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# MEMORANDUM

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Date: October 26, 2020

To: Kent Blumenthal, Ph.D, Chairman  
Pima County Small Business Commission

From: C.H. Huckelberry  
County Administrator 

Re: **Your October 15, 2020 Letter Requesting Public Hearing Regarding the Ready for You Program**

I appreciate your October 15, 2020 letter and attachment related to the Ready for You Program Review Subcommittee of the Small Business Commission (SBC). As you know, the item was not placed on the Board of Supervisors Agenda by the Chairman of the Board.

At several of the last Board of Supervisors updates regarding the COVID-19 pandemic, two Supervisors of the Board have been openly critical of County's mask requirement and have asked to significantly modify the Board adopted Proclamation regarding certain business regulations. These members have also been openly critical of the policies adopted by a majority of the Board and have chosen to politicize a public health issue. It is likely your request was not placed on the agenda by the Chairman of the Board for any number of reasons, including being delivered on the deadline for the Agenda Addendum.

Should the SBC feel it is appropriate to conduct a public hearing to receive input on the Ready for You Program, nothing would prevent the SBC from holding such a hearing. Hence, you are free to schedule such should you chose to do so.

In reading the minutes of the SBC, there are a number of members who are concerned about County public health prevention measures such as wearing masks, investigating complaints regarding violations of the County's Proclamation governing restaurants or the County's mask Resolution.

It would be helpful to remind the SBC members that these measures, designed to reduce the spread of COVID-19, have scientific validation. A recent publication by the United States Department of Health and Human Services and the Centers for Disease Control and Prevention dated October 9, 2020 states the following:

*"Enhanced mitigation measures should be implemented by communities and persons to slow COVID-19 spread, particularly before a vaccine or therapeutic treatment becomes widely available. State, local and tribal officials are best positioned to continually monitor data and collaborate to*

Kent Blumenthal, Ph.D, Chairman

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*determine the level and types of enhanced mitigation required. Mitigation measures, including mask mandates, that are implemented and enforced statewide appear to have been effective in decreasing the spread of COVID-19 in Arizona.*

In addition, the Report's summary states:

*"Widespread implementation and enforcement of sustained community mitigation measures, including mask wearing, informed by state and local officials' continual data monitoring and collaboration can help prevent transmission of SARS-CoV-2 and decrease the numbers of COVID-19 cases."*

Further, guidance to the State of Arizona from the White House Task Force on just this last Sunday, October 18, 2020 stated:

*"In Arizona, we see increasing test positivity and increasing cases; aggressive communication and mitigation is critical. Mitigation efforts should continue to include mask wearing, physical distancing, hand hygiene, avoiding crowds in public and social gatherings in private, and ensuring flu immunizations."*

Therefore, there is widespread public health science acceptance that all of the measures adopted by Pima County are effective in reducing the spread of COVID-19.

I am sure our public health officials, Deputy County Administrator and Chief Medical Officer Dr. Francisco Garcia and Health Department Director Dr. Theresa Cullen, would be happy to receive constructive suggestions on how to improve the Ready for You Program; however, eliminating the public posting of noncompliance and elimination of any measure in the County's adopted Proclamation or deletion or modification of the mask Resolution are probably not suggestions that would be considered or entertained, particularly when there have been several attempts by members of the Board to lessen these standards. All of these previous attempts have been rejected by the Board of Supervisors.

The County, as the public health agency, has the obligation to accept and investigate public complaints even though some complaints may be unfounded. To do otherwise could lead to an allegation of selective enforcement. Suggesting they are causing an adversarial relationship with restaurant owners is questionable, particularly when considering the likely number of encounters by restaurant patrons with community restaurants. Given the Ready for You Program emblem has now been earned by over 1,000 restaurants, if there were 1,000 restaurants serving 100 customers each day since the pandemic began in March until now, you can see there have been hundreds of thousands of restaurant encounters with

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patrons, yielding only 1,400 complaints. This is an inconsequential number and once again demonstrates significant compliance by the industry for which they should be applauded.

Finally, there must be appropriate penalties for significant noncompliance. Those penalties in this case are not monetary as the Board of Supervisors rejected those early in the process of developing mitigation measures and simply adopted the policy of the "buyer beware," which is simply to post the offender and let the public make their own judgement of infection risk when visiting an establishment so listed. In fact, these establishments have a mechanism in which to have their designation removed. Hence, making this penalty even more innocuous.

Again, feel free to conduct your public hearing regarding these measures and forward any recommendations you have for improving either our mitigation proclamation or mask resolution. Given the record level of COVID-19 infection cases nationwide, now is not the time to relax any mitigation measures.

CHH/anc

Attachment

- c: The Honorable Chairman and Members, Pima County Board of Supervisors  
Jan Leshner, Chief Deputy County Administrator  
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
Health and Community Services  
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department  
Dr. John Moffatt, Director, Economic Development Office  
Patrick Cavanaugh, Deputy Director, Economic Development Office  
Members, Pima County Small Business Commission



**PIMA COUNTY**  
SMALL BUSINESS COMMISSION

October 15, 2020

The Honorable Ramon Valadez, Chairman  
Pima County Board of Supervisors  
&

Mr. Chuck H. Huckelberry  
Pima County Administrator  
130 W Congress Street., 10<sup>th</sup> Floor  
Tucson, AZ 85701-1317

**Re: Small Business Commission (SBC) -  
Request to Present Recommendation for Public  
Hearing on 'Ready for You' Program to  
Board of Supervisors**

Dear Messrs. Valadez and Huckelberry,

At a special Pima County Small Business Commission meeting held on Tuesday, October 13, 2020, the Commission unanimously endorsed the report of the *'Ready for You' Program Review Subcommittee* as presented by Commissioner and Subcommittee Chair Ken Goodman. The report includes a recommendation to conduct a public hearing about the 'Ready for You' program and is included herein as an Exhibit (attachment) to this letter.

Therefore, on behalf of the Small Business Commission, I respectfully request an opportunity for Commissioner Ken Goodman and I to be included on the agenda of the October 20, 2020 Board of Supervisors meeting to provide a briefing on the report's recommendations and the rationale for conducting a future public hearing about the 'Ready for You' program.

Thank you for your consideration.

Best regards,



Kent J. Blumenthal, Ph.D.  
Chair, Pima County Small Business Commission

Copy via Electronic Facsimile

Jan Leshner, Chief Deputy County Administrator  
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer,  
Health and Community Services  
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department  
Patrick Cavanaugh, Deputy Director, Economic Development Office  
Ken Goodman, Subcommittee Chair & Commissioner, Small Business Commission  
Pima County Small Business Commission

## EXHIBIT

### Pima County Small Business Commission Meeting October 13, 2020

#### **ENDORSED UNANIMOUSLY** **Recommendations of 'Ready for You' Program Review Subcommittee**

##### **Overview**

On September 24, 2020, the Pima County Small Business Commission (SBC) voted unanimously to establish a *'Ready for You' Program Review Subcommittee*. The subcommittee's charter was to review Pima County's COVID-19-related *'Ready for You'* program and provide a report to the Small Business Commission of possible program modifications and improvements no later than October 15, 2020. SBC Chairman Kent J. Blumenthal appointed five commissioners to the subcommittee including Commissioner Ken Goodman as its chairman.

##### **Subcommittee Report & Recommendations**

At a special Small Business Commission meeting on Tuesday, October 13, 2020, the Commission unanimously endorsed the *'Ready for You' Program Review Subcommittee Report* presented by Commissioner Goodman.

The report includes a recommendation to conduct a public hearing about the *'Ready for You'* program. The Commission also concurred that if COVID-19 safety considerations preclude conducting a public hearing, then a public comment element specific to the *'Ready for You'* program could be included on a Pima County Board of Supervisors meeting agenda as soon as possible. In addition, the SBC authorized Commission Chairman Blumenthal and Subcommittee Chairman Goodman to request to be on the agenda of the October 20, 2020 Board of Supervisors meeting to present the Small Business Commission recommendations and the rationale for conducting a public hearing about the *'Ready for You'* program.

Attached is the full report of the *'Ready for You' Program Review Subcommittee* as presented by Subcommittee Chair, Commissioner Ken Goodman.

***'Ready for You' Program Review Subcommittee***  
**Pima County Small Business Commission**

**REPORT & RECOMMENDATIONS**  
**October 13, 2020**

Hello All,

The Ready for You Program Review Sub-Committee was tasked with reviewing the program and to discuss the possibility of offering modifications that would help restaurant owners that have had challenges with some of the provisions in the program.

We discussed if there were modifications to the programs that we felt were necessary, on how to offer solutions that would help the program be less challenging to operators without compromising the safety of their customers.

Creativity and safety was an underlying goal of our conversation.

**We also agreed that elimination of the Ready for You Program was not on the table, only the desire to make the program equitable for all.**

**One of the biggest takeaways that we felt was being shared by the restaurateurs among our sub-committee was that the complaint segment of the program was, unintentionally, creating an adversarial relationship between the restaurant operators and their clients.**

**I was not aware of how pervasive this comment was until I saw**

**Mr. Huckelberry's memo to the Board of Supervisors that outlined that nearly 1,200 complaints had been launched.**

**Mr. Huckelberry rightfully described how the complaints were being handled and that by the "end of the day" there was only a very small percentage of actual complaints that had any merit.**

**In our minds as a sub-committee this was evidence that the programs sanctioned operators were truly doing their job. Bravo to the operators!**

**But, and this I think is a big concern, the adversarial relationship still created almost 1,200 complaints and as we now know the vast majority were inconsequential, but they used the Ready for You Program as a vehicle to launch unfounded attacks on the restaurant owners.**

**There were solutions that we felt we could move forward with as a start to solve some of these issues.**

**We felt that an education component needed to be added to the complaint section of the Ready for You program. An FAQ section if you will, that outlines what criteria was needed in order for a complaint to move forward. This suggestion represents an education facet, that when handled properly would clearly cut down on the use of the Ready for You program as an attack vehicle against compliant operators.**

**We as a sub-committee also felt that the amount of complaints created a very difficult situation for Loni Anderson and the Health Department in having to deal with all of the complaints that landed in their inbox.**



**I started thinking that at this point that a public hearing might be an option and**

**I moved forward this idea for two reasons:**

- 1. Other restauranteurs or citizens might have other issues that we have not thought of.**

**And,**

- 2. More public input might help with creative solutions that we did not think about that would help Pima County's Administration and Health Department continue to promote this program as it is a cutting-edge program in this time of crisis and should be maintained with the mid-course corrections as agreed upon.**

**Thank you,**

**Commissioner Ken Goodman, Chairman**

***'Ready for You' Program Review Subcommittee***