be posted on the Covid-19 website as following Pima County Best Practices Restaurants.

SECTION 6. The temporary measures in this Proclamation remain in effect for the duration of the emergency declared in Resolution No. 2020-18 and until all restrictions are lifted by the Governor.

SECTION 7. The Proclamation approved May 13, 2020 is hereby repealed.

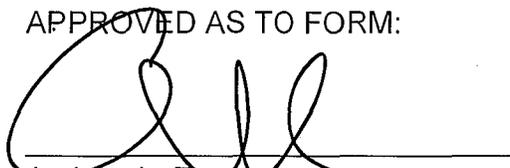
PROCLAIMED at 2 pm this 21 st day of May 2020.


MAY 21 2020
Ramón Valadez
Chairman, Pima County Board of Supervisors

ATTEST:


Julie Castañeda
Clerk of the Board

APPROVED AS TO FORM:


Andrew L. Flagg
Chief Civil Deputy County Attorney

RESOLUTION NO. 2020 - 18

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS PROCLAIMING THE EXISTENCE OF AN EMERGENCY RELATED TO THE COVID-19 OUTBREAK

The Board of Supervisors of Pima County, Arizona finds:

1. A.R.S. § 26-311(A) provides that, whenever the chairman of the board of supervisors for the unincorporated portion of a county deems that an emergency exists due to natural or man-made calamity or disaster or by reason of threats or occurrences of riots, routs, affrays or other acts of civil disobedience which endanger life or property within the unincorporated areas of the county, the chairman of the board of supervisors, if authorized by ordinance or resolution, may by proclamation declare an emergency or a local emergency to exist and thereafter govern by proclamation.
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 World Health Organization declared the spread of COVID-19 to constitute a pandemic.
4. 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.
5. 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.
6. On March 15, 2020, Governor Ducey announced the temporary closure of all schools in Arizona due to COVID-19
7. On March 16, 2020, President Trump and the Center for Disease Control and Prevention issued their "Coronavirus Guidelines for America: 15 Days to Slow the Spread" which includes guidance to avoid social gatherings of more than 10 people; avoid eating or drinking at bars or restaurants; avoid discretionary travel and social visits; and listen to and follow the directions of your state and local authorities; and further advises that in states with evidence of community transmission of COVID-19, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be close.

8. In the last several days, other Arizona jurisdictions, including the City of Tucson, have issued proclamations declaring a local emergency in connection with the COVID-19 outbreak.
9. There is reasonable cause to believe that the spread of COVID-19 can lead to severe respiratory illness, disease complications, and death for Pima County residents, particularly those with underlying medical conditions and the elderly.
10. Health professionals have identified precautions and interventions that can mitigate the spread of COVID-19.
11. As of the date of this Proclamation, the Pima County Health Department has confirmed six (6) COVID-19 cases within Pima County.
12. The Board of Supervisors of Pima County, Arizona, has determined that an emergency or local emergency exists within unincorporated Pima County due to COVID-19.
13. Emergency management measures are required to reduce the severity of the local emergency and mitigate the spread of COVID-19; and to protect the health, safety and welfare of the people and property located in unincorporated Pima County; and to pursue and receive available aid.
14. On March 17, 2020, Governor Ducey and the Arizona Department of Health Services released guidance concerning the actions needed and recommended to reduce and mitigate the spread of COVID-19, which includes the closure of bars, restaurants, gyms, and other places of public gathering.

NOW, THEREFORE, BE IT RESOLVED,

SECTION 1. The Pima County Board of Supervisors hereby declares, pursuant to A.R.S. § 26-311, an emergency or local emergency to exist in unincorporated Pima County related to the COVID-19 outbreak and hereby adopts the orders included in the Proclamation accompanying this Resolution.

SECTION 2. The Chairman of the Pima County Board of Supervisors is hereby authorized and empowered to govern by proclamation, as authorized by A.R.S. § 26-311, in consultation with the County Administrator and Chief Medical Officer, as provided in the Proclamation accompanying this Resolution, except any additional or future proclamation or change to this Proclamation must be approved at a regular or special meeting of the Board.

SECTION 3. The emergency or local emergency and the orders included in the Proclamation accompanying this Resolution shall remain in effect until the Board, or the Chairman, in consultation with the County Administrator and Chief Medical Officer, issues a proclamation determining that an emergency no longer exists or terminates or modifies the orders included in the Proclamation accompanying this Resolution, whichever occurs first.

PASSED AND ADOPTED this 19th day of March, 2020.



Richard Elias
Chairman, Pima County Board of Supervisors

MAR 19 2020

ATTEST:



Julie Castañeda
Clerk of the Board

APPROVED AS TO FORM:



Andrew L. Flagg
Chief Civil Deputy County Attorney

**PROCLAMATION OF THE PIMA COUNTY BOARD OF
SUPERVISORS REGARDING A STATE OF EMERGENCY
RELATED TO THE COVID-19 OUTBREAK**

The Board of Supervisors of Pima County, Arizona finds:

1. A.R.S. § 26-311(A) provides that, whenever the chairman of the board of supervisors for the unincorporated portion of a county deems that an emergency exists due to natural or man-made calamity or disaster or by reason of threats or occurrences of riots, routs, affrays or other acts of civil disobedience which endanger life or property within the unincorporated areas of the county, the chairman of the board of supervisors, if authorized by ordinance or resolution, may by proclamation declare an emergency or a local emergency to exist and thereafter govern by proclamation.
2. The Pima County Board of Supervisors has, contemporaneously with this Proclamation, as authorized by A.R.S. § 26-311, declared an emergency or local emergency to exist in unincorporated Pima County related to the COVID-19 outbreak and adopted the orders included in this Proclamation.

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

SECTION 1. The Board, having determined that the following orders are necessary to preserve the peace and order of Pima County, and to protect life and/or property and to promote and preserve public safety and welfare, and in particular to mitigate the spread of COVID-19 and provide essential protections to Pima County residents, including those who are most vulnerable to infection, order the following regulations:

The Board orders that effective March 19, 2020, at 8:00 p.m. and continuing until March 31, 2020 at 11:59 p.m.:

- a. All restaurants, food courts, cafes, coffeehouses, retail food facilities, and other similar businesses and establishments located in unincorporated Pima County, including those housed within or on the same properties as hotels and similar establishments, are prohibited from serving food and beverages for consumption on premises.

Members of the public are prohibited from entering premises subject to this section and remaining on site to consume food and/or beverages.

Businesses and establishments subject to this section that offer food and beverages for on-premises consumption are encouraged to offer food and beverages using delivery service, window service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission

of COVID-19, including social distancing. In offering food or beverages, a business or establishment subject to this section that does not have the ability to offer window, drive-through or drive-up service may permit members of the public on its premises for the purpose of picking up their food or beverage orders. "Delivery service," for purposes of this section, includes room service at hotels and similar establishments.

b. The following businesses and establishments located in unincorporated Pima County are hereby closed to use and occupancy by members of the public:

i. Bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other similar businesses and establishments offering alcoholic beverages or spirituous liquor for consumption on-premises.

ii. Theaters, cinemas, and indoor and outdoor performance venues.

iii. Museums.

iv. Gymnasiums, fitness centers, recreation centers, indoor sports facilities, indoor exercise facilities, exercise studios, yoga and barre studios, and other similar facilities.

v. Bingo halls, bowling alleys, indoor climbing or jumping/bouncing facilities, skating rinks, and other similar recreational or entertainment facilities.

This section does not prohibit a proprietor, employee, contractor, vendor, or supplier of a local business from entering, using or occupying that place of business in their professional capacity.

SECTION 2. The restrictions imposed by Section 1 of this Proclamation do not apply to any of the following:

a. Grocery stores, markets, convenience stores, and other similar businesses and establishments that offer food and/or beverage that is not for on-premises consumption;

b. Pharmacies and drug stores;

c. Food banks and food pantries;

d. Cafeterias, commissaries, and restaurants located within health care facilities, nursing homes, shelters, group homes, places of worship, or similar facilities;

e. Cafeterias, commissaries, and restaurants located within or on the premises of institutions of higher learning;

f. Vendors and concessionaires located within the Tucson International Airport;

g. Banks and financial institutions;

h. Other establishments not listed in Section 1.

SECTION 3. Pursuant to A.R.S. § 26-317, a person who violates any of the above prohibitions shall be guilty of a Class 1 misdemeanor. Any violation that is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

SECTION 4. In addition, the Board strongly urges the leaders of the County's houses of worship to limit gatherings on their premises and to observe social distancing practices.

SECTION 5. The Board also urges all business owners and employers to establish social distancing practices for their patrons and employees and avoid social gatherings of more than 10 people.

SECTION 6. In addition to the prohibitions and regulations ordered under Section 1 above, the Chairman is authorized and empowered to, in consultation with the County Administrator and Chief Medical Officer, implement the provisions of the Proclamation and Declaration as otherwise provided under the powers as prescribed by federal, state and local law, and to take those measures that are necessary and appropriate to protect and promote public health and safety. Those measures include taking all actions reasonable and appropriate to limit face-to-face interactions between County staff and members of the public; limiting public access to public buildings and facilities, including limiting public access to service counters and lobbies within County buildings; and limiting public attendance at Board of Supervisors meetings or the meetings of other Pima County boards, committees and commissions as authorized under Arizona law.

SECTION 7. The Pima County Board of Supervisors requests immediate assistance from other public agencies and jurisdictions, to include any federal or state funding that might be made available in connection with the COVID-19 response. The Chairman is authorized and empowered to accept any such assistance and, in consultation with the County Administrator and Chief Medical Officer, to implement any such assistance.

SECTION 8. The orders included in Section 1 and otherwise in this Proclamation are effective immediately and shall remain in effect until the Board, or the Chairman, in consultation with the County Administrator and Chief Medical Officer, issues a proclamation determining that an emergency no longer exists or terminates or modifies the orders included in the Proclamation accompanying this Resolution, whichever occurs first.

PROCLAIMED at 10 a.m. this 19th day of March, 2020.



Richard Elías
Chairman, Pima County Board of Supervisors

ATTEST:

A handwritten signature in black ink, appearing to read 'Julie Castañeda', written over a horizontal line.

Julie Castañeda
Clerk of the Board

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Andrew L. Flagg', written over a horizontal line.

Andrew L. Flagg
Chief Civil Deputy County Attorney

PROCLAMATION OF THE PIMA COUNTY BOARD OF SUPERVISORS REGARDING A STATE OF EMERGENCY RELATED TO THE COVID-19 OUTBREAK, AMENDING AND EXTENDING THE DURATION OF THE PROVISIONS IN THE PROCLAMATION DATED MARCH 19, 2020

The Board of Supervisors of Pima County, Arizona finds:

1. On March 19, 2020, the Pima County Board of Supervisors adopted Resolution No. 2020-18, declaring an emergency or local emergency to exist in unincorporated Pima County related to the COVID-19 outbreak and adopting the orders contained in an accompanying Proclamation issued the same day.
2. Section 2 of Resolution No. 2020-18 authorized and empowered the Chairman of the Pima County Board of Supervisors to govern by proclamation, as authorized by A.R.S. § 26-311, in consultation with the County Administrator and Chief Medical Officer, as provided in the Proclamation accompanying Resolution No. 2020-18.
3. Section 2 of Resolution No. 2020-18 further provided that any additional or future proclamation or change to the Proclamation dated March 19, 2020 must be approved at a regular or special meeting of the Board.
4. The Pima County Board of Supervisors has determined that, in light of the continued and increasing impact of the COVID-19 outbreak in unincorporated Pima County, it is necessary to extend and prohibitions and restrictions in place under the Proclamation dated March 19, 2020 and to amend the penalty provisions.

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

SECTION 1. The regulations imposed by Section 1 of the Proclamation dated March 19, 2020, shall remain in effect until April 10, 2020, at 11:59 p.m.

SECTION 2. Section 3 of the Proclamation dated March 19, 2020, is revised as follows (new material is underlined; deleted material is stricken through):

~~Pursuant to A.R.S. § 26-317, a~~ A person who violates any of the above prohibitions or restrictions in the Proclamation dated March 19, 2020 shall be guilty of a Class 1 misdemeanor ~~subject to civil penalties as provided below:~~

1. First violation: a written warning will be issued.

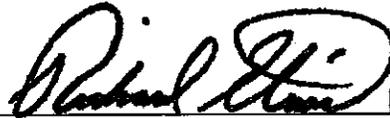
2. Second violation: the person is subject to a civil penalty of \$500.

3. Third and subsequent violations: the person is subject to a civil penalty of \$2,500.

Civil penalties shall be enforced by issuance of a written citation, which shall be heard as a civil matter before a justice of the peace. As an alternative and at the discretion of law enforcement, violations may be enforced as Class 1 misdemeanors as authorized by A.R.S. § 26-317. Any violation that is continuing in nature shall constitute a separate offense on each successive date the violation continues, unless otherwise provided.

SECTION 3. Except as expressly modified by this Proclamation, the provisions in the Proclamation dated March 19, 2020 remain in effect.

PROCLAIMED at 10:00 this 26th day of March, 2020.

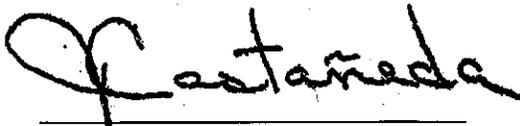


MAR 26 2020

Richard Elias

Chairman, Pima County Board of Supervisors

ATTEST:



Julie Castañeda
Clerk of the Board

APPROVED AS TO FORM:



Andrew L. Flagg
Chief Civil Deputy County Attorney

**PROCLAMATION OF THE PIMA COUNTY BOARD OF
SUPERVISORS REGARDING A STATE OF EMERGENCY
RELATED TO THE COVID-19 OUTBREAK,
ESTABLISHING MEASURES FOR REOPENING OF
CERTAIN BUSINESSES AND ACTIVITIES**

The Board of Supervisors of Pima County, Arizona finds:

1. On March 19, 2020, the Pima County Board of Supervisors adopted Resolution No. 2020-18, declaring an emergency or local emergency to exist in unincorporated Pima County related to the COVID-19 outbreak and adopting the orders contained in an accompanying Proclamation issued the same day.
2. Section 2 of Resolution No. 2020-18 authorized and empowered the Chairman of the Pima County Board of Supervisors to govern by proclamation, as authorized by A.R.S. § 26-311, in consultation with the County Administrator and Chief Medical Officer, as provided in the Proclamation accompanying Resolution No. 2020-18.
3. Section 2 of Resolution No. 2020-18 further provided that any additional or future proclamation or change to the Proclamation dated March 19, 2020 must be approved at a regular or special meeting of the Board.
4. 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.
5. On April 29, 2020, Governor Ducey issued Executive Order 2020-33, entitled "Returning Stronger; *Amending the Stay Home, Stay Healthy, Stay Connected Order.*" The Returning Stronger order extended the Stay Home, Stay Healthy, Stay Connected order, as modified in the Returning Stronger order, until May 15, 2020, at 11:59 p.m. Among the modifications in the Returning Stronger order, Governor Ducey authorized:
 - a. Nonessential retailers to "operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or appointment provided they establish and implement protocols and best practices for businesses to address COVID-19 as outlined in this order," effective May 4, 2020.
 - b. Nonessential retailers to begin to "operate and offer goods for sale to customers in their stores provided they establish and implement protocols

and best practices for businesses to address COVID-19 as outlined in this order," effective May 8, 2020.

6. On May 4, 2020, Governor Ducey issued Executive Order 2020-34, entitled "Building on COVID-19 Successes; *Resuming additional business operations for barbers, cosmetologists, and dine-in restaurants.*" That order provided that:
 - a. Barbers and cosmetologists could resume operations May 8, 2020, "provided they establish and implement protocols and best practices for businesses to address COVID-19, including using face coverings for employees and customers, operating by appointment only and following protocols as directed by the Centers for Disease Control and Prevention, the United States Department of Labor Division of Occupational Safety and the Arizona Department of Health Services."
 - b. Dine-in services could resume May 11, 2020, provided they establish and implement protocols and best practices for businesses to address COVID-19, including enacting physical distancing policies, limiting the number of diners and following protocols as directed by the Centers for Disease Control and Prevention, the United States Department of Labor Division of Occupational Safety and the Arizona Department of Health Services."
7. In order to properly plan for a phased reopening of the economy in Pima County, Pima County created the Back to Business Steering Committee, which includes private-sector and government leaders, including representatives of businesses large and small a total of 128 members. The Steering Committee has overseen task forces for Bars and Restaurants; Resorts, Pools, and Spas; and Attractions, each of which consists of representatives from a variety of businesses within each of those sectors. Each task force developed temporary measures applicable to businesses within each task force sector.
8. At a meeting held May 11, 2020, the Back to Business Steering Committee generally approved the proposed temporary measures proposed by the Bars and Restaurants Task Force; the Resorts, Pools, and Spas Task Force; and the Attractions Task Force.
9. The Pima County Board of Supervisors has determined that, in order to implement Governor Ducey's physical-distancing requirements in Pima County, it is necessary to adopt temporary measures applicable to restaurants and other dine-in establishments; public/semi-public pools, gyms, fitness centers, hotels and resorts; and attractions for the duration of Governor Ducey's orders.

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

SECTION 1. The Pima County Board of Supervisors hereby adopts the following temporary measures applicable to all restaurants and other dine-in establishments:

A. Minimum employee, vendor, delivery service and patron health and wellness measures:

1. Wellness/symptom checks, including temperature checks for all restaurant personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of a restaurant.
2. Cloth masks and gloves and frequent hand-washing is required for all servers and restaurant personnel. Server gloves not required if the operator can document that server hands are sanitized between servings.
3. Any patron exhibiting symptoms of COVID-19 is prohibited from entering the facility.

B. Minimum restaurant operation measures:

4. Physical and/or electronic signage posting at the restaurant entrance (and on the restaurant website) of public health advisories prohibiting individuals who are symptomatic from entering the premises.
5. Indoor occupancy limited to 50 percent or lower.
6. Service by take out, reservation or call ahead seating only, including Text and/or telephone notification of patrons requesting restaurant in-person service, allowing restaurant patrons to physical distance until called for service.
7. Physical distancing of 6 feet minimum between tables. Bar top seating is not allowed.
8. Clearly marked 6-foot spacing marks along entrances, hallways, restrooms and any other location within a restaurant where ques may form or patrons may congregate.
9. Parties no larger than 10 allowed per table.
10. Menus must be in a format that does not promote potential virus transmission e.g. menu boards, single use menus.
11. Elimination of self-service stations including salad bars, buffets, soda refill stations.
12. Expansion of outdoor service areas to increase physical distancing standards.
13. Hand sanitizers available at entrances to the facility, restrooms and in employee work areas.
14. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders.
15. Post documentation cleaning logs on line and available upon request at the entrance documenting cleaning of all public areas (inclusive of counter tops, door handles, waiting areas, etc.) at least every 2 to 3 hours.

C. Additional measures restaurants and other dine-in establishments should also consider:

16. Implement touchless payment methods.

17. Restaurant personnel to have a national certification in food safety and handling, as well as specific training in the prevention of COVID-19.

- D. The measures in this Section also apply to event spaces and catered functions.
- E. Compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

SECTION 2. The Pima County Board of Supervisors adopts the following temporary modifications to zoning requirements applicable to restaurants or other dine-in establishments to provide more usable seating area to maximize physical distancing:

- A. Limits and Restrictions: Specific limits are not recommended on seating area expansions to allow maximum flexibility to accommodate a wide variety of business sizes, locations and types. This would apply to restaurants in shopping centers, retail strips, stand-alone structures and multi-use buildings. Potential expansion areas could include vacant land, vacant building space, common areas, sidewalks, parking lots, etc. More importantly, restaurants have flexibility to work with the landlord/building owner to identify the best locations to establish expanded seating areas.
- B. Adjacency of Seating Areas: The expanded seating area does not have to be immediately adjacent to the existing restaurant footprint. It may be desirable to establish a seating area on the shady side of a storefront or other areas such as a parking lot away from the main structure. It is noted there may be certain state liquor license requirements, which Pima County and other jurisdictions do not have control over, that need to be adhered to and may affect the location of the expanded seating.
- C. Café Seating on Sidewalks and Common Areas: Seating outdoors near an entrance or patio to a restaurant is currently permitted in commercial zones. Café seating is fairly common at restaurants throughout the County such as North Italia, Blanco Taco and others at La Encantada, but is potentially underutilized especially during hotter months. Promenades and sidewalk areas have minimal criteria that must be maintained when expanding into these areas, such as providing 6 feet of distance for safe ingress/egress and no obstruction of American with Disabilities compliance requirements. A minimum distance of 8 feet, or 5 feet if there are wheel stops, must be maintained from the seating area to the parking lot curb.
- D. Use of Parking Lot: Most shopping centers in unincorporated Pima County, and likely other jurisdictions, are substantially over-parked and have promenades that could be utilized to expand seating to offset table loss from indoor seating limits and to maximize distances between patrons. However, expanded seating areas

should not block parking spaces designated for individuals with disabilities or emergency services access lanes.

Wherever parking or loading spaces are used for expanded seating, adherence to the following criteria is recommended:

- Barriers with a minimum height and weight similar to curbs or wheel stops shall be provided on the Parking Area Access Lanes (PAAL) and along the sides of seating areas where adjacent parking spaces will remain in use.
- A five-foot clear zone shall exist between the parking area barriers and the expanded seating area. Tables and equipment must not be located in this five-foot clear zone.

- E. On Street Parking Spaces: These locations could be easily converted to outdoor seating areas or "parklet" type seating areas. These locations, typically found in mixed-use, urban and downtown settings, could be used as seating area extensions. If located within a public street, approval of the jurisdiction's Transportation Department would be required.
- F. Temporary Shade and Tent Structures: If a tent structure is utilized, and is less than 900 square feet and open on two or more sides, no permit is necessary in unincorporated Pima County. If a tent structure over 900 square feet is erected, a building permit is required with a Fire Department inspection.
- G. Other Permits: If construction or erecting of a structure is proposed that involves electrical, grading/drainage, plumbing or other non-minor improvements, a staff evaluation will determine what other permits may be needed in consultation with the restaurant owner/operator. Most "pop-up" style café and outdoor seating will not trigger any permits.
- H. Other Agencies' Requirements: Expansions must adhere to applicable requirements of other agencies such as the Pima County Food Code and pandemic-related reopening measures and the Arizona Department of Liquor License and Control regulations.
- I. Signage: Enforcement of temporary sign requirements and prohibitions have previously been suspended in unincorporated Pima County, and many other jurisdictions, to allow the use of temporary signage to inform customers during the pandemic emergency declaration.
- J. Landlord/Property Owner Consent: With landlord or property owner consent, and subject to adherence to these outlined measures, restaurants may establish expanded seating areas in locations authorized by the landlord or property owner such as courtyards, promenades, sidewalks, parking lots, loading bays, etc.
- K. Review Process: For unincorporated areas, Pima County Development Services Department will provide same day review and evaluation for proposed temporary

outdoor expansion. A simple floor/plan, landlord/owner consent letter, and vehicle barrier diagram (when located in parking lot) can be submitted by email to DSDPlanning@pima.gov for review.

SECTION 3. The Pima County Board of Supervisors hereby adopts the following temporary measures applicable to all public/semi-public pools, gyms, fitness centers, hotels and resorts:

- A. Minimum employee, vendor, and guest health and wellness measures:
 - 1. Wellness/symptom and temperature checks for all personnel, and when possible for vendors, contractors as they arrive on premises and before opening of a pool.
 - 2. Similar symptoms and temperature checks for guests are optional.
 - 3. Cloth masks and gloves and frequent hand-washing is required for all staff.

- B. Minimum operation measures:
 - 4. Physical and/or website signage posting at the pool or gym entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises.
 - 5. Indoor occupancy limited to 50 percent or lower unless 6-foot physical distance standards can be achieved with higher occupancy.
 - 6. Clearly marked 6-foot spacing marks at entrances, hallways, restrooms and any other location within the gym or pool where patrons may queue or congregate.
 - 7. Physical distancing of 6 feet minimum between fitness equipment, deck loungers, chairs and/or tables.
 - 8. Elimination of self-service stations including water fountains, unless touchless. Nothing prohibits the serving of bottled water.
 - 9. Hand sanitizers available at entrances to the facility, restrooms and in employee work areas.
 - 10. Sanitize customer areas and high-touched surface areas after each sitting or equipment use with EPA-registered disinfectant.
 - 11. Implement cashless and/or minimal touch payment methods if possible.
 - 12. Post documentation cleaning logs on line and at the entrance documenting cleaning of all public areas (inclusive of counter tops, door handles, waiting areas, etc.) at least every 2 to 3 hours.

- C. Establishments subject to the measures in this Section may also be subject to the guidance in Section 1 regarding restaurants and other dine-in establishments.

- D. For pool operators, compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

SECTION 4. The Pima County Board of Supervisors hereby adopts the following temporary measures applicable to all attractions.

- A. Minimum employee, vendor, delivery service health and wellness measures:
 - 1. Wellness/symptom checks, including temperature checks for all attraction personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of an attraction. Patron wellness checks are recommended but not required.
 - 2. Cloth masks and frequent hand-washing is required for all staff and volunteers.
 - 3. Any patron exhibiting symptoms of COVID-19 is prohibited from entering the facility.

- B. Minimum attraction operation measures:
 - 4. Physical and/or electronic signage posting at the attraction entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises.
 - 5. Indoor occupancy limited to 50 percent or lower unless physical distance standards can be achieved with higher occupancy. Outdoor attractions are also limited in capacity by social distancing and the ability of the attraction to clearly monitor attendance in the outdoor space.
 - 6. Attendance by reservation or advance ticketing is strongly encouraged to control guest entry and exit to comply with physical distancing.
 - 7. Physical distancing of 6 feet minimum throughout the attraction.
 - 8. Clearly marked 6-foot spacing marks throughout the attraction, along entrances, hallways, restrooms and all exhibits. Frequently touched indoor/outdoor exhibits or any exhibit that would not allow physical distancing should be closed.
 - 9. Hand sanitizers available at entrances to the attraction, restrooms and in employee work areas.
 - 10. Elimination of self-service stations including water fountains, unless touchless. Nothing prohibits the serving of bottled water.
 - 11. Sanitize customer areas through-out the attraction with EPA-registered disinfectant, including but not limited to: entry and exit points, and tables or chairs open to the public.
 - 12. Post cleaning log documents on line and at the entrance documenting cleaning of all public areas (inclusive of counter tops, door handles, waiting areas, etc.) at least every 2 to 3 hours.

- C. Additional measures attractions should also consider:
 - 1. Implement touchless payment methods if available.

- D. If the attraction has a restaurant component, compliance with Section 1 also required. Those provisions also apply to event spaces and catered functions.

- E. Compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

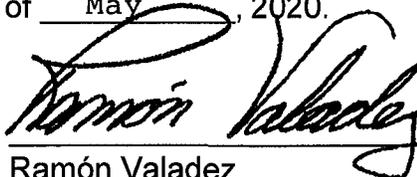
SECTION 5. Failure to comply with measures set forth in Sections 1, 3, or 4 of this Proclamation, except for those that are solely recommendations, subjects an establishment to civil penalties as follows:

- A. First violation: a written warning whose primary purpose is to educate the establishment in order to obtain voluntary compliance.
- B. Second violation of the same or a similar nature: a written warning whose primary purpose is to notify the establishment that future violations of the same or a similar nature as the first violation will constitute civil infractions.
- C. Third and subsequent violations of the same or a similar nature: each constitutes a civil infraction, with a penalty of \$500.

Civil penalties shall be enforced by issuance of a written citation issued to the establishment's owner or operator, which shall be heard as a civil matter before a justice of the peace. Although written warnings may be issued by civilian Pima County staff, any citation alleging a civil infraction must be issued by a law enforcement officer.

SECTION 6. The temporary measures in this Proclamation remain in effect for the duration of the emergency declared in Resolution No. 2020-18 and until all restrictions are lifted by the Governor.

PROCLAIMED at 9 am this 13 day of May, 2020.



Ramón Valadez
Chairman, Pima County Board of Supervisors

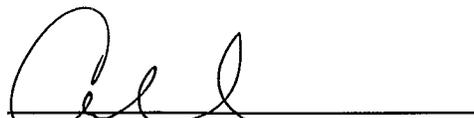
MAY 13 2020

ATTEST:



Julie Castañeda
Clerk of the Board

APPROVED AS TO FORM:



Andrew L. Flagg
Chief Civil Deputy County Attorney

COMPARISON OF COVID-19 ARIZONA GOVERNOR GUIDANCE AND PIMA COUNTY TEMPORARY MEASURES - RESTAURANTS, GYMS AND POOLS

Note: Pima County's temporary measures also apply to hotels, resorts and attractions, whereas the Governor does not have guidance for hotels, resorts and attractions. Governor has guidance for retail, barbers and cosmetologists, spa/massage therapy, places of worship, shopping malls, and theaters, whereas Pima County does not.

Business Type	Governor's Guidance Per EO 2020-36	Pima County Temporary Measures including changes adopted 5/21/20	Pima Measures compared to AZGov Guidance
Restaurant Dine-In Services			
Customers:	Stay home if sick.	No specific guidance for customers other than restaurant required signage.	
	Consider ordering food for delivery or curbside pick up if available.	None	
	Stay at least 6 feet away from others while dining.	None	
	When you do dine-in, consider dining during off-peak hours (for example, early morning, mid afternoon, or late night).	None	
	If you are higher risk for severe illness, continue to use takeout and delivery and avoid dine-in services at restaurants. People at higher risk for severe illness include adults 65 or older, and people of any age who have serious underlying medical conditions.	None	
	Do not touch your eyes, nose, or mouth.	None	
	If possible, use touchless payment (pay without touching money, a card, or keypad). If you must handle money, a card, or use a keypad, use hand sanitizer immediately after.	None	
	Wash your hands with soap and water or use an alcohol-based hand sanitizer before you eat and again when you are finished.	None	
	After leaving the restaurant, use hand sanitizer. When you get home, wash your hands with soap and water for at least 20 seconds.	None	
Restaurant Operators - following precautions should be followed:	Consider assigning duties to vulnerable workers that minimize their contact with customers and other employees.	None	
	Enforce hand washing, covering coughs, and sneezes.	1.A.2. Cloth masks and gloves and/or frequent hand-washing is required for all servers and restaurant personnel. Develop or follow handwashing policy for servers as it exists in the Pima County Food Code.	Consistent and more detailed
	Develop standards for the use of non-medical grade masks or cloth face coverings by employees, when near other employees and customers.	1.A.2. Cloth masks and gloves and/or frequent hand-washing is required for all servers and restaurant personnel. Develop or follow handwashing policy for servers as it exists in the Pima County Food Code.	Consistent and more detailed
	Ensure adequate supplies to support health hygiene practices for both employees and customers including, soap, hand sanitizer with at least 60 percent alcohol (perhaps on every table, if supplies allow), and tissues.	1.B.12. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations.	Consistent
	Consider posting signs on how to stop the spread of COVID-19, properly wash hands, promote everyday protective measures and properly wear a face covering.	1.B.4. Physical and/or electronic signage posting at the restaurant entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises. 1.A.3. Pima County Health Notice - Posting of the "STOP Please do not enter if you have COVID-19 symptoms" at the entrance of the facility.	Consistent
	Intensify cleaning, disinfection and ventilation practices.	1.B.12. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations. 1.B.13. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders.	Consistent and more detailed
	Wash, rinse, and sanitize food contact surfaces, food preparation surfaces, and beverage equipment after use.	None	

	Avoid using or sharing items such as menus, condiments, and any other food. Instead, use disposable or digital menus, single serving condiments, and no-touch trash cans and doors.	1.B.9. Menu must be in a format that does not promote potential virus transmission e.g. menu boards, single use menus.	Consistent
	Wipe any pens, counters, or hard surfaces between use of customer.	1.B.13. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders. 1.C.14. Implement touchless payment methods if possible.	Consistent and more detailed
	Train all employees in the above safety actions.	1.C.15. Restaurant personnel to have a national certification in food safety and handling, as well as specific training in the prevention of COVID-19 (for consideration/not required).	Consistent and more detailed, but not required
Restaurant Operators - recommend the following additional steps be taken:	Maintain physical distancing, including limiting parties to no more than 10.	1.B.6. Physical distancing of 6 feet minimum between tables. Bar top seating is not allowed, unless each party is spaced 6 feet apart. 1.B.7. Clearly marked 6-foot spacing marks and/or signage along entrances, hallways, restrooms and any other location within a restaurant where queues may form or patrons may congregate. 1.B.8. Parties no larger than 10 allowed per table. 1.B.11. Expansion of outdoor service areas to increase physical distancing standards.	Consistent and more detailed
	Operate with reduced occupancy and capacity based on the size of the business location with special attention to limiting areas where customers and employees can congregate.	1.B.5. Indoor occupancy limited to 50 percent unless meeting physical distancing standards allows a higher occupancy.	Consistent
	Implement comprehensive sanitation protocols, including increased sanitation schedules for bathrooms.	1.B.12. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations. 1.B.13. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders.	Consistent and more detailed
	Continue to provide options for delivery or curbside service even if a location offers dine-in.	None	
	Implement symptom screening for employees prior to the start of their shift.	1.A.1. Wellness/symptom checks, including temperature checks for all restaurant personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of a restaurant.	Consistent and more detailed
	Consider offering masks to wait and host staff.	1.A.2. Cloth masks and gloves and/or frequent hand-washing is required for all servers and restaurant personnel. Develop or follow handwashing policy for servers as it exists in the Pima County Food Code.	Consistent and more detailed
	Restaurants should sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders, any other surface or item a customer is like to have touched.	1.B.13. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders.	Consistent
	Avoid instances where customers serve their own food.	1.B.10. Elimination of self-service stations including salad bars and buffets.	Consistent
Gyms and Fitness Providers			
Gym Customers	Stay at least 6 feet away from other patrons.	No specific guidance for customers.	
	If you are at higher risk for severe illness, you should avoid visiting gyms & fitness providers. People at higher risk for severe illness include adults 65 or older and people of any age who have serious underlying medical conditions.	None	
	Do not touch your eyes, nose, or mouth.	None	

	If possible, use touchless payment (pay without touching money, a card, or a keypad). If you must handle money, a card, or use a keypad, use hand sanitizer immediately after.	None	
	After leaving the gym, use hand sanitizer. When you get home, wash your hands with soap and water for at least 20 seconds.	None	
Gym Operators	Maintain physical distancing, to the extent possible.	3.B.6. Clearly marked 6-foot spacing marks and/or signage at entrances, hallways, restrooms and any other location within the gym or pool where patrons may queue or congregate.	Consistent and more detailed
	Provide and require employees to wear masks when possible.	3.A.3. Cloth masks and gloves and/or frequent hand-washing is required for all staff.	Consistent and more detailed
	Provide access to soap and water for handwashing or an alcohol-based hand sanitizer at stations around the gym for use by employees and clients. Require employees to regularly wash hands for at least 20 seconds.	3.A.3. Cloth masks and gloves and/or frequent hand-washing is required for all staff. 3.B.9. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations.	Consistent and more detailed
	Operate with reduced occupancy and capacity based on the size of the business location with special attention to limiting areas where customers and employees can congregate.	3.B.5. Indoor occupancy limited to 50 percent or lower unless 6-foot physical distance standards can be achieved with higher occupancy.	Consistent and more detailed
	Wipe any pens, counters, or hand surfaces between use or customer.	3.B.10. Sanitize customer areas and high-touch surface areas after each sitting or equipment use with EPA-registered disinfectant.	Consistent and more detailed
	Implement comprehensive sanitation protocols, including sanitizing gyms equipment before and after every use. - Provide disposable disinfectant wipes, cleaner, or spray so patrons can wipe down frequently touched surfaces on gym equipment.	3.B.10. Sanitize customer areas and high-touch surface areas after each sitting or equipment use with EPA-registered disinfectant.	Consistent and more detailed
	Implement symptom screening for employees prior to the start of their shift.	3.A.1. Wellness/symptom and temperature checks for all personnel, and when possible, for vendors, contractors, as they arrive on premises and before opening of a pool. 3.A.2. Similar symptom and temperature checks for guests are optional.	Consistent and more detailed
	Consider offering cloth face coverings to employees to wear.	3.A.3. Cloth masks and gloves and/or frequent hand-washing is required for all staff.	Consistent and more detailed
	Arrange waiting areas, service areas, and break rooms to provide for appropriate physical distancing and sanitize areas regularly between use.	3.B.6. Clearly marked 6-foot spacing marks and/or signage at entrances, hallways, restrooms and any other location within the gym or pool where patrons may queue or congregate. 3.B.10. Sanitize customer areas and high-touch surface areas after each sitting or equipment use with EPA-registered disinfectant.	Consistent and more detailed
	Consider posting signs advising customers and employees of expectations and guidance.	3.B.4. Physical and/or website signage posting at the pool or gym entrance of public health advisories prohibiting individual who are symptomatic from entering premises.	Consistent
	Train all employees in the above safety actions.	None	
	Consider contactless check-ins.	3.B.11. Implement cashless and/or minimal touch payment methods if possible. 3.B.8. Elimination of self-service stations including water fountains, unless touchless. Nothing prohibits the serving of bottled water.	Consistent and more detailed
	Consider requiring online bookings for fitness classes and limiting the size of the class to allow for appropriate physical distancing.	3.B.5. Indoor occupancy limited to 50 percent or lower unless 6-foot physical distance standards can be achieved with higher occupancy.	Consistent
	Arrange cardio equipment so that appropriate physical distancing can be adhered to.	3.B.7. Physical distancing of 6 feet minimum between fitness equipment, deck loungers, chairs and/or tables.	Consistent and more detailed
	or limiting use of equipment by one user at a time and cleaning and disinfecting between use.	3.B.10. Sanitize customer areas and high-touch surface areas after each sitting or equipment use with EPA-registered disinfectant.	Consistent and more detailed
	Consider limiting gym hours to allow for proper sanitation.	None	
	Implement enhanced sanitation of locker room areas.	3.B.10. Sanitize customer areas and high-touch surface areas after each sitting or equipment use with EPA-registered disinfectant.	Consistent and more detailed

	Require employees and patrons to clean out lockers nightly to facilitate overnight deep cleaning processes.	None	
	Consider requiring guests to provide their own towels. If this is not possible and towels must be provided.	None	
	..Launder items according to the manufacturer's instructions. Use the warmest appropriate water settings and dry items completely.	None	
	..Wear disposable gloves when handling used towels from guests.	None	
	..Do not shake used towels.	None	
	..Clean and disinfect bins that hold used towels according to guidance for disinfecting surfaces.	None	
	..After handling used towels: Remove gloves, and wash hands right away.	None	
Pools (Community Pools)	NOTE PIMA COUNTY TEMPORARY MEASURES ONLY APPLY TO POOLS ASSOCIATED WITH LODGING		
People utilizing pools	Stay at least 6 feet away from other patrons.	No specific guidance for customers	
	If you are at higher risk for severe illness, you should avoid visiting pools. People at higher risk for severe illness include adults 65 or older and people of any age who have serious underlying medical conditions.	None	
	Do not touch your eyes, nose, or mouth.	None	
	After leaving the pool, use hand sanitizer. When you get home, wash your hands with soap and water for at least 20 seconds.	None	
Pool operators	According to the CDC, there is no evidence that the virus that causes COVID-19 can be spread to people through water in pools, hot tubs, spas, or water play areas.	None	
	Proper operation and maintenance (including disinfection with chlorine and bromine) of these facilities should inactivate the virus in water.	None	
	Consider posting signs at pool entrances that if you feel sick, you should go home.	3.B.4. Physical and/or website signage posting at the pool or gym entrance of public health advisories prohibiting individual who are symptomatic from entering premises.	Consistent
	Maintain physical distancing, to the extent possible.	3.B.6. Clearly marked 6-foot spacing marks and/or signage at entrances, hallways, restrooms and any other location within the gym or pool where patrons may queue or congregate.	Consistent
	Provide additional space between pool chairs at community pools to allow for appropriate physical distancing.	3.B.7. Physical distancing of 6 feet minimum between fitness equipment, deck loungers, chairs and/or tables.	Consistent
	Provide access to soap and water for handwashing or an alcohol-based hand sanitizer at stations around the pool for use by employees and clients. Require employees to regularly wash hands for at least 20 seconds.	3.A.3. Cloth masks and gloves and/or frequent hand-washing is required for all staff. 3.B.9. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and	Consistent and more detailed
	Operate with reduced occupancy and capacity based on the size of the pool lounge area.	3.B.5. Indoor occupancy limited to 50 percent or lower unless 6-foot physical distance standards can be achieved with higher occupancy.	Consistent and more detailed
	Implement symptom screening for employees prior to the start of their shift.	3.A.1. Wellness/symptom and temperature checks for all personnel, and when possible, for vendors, contractors, as they arrive on premises and before opening of a pool. 3.A.2. Similar symptom and temperature checks for guests are optional.	Consistent and more detailed
	Consider providing and requiring non-medical grade face covering to employees to wear.	3.A.3. Cloth masks and gloves and/or frequent hand-washing is required for all staff.	Consistent and more detailed
	..Those who are swimming should not wear masks.	None	
	...Advise those wearing face coverings to not wear them in the water.	None	

	...Cloth face coverings can be difficult to breathe through when they're wet.	None	
	Arrange waiting areas, service areas, and break rooms to provide for appropriate physical distancing and sanitize areas regularly between use.	3.B.6. Clearly marked 6-foot spacing marks and/or signage at entrances, hallways, restrooms and any other location within the gym or pool where patrons may queue or congregate. 3.B.10. Sanitize customer areas and high-touch surface areas after each sitting or equipment use with EPA-registered disinfectant.	Consistent and more detailed
	Consider not providing pool floats or toys, but if they are provided, disinfect them in between each use.	None	
	Disinfect pool lifts in between each use.	None	
	Consider posting pool signs advising customers and employees of expectations and guidance.	3.B.4. Physical and/or website signage posting at the pool or gym entrance of public health advisories prohibiting individual who are symptomatic from entering premises.	Consistent
	Train all employees in the above safety actions.	None	
	Consider requiring guests to provide their own towels. If this is not possible and towels must be provided:	None	
	..Launder items according to the manufacturer's instructions. Use the warmest appropriate water settings and dry items completely.	None	
	..Wear disposable gloves when handling used towels from guests.	None	
	..Do not shake used towels.	None	
	..Clean and disinfect bins that hold used towels according to guidance for disinfecting surfaces.	None	
	..After handling used towels: Remove gloves, and wash hands right away.	None	
	Aquatic Summer Programs and Swim Schools/Lessons	None	
	..ADHS recommends avoiding group events, gatherings, or classes both in and out of the water if social distancing of at least 6 feet between people who don't live together cannot be maintained.	3.B.6. Clearly marked 6-foot spacing marks and/or signage at entrances, hallways, restrooms and any other location within the gym or pool where patrons may queue or congregate.	Consistent
	...Exceptions to the physical distancing guidance included:	None	
Anyone rescuing a distressed swimmer, providing first aid, or performing cardiopulmonary resuscitation, with or without an automated external defibrillator.	None	
	...Individuals in the process of evacuating an aquatic venue or entire facility due to an emergency.	None	
	..If planned events or classes must be conducted:	None	
	...Limiting the number of participants in the class or event to prevent transmission.	None	
	...Implementing symptom screening of staff AND participants, especially children who might not be capable of staying at least 6 feet apart from people they don't live with.	None	
	...Staggering drop-off and pick-up times, as much as possible, to maintain distance of at least 6 feet between people who don't live together.	None	
	...Discouraging the sharing of equipment such as kickboards, equipment, toys, and supplies with those they don't live with.	None	
	Discouraging people from sharing items that are difficult to clean, sanitize, or disinfect or that are meant to come in contact with the face (for example, goggles, nose clips, and snorkels.)	None	

	Asking parents to consider if their children are capable of staying at least 6 feet apart from people they don't live with before taking them to a public aquatic venue.	None	
	Limiting any nonessential visitors, volunteers, and activities involving external groups or organizations.	None	
	Limit traveling for events (i.e. swim meets) to prevent mixing of individuals from different geographical locations.	None	