



MEMORANDUM

Date: October 9, 2020

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

From: C.H. Huckelberry
County Administrator

Re: **Mask and Safety Measure Complaints Update**

Attached is the mask and safety measure complaints report for September 25 through October 1. These reports have been posted weekly to the www.pima.gov/facecoverings page since the week of June 23. To date, there have been 14 of these weekly reports posted to the webpage. This is done to demonstrate complete transparency in the complaint handling process.

Out of 1,116 total mask complaints received since the Board approved the resolution, 173 have resulted in onsite visits because of two or more complaints. However, only 25 of those were determined to be non-compliant during the onsite visit and were therefore listed on the web page (3 new for this week's report). Of the 25 listed on the web page, ONLY six, or about a quarter, are still on the webpage from weeks prior. This shows that most establishments that were initially found to be non-compliant proactively requested an unannounced inspection to verify their compliance and were then removed from the webpage.

Of those listed on the webpage, two have been found to be non-compliant at least twice during inspections, one of which is Viva Coffee House and is discussed below. The second and most recent is Sonoran Market. The Pima County Health Department will be recommending next steps for Sonoran Market shortly.

Regarding Proclamation safety measure complaints, there have been 464 in total, 146 of which required an onsite visit, and none of which have resulted in subsequent violations triggering referral for enforcement action with the exception again of Viva Coffee House.

Overall, only one establishment, Viva Coffee House, has been referred for enforcement action. Multiple inspections found this establishment to be in non-compliance with the mask requirements and proclamation safety measures, including the most recent inspection requested by Viva on Monday, October 5. As a result, the Health Department on Tuesday, October 6 suspended Viva's permit to operate a food establishment. Viva has since written to the Health Department stating their willingness to comply. Once they verify they have the necessary measures in place to resume compliant operations, the health department will lift the suspension.

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Clearly, by examining the total number of mask complaints versus the total number of actual investigations, including the list of individual establishments listed on the webpage pursuant to the Board's action, six out of 1,116 complaints represents 0.5 percent of the number of complaints.

In addition, of those same 1,116 mask complaints, only 173 resulted in onsite visits because of 2 or more complaints about the same establishment, representing 15 percent. Of the 173 onsite visits, only 25 were determined to be noncompliant during the onsite visit or 14 percent of the onsite visits.

The same is true for the Proclamation, which enumerated a series of safety measures both in the Governor's Executive Order and Proclamation approved by the Board. More importantly, of the 464 Proclamation complaints related to restaurants, only 146 or 31 percent required an onsite visit. None resulted in subsequent violations with the exception of one.

Clearly, the County is not being overzealous in our enforcement of the mask or Proclamation safety measures as was inferred in the last Board of Supervisors meeting on October 6, 2020

Masks and Prescribed Safety Measure are Effective Public Health Measures in Reducing the Spread of COVID-19

This week the Centers for Disease Control and Prevention (CDC) issued a report recognizing the correlation between Arizona's COVID-19 mitigation measures and the reduction in new cases. "The number of COVID-19 cases in Arizona stabilized and then decreased after sustained implementation and enforcement of statewide and locally enhanced mitigation measures, beginning approximately 2 weeks after implementation and enforcement of mask mandates and enhanced sanitations practices began on June 17," the CDC wrote.¹

Our public health agency will continue to receive and respond to mask and safety measure complaints during this public health emergency. Patrons of these establishments deserve to know that there is a higher risk to visiting these establishments that are not complying with these mask and safety measures. Furthermore, there is a quick and effective process to confirm compliance and be removed from the list.

Anonymous Complaints

At the October 6, 2020 Board meeting there were also questions on whether the County was investigating anonymous complaints. The County does not investigate anonymous complaints but does accept anonymous complaints. As I indicated at the October 6, 2020 meeting, the County does not investigate anonymous complaints because frankly there is nothing to investigate if you cannot obtain more details from an individual who chooses to remain

¹ https://www.cdc.gov/mmwr/volumes/69/wr/mm6940e3.htm?s_cid=mm6940e3_w

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anonymous. There is one exception. On occasion we receive an anonymous complaint from an employee of an establishment who fears retribution if it became known that the employee lodged a complaint regarding noncompliance. There have been less than a handful of such complaints from employees fearing retribution.

Anonymous complaints are accepted so any member of the public feels they can provide information to the County without being rejected. The only manner in which anonymous complaints are used is if there are a large number of anonymous complaints on an establishment combined with actual complains from a known complainant. Such information gives us priority direction for conducting an investigation.

It is important that any complaint be accepted. Only complaints that have an individual and contact information will be investigated and after further information from the complainant warrants such.

Attachment

CHH/dr

c: Jan Leshar, Chief Deputy County Administrator
Dr. Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services
Dr. Terry Cullen, Public Health Director, Pima County Health Department
Loni Anderson, Consumer Health and Food Safety Division Manager, Pima County
Health Department



Date: October 7, 2020

Re: COVID-19 Mask & Safety Measure Complaints September 25 through October 1, 2020

Mask Complaints

Resolution No. 2020-49 requires face coverings when continuous physical distancing of 6 feet from others cannot be maintained.

For the period of September 25, 2020 through October 1, 2020:

- 55 mask related complaints received
- 11 required a site visit because of 2 or more complaints
- 3 were determined to be out of compliance during a site visit and have been posted on the County's COVID-19 website www.pima.gov/facecoverings, and subject to enforcement action if violations continue.

Complaints Regarding Proclamation Safety Measures

The Board's May 21 Proclamation was updated on July 15 to conform to the Governor's Executive Order, and includes safety measures for restaurants, attractions, and pools associated with lodging, gyms and fitness centers.

For the period of September 25, 2020 through October 1, 2020:

- 19 Proclamation complaints received
- 9 resolved through phone calls and emails
- 5 required a site visit due to complaints, 1 of which will require a virtual follow-up visit as there were issues that could not be corrected during the site visit.
- 0 resulted in a third or subsequent violations of a similar nature and therefore none require enforcement action at this time.

Proclamation Assessments

Proclamation assessments include those occurring as part of routine inspections, those occurring in response to complaints and those occurring in response to requests under the "Ready to Serve" program.

- 75 onsite assessments completed, including 5 in response to complaints.
- 13 virtual assessments completed

Intake and Response Process

All complaints receive a response and the establishments are contacted directly, but only complaints deemed to be violations during a site visit are assessed for future enforcement action with continued non-compliance. Complaints are submitted via a form posted at <https://web1.pima.gov/applications/covid19/businessreporting/>. If a second complaint is received 48 hours after first contact was made with the establishment, then a site visit is made to investigate the complaint and provide additional education. If it is a mask complaint, and the establishment is deemed to be in violation of the mask requirements during the site visit, it is posted to the County's COVID-19 website, and the establishment is notified that future violations of the same or similar nature will result in enforceable action. If it is a Proclamation complaint, during the site visit a full Proclamation assessment is conducted. First and second Proclamation violations of the same or similar nature will result in written warnings. Third and subsequent Proclamation violations of the same or similar nature will result in enforceable action. Repeat offenders will be referred to the Board of Supervisors for enforcement. Repeat offenders located in Marana and Sahuarita will first be referred to the Town Managers prior to forwarding to the Board for enforcement.