

BOARD OF SUPERVISORS' EMERGENCY MEETING MINUTES

The Pima County Board of Supervisors met in an emergency session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Wednesday, May 13, 2020. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 *Sharon Bronson, Vice Chair
 Ally Miller, Member
 Steve Christy, Member
 *Betty Villegas, Member

Also Present: Chuck Huckelberry, County Administrator
 Regina Nassen, Civil Deputy County Attorney,
 Julie Castañeda, Clerk of the Board
 Ryan Roher, Sergeant at Arms

*Supervisors Bronson and Villegas participated remotely.

Verbatim

RV: Chairman Valadez
SB: Supervisor Bronson
SC: Supervisor Christy
AM: Supervisor Miller
BV: Supervisor Villegas
CH: Chuck Huckelberry, County Administrator
JC: Julie Castañeda, Clerk of the Board
JL: Jan Leshner, Chief Deputy County Administrator
FG: Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services
RN: Regina Nassen, Civil Deputy County Attorney

RV: Call this meeting of May 13, 2020, to order. Roll call, please.

JC: Supervisor Bronson?

RV: Sharon, you are muted.

JC: Supervisor Bronson?

SB: Here.

JC: Supervisor Christy?

SC: Here.

JC: Supervisor Miller?

AM: Here.

JC: Supervisor Villegas?

BV: Here.

JC: Chairman Valadez?

RV: Present.

JC: Let the record reflect that all members are present with Supervisors Villegas and Bronson participating telephonically.

RV: Next we will go ahead and do the Pledge of Allegiance which will be led by Supervisor Miller. Everyone please stand.

1. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

2. **PUBLIC COMMENTS**

RV: Next, we have a substantial amount of public comments that we received for today's meeting. Madam Clerk, if we could make sure that gets entered into the record, as well.

3. **STATEMENT FOR THE RECORD**

RV: We will go ahead and move on to Item No. 4, Updates and Action on COVID-19. Let me read this one into the record, as well. Pursuant to A.R.S. §38-431.02(J), we will be discussing and taking action on an item that is not included on the timely-posted agenda: specifically, the County's policy regarding whether County employees will be allowed or asked to continue to telework for the time being and the development of appropriate phased plans for bringing workers back in to County offices. This was necessitated by Governor Ducey's issuance yesterday afternoon of the Executive Order 2020-36, which states that employees should be encouraged to continue telecommuting during phase one of the State's efforts to reopen.

COUNTY ADMINISTRATOR

4. Updates and Action on COVID-19

RV: Mr. Huckelberry.

CH: Thank you, Mr. Chairman. I think yesterday you provided me a series of questions on the telecommuting policies and I can provide you some answers to those, and I can answer each one of the questions. Let me first give you a little background. Telecommuting and telecommuting policies are not new. We have had a policy since 2014 and that policy was basically to allow employees who needed, for one reason or another, whether it was health or medical reasons or they could perform the specific duties telecommuting were allowed to telecommute with the approval of the appointing authority. That policy still remains in place. The current discussion is over a series of modifications to those policies that started sometime in March and I can kind of...this is the list of them and it was a very evolving process with regard to trying to respond to the public health emergency of COVID-19. As you recall, we had our first case, I think, on March 9th. On about March 14th, I put out the first policy, the very first memorandum, that said we were expanding telecommuting to then meet a series of criteria which were really designed to protect the most at risk employees. That was the very first step we took. That then stayed in place, pretty much until the Governor issued his order on March 30th, which was the stay-at-home policy. What that did is then added an entirely different concept to telecommuting and then the previous, what we call at-risk categories were expanded to basically be anyone who could telecommute was allowed to telecommute. That really then, kind of came from my memorandum, I think of April 7th. That then stayed in place and really stays in place until the Governor's stay-at-home order is lifted. Now, as we all know, yesterday the Governor lifted his stay-at-home order. What we then have communicated to departments, it is important that you have an appropriate return to work plan. What that means is that each appointing authority is supposed to figure out how best to bring back employees into the work place that they can, particularly the non-essential ones who may be furloughed, to then start how to reopen the activities or bring the activities of the department, organization or agency up to near capacity as what it was prior to the order to basically stay at home or shelter in place. What we have done is then asked departments to send us back, you know, plans. We have gotten very few. This morning, I got one from the County Attorney that I thought was very well thought out, and so it is a phased approach to bringing employees back. Basically, it continues some of the protections of those who are greater at risk and so I got this. It is dated today, but I got it last night and I think that it is frankly one of the poster childs for a good plan to return to work. I think, we want to, kind of basically continue to suggest that...we are a public agency and as a public agency, we have got to provide public services. We know that certain employees can telecommute and have done so successfully in the past. There is nothing going to change that, but we know there were a great influx of telecommuting employees after the Governor's stay-at-home order and we also know that we

have about 4,000 employees actively working every day. Those are the ones who cannot telecommute or do not have the capability of telecommuting. So, I think what I want to briefly go over, is you kind of looked at my April 7th memo and said, you know, are these still present for telecommuting. As of May 12th, yes, they are, but on May 15th, Item E on that list simply goes away. Then, the next question is, you know, how many employees do we have telecommuting right now. We can check this on a pay period basis because of our notations in the ADP records. We have about 1,110 employees and that is going to vary pay period to pay period because some employees telecommute one period and then come back to work in another period and then go back to telecommuting. That is going to vary. We know that we have, like I said, about 4,000 who are working and the balance, and you have got to remember, there is a difference when you get to about 7,000-7,500, depending on what we call temporary employees or part-time employees, the balance of them are on some type of leave: pandemic leave, the federal sick leave or the childcare leave. That is where the balance of those employees are. I think your third question is, should the Governor's stay-at-home order, and the question is and the answer is that the only category that will go away is E. Again, all of our conversations and I want to keep looking back at our memorandums, you know, it could be interpreted basically differently, so I will grant that. But you have got to remember, we are doing a lot of this almost on the fly and so things change from time to time. I think it sounds like the Supervisor Miller would like to raise a question.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: Mr. Huckelberry, what is category E you said that was going away? Is that the pandemic leave?

CH: No, that is the Governor's stay-at-home order. We had an E and it read this way. Employee is part of a federal and this is...

AM: Okay.

CH: Criteria eligible to telecommute. So, if you look at E, it says an employee is part of a federal, state, or local shelter-in-place order. Well, the Governor's shelter-in-place order makes E operable. When the Governor's stay-at-home order goes away, E is no longer operable. So this meant, basically, anybody could request to telecommute who could telecommute, even though they may not fall in the previous four at-risk categories. That is really the only thing that changes.

SB: Mr. Chairman?

RV: Supervisor Bronson.

- SB: Mr. Chairman, Mr. Huckelberry, specifically, are you saying people with kids at home and who are immune compromised and have immune compromised family at home can continue to telecommute?
- CH: Supervisor Bronson, yes. Let me clarify where the confusion has come in over that. The question is, is that we were not particularly artful in how we addressed that issue because I think we assumed that if you are going to stay home and take care of children, because they do not have daycare, or you are going to take care of an adult who is compromised, the question is, can you do both? Can you work and do that? I think, what you look at some of our documents might assume is that maybe you cannot do that. So, in order to be able to do that, you know, we will modify what we have out there and say, "You need to basically check the box that says you can do both." Can you, in fact, take care of children who do not have a daycare? Can you take care of an adult who is compromised or you are providing health care to, in the home or, you know, is a relative? If you can do both, then you need to check that you can do both. Under that circumstance, I will continue to allow telecommuting.
- SB: What I am concerned about and continue to be concerned about, as I read your memo, is that folks have to get, at some point, they have to get their doctor's permission and, as we move in...I mean, who is seeing their primary care doctor and how does that happen? Is that still an order in effect in order for them to telecommute? I guess I am a little con...
- AM: Absolutely.
- RV: Mr. Huckelberry, that is the next question so why not go ahead and answer the next question.
- CH: Yes, let me answer that question. The answer is yes. We need some verification, some attestation. We are dealing with, you know, public funds and we basically need to verify things that are said to us. We are not going to be particularly aggressive in saying, "If you do not have a form, you cannot telecommute." You can telecommute saying you are going to get the form. I think it is important that we verify and so that is really the answer to No. 4. You can use Teladoc. You can use your health care provider. You can use anything. We need verification.
- RV: Supervisor Bronson.
- BV: Can I?
- RV: Supervisor Bronson, are you concluded?
- SB: Yeah. I did not like the answer, but yes.
- RV: Supervisor Villegas.

BV: Yes. It was my understanding, when I read the later proclamation by Governor Ducey, that he was continuing to recommend those that are telecommuting to continue to telecommute. I would have thought that would mean us, as a public agency, as well. The other question I have is, if they do have to find their doctor to fill out a form, what kind of time frame are we going to allow? Because I think based on what Supervisor Bronson says, who is able to see a doctor right away for anything, much less, you know, they usually put things that they have to sign on the bottom of the stack. How long are we going to give doctors and whoever has to sign these forms? How long are we going to give them and can they continue to telecommute while they are trying to get these forms filled out?

RV: Mr. Huckelberry.

CH: Yes. Mr. Chairman, first with the Governor's order on telecommuting, I think it is as vague as all the rest of his orders and so all we are doing is filling out the details. Again, the goal here is to have at-risk employees telecommute and then to basically bring back those who can, to continue to provide public service. It is really up to the Board whether you want verification or not. It is really up to the Board how long it takes to get that verification and so I think that is an issue you need to provide direction to us on.

BV: Okay.

RV: Supervisor Villegas.

BV: That is okay. I will wait. Thank you.

RV: Okay. Anyone else? Alright, Mr. Huckelberry, if you could continue with the questions.

CH: Yes. 6, is elder care included in the category? The answer is yes. 7. If an employee has a child under 18, school and daycare closed? The answer is yes. All I need to do is say they can do both. 8. Supervisor/manager. It is the appointing authority's discretion, which the previous policy has. Is there effective...9. Is there an effective manner to measure the efficiency? About the only measure we have today is...all we can tell is whether their particular computer that they are telecommuting is either turned on or turned off and those measures probably need to be strengthened. I think in this particular area, there is...a lot of it is, deals with the supervisor and the manager or appointing official. I use as an example, in the Sheriff's Department there is a whole number of employees who are transcribers and they basically are the people who transcribe the reports from the deputies in the field. It is clear that they could probably transcribe as much from home as in the office and obviously, you can tell productivity if they do their work, they are doing their work. So again, that is, again, the discretion of the department. For those employees who return to work, what expectations should they have in their work place to prevent the spread of COVID-19? In our May 4th guidelines, we

included separate return to work strategies and again, I think that the County Attorney has done an exceptional job of addressing these. We talked about staggering schedules, observing strict social distancing, requirement of daily temperature checks, use of virtual meetings, routinely disinfecting private and common areas, assigning staff to track disinfection activities, using cloth masks, encouraging good hygiene. In addition to that, we all get a sticker every day that says that we have gone through at least a temperature wellness check. Those are the kind of measures we are talking about, trying to make the work place safe when we do return to work. 11. Is there any flexibility in the usage of leave type? The answer is yes. The pandemic leave provided by the Board is the first level of leave to be used, then the federal sick leave, and then the federal children/childcare under 18, if no childcare is available or school is not in session. After that, they can use any combination of available compensatory time, vacation leave, sick leave, for their or their family's/household's medical compromising condition. That is all available and fairly flexible. Questions on our work FAQs and No. 21 and 22 are written under the assumption that you could not do both. So, if in fact, we simply have the employee attest that they can do childcare and work, that is all we need and that FAQ will be changed on 21 and 22. That is really about it, Mr. Chairman. That's the end of my report.

SB: Mr. Chairman, if I could have a minute?

RV: Supervisor Bronson.

SB: Yeah. In addition to my concerns about telecommuting, how many County employees with no sick leave or vacation hours were furloughed and who? I do not know, I do not want to know their names specifically, but I suspect they are at the bottom of the pay ladder and were the first to lose their pay during an epidemic. So, how are we dealing with that?

RV: Mr. Huckelberry.

CH: Supervisor Bronson, the first way you dealt with it is you gave all those employees 80 hours of pandemic leave and then the federal legislation kicked in and gave them another 80 hours of federal sick leave. Then, if they had children that required daycare, they had then up to 12 weeks. Those are the first, you know, areas of relief that they obtained. The second is, yes, they had leave and they could use leave. As we have indicated in the furlough policy that the Board has adopted, the COVID-19 furlough policy, when they get down to about 160 hours they are given notice that they will, you know, be furloughed. So therefore it is a signal that they should then basically apply for unemployment insurance that is available to them to receive benefits from the state, as well as the enhanced unemployment insurance that is coming from the federal government.

RV: Supervisor Bronson.

SB: Do we have a number on that? I mean, can we get a number on how many employees are affected?

CH: Sure. Yes.

SB: Thanks.

CH: Supervisor Bronson, we can provide you a number specifically by department. 300 and some-odd. You have got to remember, it also applies to temporary employees or employees that are part-time. Typically, they are the first that are furloughed that, then, basically...and the reason is...I will give you an example of the Stadium District. There is actually nothing going on. There are no events. There is no nothing. We have, historically, a lot of temporary employees in the Stadium District to handle events. Obviously, they had to use, you know, they went through all their leaves that were granted by the County or the federal government and then were given furlough notices. I think those are the first that we are actually trying to bring back, at this point in time. As we are talking about libraries and maybe starting to open libraries on a gradual basis, some of the library employees that have been deployed to do a lot of the wellness checks are being called back. What we are doing at this point in time, is training Stadium District staff who have been furloughed, to come back as wellness or temperature checkers because, as we have a large number of locations where the public accesses or employee access, we need those employees back. So they are being the first to be called back, even though they are not doing work in the stadium.

SC: Mr. Chairman?

RV: Let me check. Supervisor Bronson, are you done? Excuse me, Supervisor Bronson, you are muted.

SB: Sorry. It is fading in and out. I do not know what is going on with my cell phone, but yeah, I am done.

RV: Supervisor Christy.

SC: Just as a point of information. One of the challenges that businesses have when it comes to reopening and ramping up their business is many of their former employees, due to all of the grants and the support, financial support, from government agencies and programs, they are actually making more money by not returning to work in these certain businesses, in a number of businesses. Are there instances within County employees that could apply to that same feeling that by not returning to work under certain conditions, they could actually make more money by not coming back?

RV: Mr. Huckelberry.

- CH: Mr. Chairman and Supervisor Christy, I do not think we have done any calculations on the pay rates. But, we have, you know, a number of employees that are paid, you know, above the minimum wage, but I would say probably below \$18.00 an hour. In those cases, it is probably, you know, financially benefit to accept the benefits.
- RV: Supervisor Miller.
- AM: Mr. Chairman, that gets us to the third condition that you have here that employees who just prefer not to return to work. They are either afraid to come back to work or just think that they are going to be unsafe if they do. In this case, if they do this and they are in violation of their appointing authority's wishes, what is the process here? What are we going to do in that situation if the appointing authority does not approve?
- CH: Mr. Chairman and Supervisor Miller, the appointing authority has some flexibility here. They could allow that employee to go out on furlough, which means it probably can last a long period of time before they bring him back. If it is an essential employee and the issue will be, and I will give you an example. Is how many do you need to actually open an operation that is a public service. If the employee...the appointing authority says, no, you have to come back to work, that employee can still exhaust all their leave banks, but once they are out of their leave banks, they are pretty much on leave without pay. So, they can go on a leave without pay status, as well. I do not know many who would choose to do that, but some may and that is okay. We would allow that. But if you are talking about opening up libraries, for example, you cannot open a library virtually. You have to have employees and so, if you do not have the correct number of employees to safely open a library, the next question to the appointing authority, in this case the library directors, "Which libraries do I open and which libraries do I leave closed?" That is a tough decision.
- AM: If they are out on furlough, are we required to hold their position for them and if so, for how long?
- CH: Mr. Chairman and Supervisor Miller, I do not know the answer to that. I think it is at least six months but I am not sure. We can check into that.
- AM: So if they are out on furlough, they could be collecting unemployment for that six month period or whatever the time frame is. We will get the response back on whether we have to hold that position for them or if we are allowed to hire someone else to take their place.
- CH: Yes.

- AM: The other question I had on that was, on your very last paragraph you have, "Finally, appointing authorities should dissuade any unnecessary visits to the workplace during the pandemic crisis." Is there any way to strengthen that a little bit because I think that it is real important that we discourage people from coming in just for visiting with members that work here.
- CH: Mr. Chairman and Supervisor Miller. I think we just...we need Board direction and if you want to say prohibit, we are fine with that. That paragraph was added because we had a visitor come to a department who had COVID-19.
- AM: Yeah and that is the concern. If it is not...there is no reason for people to be here unless they are doing business here and I do not think any other businesses are allowing people just to show up in the work place without...if they are not...do not have a reason to be there. Then, we talk about the fact that if it is not approved and the employee does not attend work, the employee will not receive pay and their absence will be considered an unauthorized absence. Do we have a policy for disciplinary and termination type action, or is that just a follow on from the existing policy?
- CH: Mr. Chairman and Supervisor Miller, that is the process and policy that is already embedded in the merit system.
- RV: Anyone else? Supervisor Villegas.
- BV: Chair Valadez and Mr. Huckelberry, I guess one of the concerns that I have is that we are bringing our employees back too soon and that we do not have...not every department has, or maybe they do, this is a question. Have we looked at every single building, every single department, to see if they have the capability of bringing in all their employees and still following the safe distancing and the masks protocols that are set? If not, then why would we want to bring them in all at once? I honestly believe that we should phase this in and that we should allow for the administration to look at every department individually, because they all have different needs. Have we brought together the leadership of these departments to discuss how they are feeling about it and how-- and the recommendations that they may have? I look at the great job you did with the businesses, with the surveys, and I am wondering if we should be, we should have done the same thing for our employees.
- RV: Mr. Huckelberry.
- CH: Mr. Chairman and Supervisor Villegas, yes. We have asked our appointing authorities to give us a return to work plan that is very similar to exactly what the County Attorney has provided. They all have that opportunity and we are all looking forward to seeing what those plans are. Obviously, they will embed those same guidelines I just talked to you about: about staggering work hours, observing strict social distancing, all the things that are there. If they provide that information and say, "x people still have to telecommute," that is going to

be just fine. But I think the important point is that we need a plan. We are a public agency. We provide public services. The question will be, "What part of our services are we not going to provide or close because of where we are in this process."

BV: Chair Valadez and Mr. Huckelberry, do you think that...is there a time frame for this? Because it seems as though you are saying everybody has to do this by the 15th. Are we set for that? Are we ready for that, at this point? I mean, is there enough time, or should we consider moving the time back a little bit?

CH: Mr. Chairman and Supervisor Villegas, the difficulty in all of this has been that our time frames do not necessarily reflect the time frames that we have been given and those are coming from the state. In this particular case, what we are saying is that once the stay-at-home order is lifted, you then begin to return to work. The word is begin to return to work, under a plan that says you can exercise your discretion to make sure you can do it as safely as possible with all the criteria we have already stated. Every department has the authority to develop a return to work plan, beginning on Monday, that talks about how do you phase back, bring back the employees, those that are not following in those at-risk compromising characteristics that are able to telecommute. You have got to remember, there are a number of employees that do not have the luxury of being able to telecommute. How do we do that? We do that through each individual department with an appropriate plan that meets the guidelines that we set forth.

RV: Supervisor Villegas.

BV: I just want to make sure. Thank you, Chair Valadez and Mr. Huckelberry. If...that we are going to make sure that all our departments are also following the guidelines, the safety measures of wearing the masks and following and doing the safe distancing. I am sure that we will be getting phone calls when people are not following it. What are some of...have you considered some of those and what will happen? Who is going to enforce? What is going to happen with those that are not following the guidelines or the regulations or whenever you...directives?

CH: Yes...

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Villegas, what we will set up, and we will probably do this on our HR web page, is a form that people can fill out and basically say, "Here is the department. Here is, you know, what I observed. Here is a problem. They are not following these guidelines." We will then, basically, aggregate those, forward them to the appointing authority, ask them to be investigated, ask that they comply with all the requirements that we put in place and if they do not, obviously, then I would have to become involved. So, I think that is, you know, kind of a report-investigate-and-act process that

we will do to try and enforce, you know, the safety standards that we think are reasonable to be placed in the workforce.

BV: Thank you. That is it.

RV: Mr. Huckelberry, a couple questions. My understanding is that the libraries had developed their own plan, at this point?

CH: Mr. Chairman, I know they are working on one. I do not think I have seen it at this point in time. Maybe Ms....

RV: Ms. Leshar.

CH: Leshar might know.

JL: Mr. Chairman and Dr. Garcia can elaborate as well. They are...they have been working on a plan the last couple of weeks. It was just released this morning and we can share it. I just saw the documents come through before we came down to the Board Meeting. It looks at reopening all but two specific libraries on a limited basis, beginning Monday. Each library is a little bit different. It continues curb side operations for some, spacing of computers, et cetera, but each library is individual and unique. I will just comment that the libraries are the ones that we are bringing back and it also addresses another concern that was raised earlier that of the 293 people currently in the queue to be furloughed, 219 of those are librarians or people who work in the libraries. So as soon...next Monday when we reopen the libraries, you are going to see a significant drop in the furlough numbers, as well.

RV: Ms. Leshar, thank you for that comment because part of my issue, my next follow-up question is going to be, how do we deal with the hygiene issue, particularly in the computer areas or in areas with high usage in the libraries?

JL: Mr. Chairman, there have been very specific plans working with Facilities Management, the librarians and the branch managers for each of those facilities with Amber and others to look at the unique needs of each of those branches.

RV: Okay. Alright. Mr. Huckelberry, regarding the departmental plans, we obviously know that we have gotten one from the library. We have got one from the County Attorney's. What about our other departments? Are we setting a deadline? What is the status of that at this point?

CH: Mr. Chairman, you know, the issue is, is that they are all preparing them. I do not know the status of all of them that are coming in. I hope that we have them all by the end of the week, but you have got to remember this is Wednesday. Nobody knew the stay-at-home order was being lifted until yesterday, and so, obviously, it is another mad scramble to stay ahead of the curve.

- RV: I understand the time dilemma. My concern is if I am an employee in one of those departments, I have no idea what our plan is. I do not know what we are going to be doing or how we are going to be treating it. What guidance should we offer them? Mr. Huckelberry.
- CH: Yeah. Mr. Chairman, I think, you know, make the plans available on the, you know, our web page. You know, we will post the County Attorney's and as we get others, we will post them all so the employees can go to that web page and look and see what the plans are. I think that is about all we can do at this point. If the Board wants to postpone this a week, all you have got to do is tell us. But I think the key is, is that, you know, we need to remember that there are a majority of our employees out there every day working and doing what...they are providing public service.
- RV: Mr. Huckelberry, if we leave it to Friday, do you think we can get those plans done by Friday so that we have that guidance going into next week?
- CH: Mr. Chairman, I will, you know, certainly direct the departments to do those and to provide them to me by Friday.
- RV: Okay. Now, going back to the prohibit...potential prohibiting of people coming into the areas. Obviously, part of the issue is we do not want to run afoul because if they know somebody or a friend or a relative, they cannot go to the department, but if they are just the general public, they can. So when we are dealing with prohibitions, we probably want to deal with staff-related areas, as opposed to leaving common areas so that there is no differentiation between a member of the public showing up and a family or friend. But they have to confine them to the common area without allowing them into the staff area. I think that is probably where Supervisor Miller might want to take that, simply so there is no differentiation there.
- AM: I was just going to and I think that is a good suggestion. I was just going to amend the language that is already there. "Any unnecessary visits to work place during the pandemic crisis," but if we want to clarify it further, I think that is a good idea because it just, you know, clarifies it for people that are coming in.
- RV: Yeah and there is no differentiation. Right. Okay. Mr. Huckelberry.
- CH: Yeah, Mr. Chairman. I think we had always assumed that, you know, this particular incident was someone who came through the public area and went in the actual working environment. Now we are having to do contact tracing on the employees in the working environment. If we limited it to the public environment...you have got to remember, in those environments now, the folks in the front line are wearing masks, potentially gloves if necessary, if they handle documents and the entire public area is subject to space limitations and spacing and distance from counters.

SB: Mr. Chairman, this is Supervisor Bronson.

RV: Supervisor Bronson.

SB: Yeah. Speaking of that, as we have County people, employees, returning to work, are we doing the same thing? Are they wearing masks? Are they doing what we are telling everybody else to do?

RV: Mr. Huckelberry.

CH: Yes, Mr. Chairman and Supervisor Bronson, what we have said is that anyone who is in the business of interacting directly with the public are required to wear a mask. We have not gone as far as to require every employee in every department, at all times to wear a mask.

SB: Mr. Huckelberry, were you aware that the Maricopa County...your counterpart in Maricopa County, is providing masks to her employees?

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Bronson, no, I was not, because the counterpart in Maricopa never responded to our survey to find out who is getting personal protective equipment or not. If that is an issue, we will certainly make available masks to all County employees if they want one.

RV: Supervisor Bronson.

SB: Yeah. I believe maybe we have...how much money are we getting out of the COVID relief? About 80-plus million? Can we provide masks? I mean the...Maricopa County is providing masks. What I think I hear you saying is that, you know, the County employees have to provide their own masks. If we are asking them to come in, I think all of us should be wearing those masks as Dr. England has recommended. I am curious about your response.

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Bronson, we would be happy to provide masks. I think if you have probably been reading my updates, the availability of personal protective equipment masks is at a premium. We are supposed to be receiving a shipment today of 2 million, but it was supposed to leave Phoenix at 7:00 a.m., this morning. I do not know if it did. That certainly will provide some relief. But, all of our masks that we provide through the EOC, have been provided to much higher priorities, such as skilled nursing facilities, assisted living facilities that have documented breakouts of COVID-19.

SB: Which is admirable. No question. But don't we have a relationship with Pima Community College and can they make masks for us using the COVID relief money? I am just curious.

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Bronson, we are having gowns made by one individual. If you are talking cloth masks, we can ask anybody to make a cloth mask. The question is, whether it is a surgical mask or N95, and they have different applications for different exposures. So, if it is...if it is a simple mask, I think obviously, there is plenty of money to buy them and we can contract with anybody to make them and we will do so if that is the desire of the Board. Like I said, I...

SB: I appreciate that.

CH: I think our primary goal is to get the protective equipment out to where the exposures are the greatest.

SB: Yeah and I concur with that, but I think our employees, if they are coming in, should have availability for masks and even if they are cloth masks. So thank you.

RV: Anyone else have any questions or comments? Mr. Huckelberry, if we could ask that you codify this discussion for, obviously, appointing authorities, managers and supervisors so that they can get the guidance that they need to get in order to implement this accordingly. Then, if you could keep us posted and updated on the department plans, to make sure that we have them in place so that our employees have some level of guidance. Then, obviously, by way of direction, I think if we could prohibit the general public or friends and families from entering the work area but allowing them, obviously, in the common area like any other member of the public. Then, finally, explore the possibility of maybe, as Supervisor Bronson said, look at if whether or not we can contract with Pima College or others to get cloth masks, so that we have them available for our employees, as well.

CH: Mr. Chairman, we can provide all of that information and we will provide clarifying communication to the County departments and employees with regard to this discussion.

RV: Alright. Anyone else? If none, then we will go ahead and move to Item No. 5, Proclamation Related to COVID-19.

5. Proclamation Related to COVID-19

Discussion, direction and action regarding a proclamation of the Pima County Board of Supervisors regarding a State of Emergency related to the COVID-19 outbreak, establishing guidelines for reopening of certain businesses and activities.

RV: Mr. Huckelberry.

CH: Yes, Mr. Chairman, as you know, we have been participating in a very rapid series of meetings with approximately 128 stakeholders within the community. Many within the, what we call the affected organizations or businesses that have been affected adversely by the stay-at-home order, and been working to develop what we believe are appropriate public health standards and public health guidance on reopening and how they can get back to business in a relatively safe manner. These task forces basically began their work on April 30th and completed them on May 11th. Nine meetings were held over about nine days with these 128 stakeholders. They provided information. There is minutes of every meeting available on our web page. They provided input. We provided what we call the best available information, such that we could recommend strategies and, you know, we have called them various things over time. We have called them temporary measures. We have called them guidelines. We have called them best practices and what we are trying to suggest today is that we call them regulations adopted under the emergency powers of the Board related to embedding specific guidance, specific rules and regulations regarding restaurants, bars, the spas, the pools, the hotel, all the things that are in those listed. I think we feel fairly comfortable in making these recommendations to you. They have been crafted to not conflict with the Governor's orders. They have been crafted to basically expand on his general guidelines with more specificity and I think the best example is, when he talks, maintain physical distancing, that is the guidance. What we then do is define physical distancing: the six-foot spacing, you know, all the things that go with the marking on the floor, marking at the counters, doing all the things that actually operate or make physical distancing operate. I think that is why I believe we are consistent with the Governor's orders and that ours provide the guidance specifically. How people can interpret those generic guidelines. One of the things we did include here, and I am going to call on Dr. Garcia in just a minute. We have Attachment 1, which is our view of the number of cases that have occurred and are occurring, as well as the number of deaths with regard to COVID-19, over an 18-week time period. We talk about starting the week in week 1 when we had the first few cases and, you know, week 18 turns out to be the past week. As you have been looking at the data that comes out of the state website, it gets pretty erratic from day-to-day with regard to new cases and so the way you smooth out that being erratic data reporting, is you report it by the week. What you see in this graph is a reported by-week cases. As Dr. Garcia always cautions me, do not pay a great deal of attention to the last week because it may change a little bit as the data basically settles back down and errors may have been made as to when the case was first reported. But you, you know, week 15 is accurate. 16 is accurate. 17 is accurate. Be careful on week 18. But you can see that the number of cases is declining by the week standard measurements. In other words, measuring on an entire week. They have actually seen three consecutive weeks of declining cases. We have seen four consecutive weeks of declining deaths. That is, you know, the cautiously optimistic material coming from Dr. Garcia and our public health staff. One of the things in recommending these measures to you, obviously there has been a lot of comment on them and that is fine. We received comments from the

Restaurant Association and that was the one I got enough time to actually respond to. The rest we have not been able to respond to, but they all look very similar. Dr. Garcia, whether he knew it or not, last night went out on a, on a scouting mission to find out if a restaurant was actually doing these things. Let me call on him and it is up to him whether he names the restaurant, but apparently that restaurant was in full compliance with every one of the measures and apparently he was impressed by their activity. Dr. Garcia.

RV: Dr. Garcia.

FG: Mr. Chairman, Members of the Board, you know, one of the things that I think is really important and that we have tried to do as we have thought about developing implementation guidance. Things that were, that are concrete for operators to do and to not do, is how feasible these are in different operational environments. We know that restaurants or gyms or other places of business do so sometimes, often on very thin margins and so we always worry about, "Are the kinds of things that we are asking them to do going to put them out of business." It certainly was not the intent to go on an inspection visit or anything, but I did have an opportunity to visit a well-established restaurant here in Tucson and see how they were dealing with this. I think it is always interesting to see how operators are dealing with this and I can tell you that, at least this operator, was doing a terrific job. Was able to have staff that were masked, that were gloved, was able to have the kind of markings on the floor, the kinds of disinfection routines. In fact, they probably were in excess of what we have asked them to do. To me, what that says is that these things can be brought back into an operational setting without causing too much stress. I talked to the manager of that particular facility at the end and was just sort of commenting on how well they were doing. It sounds like they invested a lot in terms of training their staff and their employees to do the right thing. I think it shows. I think that diners who were in that venue were looking happy and reassured. I think at the end of the day, that is part of the reason for some of these guidelines, is to reassure the public, to reassure, in this case the dining public, that someone is thinking about their risk and is doing something affirmative to mitigate that.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: I have a question on, you know, you have a category of 17 different requirements for each of the different categories of business, and they are not consistent across all of these businesses. I would just like to ask for an explanation. For example, on No. 5, it is on...under the restaurant operation measures, it says indoor occupancy limited to 50% or lower. If you look at that under the public schools, gyms and fitness centers, hotels and resorts, No. 5 says indoor occupancy limited to 50% or lower unless six foot physical distance standards can be achieved with higher occupancy. Then, if you look at it under the attractions, it says indoor occupancy limited to 50% or lower,

unless physical distance standards can be achieved with higher occupancy. Then you address the outdoor attractions are also limited in that one. So, we have different standards for different businesses and I would like you to reconcile that for me. I have several others I would like to get clarified, as well.

RV: Dr. Garcia.

FG: Chairman Valadez, Supervisor Miller, as you can imagine, when we tried to solicit feedback from a lot of different stakeholders, doing very different lines of businesses, from Old Tucson, to restaurant, to a gym, you get a variety of feedback and you may be seeing some inconsistency because of that. Certainly, if there is nothing that is sacred in terms of if you are able to achieve adequate physical distancing, you know, there is nothing sacred about the 50% occupancy.

AM: Okay, so that is some language I would like to see changed. Then, under the restaurants, you have "physical or electronic signage" and I believe that was in response to a request by the Restaurant Association because it was originally "and," and the electronic signage could be cost prohibitive for some of the smaller restaurants. Now you have an "or" there, but if you look at it under the other...under the public pools, gyms and fitness centers, it says "physical (and website) signage posting at the pool or gym entrance of public health advisories..." So you have got at the end on their website, you know, is that...I just...they are not real consistent. Then if we look at No. 4 under attractions, "physical and electronic signage." They are still required to do both under the attractions. I would like to see if we could change it to "or." Do you know, and I know that I have seen it on just about every business. They all have the signs that are being provided posted as you enter the business. But it is just these inconsistencies and the allegations of discrimination against different types of businesses that I read in some of the comments. They are in fact true, if we keep these, if we do not make these rules consistent. I did not see any reason that one would have to have different rules than the others and especially in this kind of a case. No. 2, the "cloth masks and frequent hand washing" required at the attractions but we are requiring "cloth masks and gloves" at the pools, gyms and fitness centers and then...that is No. 2, and that is under the restaurants, "cloth masks and gloves and frequent hand washing is required for all servers...server gloves not required if the operator can document" that they are sanitizing between servings. So, we have a requirement that is inconsistent again. There is several of those. The other one I saw was No. 11, "Elimination of self-service stations." I think that one did get changed. I think it is still okay for napkins, condiments. It had a lot more verbiage in the original version and I...It is just there...a lot of these are different and not consistent. They are not real clear, so I am hoping we can go back and maybe get these revised. The other one that really is troublesome and you got a lot of push back from the Restaurant Association and I agree with them wholeheartedly is requiring restaurants and...to do wellness checks, including temperature checks, for "all restaurant personnel, vendors, contractors, third party delivery services, workers, etcetera, as they arrive on

the premises.” These people do not work for these restaurants. They work for another company that is just delivering some products to the restaurant and I think their point that they made that, you know, this is a violation. “We are not medical workers, so why should we be required to test everybody else’s employees?” They should have been checked by their employer. They all have protective measures in place. This one is very troublesome because it requires them to not only either provide medical personnel or, you know, doing temperature checks on delivery truck drivers. I think that is very...I think it really is an over step, an over reach and I think fine for their own employees but require them to do that on deliveries and that kind of thing is not compliant with what the CDC recommendations are. That would be like Pima County, anything delivered here, are we testing? The allegation, again, that there is discrimination. Previous businesses opened up, financial institution, gas stations, hardware stores, grocery stores. Are we requiring them to test delivery truck drivers, to test anybody bringing any...doing any business with their businesses? We are or not. Post office. They have delivery of stamps and paper and that kind of thing. We are not requiring them to test that. I do believe this is discriminatory. It is not consistent and it is not in compliance, I do not think, with what the Governor has ordered. One of the things that he has is that, pursuant to this Title 26-307, “no county, city or town may make or issue an order, rule or regulation that conflicts with or is in addition to the policy, directives or intent of this Executive Order.” I know they encourage a policy for businesses, but I do not believe, I did not see anything in the Governor’s Executive Order that requires that all of these businesses have to do wellness checks on deliveries and anybody that is doing business with them. I would like you to address that.

RV: Mr. Huckelberry.

CH: Mr. Chairman, let me kind of hit them all real quick so you have a...our...kind of our view. The occupancy, 50% is if you look at restaurants. Their physical spaces are usually much more restrictive than any of the gyms or outdoor attractions and so that is why you have the various language there. As you can see, we tried to mitigate the minimum, with regard to the occupancy of restaurants, by...in this document, we have a significant expansion of outdoor seating capacity that could actually exceed their stated occupancy indoor. That is a concession on the limited occupancy that we know they are not...you know...and when we say...if you look at this room, this room sits about 350 people, if you have every chair, but if you implement social distancing, we can put 46 people in here. That is the whole limitation on occupancy. But it is flexible when it gets to...and for example, we...when we looked at the spacing on the attractions, we looked at the Pima Air and Space Museum. Well, if you look at that hangar size, you can put probably the full occupancy limit in there and still get physical distancing, so again, it is each customized to the activity. The "and" and "or," I do not think we care and that is probably just an editing issue that we missed. With regard to gloves, the concession to not have gloves on restaurant workers was a concession to the restaurant industry because they were concerned about the servers having to take the gloves on and off

and every time they did, it contaminates something. What we put in there is a concession to them, as to if they can document frequent hand washing or sanitation between servings. That was really why we...and so...but we left the others because, in the case of gyms, you are going to have somebody, the staff, wandering, you know, they are actually there with gloves and masks because they are touching the equipment. They are disinfecting the equipment, so it is probably good to have them in gloves. That is the only reason that is there. Self-service stations. What we really tried to concentrate on here is food, so I do not know if we have any big objection to paper products or napkins or anything else so we can get that clarified, if that is appropriate. The wellness checks for, is one of the things that, again, it is really up to the Board. You know, it goes back to the one case that we have that was brought in to us, but I also clearly understand the difficulty of, you know, trying to stop a vendor. You know, we do that as much as we can in this building. You know, that is why if a vendor comes in this building, they have got to get a temperature check. But again, we got clear signage that requires that and we got people available to do it. Individual restaurant that might be difficult. You know, one of the things that you probably could do is, you know, that little phrase up there says, "where possible." You could move that and, basically, say, "temperature checks for restaurant personnel" and then you say, "vendors, contractors, third party delivery, where possible." Maybe that makes it optional for the restaurant. They may do it and they may not do it, so that is the option there that I think the Board has. Let us see, did I miss any, Dr. Garcia?

RV: Dr. Garcia.

SC: Mr. Chairman...

AM: Mister...

RC: Hang on, let me have him address the question.

FG: Yeah.

RV: No. Okay. Supervisor Christy.

SG: Wait, she...

AM: I am not finished yet.

RV: Oh, I am sorry, Supervisor Miller.

AM: On the indoor occupancy on the restaurants. I guess, you know, you have that provision in there where you are allowing them to expand outside and so that is why I am saying we should have that social distancing if they can maintain that, because they may end up, like you said, over their 50% because they have got some big area outside where they can put more than 50% of the

people and maintain that social distancing. I wish there were people from the restaurant industry here to talk about it because there was an issue with some of the smaller restaurants, as well. But if they have that outside ability to have 75% of their normal occupancy, why would we not say, if can you maintain that six-foot social distance, why would we not allow them to do that if that is one of the things they are able to accomplish.

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Miller, I think we stressed the word indoor occupancy in that particular item. You know, if you wanted to say, where it says, "or lower," you could strike lower and say, "or as dictated by physical distancing." I think our view is that when you begin to look at these restaurants, it is going to be hard for them to get more than 50%, but if they can do it, more power to them. What we did in this...another section of this document, that is the proclamation, is that is where we basically talked about temporarily waving our zoning requirements and other things where we can establish and basically get significant additional outdoor seating. It does not have to be adjacent. It can be taking up parking areas. It can be on promenades. It could be on sidewalks, and we put no limit on that, so if they can get 150% occupancy by using 50% inside and 100% out outside, that is fine.

AM: The other issue that I read about is hand sanitizers available at the entrances to the facility, restrooms and in employee work areas. There seemed to be some push back on that due to the just sheer volume of having to place this all around their facility. Is there any flexibility that we can give them, because I saw that the Restaurant Association really pushed back on that one. That it is just having it in all those places. They may not have the ability to purchase that many bottles to have them available.

RV: Mr. Huckelberry.

CH: Mr. Chairman and Supervisor Miller, if we can figure out how to make that flexible, we are fine. You know, we are out there trying to buy as much hand sanitizer as we can. You know, one of the things I ask our EOC supplier, logistics people to do is purchase in bulk so that we can, if necessary, to some of these smaller restaurants who may not have the same access to procurement. To provide that to them. I think that being able to have those patrons coming into the restroom sanitize their hands is fairly important.

AM: I agree with that. No. 15, there seemed to be a real issue with that one. Posting documentation, cleaning logs online and available upon request at the entrance, documenting cleaning of all public areas, at least every two to three hours. If you have a busy restaurant, I agree with them, that is very invasive and on time and having someone there making that documentation. I think the more important thing is, is that they are not wasting their time providing a cleaning log, but they are actually cleaning. I do not think these poor business owners that have been out of business probably do not have the luxury of

having an employee, or additional employees to be able to be posting this documentation every two to three hours. I think with the cleaning and sanitization guidelines that are imposed, I do not, and especially online, I do not know what kind of, you know, documentation...is it a simple checklist? Or, you know, I just think that needs to be clarified more and I think there was real concern about the time consumption on that one.

RV: Mr. Huckelberry.

CH: Mr. Chairman, if you go to restaurants today and to the restrooms you will see a cleaning log with the initials of an employee and a date and time, and I think that is all we are interested in. That particular measure is really designed to try and reassure the public that these things are happening. If you look at a lot of these measures, you know, and I included it as one of the attachments. We have gone out in the public survey. Now I have over 9,000 responses. The survey is still there and we ask the public to weigh in on each of these 17 measures and to determine, you know, if it is extremely important or not important at all. I think I put in the report here. You know, we cut this off about noon yesterday, just simply to get you the status of these 9,000 responses, and you can see, at least those are responding, you are talking about all of these measures being extremely important.

AM: I think that that will behoove them to do as many and to comply as much as they can. I just, it is just sometimes the requirements for...and this was not real clear, what you were, at least not to me, I am not...I do not run a restaurant, to understand exactly what we were requesting them to do. The other one is, and these are considerations, that I think are good, if you can afford to implement touchless payment methods. The restaurant personnel, apparently they already have to have national certification in food safety and handling already, so they were good with that. The one was the specific training in the prevention of COVID-19. Is Pima County going to put up some sort of a link to a training program or something that they can review, the employees can review?

RV: Mr. Huckelberry.

CH: Mr. Chairman, yes. There is something out there called Safe Serve and that is a national training module associated with restaurant workers. We early on went through and looked at all of the available training modules that are out there for safe food handling. We have selected one and it is in the process of actually having a contract developed through our procurement and that particular one we selected has a COVID-19 training module. All the rest did not. We have chosen one that has a food safety module as well as a COVID-19 training module and that will be available. It is available today online if people want to sign up for free. After June 1 it looks like it is \$10.00 and we said that we will pick up that cost through our contract.

AM: As we go through, I would really like to see this come back with more conformity between the various industries and the big question for me is, are we requiring other businesses to do the same types of things? I think consistency is really important. I understand restaurants. Being in gymnasiums, you are much more apt to get, you know, touching surfaces, that kind of thing, but I would like to see this come back with some of the clarity that, you know, we discussed today, if we are going to put this in place. I think that is it for now. Thank you.

RV: Supervisor Christy.

SC: Mr. Chairman, I have a couple of questions I would like to direct to administration and then I would like to expand upon, on a more broader plain, the salient and specific points that Supervisor Miller cited. My first question is, Dr. Garcia, Governor Ducey cited a number of factors that indicated a positive trend and trajectory, which allowed him to decide to lift the stay-at-home mandates, open restaurants and open pools, spas, attractions, gyms and major sports. Is Pima County experiencing similar positive trajectories and indicators as the State of Arizona has been?

RV: Dr. Garcia.

FG: Chairman Valadez, Supervisor Christy, I think we are starting to see some evidence of improvement on a variety of fronts. We are not there yet. We are not in the green zone on all of them, but, for instance, I believe that we are starting to see a decrease in the number of cases. I also believe that the trend line for mortality is going in the right area. One of the things that the Governor cited is not something that we are able to document here specifically for Pima County and that is a decrease in the number of people with symptomatic disease. That relies on a surveillance reporting system from the hospitals. I am more cautious with that data, even though the governor is citing an improvement in those areas. The other areas that he talked about was contact tracing and the ability to provide for folks who are positive who may not be able to be discharged to their homes.

SC: But there are some elements that are a positive trajectory.

FG: Absolutely. Sorry. Chairman Valadez, Supervisor Christy, we are headed in the right direction and I think two weeks down the road we will be much more, we will feel much better about being able to say that in an affirmative and positive way.

- SC: Thank you, Dr. Garcia and Mr. Chairman. I would like to ask the County Attorney what potential conflicts and confrontations do you see with Pima County's more stringent regulations than...that exceed the State of Arizona, who has forwarded an...forwarded in opening the economy and businesses as far as it relates to A.R.S. 26-307? Are we inviting lawsuits and state sanctions and does the State of Arizona impose financial penalties and fines on these reopened businesses with their plan?
- RV: Ms. Nassen.
- RN: Chairman Valadez and Supervisor Christy, it is my understanding, based on remarks that the Governor made yesterday during his press conference that the State is, in fact, enforcing their rules. I believe that the proclamation that has been drafted for consideration by the Board of Supervisors is really designed to be consistent with and simply fill the gaps in with respect to the guidelines from the State and so the intent very much is that it not conflict with, but that it really assist with implementing those directives. Could someone come along and claim that some of these requirements are more stringent or in some way inconsistent with the governor's order? That is certainly possible, but I think that there would be very good responses to that.
- SC: So there is the potential that there could be a conflict between that statute and what Pima County is doing, potentially?
- RN: Chairman Valadez and Supervisor Christy, anyone can make a claim about anything at any time, so certainly there is always the risk that someone could make that claim.
- SC: Just to confirm, I do not see or I did not see anything in Governor Ducey's lifting proclamations that required fines or penalties. Is that your understanding, as well?
- RN: Chairman Valadez and Supervisor Christy, I will tell you I have not read through that in absolute detail so I hate to say one way or another.
- SC: My reading through it as best I could in the time allowed, I did not see any fines or violation penalties imposed in the governor's proclamations. But, I would like to address the broader issue here that we are facing. That is the task force that has been created, Back to Business in Pima County. Never had the opportunity to hear objections from, I think, a most significant entity, the Arizona Restaurant Association, which represents 2,500 businesses and the Arizona Restaurant Association has severe concerns on the 17 regulations pointed out and specified by Supervisor Miller. Why are we moving so fast without input from such significant entities? Several of the Arizona Restaurant Association concerns are that restaurant workers are now being required to be police forces and medical experts. Restaurants and now other industries, have suffered terribly, have been devastated for many weeks now. Finally, they are opened by the governor and in Pima County, the first thing that hits these

suffering businesses are a series of burdensome regulations and the threat of fines. Does this say that Pima County is open for business? Other major associations have expressed deep concerns, as well, and these concerns were never heard by the task force as created. They include the Tucson Metro Chamber, the Arizona Craft Brewers Guild, as well as major business people. There seems that there was a real rush to develop these regulations and sanctions, and it appears it was designed to do an end run around the governor. I have said it before. The regulations are the penalties, as were the previous proclamations to shut down businesses imposed by Pima County. We should not be talking about fines. The restaurants were just allowed to reopen day before yesterday. We have a regularly scheduled Board of Supervisors meeting next Tuesday. Why are we not giving these businesses, particularly restaurants, the chance to operate under the state's guidelines? Send the health inspectors out all this week to observe their successes or failures, just as Dr. Garcia did. Let the inspectors have at it. By the way, word of mouth travels faster than health inspectors. Let the market take its course. Where is the emergency and the justification of holding today's emergency meeting? The County's approach with regulations assumes, right off the bat, that business will do the wrong thing. That businesses cannot be trusted and should not be given any chance unfettered. As a long-time former business owner, I know that all successful and progressive businesses fully recognize that their businesses have two major assets. One, a strong, healthy motivated and well trained workforce and two, an enthusiastic and loyal customer base. Business owners will do anything and everything to preserve, protect and defend those two assets. Let businesses operate, give them uniform suggestions without the threat of fines, listen to what they have to say and contribute and get government out of the way and let the market rule. These regulations, for the most part, are overly burdensome and ultimately unfair. The City of Tucson and Pima County have been on record as being against opening businesses and our economy as quoted by Chairman Valadez and Mayor Romero. Therefore, as today's meeting is closed to the public, I would like to offer a friendly amendment or ask that it be amended, that this item we are now discussing be continued until next Tuesday's regularly scheduled Board of Supervisors meeting. By then, as of this Friday, the stay-at-home Executive Order will have been lifted and opened and it will have expired. Tuesday's meeting will be opened to the public and this Board can hear from the public and the public can participate in this far-reaching discussion. By then, the Health Department inspectors can give this Board their findings of how businesses are operating, but if they cannot or will not compile that data, at least the public can be heard. If this is not accepted as an amendment or at least considered to be something that can be utilized at the next board meeting, I will be voting against these regulations. Thank you, Mr. Chairman.

RV: Other questions or comments? If not, I have got a couple of my own. Dr. Garcia, is COVID-19 gone?

FG: Chairman Valadez, we are still in the midst of the pandemic.

RV: Is it less virulent?

FG: Chairman Valadez, there is no difference in the, not virulence, by the infectivity of COVID-19 at this time.

RV: So, in other words, it is still as highly contagious as before, is that correct?

FG: Chairman Valadez, it certainly is.

RV: You know, one of the comments the Governor made, was he is cautioned very carefully that it was not necessarily a time where we could all go out, particularly vulnerable populations, folks. That includes those with chronic conditions under the CDC guidelines. That includes senior citizens above the age of 65 and he was very, very clear that they were to exercise caution for their own sake. For their own sake and that of their families. Several weeks ago, we lost a 92-year-old member of our community because she celebrated her 92nd birthday, and unbeknownst to her, one of her family members had COVID-19. She is not with us anymore. This is not a disease that discriminates, it is not a disease that is gone. It is not a condition that, frankly, any of us expected to or wanted to live with. We are not doing this out of capriciousness, we are not doing this against the governor's orders. As a matter of fact, yesterday I signed a letter where I forwarded these proclamations to the governor myself, so that he would know. This is not against his order. This is in compliance with his order, making sure that our community is safer, or as safe as possible. This is not a condition that is gone. It is not a condition that is no longer contagious. It is just as easy for someone to get. The only thing that has kept us getting that trend down, the only thing that has kept the staffing and hospital beds down and green, is because we have been careful as a community. For that, we need to be grateful to our community because they did the responsible thing. It is not over. It is not gone. None of us want to do this. None of us wanted to deal in 2020 with COVID-19. Not one of us. But the truth is we have a responsibility. Mr. Huckelberry, did we survey each of the 17 conditions, with the general public?

CH: Yes, Mr. Chairman, we did.

RV: I think the results are in the background material, but what were they?

CH: The overwhelming majority, which is if you add extremely important or very important, it is overwhelming majority of those agreed with all the conditions.

RV: So, extremely important. You know, I too, have friends who are in the restaurant industry and they, too, have had level of concerns. Some of them have said they are not going to open, simply because they are not sure they can keep employees or patrons safe. Look, these conditions are not...are not, in any way, shape or form meant to keep them out of business. The truth is,

the intent of this is when there are patrons in those restaurants, they can feel certain that we are ensuring their safety as best we can. That is a responsibility that County government and solely County government has in this region and that is not a responsibility that we can look past and beyond. With that, Mr. Chair...sorry. With that I am going to go ahead and move approval with this proclamation and I am going to ask that we get the reports in two weeks to see how we need to modify and how it is performing.

SC: Mr. Chairman, will you accept the friendly amendment that I offered?

RV: Would you restate your friendly amendment?

SC: My friendly amendment is that this be continued to the next board meeting and that the information brought forth by the health department is there, as far as their inspectors' observations of businesses as to how they are operating under the new opening up. Be monitored and data brought forth, and that we will have a meeting that will be open to the public so we could really hear public comments and not just a survey that many people are saying was contrived.

RV: Regrettably, Supervisor Christy, I do not think that we have the time to be able to do that. We need to make sure that as people are going out that they are safe. So regrettably no.

SC: Then may I ask a couple more questions?

RV: Certainly.

SC: You mentioned to Dr. Garcia that the virus is still with us. You asked him if it was, he responded affirmatively. You asked Dr. Garcia if it is as virulent as it has always been. He responded affirmatively. Dr. Garcia, have the communities at risk ever changed?

RV: Dr. Garcia.

FG: Chairman Valadez, Supervisor Christy, if you mean the individuals who are at greatest risk, that being, individuals who are medically fragile, immunocompromised or suffering from chronic disease, as well as individuals who are 65-years of age or older, that has not changed.

SC: So those communities at risk that Chairman Valadez was referring to, they have always existed, as well. As well as those with underlying conditions have always been with us through this whole episode. So, to say that the coronavirus will go away is to also beg the question, will these communities-at-risk go away?

RV: Mr. Christy, before we go on with that, I am sorry. I apologize in advance. I made a mistake. Do we have a second on my motion?

BV: I will second.

RV: Okay. Sorry, Supervisor Christy. It was my mistake. Please proceed.

SC: My point is, if Chairman Valadez, I say this respectfully, wants to show a consistent pattern of certain elements of the pandemic, then there also needs to be a display of the consistent pattern of all of the risk factors that have always been involved and that those risk factors should be addressed effectively and with great detail and with great force, just like they always have been. So, those folks who are most at risk, those folks with underlying conditions, they should be the ones being quarantined. They should be the ones sheltering at home. They are the ones that should not be going to restaurants or having social gatherings. This just is common sense and individual determination, and to suggest that the coronavirus is still with us, it probably always will be in some form, just like every other flu and virus is still with us and will always be. But, we cannot allow those viruses that are supposed to be with us forever inhibit the ability to be able to work under the conditions that allows for our economy to be opened and opened responsibly. As I said earlier, business know what their assets are. Their assets are their healthy, vital workforce. So they are going to take very special care to make sure that the workforce is healthy and that their customers will: A, come in the first place, and B, return, and they are only going to do that if they have the confidence that the facility is a healthy, clean and safe one. So, for these regulations to be imposed without even allowing the businesses to have the opportunity to work under the governor's lifting of the proclamation, I think, is a mistake and it is an example of why government needs to get out of the way and do what...and allow what businesses do best and that is to adapt to new process changes.

RV: Supervisor Miller.

AM: Mr. Chairman, I think your point about the at-risk population and Supervisor Christy's, as well, those are the people who are most concerned. Those people are not going to be anywhere where they feel unsafe. We have seen that. You know, their, and as Governor Ducey said, and we have and Mr. Huckelberry's memo. The people have been in compliance. They have been complying. They have been doing the right things. I think that we need to have a little bit more faith in people that they are not going to do. You know, go and expose themselves, especially with the story that you just told. You know, people have heard about these things and I just think that we really should give them...and I agree 100% with Supervisor Christy. Rather than just sending in an e-mail, give them an opportunity to participate, express their concerns and I think some of the concerns I expressed on their behalf today. There were some clarification. Unfortunately, it is not going to be written in here, but the clarification seemed like maybe, but I am not a restaurant owner and I am not a gym owner, maybe it would be acceptable once clarified. I think, you know, as this is written, they are objecting to it and I think that the way you get the buy-in...and your point about people are not going to go somewhere where

they do not feel safe. It behooves them to do as many of these things and keep the facilities very clean and we have seen that. We have seen that happening as Dr. Garcia testified. People want people to feel safe and come to their restaurant because it is the safest one. I would just like to see this revised to reflect some of the conversations we have had here today to give people more comfort before we adopt it and maybe some clarification, you know, on the 50% occupancy. Mr. Huckelberry said, well if they do these other things, yeah, they could potentially. It is probable? Maybe not, but we do not...it just puts a limitation on them that is kind of scary to them and they are really desperate to get opened back up. I would like to see more clarification on this resolution before we actually adopt it.

SC: And to that point, to allow other entities that have heretofore not had the ability to participate in this discussion, to do so, which they can do on Tuesday.

RV: Look, I am not opposed to going forward editing this. I just do not think that we can afford to open without having something in place.

AM: Is there any possibility to open with the governor's, you know, his proclamation? It identifies all of the things we have here but we have more detail. Could we open with this and then maybe address the final version on Tuesday? Is that a possibility?

RV: I find that when you loosen up at first and then try and tighten up, that is usually a very unsuccessful model, is the issue.

AM: I find this very concerning and the County Attorney, as these are written some of the restrictions and the objections to them, for example the Restaurant Association on the wellness check. We are not medical personnel. We are not law enforcement. We are imposing these restrictions that they have got to not admit somebody exhibiting COVID symptoms. Well, how does the layman go, "you have COVID." I mean, how do we know that? It could be allergies, it could be anything. If a layman, myself, I decide you have got COVID and I say you cannot come in my restaurant, I could potentially be sued. I think there is a lot of these conditions that we have, have a lot of issues and I think they are...especially the letter we got from the Arizona Restaurant Association that I was able to read in detail. I think their concerns are well founded, especially on that first item. The wellness and symptom checks. I think it is something that really needs to be addressed. Could we possibly okay, address that on Tuesday? Get some of these addressed by the County Attorney?

RV: I do not think that is out of the realm of possibility, but certainly as I said, right now I think we have to have something on the books.

AM: Okay, thank you.

RV: Supervisor...

BV: Chair Valadez, can I say something? Yeah. I believe that we need to be as stringent as possible to start. We do not know, most of the people that work in restaurants are the younger generation who are out there and who may not realize that they even have the...that may be asymptomatic and they may be bringing it in without realizing it and they may not have any symptoms at all. So, I believe that we need to start off as stringent as possible, as you said. The group will reconvene in 30 days. I think that is enough time and if you would like even before two weeks, I think you said, that would work as well. I believe that we need to keep with the guidelines that have been presented. We have a total of how many, Mr. Huckelberry, how many respondents were...respondents to the survey?

RV: Mr. Huckelberry.

BV: Overall?

CH: Mr. Chairman, Supervisor Villegas, about 9,000 so far, as of yesterday at noon.

RV: Supervisor Villegas.

BV: And that is, I mean, to me that is a successful survey. I believe that we were able to see a good amount there to really make these decisions and we also have a good group of representation. While I agree that maybe we should have had the A.R.A on their representative and maybe others. There is an opportunity for them to come again when they reconvene. I think that we need to continue with what has been presented. I also want to say that vendors coming in should be tested. I know of a construction company that has been doing this all along. Anyone that comes to their job site to deliver anything from any other vendor, their temperatures are checked before they go in and they have to be there on that business only. I do not see that there is any difference with restaurants. So, with that said I would definitely go ahead and, I seconded the motion as presented.

AM: Mr. Chairman?

RV: Supervisor Miller.

AM: I guess my point on that issue with the individuals being tested, you know, them being forced to test people, why is it only applied to restaurants? These three categories? Why did it not apply to non-profits? Why does it not apply to everybody and that is where the discriminatory practice comes in. If people choose to do that, that is fine to do business in their establishment. That is just a more stringent requirement that they put in. But, I think it is unfair to impose it on one group of business owners but not on another group of business owners. It is a discriminatory practice.

RV: Mr. Huckelberry.

CH: Mr. Chairman, I think that the discussion obviously is...and if you look at the language, I think we have in the proclamation, it says something to the nature of "including temperature checks, where possible." The question is, is that "where possible" appropriately placed because, I guess you could interpret that to apply to even the restaurant personnel. Again, in this discussion, the, you know, the Board is focused on at least what I heard is three areas of possible slight modification. One was the occupancy of 50%, you know, or as dictated by physical distancing. The other discussion I heard consistently was the "and" and the "or" on the posting and be consistent. I think that is fine. The other one was this issue and the question then becomes do you just move the word possible down to affect the vendors, contractors and third party delivery? Do you leave it where it is? Which then could simply imply that maybe it is not even applying to restaurant personnel and so again, that is an issue I think the Board needs to provide us direction if you want to change anything.

SC: Mr. Chairman?

RV: Supervisor Christy.

SC: I just have to point out that I find it rather ironic that we talk about this survey of 9,000 people. The Arizona Restaurant Association never had any input into the questionnaire that was provided to these 9,000 people that answered it. There was only one response to the Arizona Restaurant Association's concerns and that was by Mr. Huckelberry. One response by Mr. Huckelberry, who basically, for the most part, disregarded all of their concerns. That is not a fair or balanced venue...ability to get a real good discussion on a very difficult issue that has such far reaching effects. By an organization that represents over 2,500 business entities. I find that very ironic that on one side we have all of these people that responded, but only one person responded to the concerns of an entity that represents 2,500 businesses.

RV: Mr. Huckelberry.

CH: Mr. Chairman, I would like to point out that the Arizona Restaurant Association was a member of the task force. Was a member of the task force initially and has been in these discussions. The only time we ever heard from them was when they delivered their letter dated May 11th.

RV: You know what I am going to go ahead and do, and if the seconder of the motion would agree, I am going to go ahead and move the "where possible" to "vendors, contractors, third party," so that it is very clear that the restaurant personnel, as recommended by Mr. Huckelberry. Would the seconder of the motion agree?

BV: Yes, I will agree.

RV: Okay. Mr. Huckelberry, was that clear? Okay.

CH: Yes, it is.

RV: Alright, is there any further discussion? Alright, hearing no further discussion, the motion before us is on the approval of Item No. 5, Proclamation Related to COVID-19, as amended. All those in favor, please signify by saying Aye.

SB: Aye.

BV: Aye.

RV: All opposed, please signify by saying Nay.

SC: Nay.

AM: Nay.

RV: By your vote of 3-2, motion carries and this Board not having any further business before it, this meeting stands adjourned...

SB: Mr. Chairman, just a point of clarification.

RV: Supervisor Bronson.

SB: In terms of the Back to Work order, do we...do I need to put this on the agenda or should we put this on the agenda for Tuesday or can I just make a motion to allow people to telecommute? Just clarification. I do not know if I can today, but if I can, I would like to put it on the agenda for our next Board meeting on Tuesday.

RV: You want to put the telecommuting or the Return to Work order?

SB: Both and if I can do that today and if we can vote on it, but if I need to do that on Tuesday, I would like that to...see that on the agenda for Tuesday.

RV: Alright, we will go ahead and get that as staff direction to put it on the agenda for Tuesday. Just it is a lot cleaner that way and that way we can have it...

SB: Okay.

RV: ...public discussion.

SB: Thank you.

6. **ADJOURNMENT**

RV: Anything else? Okay. Hearing none, this meeting stands adjourned. The meeting was adjourned at 10:42 a.m.

CHAIRMAN

ATTEST:

CLERK