



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 17, 2020

Title: New Board of Supervisors Policy F 51.1, Pima County Public Facilities--Visitor Code of Conduct

Introduction/Background:

The purpose for this new policy is to maintain clean, safe and accessible environments in and around all Pima County Government buildings and grounds for the public and employees to ensure that public resources and services are available without undue interference or disruption by others.

Discussion:

This policy is intended to protect County-owned and -operated buildings, materials, equipment and property; enable staff, volunteers and contractors to carry out their duties and responsibilities; ensure that public access is not negatively impacted, unsafe or disrupted; and establish a standard of behavior conducive to the safe use and enjoyment of County facilities by the public and the effective conduct of County government. Due to policies, codes and laws already in place, this policy does not apply to other facilities and conduct, such as County library branches, parks, parking lots, garage facilities and expressive activity under the First Amendment that occurs in or adjacent to facilities legally considered a traditional public forum or an area specifically designated by Pima County for expressive activity.

Conclusion:

Visitors to County facilities must respect others and act in a manner appropriate to the public purpose of the facility. Prior to attending a County event or program, visitors are encouraged to contact the specific County facility, event or program for other rules, procedures and guidelines.

Recommendation:

Staff recommends approval of the new Board of Supervisors Policy No. F 51.1., Pima County Public Facilities--Visitor Code of Conduct

Fiscal Impact:

None.

Board of Supervisor District:

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Department: Facilities Management

Telephone: 724-3085

Contact: Lisa Matthews

Telephone: 724-4425

Department Director Signature/Date:



8/6/2020

Deputy County Administrator Signature/Date:

County Administrator Signature/Date:

 8/6/2020



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PURPOSE

To maintain clean, safe and accessible environments in and around all Pima County Government buildings and grounds for employees and the public and to ensure that public resources and services are available without undue interference or disruption by others. This policy is intended to:

- Protect County-owned and -operated buildings, materials, equipment, and property;
- Enable staff, volunteers, and contractors to carry out their duties and responsibilities;
- Ensure that public access is not negatively impacted, unsafe or disrupted; and
- Establish a standard of behavior conducive to the safe use and enjoyment of County facilities by the public and the effective conduct of County government.

This policy does not apply to the following facilities and conduct due to existing policies and laws already in place:

- County-owned properties operated by private entities or other political subdivisions;
- Pima County Public Library branches;
- Pima County Parks;
- Pima County-owned parking lot and garage facilities; and
- Expressive activity under the First Amendment that occurs in:
 - 1) A Facility, part of a Facility, or area adjacent to a Facility, that is legally considered to be a traditional public forum; or
 - 2) An area that is specifically designated by the County for expressive activity.



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DEFINITIONS

- County: Pima County, Arizona
- Event: An activity that is not part of normal day-to-day County operations.
- Facility: A building, structure or grounds owned and operated by County for the conduct of County government activities and operations.
- Program: A public service, operation, event or series of events provided, performed or sponsored by County.
- Service
Animal: An animal that meets the Federal and State definitions of Service Animal.
- Visitor: Any member of the public. Excludes an employee, volunteer or contractor providing County services.

POLICY

County Facilities are generally open to the public. Visitors to any Facility must respect others and act in a manner appropriate to the public purpose of the Facility. All Visitors must abide by this Code of Conduct when in a Facility.

1. Safe Environment. To ensure a clean and safe environment in a Facility, Visitors may not:
 - 1.1. Create safety or tripping hazards or block aisles, entrances, or exits.
 - 1.2. Bring any item into a Facility that:
 - 1.2.1. Interferes with County operations;
 - 1.2.2. Is unsanitary or foul-smelling; or
 - 1.2.3. Is so large that it denies space to other Visitors (except for items necessary for medical purposes or childcare).
 - 1.3. Leave packages, backpacks, luggage or any other personal items unattended.
 - 1.4. Tamper with emergency mechanisms, fire alarms or elevator alarms.



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- 1.5. Open emergency exits in non-emergency situations or cause an unwarranted evacuation, quarantine or closure of the Facility.
- 1.6. Unplug County equipment to use an electrical outlet.
- 1.7. Eat or drink at publicly accessible computer workstations, where specifically prohibited, or in a manner that soils, damages or harms County materials, equipment or property.
- 1.8. Leave any trash, wrapping, or spills from food or beverages.
- 1.9. Use equipment, furniture or fixtures for other than its intended purposes.
2. Personal Behavior. Visitors may not:
 - 2.1. Behave in violation of a federal, state or local law.
 - 2.2. Damage, deface or destroy County property or the property of others.
 - 2.3. Disrupt or interfere with operations, events or programs. This includes, but is not limited to:
 - 2.3.1. Being under the influence of alcohol, any drug or other intoxicant;
 - 2.3.2. Loud talking or yelling;
 - 2.3.3. Having body odor, poor personal hygiene, clothing odor, or wearing perfume or cologne, that unreasonably interferes with or obstructs the free use or comfortable enjoyment or use of the Facility by Visitors or staff; or
 - 2.3.4. Running or physical horseplay.
 - 2.4. Engage in sexual conduct or lewd behavior.
 - 2.5. Threaten, harass or intimidate staff, volunteers, contractors or other Visitors. This conduct includes, but is not limited to:
 - 2.5.1. Directing a specific threat of physical harm against an individual, group of individuals, or property.



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- 2.5.2. Engaging in conduct (such as crowding, following closely, persistent staring, or gestures, pushing, shoving) or using profane or abusive language that would cause a reasonable person to fear for their personal safety or feel distressed, alarmed, or harassed.
- 2.5.3. Filming or photographing any Visitor without asking that Visitor's permission or continuing to film or photograph any Visitor after being asked to desist.
- 2.5.4. Speaking or engaging in other expressive activity that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interfere with the Facility's operations or intended purpose.
- 2.6. Enter restricted areas, knowingly enter a Facility when access, use and privileges have been suspended or removed, or remain after closing or during emergencies or drills.
- 2.7. Loiter for no legitimate purpose in an area set aside for children.
- 2.8. Fail to comply with a County request to stop an inappropriate behavior or violation of this Code of Conduct or another County policy.
- 2.9. Manipulate or bypass County systems and procedures for computer use or Facility access.
- 2.10. Possess or drink alcoholic beverages, or use powdered alcohol products, unless specifically permitted and posted.
- 2.11. Use water fountains or restrooms inappropriately, including bathing or washing clothes.
- 2.12. Use the Facility as a place to sleep or store bedding materials.
- 2.13. Conduct sales activities, solicit donations or distribute handbills or information not authorized by the County or inconsistent with County operations.
- 2.14. Enter a Facility when not wearing shoes or shirt.



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3. Animals. Except for service animals, or when specifically authorized by County for a Facility, Event or Program, animals are not permitted in County Facilities.

3.1. Authorized animals must:

3.1.1. Be on a leash and under the control of the owner or handler at all time.

3.1.2. Not be allowed to:

3.1.2.1. Behave in violation of the rules, regulations and procedures of the Facility, Event or Program; or

3.1.2.2. Bark or make other loud noises, exhibit threatening postures, or approach people without an invitation.

3.2. The owner or handler will be liable for all damages caused by the animal.

3.3. The owner or handler must immediately remove and properly dispose of animal waste from the Facility or grounds.

4. Children. **Pima County Facilities are not licensed childcare facilities under A.R.S. § 36-881 et seq. Programs for school-aged youth are “at-will” drop-off programs and youth enrolled in the programs may come and go on their own volition. County staff and volunteers are not caregivers or babysitters.**

4.1. Children and teens are expected to behave in a manner that does not disrupt County operations or other Visitors.

4.2. Unless the Event or Program is intended specifically for children or teens, County staff and volunteers will not supervise unattended children.

4.3. Parents or guardians may not:

4.3.1. Discipline a child in a manner that injures the child or disrupts operations or other Visitors;

4.3.2. Leave young children unsupervised; or

4.3.3. Ignore a child's disruptive behavior.



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OTHER POLICIES

In addition to this Policy, Visitors must adhere to the provisions of the Arizona Revised Statutes, Pima County Code and Pima County Board of Supervisors Policies. All are available on-line.

Prior to attending an Event or Program, Visitors are encouraged to check to see if there are other rules, procedures and guidelines related to the specific Facility, Event or Program.

Parents and guardians must contact the relevant County department for rules, procedures and guidelines related to programs for children, youth and teens.

Any items left unattended in a Facility may be subject to removal and destruction without notice.

ENFORCEMENT

Law enforcement will be called for threatening or dangerous situations.

The Facility's Department Director or designee is responsible for enforcing this Policy. Except as set forth below, a Visitor will be asked to desist from a violation before being required to leave the Facility. Failure to comply with such request will result in the Visitor's removal from the Facility.

A Visitor will be immediately removed from a Facility, and may be prohibited from reentering a Facility for a period of time that is reasonably commensurate with the severity of the violation or the history of the Visitor's prior violations when the Visitor engages in acts of:

1. Violence or threatening behavior;
2. Vandalism;
3. Sexual misconduct;
4. Physical or verbal harassment;
5. Possession, sale or attempted sale of drugs or illegal goods;
6. Intoxication;
7. Theft or attempted theft; or
8. Other conduct that threatens the safety and security of Visitors, staff, volunteers or contractors.



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The County's notice of suspension must be in writing and must set forth the specific provisions of this Code of Conduct that the Visitor violated and the dates of commencement and termination of the suspension. Written notice may be mailed, or given to Visitor while Visitor is at Facility.

APPEAL

A Visitor who is suspended from a Facility, Event or Program may appeal the suspension to the Facility's Department Director within five (5) business days of the date of the County's written notice of suspension. The appeal must be in writing and contain the Visitor's name and address, and it must clearly state the factual and legal bases supporting the Visitor's claim that privileges should be restored.

The Department Director or designee will review and respond to the appeal within ten (10) business days of the receipt of the appeal. The suspension remains in effect until a decision is issued.

If a Visitor is not satisfied with the relevant department Director's or designee's decision, the Visitor may, within five (5) business days of a response from the relevant department Director, appeal the department response by submitting a written appeal to the County Administrator or designee, who will render a final written decision within 10 business days.

REFERENCES

Board of Supervisors Policy D 21.2, Prevention of Sexual Harassment
Board of Supervisors Policy D 21.3, Prevention of Workplace Harassment
Board of Supervisors Policy D 23.1, Preventing, Identifying and Addressing Workplace Bullying
Board of Supervisors Policy D 31.1, Special Events on County-owned Recreational & Educational Facilities Managed by a Private Operator/Lessee
Board of Supervisors Policies D 32.1 through D 32.13, Pima County Library
Pima County Administrative Procedure 30-28, Vandalism and Theft of Pima County Property
Pima County Administrative Procedure 51-2, Parking
Pima County Administrative Procedure 51.5, Commercial Use of County Facilities
Pima County Code Title 6, Animals

Adopted Date: August 17, 2020
Effective Date: August 17, 2020