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# MEMORANDUM

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Date: November 7, 2018

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **October 19, 2018 Letter from the Arizona Sheriff's Association Regarding Delineation of Board of Supervisors and Sheriff Authority to Promote and Increase Compensation for Appointed Deputies**

Please see the attached letter to the Santa Cruz County Board of Supervisors from the Arizona Sheriffs Association (ASA). This subject continues to resurface in discussions and dialog, similar to other issues raised over the years regarding budget authority of the Board of Supervisors over other County officials.

Until elected Sheriffs obtain the authority to levy a property tax and approve their own budget through legislation and/or Constitutional amendment, budget authority of the Board in relationship to the Sheriff is clear. Quite simply, the Board needs to appropriate funds to the Sheriff to accomplish duties of the Sheriff, in turn the Sheriff has the duty to accomplish those in the most efficient manner possible.

I expect we will see more of this activity, particularly as Boards begin to effectuate criminal justice reform, driven by citizen concern and budgetary reality. While the ASA has requested a legal opinion, their authority to do so as an association is unclear. If the ASA desires to mediate the apparent budgetary dispute between the Santa Cruz County Sheriff and Board of Supervisors, what is to prevent them from attempting to insert themselves in policy decisions that belong exclusively with the Board of Supervisors when deciding what federal grants to accept such as the recent decision by the Board to reject Operation Stonegarden?

This matter was also recently tested when this Board was presented with a resolution to delegate the authority of grant acceptance to the Sheriff. This proposal was defective in at least two of the following areas:

- In reviewing 11-441 Powers and Duties of the Sheriff, there is not a single power conveyed that allows the Sheriff to enter into intergovernmental agreements or contracts with other entities, agencies or governments. That is the sole prerogative of the Board of Supervisors and confirms the balance of powers concept that exists in the Arizona Constitution.

The Honorable Chairman and Members, Pima County Board of Supervisors

Re: **October 19, 2018 Letter from the Arizona Sheriff's Association Regarding Delineation of Board of Supervisors and Sheriff Authority to Promote and Increase Compensation for Appointed Deputies**

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- The Resolution conveys, in the second paragraph, more authority to the Sheriff than allowed by annual budget adoption. The statement "absorb in the current budget of the Sheriff's Department" simply means the Sheriff budget is granted as a lump sum budget, it is not. It is an itemized line item budget, which is approved by the Board of Supervisors and means the Board has reviewed the policy and expenditure proposals of the budget and agrees with him in granting a line item budget, not a lump sum budget.

The attached ASA letter discusses the Legislature striking a careful balance between county supervisors and other Constitutional officers. That balance was not crafted by the Legislature, but was crafted by the Constitution. If there is reason to suspect this balance has been tipped, the proper venue to mediate a dispute between the Board and the Sheriff is in the Third Branch of government, the Courts.

It is likely we will see various legislative proposals that attempt to transfer certain budget and grant acceptance authority to Sheriff's in Arizona. If introduced we will evaluate the same and recommend appropriate action. Any legislation that attempts to decrease the authority of the Board over the budget and hence, taxation, will be opposed.

CHH/anc

Attachment

c: Craig Sullivan, Executive Director, County Supervisors Association of Arizona  
Jennifer St. John, County Manager, Santa Cruz County  
Michael Racy, Racy Associates, Inc.



## ARIZONA SHERIFFS ASSOCIATION

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MARK DANNELS, COCHISE COUNTY SHERIFF, PRESIDENT  
JIM DRISCOLL, COCONINO COUNTY SHERIFF, VICE-PRESIDENT

THE ARIZONA SHERIFFS ASSOCIATION IS THE ONE UNITED CREDIBLE VOICE REPRESENTING LAW ENFORCEMENT AND PUBLIC SAFETY FOR THE COUNTIES OF ARIZONA

October 19, 2018

The Honorable Rudy Molera  
Santa Cruz County Board of Supervisors, Chairman  
Santa Cruz County Complex  
2150 N Congress Drive  
Nogales, AZ 85621

RE: Delineation of Board of Supervisors and Sheriff Authority to Promote and Increase Compensation for Appointed Deputies

Dear Chairman Molera:

The Arizona Sheriffs Association (ASA) seeks to protect and promote the important work county sheriffs perform across Arizona to uphold and enhance public safety. As part of this work, the ASA strives to be a united voice on issues impacting public safety and the Office of the Sheriff. Recently, the ASA learned that our member, Santa Cruz County Sheriff Tony Estrada, has experienced potential incursions on his statutorily-delegated duties regarding the promotion and additional compensation of appointed deputies.

As you're aware, the Legislature has struck a careful balance between county supervisors and other constitutional officers. This balance includes coordination and consent by the Board and the Sheriff when making operational and personnel decisions on behalf of the entire county. The ASA stands united in protecting the statutorily-delegated authority provided by the Legislature to appoint and promote deputies to perform the important work of our offices. We respect the important role the Board plays in this process but counsel against overreach by any colleague in the performance of their duties.

Clear legal guidance on this issue is paramount to the proper performance of our respective duties. The ASA has therefore requested an Attorney General Opinion pertaining to this matter and has been in contact with Supervisor Manny Ruiz of your Board.

We thank you for the opportunity to clarify the law in this area and for your willingness to communicate with the ASA on the important working relationship we seek to maintain between the Office of the Sheriff and the Board of Supervisors.

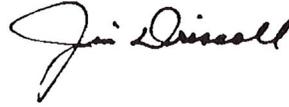
County government is a team effort, after all, and we hope to enhance it by clarifying and protecting our respective roles.

The Honorable Rudy Molera  
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Sincerely,



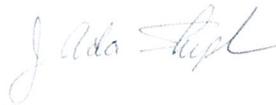
The Hon. Mark Dannels,  
Cochise County Sheriff, President



The Hon. Jim Driscoll  
Coconino County Sheriff, Vice-President



The Hon. Joseph Dedman, Jr.  
Apache County Sheriff



The Hon. Adam Shepherd  
Gila County Sheriff



The Hon. Preston Allred  
Graham County Sheriff



The Hon. Tim Sumner  
Greenlee County Sheriff



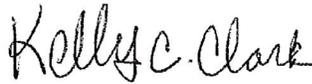
The Hon. William Risen  
La Paz County Sheriff



The Hon. Paul Penzone  
Maricopa County Sheriff



The Hon. Doug Schuster  
Mohave County Sheriff



The Hon. Kelly "KC" Clark  
Navajo County Sheriff



The Hon. Mark Napier  
Pima County Sheriff



The Hon. Mark Lamb  
Pinal County Sheriff



The Hon. Tony Estrada  
Santa Cruz County Sheriff



The Hon. Scott Mascher  
Yavapai County Sheriff



The Hon. Leon Wilmot  
Yuma County Sheriff

CC: Santa Cruz County Attorney George Silva