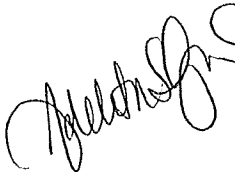


Adelita S. Grijalva, Chair, District 5

## MEMORANDUM

**DATE:** July 9, 2024

**TO:** Melissa Manriquez, Clerk of the Board

**FROM:** Adelita Grijalva, Chair and District Five Supervisor 

**REGARDING:** Proposed amendment to Item 10 on the July 16, 2024, Regular Agenda

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Following is a proposed amendment to Item 10 on the July 16, 2024, Regular Agenda:

**County Administrator, Item 10. Extreme Heat Mitigation and Response**

Amendment to the draft Ordinance (Attachment 4 of the Item) in red in the attached copy of the Ordinance. The proposed amendment broadens the definition of "Outdoor Environment" in 11.40.020 Definitions, pages 1 and 2 of the Ordinance. (District 5)

Thank you

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ORDINANCE 2024- \_\_ \_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO WORKPLACE HEAT SAFETY; AMENDING THE PIMA COUNTY CODE BY ADDING A NEW CHAPTER 11.40 TO THE PIMA COUNTY PROCUREMENT CODE**

**The Board of Supervisors of Pima County, Arizona finds that:**

1. The Board of Supervisors has authority under A.R.S. §§ 11-251(17), 11-251.05, and 36-186(8) to adopt provisions necessary to preserve the health of the county, and under A.R.S. § 23-430(A) to assert jurisdiction over any occupational safety or health issue with respect to which no standard or regulation is in effect.
2. Heat-related illness is a serious public health concern in Pima County. Individuals who are required to work outdoors are at higher risk of heat-related illness, injuries, and even death.
3. No state statute or regulation addressing the mitigation of heat-related illnesses and injuries in the workplace is currently in effect within the state of Arizona.
4. It is in the best interest of the County to require that any contractor whose employees or contract workers perform work in an outdoor environment under a Pima County contract must utilize a Heat Injury and Illness Prevention and Safety Plan to prevent and remediate heat-related illnesses and injuries in the workplace.

**IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**Section 1:** Title 11 of the Pima County Code is amended to add a new Chapter 11.40 as follows:

**Chapter 11.40  
WORKPLACE HEAT SAFETY**

**11.40.010 Declaration of Policy.** The purpose of this chapter is to protect outdoor workers from heat hazards by requiring that all contractors or subcontractors who work under a Pima County contract and whose employees or contract workers work outdoors create a written Heat Injury and Illness Prevention and Safety Plan.

**11.40.020 Definitions.**

1. "Heat Injury and Illness Prevention and Safety Plan" means a written plan that details preventative and remedial measures to provide protection and relief from heat hazards.
2. "Outdoor environment" means a location where work activities are conducted outside. The term also includes locations where work activities are conducted inside, but the temperature is not managed by air conditioning or other devices that reduce heat exposure (examples include, but are not limited to, sheds, greenhouses, tents and vehicles).

**11.40.030 Mandatory Contract Clause.** The following clause must be included in all County contracts:

Heat Injury and Illness Prevention and Safety Plan. Contractor hereby warrants that if Contractor's employees perform work in an outdoor environment under this Contract, Contractor will keep on file a written Heat Injury and Illness Prevention and Safety Plan. At County's request, Contractor will provide a copy of this plan and documentation of heat safety and mitigation efforts implemented by Contractor to prevent heat-related illnesses and injuries in the workplace. Contractor will post a copy of the Heat Injury and Illness Prevention and Safety Plan where it is accessible to employees. Contractor will further ensure that each subcontractor who performs any work for Contractor under this Contract complies with this provision.

**11.40.040 Penalties.** A Contractor who fails to comply with the provisions of this chapter after receiving notice and an opportunity to comply is subject to sanctions permitted by law including, but not limited to, cancellation, termination, or suspension of the County contract.

**11.40.050 Enforcement.** If the County Department primarily responsible for managing any contract learns that a Contractor is in violation of this chapter, Contractor will be notified by the Department for remedy of such violation. If the Contractor, after notice of noncompliance, fails to demonstrate that it has taken appropriate corrective action for the breach, the Department will notify OSHA/ADOSH and may take other action as permitted according to the terms of the contract, including termination.

**11.40.060 Exemptions.** This chapter does not apply to any County contract with federal, state, or local governments or their agencies.

**Section 2.** This Ordinance is effective 30 days after the date of adoption.

**PASSED AND ADOPTED** by the Board of Supervisors, Pima County, Arizona, this  
\_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy County Attorney