



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

October 23, 2020

Dan Bogert, Chief Operating Officer
Arizona Restaurant Association
3333 E. Camelback Road, Suite 285
Phoenix, Arizona 85018

Re: **Your October 8, 2020 Letter Requesting Reevaluation of COVID-19-related Programs**

Dear Mr. Bogert:

Pima County Board of Supervisors Chairman Ramon Valadez asked that I respond to your October 8, 2020 letter.

Item 1: End the "Business and Community Reporting" Website

Regarding your request, the County will not end the business and community reporting website. As you will recall, this effort to disclose noncompliance was made as a compromise, eliminating monetary fines for noncompliance. Should monetary fines be initiated by the Board of Supervisors in an amount sufficient to deter noncompliance, such as those imposed by the City of Denver, we will be happy to reconsider removing this item.

As you know, the County does not respond to anonymous complaints. However, we do believe the public is entitled to file a complaint if they believe there is a violation. The County will then evaluate the validity of the complaint and take action as appropriate. As you can see, given the number of complaints and actions taken by the County, there is relatively significant compliance by the industry and we very much appreciate their efforts.

Item 2: Eliminate the "Resolution 2020-49 Face Mask Requirement Violations" website

Regarding the mask violations, there is a mechanism in our process to have businesses removed from the COVID-19 violation website by simply complying with the requirements. A number of businesses have been removed. Those that are currently posted have not requested re-inspection to determine ongoing compliance. The public deserves to know the potential for COVID-19 exposure and that exposure is higher in locations that are violating the County's mask requirements than others. The public has the right to be so informed.

Dan Bogert

Re: **Your October 8, 2020 Letter Requesting Reevaluation of COVID-19-related Programs**

October 23, 2020

Page 2

Item 3: Redirect the Narrow Focus of the "Ready for You" Program

This program was designed primarily to provide COVID-19 prevention guidance to those regulated by our public health agency. To expand it beyond that would be inappropriate since we have no regulatory authority over any other business.

We do, however, provide direct consultation services for those who are experiencing high infection rates. The best example is our recent intervention with the University of Arizona, where at one time their students in on-campus and off-campus housing as well as in sororities and fraternities constituted 71 percent of the total COVID-19 infections occurring within one week for our entire region.

Our successful intervention along with that of the University of Arizona essentially eliminated the spread of COVID-19 from 670 in one week to 76 the following week and finally, 16 infections the week after. Therefore, we have a successful track record identifying COVID-19 infections, infection rates, testing where the infections are occurring and intervening with public health measures to eliminate or minimize the spread of COVID-19.

Our services as a public health agency are available to any business, not only those who participate in the Ready for You Program. School districts, not for profits and some other large employers have already been engaged with the Health Department on this issue.

We also, like you, follow the most recent and best scientific information to adjust our policies and procedures. Below are two very recent policy statements, one from the White House Coronavirus Task Force and the other from a scientific report published by the Department of Health and Human Services:

"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."

"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 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."

Dan Bogert

Re: **Your October 8, 2020 Letter Requesting Reevaluation of COVID-19-related Programs**

October 23, 2020

Page 3

As you can see, we are following the best available public health information in minimizing the spread of COVID-19.

Sincerely,

A handwritten signature in black ink, appearing to read "C.H. Huckelberry". The signature is written in a cursive style with a long, sweeping tail that extends downwards and to the right.

C.H. Huckelberry
County Administrator

Enclosure

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



Arizona Restaurant Association

3333 East Camelback Road, Suite 285, Phoenix, Arizona 85018

P: 602.307.9134 F: 602.307.9139 azrestaurant.org

October 8, 2020

The Honorable Ramón Valadez
Chairman, Pima County Board of Supervisors
130 W. Congress St., 11th Fl.
Tucson, AZ 85701

Dear Chairman Valadez,

I am writing you on behalf of the Arizona Restaurant Association (ARA) and our industry to encourage the Board of Supervisors to reevaluate some of the COVID-19 related programs that were put into place back in May. In the past, the Board of Supervisors worked collaboratively with industry to find a set of standards to keep patrons and our staff safe. While there are still items we disagree with, the industry does appreciate the inclusive approach. As we enter the eighth month of the pandemic, and the sixth month of Pima County's resolution, I ask that you consider the following items for revision.

Item 1: End the "Business and Community Reporting" Website

The Business and Community Reporting website has created an adversarial relationship between restaurants and their customers. Additionally, the website makes it unacceptably easy for a competitor to lodge false complaints. In your October 6, 2020 meeting, County Administrator, Chuck Huckelberry stated that there have been over 1,500 complaints filed but only 40 were thought to be valid. That is a 2.6 percent validity rate. There is no need to continue to waste county staff time sorting through the massive number of unverifiable claims. This is not to say that we should eliminate COVID compliance inspections or ignore complaints all together. Rather, the online reporting form should be eliminated as it encourages these types of frivolous complaints.

Item 2: Eliminate the "Resolution 2020-49 Face Mask Requirement Violations" website

Otherwise known as "the Wall of Shame." This site currently only lists nine businesses. Of those nine, four are the same business. This means the site is only listing seven unique businesses. Additionally, the site still lists businesses from July and August. How are customers to know if these businesses are now in compliance? Several of the listed businesses are also listed as Emblem Recipients of the Ready for You program. The stated purpose of this site was to "warn customers" of potential hazards. I find it hard to believe that a customer could reasonably rely on a report from July 14th to demonstrate the current practices of that location, especially if those same businesses are also listed on the Ready for You site. Since July, restaurants and other businesses have received more and more education about COVID-19 and have taken numerous steps to respond. The low level of businesses listed here combined with the months old reports demonstrate there is no longer a need for such a site.

Item 3: Redirect the Narrow Focus of the “Ready for You” Program

The Ready for You program was originally designed to focus on a narrow set of industries. This program was put in place when a lot of the epidemiological focus was on these types of establishments, such as restaurants. Since then, more and more evidence has pointed to the continued spread of the coronavirus being linked with private events and social gathering outside of a regulated business. The Board of Supervisors should consider using the Ready for You program to focus on the entire community instead of the narrow set of industries it currently does. Use these resources to help community members better understand what they can do to remain safe outside of a regulated business.

In closing, I would just like to remind the Board of Supervisors that the restaurant industry continues to work towards creating a safe environment for our customers and staff. Just like everything with this virus, we continue to gather new information each day and use that to adjust our policies and procedures. The same should be true for County issued regulations.

Sincerely,

Dan Bogert
Chief Operating Officer
Arizona Restaurant Association

Cc:

The Honorable Sharon Bronson, Vice Chair, Pima County Board of Supervisors
The Honorable Ally Miller, Member, Pima County Board of Supervisors
The Honorable Steve Christy, Member, Pima County Board of Supervisors
The Honorable Betty Villegas, Member, Pima County Board of Supervisors
Chuck Huckelberry, County Administrator, Pima County
Jan Leshner, Chief Deputy County Administrator, Pima County
Dr. Francisco Garcia, Deputy County Administrator, Health & Community Services, Pima County