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 in-door/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