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# Board of Supervisors Memorandum

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November 22, 2016

Resolution 2016 – \_\_\_\_\_  
Recommended Legislative Agenda for 2017

## Introduction

Proposed Resolution 2016 - \_\_\_\_\_ sets forth Pima County's Recommended State Legislative Agenda for 2017 (Attachment 1). The continuing challenges faced by all levels of government as a result of the economic downturn have been substantial and, in Arizona, unprecedented. As was the case for the past six years, the 2017 legislative session will likely be dominated by budget-related discussions, issues and activities. It is imperative Pima County continue to work to minimize and reverse the many cost and program shifts, revenue reductions and fund sweeps enacted by the State Legislature that negatively affect our County. These maneuvers by the State have reduced County services and prevented more substantial property tax relief at the local level.

## Background

As Arizona's economy begins to recover, the recovery presents a number of opportunities for investment, as well as tax reform, that have not existed since the beginning of the Great Recession. Our successful legal challenge to the State Legislature's attempt to force counties and other local taxing jurisdictions to provide funding for State Aid to Education will undoubtedly provide an opportunity to suggest significant additional property tax reform as the Legislature addresses State education funding and the Constitutional one-percent cap on homeowners. It will be important to combat any attempt to again look to other entities to provide this funding. It is and always has been a State funding obligation.

The priority themes for this Legislative Agenda follow. For the most part, they parallel the Legislative Policy Items and County Legislative Proposals resulting from the County Supervisors Association 2016 Legislative Summit, which is included as Attachment 2 to this memorandum. If Arizona's job growth and economic expansion are to be sustained, we must find solutions to fund one of the key drivers of economic expansion – transportation system improvements – whether they be surface, rail or air. I believe our top priority must be transportation funding. I recommend the following areas be legislative priorities:

## Transportation Funding

1. Repairing our streets and highways. Local streets and highways throughout Arizona are in a state of disrepair. This disrepair has resulted from a lack of adequate transportation funding and the diversion of Highway User Revenue Funds by the Legislature to balance the State budget during the Great Recession. Adequately repairing all of the streets and

highways within the County, including those in the City of Tucson, other jurisdictions and the unincorporated area of Pima County, will cost at least \$800 million.

I would propose the Board of Supervisors support a limited excise tax authority expansion for the Regional Transportation Authority (RTA) allowing the RTA, by voter approval, to impose a 10-year, one-half-cent sales tax for road repair. Over its life, this tax will generate the approximate \$800 million estimated as necessary for road repairs. The table below shows the current census population of the receiving jurisdictions and their approximate percentages of the total revenue that would be received from such a half-cent sales tax.

**Percentage of Half-cent Sales Tax  
for Road Repair by Jurisdiction.**

<b>Jurisdiction</b>	<b>Population</b>	<b>% of RTA Sales Tax Revenue for Road Repair</b>
Tucson	529,845	52.5
South Tucson	5,712	0.6
Marana	41,655	4.1
Oro Valley	43,499	4.3
Sahuarita	27,637	2.7
Pima County	361,023	35.8
<b>Total</b>	<b>1,009,371</b>	<b>100.0</b>

In addition, the legislation must specify the funding can only be used for pavement repair and rehabilitation, as well as necessary improvements to meet federal Americans with Disabilities Act requirements. Further, the legislation should specify that none of the revenues can be used for any other transportation purposes, including administration, overhead, engineering, insurance or other valid transportation expenditures. Also, to ensure the private sector receives the appropriate economic stimulus from such an enactment, all funds must be spent through valid, competitive contracts with private contractors.

This option is the best strategy for bringing all of the streets and highways within Pima County and our jurisdictions to a reasonable level of service in a relatively short period of time. I believe this should be our highest legislative priority.

2. Stop the diversion of Highway User Revenue Funds (HURF) to balance the State's budget. Historically, over \$1 billion in HURF monies has been diverted by the Legislature to balance the State's budget. Just this last year, \$96 million was diverted to support the State's police agency, the Department of Public Safety. No city, town or county uses HURF to finance its police agency; neither should the State of Arizona. If these diverted funds

were returned and distributed in accordance with the existing distribution formulas, this region would see approximately additional \$6 million of additional transportation revenues.

3. Increase overall transportation revenues statewide. Arizona's gas tax was last increased in 1991, now nearly 26 years ago. The gas tax must either be increased or replaced with another revenue source to fund the investment necessary for a modern, economically competitive transportation system. Increasing the gas tax or converting the existing cents-per-gallon gas tax to an excise tax makes little difference; what matters is that transportation revenues increase statewide to finance a modern, economically competitive transportation system for Arizona.

4. Redistribution of County Highway User Revenue Funds. For several years, the County's portion of HURF was distributed on the basis of fuel sales. In 1996, Pima County was instrumental in introducing unincorporated county populations into the formula, where demand is measured in the distribution formula. Under the present formula, 72 percent of the distribution is based on origin of fuel sales and 28 percent on the unincorporated population level. If this formula were again modified to reflect the same distribution formula that has existed for cities and towns since the inception of the fund, 50 percent origin of fuel sales and 50 percent population, Pima County would see an annual increase of \$6 million in HURF. This option should only be pursued after the previous three options have failed or received no Legislative support.

### **Property Tax Reduction**

The next major theme of the County's Legislative Agenda is property tax reduction. Simply because of our primary property tax rate, Pima County was targeted by the Legislature two years ago when it attempted to shift part of its education funding responsibility to local jurisdictions in an attempt that was struck down as unconstitutional by the Courts. Our high primary property tax rate results from not having the diverse revenue sources of Arizona's other 14 counties. It is likely Pima County will continue to be targeted by the Legislature with punitive legislation until we reduce our primary property tax rate and levy. In order to reduce our property tax, I suggest the Board of Supervisors support three important legislative initiatives: 1) eliminating and reducing certain State cost transfers to the County, 2) excise tax authority that can be reasonably enacted if it results in direct reduction of the Pima County primary property tax rate, and 3) authority to transfer hospital obligations to the secondary property tax rate, similar to Maricopa County. These three initiatives are discussed below.

1. Eliminating and reducing certain State cost transfers to the County. In conversations with our residents, it is clear they do not understand the State of Arizona is responsible for approximately one-third of Pima County's primary property tax. This occurs through State cost transfers. What highlighted this issue was the unconstitutional transfer of over \$16

million per year of property taxes for State Aid to Education that was attempted by the Legislature two years ago. This year, for the first time, we highlighted on residents' property tax statements the fact that one-third of their primary property tax is transferred and paid to the State. We have received numerous inquiries from taxpayers who were unaware the State took such a large portion of their County property tax; hence, our first and primary objective is to reduce these State cost transfers that have to be passed along to our property taxpayers.

Our first targets are those State transfers that occurred recently and during the Great Recession. They include support for the Arizona Department of Juvenile Corrections, payment to the Arizona Department of Revenue, payment for State-defined incarcerated sexually violent persons and State-imposed Restoration to Competency requirements. These State cost transfers alone total \$5.8 million. If we could reverse these more contemporary State cost transfers, we would be able to reduce our primary property tax by \$0.0770.

Our first priority in reducing our property tax rate is to have the State take responsibility for their programs and agencies and not transfer these costs to local jurisdictions and counties. Our court reversal of the Legislature's imposition of the one-percent property tax State cost transfer resulted in Pima County taxpayers seeing a nearly \$32 million reduction in their property taxes and a 20-cent reduction in their primary property tax rate.

2. Property tax reduction excise tax. All other Arizona counties avail themselves of excise taxes to reduce their property tax or to pay for county programs. Pima County is the only county that has not taken advantage of this provision in State law. In addition to their general one-half-cent excise tax, some counties also have a full half-cent tax directed to transportation. Our inability to enact an excise tax results from the legislation requiring a unanimous vote of the Board of Supervisors. We understand how a unanimous vote may have been required if a half-cent sales tax were enacted to increase programmatic expenditures of the County; however; if the sole purpose of enactment is to reduce property taxes, the threshold for passage should be a simple majority of the Board of Supervisors. We are therefore asking the Board to support legislation giving the County the ability to enact a property tax reduction excise tax through a simple majority vote of the Board. If all of the proceeds of the excise tax were used to reduce the primary property tax rate and, hence, property taxes for all Pima County residents, this would reduce Pima County's primary property tax rate by \$0.9298, or 21.7 percent, in its first year of implementation, a sizable reduction.

3. Special healthcare taxing districts. Allow Pima County, similar to Maricopa County, to transfer its hospital funding obligations from the primary property tax rate to the secondary property tax rate. Maricopa County, under special legislation a number of years ago, transferred their hospital expenses from the county primary property tax levy to a secondary special taxing district. Pima County and Maricopa County differ substantially in their

methods of providing medical services. Maricopa County provides support directly through ownership of hospital facilities and physician groups, while Pima County contracts with a private, nonprofit provider to operate our community-based hospital facility. Pima County historically has provided direct property tax support to the entity operating our hospital. This support has averaged \$15 million annually, which is included in our primary property tax levy. In Maricopa County, their property tax support has now reached \$110.5 million, which is funded through a special-district secondary tax levy at a rate of \$0.3053. We ask that the Legislature consider giving Pima County the same flexibility to create a special hospital district and transfer our \$15 million appropriation from our primary property tax to a secondary property tax.

These reduced property taxes would further enhance our statewide economic competitiveness, position the County for significantly increased tax base expansion, and be more in line with all other counties in Arizona.

### **Election Integrity**

Third on the overall Legislative priority list is election integrity. With one of the major candidates for President in 2016 claiming our election system is rigged, now is the time to ensure full transparency in the election process. Technical advances make this transparency very easy; however, Arizona election law needs to enter the 21<sup>st</sup> Century. We have advocated for such in previous years, but the Legislature has not responded. The Legislature must enact significant, modern election system reform.

Arizona's elections laws are at least two decades behind election technology. Current election laws do not take into account significant advances in ballot tabulations, scanning and sorting; nor have they kept pace with the dramatic shift from Election Day voting to early, mail-in ballot voting. The entire series of election laws in Arizona needs to be revamped by the Secretary of State; but until that occurs, there are a number of significant modifications to existing election laws that can improve voter confidence in reported election results. Pima County has been a leading proponent of improved election integrity and is the only county in Arizona that has an Election Integrity Commission. The County also continues its tradition of checks and balances by dividing election responsibilities between the County Recorder and County Administration, similar to most other counties in Arizona.

The County has been significantly constrained in our ability to provide voters the transparency needed to confirm the integrity of election results. On numerous occasions, we have asked the County Attorney for legal opinions regarding the County's flexibility to address modern day election integrity issues. The most recent example was the legal inability to hand count a local county election. The response received from the Secretary of State, as well as the Attorney General, did not confirm the County has the legal authority to hand count local county election results even though they both concurred the idea was sound.

In addition, the County has desired to scan and post scanned ballots as public records so any interested citizen can count ballots to verify the electronic results. The County Attorney has indicated the County lacks the authority to scan ballots and post the scanned images on the internet. Provided it can be clearly demonstrated this practice does not conflict with the constitutional requirement to preserve "secrecy in voting" (Arizona Constitution Article VII, § 1.), these legal obstacles to the County's election integrity initiatives need to be removed, and election laws in Arizona modernized to reflect the current technology in election processing and tabulation. Therefore, I recommend the Board endorse election integrity modifications to State election laws that a) modify any State law that prevents or precludes hand count or automated audits of local county elections; b) allow the County, in conducting an election, to scan and sort ballot images for auditing election results; c) allow the County to perform tabulation audits using independent software to process ballot images; d) provide authority for the County, at its option, to conduct their elections by mail; and e) declare as public records, ballots cast in any election if the ballots have been scanned as electronic images. If an electronic image of a ballot has been created, the electronic image can be treated as a public record and be available for public inspection upon request.

### **Economy Recovery and Job Creation**

Pima County has been actively engaged in economic expansion and job creation activities. The Board has adopted and implemented a number of economic development initiatives, all related to our Pima County Economic Development Plan, which will be updated and reaffirmed. The plan discusses a number of strategies, ranging from primary employment expansion to job training, creating a regional logistics center and workforce investment; as well as enhancing tourism and trade with Mexico, Canada, East Asia and South Korea.

State and local incentives are essential to ensure Arizona is economically competitive and can readily attract new employers and entice our existing employers to expand. The County will support expansion of incentives that can be offered by the Arizona Commerce Authority to primary export-based employers that choose to locate to or expand in Pima County.

Recently, the County has provided economic-development incentives, in the form of leases, which are expressly permitted by A.R.S. § 11-254.04, which states:

*"A. In addition to the authority granted under section 11-254, a board of supervisors may appropriate and spend public monies for and in connection with economic development activities.*

*B. To fund economic development activities under this section, a county shall not impose a new fee or tax on a single specific industry or type of business.*

*C. For the purposes of this section, "economic development activities" means any project, assistance, undertaking, program or study, whether within or outside the boundaries of the county, including acquisition, improvement, leasing or conveyance of real or personal property or other activity, that the board of supervisors has found and determined will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of the inhabitants of the county..."*

Despite this clear authority, the Goldwater Institute has sued the County, arguing that we must follow the process in A.R.S. § 11-256, even for economic development leases.

That more general leasing statute requires a County surplus-property lease be awarded to the highest bidder at a public auction. The original version of the statute was enacted in 1939. Section 11-254.04 was added decades later, in 1994 (1994 Ariz. Sess. Laws, ch. 280, § 3). Its language clearly carves out an exception from the more general leasing statute; there would otherwise be no reason or purpose for the specific authority in § 11-254.04 to lease property for economic-development purposes. And, indeed, § 11-256, which requires letting the property based only on the direct and immediate monetary return to the County, is inconsistent with the notion of leasing property in a more targeted manner in order to achieve broader economic-development benefits for the community. (Though obviously, of course, any resulting lease is still subject to the constitutional Gift Clause requirement of reasonably proportionate consideration.)

Nevertheless, the Goldwater Institute argues the County must follow the § 11-256 process even when leasing property for economic development purposes, because § 11-254.04 does not *explicitly* exempt such leases from that process. That argument is inconsistent with the statutory language and with a 2003 decision from the Arizona Court of Appeals, which recognized the § 11-256 auction requirement does not apply when another statute authorizes a county to lease property for another purpose, even when that other statute does not contain an explicit exemption from the § 11-256 auction requirement. *Johnson v. Mohave County.*, 206 Ariz. 330, 333, ¶ 12 (App. 2003).

To resolve this issue, we are recommending that § 11-254.04 be modified to make it clear that an economic development lease entered into under § 11-254.04 is not subject to § 11-256 by adding the language "*A lease or conveyance of real or personal property for economic development purposes under this section is exempt from the requirements of section 11-251, paragraphs 9, 56 and 58, and sections 11-256, 11-256.01 and 11-256.03.*"

Obviously, in the absence of such clarifying legislation, the dispute about which statute applies will eventually be resolved by the courts. A legislative resolution would, however, save the taxpayers money and resolve the current uncertainty much more quickly.

The County would also support any other legislation that provides additional flexibility in local economic development incentives that encourage new employers to relocate to Pima County, and existing employers to remain and expand within the community.

Numerous legislative initiatives may be pursued to promote economic recovery and job creation. Such efforts need to benefit the entire state, including the local economy in Pima County, and do so in efficient ways likely to produce tangible results in our community.

### **Criminal Justice Reform**

Historically, one of the largest expenses of County government has been financing the criminal justice system, which includes a Sheriff, County Attorney, indigent defense, courts, adult and juvenile detention facilities, constables and other related expenses. In Arizona, we spend far too much on prisons and far too little on education. Clearly, State policy regarding criminal justice, which has not been substantively reformed in several decades, is in need of change and improvement. The recent Justice for All report and recommendations of the taskforce formed by the Chief Justice of the Arizona Supreme Court lay the foundation for reform that should be supported by all.

Criminal justice reform at the national level is reflected in a number of initiatives, many of which Pima County has taken advantage of to try to lead reforms at the local county level. These include the initiatives discussed below.

Since 2015, the County has been one of only 20 jurisdictions nationally participating in the MacArthur Foundation's Safety & Justice Challenge, which is a \$100 million initiative to reduce over-reliance on incarceration. Pima County is one of only 10 Safety & Justice sites that received grant funding to implement plans to divert low-risk offenders from jail, improve treatment for substance abuse and mental health problems in order to reduce recidivism, and reduce arrests related to failure to appear in court by improving court reminder systems and holding weekend and night courts.

In addition, Pima County is one of approximately 50 communities in the United States to investigate Pay for Success as a way to address social issues. Pay for Success projects involve public-private partnerships in which it is possible to invest in innovative best practices. In 2015, the County initiated a contract with the Sorenson Impact Center to conduct a Pay for Success "readiness assessment" for Pima County. This work led to the 2016 award of \$1.3 million by the US Departments of Housing and Urban Development and Justice to the Sorenson School and Pima County to develop a Pay for Success model to provide permanent supportive housing for the chronically homeless, who are generally users of costly services such as jails and mental health and housing services.

Pima County was also awarded a grant by the US Department of Labor in the fall of 2016 to provide workforce services to individuals serving out their sentences at the Minimum Security Facility of the Pima County jail and preparing to re-enter the community. Nearly \$500,000 will be earmarked for training and career counseling and other employability skills efforts for inmates, both in-jail and post-release.

While sentencing reform and providing more latitude for judges in sentencing is beyond the scope of our County Legislative Agenda, there are several criminal justice reforms we can and should support, including:

1. Reclassify certain criminal misdemeanor charges to civil violations for first-time offenders. Certain low-level, nonviolent offenses are treated as criminal misdemeanors, creating a criminal arrest record and risk of incarceration and conviction, which have unnecessarily harsh impacts on the individual defendant and result in unnecessarily high costs for the courts and the County. Examples of such offenses include 1) driving on a suspended license, 2) driver's license restriction violations (such as failure to use corrective lenses), and 3) littering.
2. Authorize judges to mitigate mandatory fines, fees, surcharges and penalties for defendants who cannot afford to pay the full amount. Various Arizona statutes set mandatory minimum fines, fees, surcharges and penalties; and a sentencing judge has no discretion regarding the amount of the penalty, regardless of the defendant's financial circumstances. Imposition of a financial sanction on a low-income individual who has no ability to pay can promote frustration and disrespect for the justice system and contribute to continued poverty.
3. Expand the use of community restitution (community service) as a sentencing alternative to fines, fees and incarceration in misdemeanor cases. Judges in municipal and justice courts have the authority to allow defendants to "work off" fines through community service if they cannot afford to pay the fines [ARS 13-824]. This provides an option for the courts to mitigate the impact of financial penalties on low-income individuals in some cases; however, the provision does not allow for either state-imposed surcharges or Superior Court fines or other financial obligations to be worked off through community service.
4. State surcharges, fees and assessments often exceed the amount of the fine itself. The courts should have the discretion to waive State surcharges.

Criminal justice reform will be a long and complex task; nevertheless, it needs to be accomplished. We believe the Courts are beginning to take the initial steps necessary and because of the huge financial implications for County taxpayers, the County must be an

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **Recommended Legislative Agenda for 2017**  
November 22, 2016  
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active participant in criminal justice system reform. The three items recommended above would be a step forward.

Finally, Attachment 3 includes information regarding additional issues in which the County has an interest and will be monitoring. If relevant legislation is introduced on any of these issues, the Board may wish to take a position in the future.

Recommendation

I recommend the Board of Supervisors approve Resolution No. 2016-\_\_\_\_\_ setting forth Pima County's Legislative Agenda for 2017.

Respectfully submitted,



C.H. Huckelberry  
County Administrator

CHH/mjk – November 3, 2016

Attachments

- c: John Bernal, Deputy County Administrator for Public Works
- Tom Burke, Deputy County Administrator for Administration
- Jan Leshner, Deputy County Administrator for Community and Health Services
- Nanette Slusser, Assistant County Administrator for Policy, Public Works
- Ellen Wheeler, Assistant County Administrator
- Michael Racy, Racy Associates, Inc.

# ATTACHMENT 1

**PIMA COUNTY**

**RESOLUTION NO. 2016 - \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS IN PIMA COUNTY,  
ARIZONA ADOPTING A PIMA COUNTY LEGISLATIVE PROGRAM FOR 2017**

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY,  
ARIZONA, AS FOLLOWS:

**Section 1**

That those persons authorized by Pima County to lobby on its behalf and registered as such with the Secretary of State of the State of Arizona pursuant to Arizona Revised Statutes § 41-1231 et.seq. (the "County Lobbyists") are hereby authorized and directed, subject to the continuing supervision of the Pima County Administrator and this Board, to represent and pursue the legislative interests of Pima County by supporting legislation that embodies any of the following basic principles:

- A. Empowers Pima County with sufficient flexibility to address an expanding and changing variety of local needs and conditions.
- B. Establishes appropriate means to adequately compensate Pima County for the costs of complying with state mandated requirements.
- C. Provides Pima County with the means to cope with inflationary cost increases, population growth and escalating service requirements.
- D. Enables Pima County to provide public services in a more responsive, efficient and cost-effective manner.
- E. Defines appropriate fiscal and administrative responsibilities within various State/County and City/County joint programs.

Conversely, legislation that is inconsistent with any of these basic principles should be opposed or appropriate amendments pursued.

**Section 2**

That, in addition to those basic principles set forth in Section 1, the County Lobbyists are authorized and directed to pursue the following specific objectives:

- A. Property Tax Reduction
  - 1. Facilitate property tax reduction by creating and implementing a sales or excise tax to lower county property taxes.
  - 2. Facilitate primary property tax reduction by creation of a hospital secondary property tax special district.

B. Recently Enacted State Cost Transfers

Eliminate certain recently enacted state cost transfers in order to provide for local county property tax relief.

C. New State Programs

Oppose any new state programs that increase direct or indirect costs to counties without full reimbursement of those costs from the new or expanded state programs.

D. Transportation Funding

Increase state funding for transportation by increasing the gasoline tax, or replacing it with an alternative revenue source.

E. Highway User Revenue Funds

Refer a constitutional amendment to the voters to prohibit the diversion of Highway User Revenue Funds for any purpose other than transportation.

F. Regional Transportation Authority

Allow a Regional Transportation Authority to enact an additional half-cent sales or excise tax for roadway repair.

G. Election Law Reform

Enact comprehensive election law reform to conform laws to current election technology.

H. Local Economic Recovery

Ensure that State legislation intended to promote economic recovery and job creation will benefit our region and employ efficient, effective strategies that will produce tangible, local results.

I. Criminal Justice Reform

1. Reclassify certain criminal misdemeanor charges to civil violations for first-time offenders.
2. Authorize judges to mitigate mandatory fines, fees, surcharges and penalties for defendants who cannot afford to pay the full amount.
3. Expand the use of community restitution (community service) as a sentencing alternative to fines, fees and incarceration in misdemeanor cases for low-income defendants who cannot afford to pay in cash.

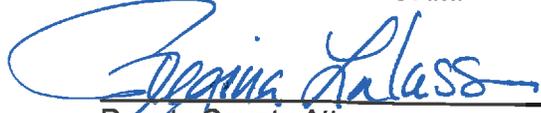
**PASSED, ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2016 by the Board of Supervisors of Pima County.

\_\_\_\_\_  
Chair of the Board of Supervisors

ATTEST:

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

APPROVED AS TO FORM:



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

**REGINA NASSEN**

# ATTACHMENT 2

## County Policy Proposals Summary for the 2017 Legislative Session

### 2017 CSA Legislative Policy Items

CSA will develop policy and advocacy strategies regarding the following priority issues.

- Eliminate the Arizona Department of Juvenile Corrections cost shift.
- Eliminate any shifts from the Highway User Revenue Fund (HURF) to other state agencies and programs and fully fund HURF.
- Eliminate county payments for the housing and treatment of Sexually Violent Persons (SVPs) at the Arizona State Hospital.
- Reestablish the counties' share of the lottery revenues.
- Eliminate the Arizona Department of Revenue cost shift.
- Extend the county "Flexibility Language" to use any source of county revenue, regardless of population, to meet a county fiscal obligation for FY2018

### 2017 County Legislative Proposals

-Sorted alphabetically by county

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|---|--|---|
| <ol style="list-style-type: none"> <li>1. <b>Decrease Default Speed Limit on Unpaved Roads:</b> Establish that speeds in excess of 45 MPH on unpaved roads are considered unreasonable. (<i>Cochise</i>)</li> <li>2. <b>Federal Patent Easement Abandonment:</b> Eliminate the requirement that the county board of supervisors get consent from all affected utilities and a majority of property owners abutting a Federal Patent Easement before abandoning that easement. (<i>Cochise</i>)</li> </ol> | <ol style="list-style-type: none"> <li>3. <b>Public Road Maintenance and Primitive Designation:</b> Expand the number of roads that are eligible to be declared as "primitive" by a county board to include all those not constructed in accordance with county standards and opened prior to June 13, 1990; allow a county board of supervisors to maintain roads laid out, opened and constructed to adopted county standards regardless of whether or not the road is part of a platted subdivision. (<i>Cochise</i>)</li> <li>4. <b>County Transfer of Juvenile Parole Function:</b> Transfers the Arizona Department of Juvenile Corrections parole functions to county probation departments, combined with alleviations of county financial burdens. (<i>Coconino</i>)</li> <li>5. <b>Disproportionate Uncompensated Care (DUC) Payments:</b> Eliminate the county Disproportionate Uncompensated Care (DUC) payments to the state. (<i>Coconino</i>)</li> <li>6. <b>DPS Data Sharing:</b> Require the Department of Public Safety to share criminal history data with county governments in a timely manner for research into the study and prevention of crime. (<i>Coconino</i>)</li> <li>7. <b>Blighted and Unsafe Property Abatement:</b> Allow counties to enter into properties, in incorporated and unincorporated areas, that are currently under state control due to unpaid taxes and perform any necessary clean up or demolition to reduce or eliminate the threat to public health and safety, and that the counties be allowed to place a lien on said properties for the amount of any costs incurred. (<i>Gila</i>)</li> </ol> | <ol style="list-style-type: none"> <li>8. <b>Negligent Hikers:</b> Hikers who become stranded due to cases of gross negligence or poor judgement may be charged for the costs associated with search and rescue missions. If public emergency services are called to rescue a stranded hiker, the cost of those services may be billed to the hiker, plus additional liability. (<i>Gila</i>)</li> <li>9. <b>Resources for Juvenile Dependency Representation:</b> Allocate financial resources to the counties to assist with providing mandated attorney services for indigent defendants in juvenile dependency matters, due to recent increases in costs associated with these cases as a result of the overhaul of the child protective services system in Arizona. (<i>Mohave</i>)</li> <li>10. <b>Groundwater Task Force:</b> Establish a Groundwater Task Force charged with studying and recommending a market-driven management mechanism to sustain statewide hydrological and ecological resources through future land development. (<i>Mohave</i>)</li> <li>11. <b>Local Government Standing on Surface Water Transfers:</b> Allow counties to intervene in matters involving the transfer of surface water and surface water rights out of their area. (<i>Mohave</i>)</li> <li>12. <b>ADWR Increased Authority for Groundwater Drilling:</b> Allow the Arizona Department of Water Resources the authority to deny a drill card in groundwater areas if it is in the public interest (whether defined under a safe yield, water adequacy, depletion, etc.). (<i>Mohave</i>)</li> </ol> |
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13. **Local Government Increased Authority for Groundwater Drilling:** Require that a drill card in groundwater areas be simultaneously submitted to the local government for review and possible concurrence or objection. (*Mohave*)
14. **Irrigation Method:** Allow local government to have control over the method of irrigation used for the cultivation of lands in groundwater areas. (*Mohave*)
15. **Water Taxing Revenue:** Allow local government to consider a groundwater pumping tax in addition to all possible taxing revenue for the development of alternative water supplies. (*Mohave*)
16. **Waste Tire Fund Program:** Extend the Waste Tire Program and the fees and fund associated with the Program from December 31, 2017 to December 31, 2027. (*Pinal*)
17. **Gasoline Tax Ballot Measure:** Refer to the ballot an increase in the state gasoline tax to pay for road building and maintenance. (*Santa Cruz*)
18. **Lease of County Buildings Exemption:** Permit counties to lease or sublease county owned or operated buildings to nonprofit organizations without having to accept a competitive bid from another entity. (*Santa Cruz*)
19. **Property Tax Appeals:** Require a property owner to submit an affidavit of valuation in a specific time frame in order to expedite court proceedings during a property tax appeal case (on properties valued at more than \$4 million, which are not handled in a small claims division of tax court), where the property tax owner is claiming the property tax assessment is inaccurate. (*Yavapai*)
20. **Title 36 Courtroom Technology Accessibility:** Permit telephonic or video conference testimony during a title 36 (mental health) hearing. Currently judges have the option of whether or not to allow it. Under this proposal the court would be required to grant a request for video or telephone testimony unless the court makes a finding on the record that such use would substantially prejudice the proposed patient. (*Yavapai*)
21. **IPTA Taxation Authority:** Grant an intergovernmental public transportation authority (IPTA), which has the same boundaries as the county in which it resides, the same authority as a regional transportation authority (RTA) to levy a one-half cent transportation excise tax if approved by the voters. (*Yuma*)

### Global Priorities

CSA will develop policy and advocacy strategies regarding the following priority issues.

- **Eliminate the Arizona Department of Juvenile Corrections cost shift. (Actionable)**
  - Eliminate the county cost share to ADJC in the State FY 2018 Budget
  - Investigate whether county probation departments can absorb the ADJC parole function, saving state general fund resources
  - Collaborate with the executive, the legislature and other stakeholders to evaluate ADJC's and the juvenile system's operations in order to identify efficiencies, reform opportunities and cost savings measures
- **Eliminate any shifts from the Highway User Revenue Fund (HURF) to other state agencies and programs and fully fund HURF. (Actionable)**
  - Permanently discontinue the use of HURF resources for purposes other than road activities
  - Restore HURF to state and local government transportation departments
  - Identify and enact revenue enhancements for the existing HURF distribution system
  - Identify and enact policies that improve efficient utilization of transportation resources
- **Maintain and possibly expand the counties' share of the lottery revenues. (Actionable)**
  - JLBC Baseline expected to include \$5.5 million for counties under 200,000 population
- **Extend the county "Flexibility Language" to use any source of county revenue to meet a county fiscal obligation for FY2018 (Actionable)**
- **Eliminate county payments for the housing and treatment of Sexually Violent Persons (SVPs) at the Arizona State Hospital. (Education Effort)**
- **Eliminate the Arizona Department of Revenue cost shift. (Education Effort)**

### County Submitted Proposals

#	Proposal	Discussion	Potential Changes	Considerations
1	<u>Decrease Default Speed Limit on Unpaved Roads:</u> Establish that speeds in excess of 45 MPH on unpaved roads are considered unreasonable, down from current speed limit of 65 MPH. (Cochise) <b>PASS</b>	<ul style="list-style-type: none"> <li>• Currently counties have the authority to set and post speed limits that are “reasonable and safe.”</li> <li>• Changing speed limits may produce a liability for the county and raise concerns with insurance providers.</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion addressed reducing default speed limit to 35 MPH down from proposed 45 MPH.</li> <li>• Consider a way to make the language permissive based on size of the county.</li> </ul>	
2	<u>Federal Patent Easement Abandonment:</u> Eliminate the requirement that the county board of supervisors get consent from all affected utilities and a majority of property owners abutting a Federal Patent Easement before abandoning that easement. (Cochise) <b>WITHDRAWN</b>	<ul style="list-style-type: none"> <li>• Maintaining easement access important, especially for utilities</li> <li>• Concerns raised over difficulty with the current process.</li> <li>• Public input is important in this process.</li> </ul>		
3	<u>Public Road Maintenance and Primitive Designation:</u> Expand the number of roads that are eligible to be declared as “primitive” by a county board to include all those not constructed in accordance with county standards and opened prior to June 13, 1990; allow a county board of supervisors to maintain roads laid out, opened and constructed to adopted county standards regardless of whether or not the road is part of a platted subdivision. (Cochise) <b>PASS</b>	<ul style="list-style-type: none"> <li>• Proposal is permissive which gives counties more flexibility.</li> </ul>		

#	Proposal	Discussion	Potential Changes	Considerations
4	<p><u>County Transfer of Juvenile Parole Function:</u> Transfers the Arizona Department of Juvenile Corrections (ADJC) parole functions to county probation departments, combined with alleviations of county financial burdens. (Coconino) <b>PASS</b></p>	<ul style="list-style-type: none"> <li>• County budgets currently cannot handle the additional burden.</li> <li>• There are potential unintended consequences by taking on this agency without additional funding beyond reversing cost shift to counties.</li> <li>• Additional issues may arise including violation and transportation costs.</li> <li>• Discussions about monitoring cost saving potential prior to requesting additional resources.</li> </ul>		
5	<p><u>Disproportionate Uncompensated Care (DUC) Payments:</u> Eliminate the county Disproportionate Uncompensated Care (DUC) payments to the state. (Coconino) <b>PASS</b></p>	<ul style="list-style-type: none"> <li>• Ongoing mandate from the state without a rationale on how it is assessed, the cost, and the county nexus.</li> </ul>		
6	<p><u>DPS Data Sharing:</u> Require the Department of Public Safety to share criminal history data with county governments in a timely manner for research into the study and prevention of crime. (Coconino) <b>WITHDRAWN</b></p>	<ul style="list-style-type: none"> <li>• Timing of obtaining information has been significantly delayed.</li> <li>• Discussion on centralized database for information.</li> </ul>	<ul style="list-style-type: none"> <li>• Suggested sharing concerns regarding agency (ADOT, DPS, etc.) responsiveness when producing data with the executive; potential CSA resolution.</li> </ul>	

#	Proposal	Discussion	Potential Changes	Considerations
7	<p><u>Blighted and Unsafe Property Abatement:</u> Allow counties to enter into properties, in incorporated and unincorporated areas, that are currently under state control due to unpaid taxes and perform any necessary clean up or demolition to reduce or eliminate the threat to public health and safety, <del>and that the counties be allowed to place a lien on said properties for the amount of any costs incurred.</del> (Gila) <b>FAIL</b></p>	<ul style="list-style-type: none"> <li>The state is not taking responsibility for maintaining or cleaning up these properties.</li> <li>Raised question regarding potential for counties to purchase these properties from the state and then clean them up.</li> <li>Counties as a political subdivision may have the authority to clean up and put a lien on these properties.</li> </ul>		
8	<p><u>Negligent Hikers:</u> Hikers who become stranded due to cases of gross negligence or poor judgement may be charged for the costs associated with search and rescue missions. If public emergency services are called to rescue a stranded hiker, the cost of those services may be billed to the hiker, plus additional liability. (Gila) <b>WITHDRAWN</b></p>	<ul style="list-style-type: none"> <li>Proposal language is permissive.</li> <li>Concerns raised about individuals not calling for emergency services due to fear of potential costs; in emergency situation early intervention is best.</li> <li>Possible questions regarding who would be held responsible for an individual/animal who can cannot care for them/itself.</li> <li>Questions raised on whether charging for rescue would pose a deterrent.</li> <li>Determining gross negligence should not be the responsibility of law enforcement, should be up to the courts.</li> </ul>	<ul style="list-style-type: none"> <li>Alternative option to consider would be a fine in lieu of cost recovery, similar to stupid motorist law.</li> <li>Potential change to only “gross negligence” (remove “poor judgement”)</li> </ul>	

#	Proposal	Discussion	Potential Changes	Considerations
9	Resources for Juvenile Dependency Representation: Allocate financial resources to impacted counties to assist with providing mandated attorney services for indigent defendants in juvenile dependency matters, due to recent increases in costs associated with these cases as a result of the overhaul of the child protective services system in Arizona. (Mohave) <b>PASS</b>	<ul style="list-style-type: none"> <li>• Raised additional concerns facing counties regarding number of attorneys on each case; every parental unit and child is assigned a separate attorney.</li> <li>• Additional costs impact counties beyond attorney fees.</li> </ul>		
10	<u>Groundwater Task Force:</u> Establish a Groundwater Task Force charged with studying and recommending a market-driven management mechanism to sustain statewide hydrological and ecological resources through future land development. (Mohave) <b>REFERRED TO SUBCOMMITTEE</b>	<ul style="list-style-type: none"> <li>• Raised concerns about impact to agricultural community.</li> <li>• Potential for unintended consequences.</li> <li>• Concerns raised about confusion with governors current task force (GWAC); and who would serve on this proposed task force.</li> <li>• Discussion regarding using CSA representative on GWAC to raise this issue.</li> </ul>	<ul style="list-style-type: none"> <li>• County offered to bring issue before GWAC.</li> </ul>	<ul style="list-style-type: none"> <li>• For items #10-15, see additional notes page.</li> </ul>
11	<u>Local Government Standing on Surface Water Transfers:</u> Allow counties to intervene in matters involving the transfer of surface water and surface water rights out of their area. (Mohave) <b>REFERRED TO SUBCOMMITTEE</b>	<ul style="list-style-type: none"> <li>• Concerns raised regarding the determination of “public interest.”</li> <li>• Potential for unintended consequences.</li> <li>• Concerns raised by agricultural community.</li> <li>• ADWR needs to have more of an active role.</li> <li>• Questions raised regarding personal property rights.</li> </ul>	<ul style="list-style-type: none"> <li>• Suggestion made to change the wording of the proposal.</li> </ul>	<ul style="list-style-type: none"> <li>• For items #10-15, see additional notes page.</li> </ul>

#	Proposal	Discussion	Potential Changes	Considerations
12	<u>ADWR Increased Authority for Groundwater Drilling:</u> Allow the Arizona Department of Water Resources the authority to deny a drill card in groundwater areas if it is in the public interest (whether defined under a safe yield, water adequacy, depletion, etc.). (Mohave) <b>REFERRED TO SUBCOMMITTEE</b>	Combined with proposal #13 and renamed.		<ul style="list-style-type: none"> <li>For items #10-15, see additional notes page.</li> </ul>
13	<u>Local Government Increased Authority for Groundwater Drilling:</u> Require that a drill card in groundwater areas be simultaneously submitted to the local government for review and possible concurrence or objection. (Mohave) <b>REFERRED TO SUBCOMMITTEE</b>	<ul style="list-style-type: none"> <li>Combined with proposal #12 and renamed as: <b>Targeted Basin Groundwater Drilling Regulations</b></li> <li>Concerns raised by agricultural community</li> <li>Discussion regarding formation process of an AMA and potential challenges that may occur.</li> <li>Acknowledgement that water issues need to be localized.</li> <li>Request for additional analysis and data collection.</li> <li>Concerns raised regarding personal property rights.</li> <li>Concerns raised about large farming operations.</li> </ul>		<ul style="list-style-type: none"> <li>For items #10-15, see additional notes page.</li> </ul>
14	<u>Irrigation Method:</u> Allow local government to have control over the method of irrigation used for the cultivation of lands in groundwater areas. (Mohave) <b>REFERRED TO SUBCOMMITTEE</b>	<ul style="list-style-type: none"> <li>Concerns regarding costs and implementations of water efficiencies.</li> <li>Concerns raised regarding dictating best operating practices for the farming community.</li> </ul>		<ul style="list-style-type: none"> <li>For items #10-15, see additional notes page.</li> </ul>

#	Proposal	Discussion	Potential Changes	Considerations
15	<u>Water Taxing Revenue</u> : Allow local government to consider a water pumping tax in addition to all possible taxing revenue for the development of alternative water supplies. (Mohave) <b>REFERRED TO SUBCOMMITTEE</b>	<ul style="list-style-type: none"> <li>Citizens confused regarding origin of the water pumped out of wells (groundwater/surface water).</li> <li>ADWR already charging fees.</li> <li>Discussion of ADWR PR campaign denying water shortages.</li> </ul>	<ul style="list-style-type: none"> <li>County raised potential of renaming proposal to reflect that this would be a fee instead of a tax.</li> </ul>	<ul style="list-style-type: none"> <li>For items #10-15, see additional notes page.</li> </ul>
16	<u>Waste Tire Fund Program</u> : Extend the Waste Tire Program and the fees and fund associated with the program from December 31, 2017 to December 31, 2027. (Pinal) <b>PASS</b>	<ul style="list-style-type: none"> <li>Discussion on positive benefits of the continuation of the program</li> </ul>		
17	<u>Gasoline Tax Ballot Measure</u> : Refer to the ballot an increase in the state gasoline tax to pay for road building and maintenance. (Santa Cruz) <b>PASS</b>	<ul style="list-style-type: none"> <li>Questions raised regarding long term stability of raising the gas tax.</li> </ul>	<ul style="list-style-type: none"> <li>Additional discussion addressed other potential revenue options including indexing to inflation, license plate fees, and alternative fuel vehicle fees.</li> <li>Put in place measures to prevent HURF funds from being swept to fund DPS</li> <li>Suggested retitling this as a “fuel” tax</li> </ul>	<ul style="list-style-type: none"> <li>Modified Proposal: <u>Fuel Tax Ballot Measure</u>: Refer to the ballot an increase in the state fuel tax, up to 10 cents, to help pay for road building and maintenance. Funds cannot be swept for other projects or agencies.</li> </ul>
18	<u>Lease of County Buildings Exemption</u> : Permit counties to lease or sublease county owned or operated buildings to nonprofit organizations without having to accept a competitive bid from another entity. (Santa Cruz) <b>WITHDRAWN</b>	<ul style="list-style-type: none"> <li>No discussion.</li> </ul>		

#	Proposal	Discussion	Potential Changes	Considerations
19	<u>Property Tax Appeals</u> : Require a property owner to submit an affidavit of valuation in a specific time frame in order to expedite court proceeding during a property tax appeal case (on properties valued at more than \$4 million, which are not handled in a small claims division of tax court), where the property tax owner is claiming the property tax assessment is inaccurate. (Yavapai) <b>PASS</b>	<ul style="list-style-type: none"> <li>No discussion.</li> </ul>	<ul style="list-style-type: none"> <li>County asked to rename proposal "Property Valuation Appeals."</li> <li>County discussed potentially raising amount of appeal from \$4 million to as much as \$10 million.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal renamed "Property Valuation Appeals"</li> </ul>
20	<u>Title 36 Courtroom Technology Accessibility</u> : Permit telephonic or video conference testimony during a title 36 (mental health) hearing. Currently judges have the option of whether or not to allow it. Under this proposal the court would be required to grant a request for video or telephone testimony unless the court makes a finding on the record that such use would substantially prejudice the proposed patient. (Yavapai) <b>FAIL</b>	<ul style="list-style-type: none"> <li>Potential to save county resources.</li> </ul>	<ul style="list-style-type: none"> <li>Raised option of using judicial training from AOC to address issue.</li> </ul>	
21	<u>IPTA Taxation Authority</u> : Grant an intergovernmental public transportation authority (IPTA), which has the same boundaries as the county in which it resides, the same authority as a regional transportation authority (RTA) to levy a one-half cent transportation excise tax if approved by the voters. (Yuma) <b>PASS</b>	<ul style="list-style-type: none"> <li>Clarified that this would authorize counties to levy up to a one half cent sales tax.</li> <li>Discussed previous challenges with legislation; concerns that this was an expansion of taxation authority.</li> </ul>		

**Additional Notes****For items #10-15:**

- Refer to CSA Subcommittee to refine basin specific proposals, assess viability and bring back for consideration to CSA Board of Directors prior to the 2017 Legislative Session.

Submitting Counties: Mohave & La Paz

# ATTACHMENT 3



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# MEMORANDUM

Community and Health Services

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Date: October 12, 2016

To: C.H. Huckelberry  
County Administrator

From: Jan Leshner   
Deputy County Administrator

Re: **State Legislative Agenda for 2017**

Your August 17, 2016 Memorandum requested that legislative issues or projects that warrant your consideration or situational awareness be submitted to you by October 15, 2016.

## Ending Poverty Now

The Addressing Poverty Working Group, which is comprised of representatives of various departments across Pima County, encourages Pima County to be aware of and monitor broad areas of concern that could impact the "ending poverty" agenda. These are:

1. Investing in prevention/Budget cutting
2. Quality of life issues/Equity
3. Access to health, behavioral health and dental care and services
4. Education/Technical considerations

## Community Services, Employment and Training

The attached five proposals are provided by the Community Services, Employment and Training (CSET) Department.

### Item 1 – FY 16 Appropriations – Maintain County Funding

Preserve federal funding for Health and Community Services Programs, which provide approximately 60% of CSET's budget.

### Item 2 – Federal Appropriation for the Low Income Home Energy Assistance Program (LIHEAP)

States such as Arizona suffer far greater reductions than others because LIHEAP funds have been traditionally allocated in a manner that favors cold-weather states.

C. H. Huckelberry, County Administrator  
Re: State Legislative Agenda for 2017  
October 12, 2016  
Page 2

Item 3 – State Temporary Assistance for Needy Families Short Term Crisis (prevention) Funds  
Federal Temporary Assistance for Needy Families (TANF) block grant funds are used by the Arizona Department of Economic Security for Short-Term Crisis Services. Changes in funding have resulted in a loss of \$445,878 over the past three years.

Item 4 – State Education Subsidies

Pima County operates a charter school, Pima Vocational High School, which has seen a cut of \$180,000 or 20% over the past three years due to the cut in appropriation for Average Daily Membership or student count.

Item 5 – Elementary and Secondary Education Act/Arizona LEARNS

Pima County's charter school, Pima Vocational High School, primarily assists students who have dropped out of traditional schools. The accountability measures set forth under No Child Left Behind includes graduation as a factor in determining Adequate Yearly Progress and funding. In addition, the State uses countywide poverty data to determine eligibility, which has resulted in an annual loss of \$50,000 to \$80,000. Finally, the State determines recipients be 17 or younger, which costs Pima County approximately \$85,000 annually since the students we serve can be up to 21 years of age.

Thank you for your consideration.

JL/cbc

Attachments

c: Charles Casey, Director, Community Services, Employment and Training  
Dr. Francisco Garcia, Director, Health Department  
Margaret Kish, Director, Community Development and Neighborhood Conservation  
Danna Whiting, Behavioral Health Administrator

# **State Legislative Agenda for 2017**

## **Item Number 1**

### **Fiscal Year Appropriations Maintain County Funding**



PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM

Federal  
 State

Date: October 6, 2016

Department/Office: Community Services, Employment and Training Dept.

Name, Title and Telephone Number of Contact Person:  
Charles Casey, 724-6742, Charles.casey@pima.gov

Subject or Title of Proposal: FY16 Appropriations – Maintain County Funding

Proposal Description: Preserve federal funding for Health and Community Services programs.

- A. Background Information:  
(Describe the issue or problem in need of legislative attention. Attach all existing documents relating to the issue.)

Approximately 60% of CSET's budget comes from federal funding programs.

- B. Legislative Proposal:  
(Describe the proposal and what it would accomplish.)

The proposal is to oppose cuts in appropriations to the following programs:

- HHS - Community Services Block Grant – funds basic needs assistance programs for low-income citizens and community assistance projects in rural areas.
- HHS - Low Income Housing Energy Assistance Program – provides emergency utility shutoff prevention.

*NOTE: In addition to opposing cuts to the overall program, Pima County legislative agenda should oppose the allocation formula which favors "colder" states. In fact, home energy costs represent a huge burden on poor Arizonans, relative to other states. Arizona was ranked 7<sup>th</sup> worst in the country on percentage of income spent on home energy by very poor households (with income below 50% of the poverty line) and 8<sup>th</sup> worst by average dollar amount by which actual home energy bills exceeded affordable home energy bills for households below 185% of poverty level in a study produced by Fisher Sheehan & Colton, April 2007.*

*We would also be interested in discussions of possible funding sources for Households impacted by flooding.*

HHS - Temporary Assistance for Needy Families – portion of funds are used to support crisis assistance program operated by Pima County

HUD - Supportive Housing Program – fund employment and training services for in the homeless continuum of care – current grants serve approximately 400 homeless adults, youth and families at the County’s Jackson Employment Center

Labor - Workforce Innovation and Opportunity Act - funds local One Stop Career Centers and employment and training for low-income adults, dislocated workers and disadvantaged youth.

*Note: this is a new law and Counties may need to challenge some of the interpretations made by state administration.*

C. Statutes/regulations affected or proposed language:  
(Identify any state or federal statutes or regulations to be amended or repealed or attach proposed new language.)

FY 2016 Appropriations bills for

- Labor/HHS/Education,
- Transportation/Treasury/Judiciary/HUD

D. Fiscal Impact:  
(Describe any direct or indirect impact on Pima County expenditures or revenues.)

These programs account for about \$10 million in revenue to Pima County per year.

E. Proposal History:  
(Describe any previous efforts by any person/entity to pursue this proposal.)

Pima County has opposed cuts that have been eroding many of these programs over the past 20 years.

F. Interested Parties:  
(Identify any persons/entities that you know or believe will either support or oppose this proposal.)

Local Community based social service organizations will support all this proposal.  
Local business interests will support Workforce Investment.

National supporters (see attached Legislative Partners list):

- National Association of Counties (NACo)
- National Workforce Association
- National Skills Coalition
- The Workforce Alliance

**U.S. Conference of Mayors  
National Community Action Foundation  
National Association of Workforce Boards  
National Youth Employment Coalition**

# **State Legislative Agenda for 2017**

## **Item Number 2**

### **Federal Appropriation for LIHEAP**



PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM

Federal  
 State

Date: October 6, 2016

Department/Office: Community Services, Employment and Training Department

Name, Title and Telephone Number of Contact Person: Rosemary CoraCruz,  
Program Manager, 243-6748

Subject or Title of Proposal: Federal Appropriation for LIHEAP

Proposal Description:

A. Background Information:

(Describe the issue or problem in need of legislative attention. Attach all existing documents relating to the issue.)

The Low Income Home Energy Assistance Program (LIHEAP) provides assistance to low-income and elderly people to help them pay their winter heating bills or summer cooling bills and avoid utility shutoff. Two-thirds of the families receiving LIHEAP assistance have incomes of less than \$8,000 a year.

Some states suffer far greater reductions than the average because of differences in the distribution of emergency contingency funds. Traditionally LIHEAP funds have been allocated to states using a formula that benefited cold-weather states. Despite efforts in Congress to change this formula to shift more of the funds to warm-weather states, complex hold-harmless provisions have continued to limit Arizona's share to .5% of the funding in 2010.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

Oppose all cuts to LIHEAP and keep the program at the \$5.1 billion level that was appropriated for FY12. Advocate for a more equitable distribution formula to benefit low-income residents of Arizona, based on the following considerations:

- Cooling costs in the desert Southwest far exceed the national average;
- The Southwest contains areas of low income housing that is sub-standard and energy inefficient, which means customers have higher-than-average annual household energy expenditures; and
- Arizona winters in the rural areas can be severe and often affect remote pockets of needy families in danger of losing their energy services, e.g. tribal reservation residents.

Because Arizona's extreme climatic conditions range from excessive heat to severe cold — 120 degrees in summer months and below 0 in higher elevations in winter is not uncommon -- adequate LIHEAP funding is essential to the health and safety of our citizens.

- C. Statutes/regulations affected or proposed language:  
(Identify any state or federal statutes or regulations to be amended or repealed or attach proposed new language.)

U.S. House and Senate appropriations bills for HHS.

- D. Fiscal Impact:  
(Describe any direct or indirect impact on Pima County expenditures or revenues.)

Pima County received \$794,470 for LIHEAP this year. We have not seen an award of \$1M since SFY2012. In the last four years the LIHEAP award has been reduced each year to current level for a total impact of over \$400,000. This translates into roughly 800 eligible households facing the possibility of essential utilities cut off to their homes.

- E. Proposal History:  
(Describe any previous efforts by any person/entity to pursue this proposal.)

N/A

- F. Interested Parties:  
(Identify any persons/entities that you know or believe will either support or oppose this proposal.)

National Community Action Foundation, Arizona Community Action Association, Tucson Electric Power, Tucson Urban League would support this proposal.

# **State Legislative Agenda for 2017**

## **Item Number 3**

**State Temporary Assistance for  
Needy Families Short Term Crisis  
(prevention) Funds**



PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM

■ Federal  
■ State

Date: October 6, 2016

Department/Office: Community Services, Employment and Training Department

Name, Title and Telephone Number of Contact Person: Rosemary Cora Cruz, 724-6748

Subject or Title of Proposal: State Temporary Assistance for Needy Families Short Term Crisis (prevention) funds

Proposal Description:

A. Background Information:

(Describe the issue or problem in need of legislative attention. Attach all existing documents relating to the issue.)

Arizona Department of Economic Security (DES) uses a portion of its Temporary Assistance for Needy Families (TANF) block grant from HHS and/or matching funds called Maintenance of Effort (TANF MOE) for Short-Term Crisis Services (STCS, pronounced *sticks*). The STCS program provides help to low-income households experiencing a financial crisis in the form of emergency shelter, case management, eviction prevention, move-in assistance, utility deposits or payments and other emergency assistance to get and/or maintain a job. This intervention helps to prevent longer-term dependency on cash assistance (welfare) or other programs.

STCS funds are provided to local Community Action Programs, which already administer other federal emergency assistance programs, thereby minimizing administrative overhead and achieving economies of scale.

In State Fiscal Year 2010 the state slashed allocations to STCS in light of concern that the state was drawing down its reserves of federal TANF funds too quickly and in order to shift resources to the regular cash assistance program. This means that funds being used to avert dependency on welfare are being shifted to support the regular TANF caseload. TANF funding has been reduced each year to current level of \$528,413. There has been a \$53,587 reduction since 2014.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

Protect/restore funding for TANF Short Term Crisis Services program.  
Support inclusion of community crisis assistance programs in TANF legislation

- C. Statutes/regulations affected or proposed language:  
(Identify any state or federal statutes or regulations to be amended or repealed or attach proposed new language.)

State appropriations bills  
Federal TANF reauthorization

- D. Fiscal Impact:  
(Describe any direct or indirect impact on Pima County expenditures or revenues.)

Direct fiscal impact to Pima County of \$445,878 in lost revenues over the past three years.

- E. Proposal History:  
(Describe any previous efforts by any person/entity to pursue this proposal.)

- F. Interested Parties:  
(Identify any persons/entities that you know or believe will either support or oppose this proposal.)

Support: Children's Action Alliance, Arizona Community Action Association

# **State Legislative Agenda for 2017**

## **Item Number 4**

### **State Education Subsidies (Average Daily Membership and Full Time Student Equivalent)**



PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM

Federal  
 State

Date: October 5, 2016

Department/Office: Community Services, Employment and Training Department

Name, Title and Telephone Number of Contact Person: Michele Ray, 724-9737

Subject or Title of Proposal: State Education subsidies (Average Daily Membership and Full Time Student Equivalent)

Proposal Description:

A. Background Information:

(Describe the issue or problem in need of legislative attention. Attach all existing documents relating to the issue.)

Pima County operates a Charter School providing dropout retrieval, remedial education, work preparation and high-school diploma for out-of-school youth aged 16-21. Now in its 16<sup>th</sup> year, Pima Vocational High School serves 120 students at a time and is always at or near capacity. A cut in the appropriation for Average Daily Membership (ADM or student count) directly reduces per-student dollars for teacher salaries and other operating costs. Over the past three years education funding cuts enacted by the State Legislature have translated into a \$180,000 (20%) budget reduction for Pima Vocational High School. Year after year Arizona ranks 48<sup>th</sup> or lower in per pupil expenditures.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

Protect and if possible increase base funding per student for public schools.

C. Statutes/regulations affected or proposed language:

(Identify any state or federal statutes or regulations to be amended or repealed or attach proposed new language.)

Annual appropriations bills.

D. Fiscal Impact:

(Describe any direct or indirect impact on Pima County expenditures or revenues.)

ADM has a direct fiscal impact on the operating budget for Pima Vocational High School.

E. Proposal History:  
(Describe any previous efforts by any person/entity to pursue this proposal.)

F. Interested Parties:  
(Identify any persons/entities that you know or believe will either support or oppose this proposal.)

Public School Districts and Charter Schools.

# **State Legislative Agenda for 2017**

## **Item Number 5**

### **Elementary and Secondary Education Act/Arizona LEARNS**



PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM

■ Federal  
■ State

Date: October 6, 2016

Department/Office: Community Services, Employment and Training Department

Name, Title and Telephone Number of Contact Person: Michele Ray, 247-1737

Subject or Title of Proposal: Elementary and Secondary Education Act/ Arizona LEARNS

Proposal Description:

A. Background Information:

(Describe the issue or problem in need of legislative attention. Attach all existing documents relating to the issue.)

This law authorizes federally funded education programs that are administered by the states and requires statewide accountability through Adequate Yearly Progress. Pima Vocational High School, the County's Public Charter School, is impacted adversely by several provisions of ESEA/NCLB and by the state's interpretation of them.

The accountability system set forth under NCLB includes graduation rates as a factor in determining Adequate Yearly Progress. The graduation rate is defined as the proportion of each incoming freshman class that earns standard diplomas four years later. Students who don't graduate in four years count against a school's graduation rate. While this measure may be relevant for a traditional high school, schools like PVHS, which focus on retrieval of high-school dropouts, many of whom have been out of school for several years, are penalized for serving these students, who have no reasonable expectation of earning a diploma in four years. The law should be changed to address this problem.

The NCLB Title I allocation formula is used by the State of Arizona to determine how to allocate the federal funding for low income, underachieving students. The federal statute determines that the recipients be 0 to 17 years of age and low income. This should be expanded to include 18-21 year olds who are also entitled to secondary education. In fact, the mission of PVHS is focused on providing an education for this population.

The state has determined how they arrive at "low income" eligibility. At present the Title I distribution for school districts is based on the poverty rates of the census tracts that correspond to each school attendance area. For

charter schools the state has decided to use the countywide poverty rate. In recent years 92% of the PVHS students have been low-income, yet the state has used 19% (Pima County poverty rate) in the allocation formula. The state's application of NCLB to charter schools should be changed to allow schools to submit student income data so that the poverty rate can be based on the percentage of the actual student body of the school with incomes below poverty.

- B. Legislative Proposal:  
(Describe the proposal and what it would accomplish.)

Pima County should support legislative and administrative reforms to ESEA/NCLB to remove the built-in penalties to providing alternative education for low-income, underachieving high school dropouts.

- C. Statutes/regulations affected or proposed language:  
(Identify any state or federal statutes or regulations to be amended or repealed or attach proposed new language.)

Elementary and Secondary Education Act, as amended by No Child Left Behind Act, and related Arizona implementation guidance.

- D. Fiscal Impact:  
(Describe any direct or indirect impact on Pima County expenditures or revenues.)

PVHS' allocation for Title I (based on student counts last year) is \$17,464.60. The poverty rate definition for Title I distribution has an annual impact of \$50,000 to \$80,000.

The age definition has an additional estimated impact of \$85,000.

The graduation rate definition could subject the school to consequences if it causes failure to meet adequate yearly progress goals for consecutive years.

- E. Proposal History:  
(Describe any previous efforts by any person/entity to pursue this proposal.)

- F. Interested Parties:  
(Identify any persons/entities that you know or believe will either support or oppose this proposal.)



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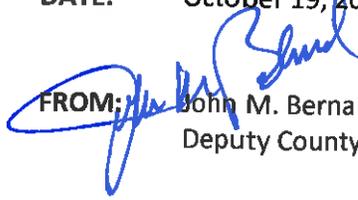
# MEMORANDUM

## Public Works Administration

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DATE: October 19, 2016

TO: C.H. Huckelberry  
County Administrator

FROM:  John M. Bernal  
Deputy County Administrator

RE: **2017 State Legislative Agenda Items**

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Attached is an October 7, 2016 memorandum with a compilation of suggested legislative agenda items for the upcoming Arizona State Legislative session of 2017.

Please note the following:

- The Public Works Departments continue to have an interest in a variety of topics for which we request that our lobbyist(s) “Monitor & Advise” of any proposed legislature that will impact Pima County operations.
- The legislative proposals that are offered for initiation (or support of other initiators) have previously been identified.
- The specific legislative proposals included in this packet are:
  - **Public Works Administration – Real Property Services**
    - The proposed legislation would modify requirements for notice and auction of leased properties. The change would minimize the time that properties are vacant and not generating revenue nor being exposed to vandalism.
  - **Regional Wastewater Reclamation**
    - The license renewal fees just for our RWRD staff cost approximately \$35,000 annually. Elimination of this fee would not excessively reduce the operating revenues of the Arizona Department of Environmental Quality.
  - **Transportation**
    - Requiring the use of headlights and operator/passenger helmets for motorcycle use will reduce the incidence of fatal or serious injury accidents. The data to support the positive benefits of such a legislative change is included in the June 20, 2016 memorandum from the Traffic Engineering Division.

Please note that Pima County’s zoning ordinance adjustments to allow for “tiny house” construction are being referred to in a legislative proposal recently brought to our attention by the County Supervisors Association of Arizona. The attached October 19, 2016 email from Carla Blackwell discusses possible legislative additions to address other considerations for expanded application of our zoning ordinance provisions related to tiny houses.

Memo to C.H. Huckelberry, County Administrator

**Re: 2017 State Legislative Agenda Items**

October 19, 2016

While we did not specifically include a legislative initiative for the Regional Wastewater Reclamation Department pertaining to the receipt of groundwater recharge credits from constructed recharge projects, this is a matter of interest given the desire of the owners of treated effluent to optimize the benefits from this resource. The recently discussed proposal from the Bureau of Reclamation and Metro Water to allow Cortaro-Marana Irrigation District to use their share of the treated effluent rather than pump groundwater is a case in point about the necessity for changing the current limitations of only allowing 50% groundwater recharge credit for managed recharge projects versus the 100% credit allowed for constructed recharge instances. I recommend that we support any efforts to simplify the requirements for receiving 100% groundwater recharge credits.

As always, I appreciate the expert assistance of Larry Hawke of the Pima County Department of Environmental Quality with compiling this information.

JMB:jgs

Attachments

Cc: Chris Cawein, Director, NRPR  
Priscilla Cornelio, Director, DOT  
Nancy Cole, Manager, PMO/PWA  
Carmine DeBonis, Director, DSD  
Jackson Jenkins, Director, RWRD  
Neil Konigsberg, Manager, RPS/PWA  
Ursula Kramer, Director, DEQ  
Linda Mayro, Director, OSC  
Suzanne Shields, Director, RFCD  
Nanette Slusser, Assistant County Administrator for Public Works Policy  
Larry Hawke, PDEQ Intergovernmental Relations Manager

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## M E M O R A N D U M

DATE: October 7, 2016

**TO:** John Bernal, Deputy County Administrator for PW

**FROM:** Larry Hawke, Intergovernmental Relations Manager, Department of Environmental Quality

**RE:** Pima County Public Works 2017 Legislative Proposals – 53<sup>rd</sup> Arizona Legislature, 1<sup>st</sup> Regular Session

Attached please find the Pima County Public Works 2017 Legislative Proposals recommended by your Pima County Public Works departments.

The Natural Resources, Parks & Recreation Department, Project Management Office, Sustainability & Conservation Office and Public Works Administration have been contacted and do not offer legislative proposals at this time.

The Development Services Department, Department of Environmental Quality, Real Property Services, Regional Flood Control District, Regional Wastewater Reclamation Department and Department of Transportation submit the following proposals and issues of interest for your consideration:

### I. Development Services Department

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. University and Community College Funding
2. Pima County Sports and Tourism Authority
3. Joint Technical Education District (JTED)
4. Highway User Revenue Fund (HURF)
5. Healthy Housing Stock Maintenance
6. Procurement
7. Government Property Lease Purchase Excise Tax
8. Planning, Zoning and Building

### II. Department of Environmental Quality

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. Regulation of Solid Waste Dumping
2. Waste Tire Program – Diversion of Waste Tire Fund Monies
3. Regulation of Activities Related to Stormwater Discharges and Permitting
4. Air Quality
5. County-targeted Regulatory Reform

### **III. Public Works Administration – Real Property Services**

#### **Lease of County Lands and Buildings Amending A.R.S. § 11-256**

### **IV. Regional Flood Control District**

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. Regulatory Bill of Rights
2. Special Taxing Districts
3. Flood Control Districts
4. Aggregate Mining
5. Water Quality Standards: Ephemeral & Effluent-Dependent Streams
6. Environmental Permits
7. Stormwater Rules & Regulations
8. Water Resources

### **V. Regional Wastewater Reclamation Department**

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. Water Quality Standards: Ephemeral & Effluent-Dependent Streams
2. Utilization of Effluent and Reclaimed Water
3. Mobile Home Park Utility Fees
4. Professional Engineers – Liability
5. Environmental Management Systems; Capacity, Management, Operations & Maintenance (CMOM); Asset Management Systems
6. Regulation of Wastewater Treatment Facility Operators and/or Inspectors
7. Blue Stake/House Connection Service (HCS)
8. Critical Infrastructure
9. Environmental Permits
10. Stormwater Treatment Costs & Point Source Compliance Pollution Limits
11. Stormwater Resource Legislation
12. Stormwater I & I Cost Impacts/CMOM
13. Water Resources

#### **Certified Operator Licensing Fees: Eliminating Fee-based funding Amending A.R.S. §§ 49-352(A) & 49-361**

### **VI. Department of Transportation**

#### **Motorcyclist Protection Act Amending A.R.S. §§ 28-922 & 28-964**

**I.**

**Development Services  
Department**

**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM  
DEVELOPMENT SERVICES DEPARTMENT**

Federal  
**X State**

Date:  
October 7, 2016

Department/Office:  
Development Services/Director

Name, Title and Telephone Number of Contact Person:  
Carmine DeBonis, Director, 724-6505

Subject of Proposal:

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. University and Community College Funding
2. Pima County Sports and Tourism Authority
3. Joint Technical Education District (JTED)
4. Highway User Revenue Fund (HURF)
5. Healthy Housing Stock Maintenance
6. Procurement
7. Government Property Lease Purchase Excise Tax
8. Planning, Zoning and Building

**PROPOSAL DESCRIPTION:**

**1. University and Community College Funding**

Support public and private funding initiatives for the University of Arizona and oppose further reductions in state funding of Arizona's university and community college systems. Actively support increased public and private funding for all public education programs, particularly increased funding for the university and community college systems in order to minimize future increases in tuition and fees.

**2. Pima County Sports and Tourism Authority**

Issues related to support of the Pima County Sports and Tourism Authority. Support tourism-related initiatives designed to increase tourism economic development

**3. Joint Technical Education District (JTED)**

Issues related to support of full funding of JTED and full funding of JTED programs to support and assist Pima County businesses.

**4. Highway User Revenue Fund (HURF)**

Issues related to increasing revenue for transportation systems, particularly a statewide gasoline tax increase, and constitutionally protecting the HURF revenue stream from diversion.

**5. Healthy Housing Stock Maintenance**

Issues related to the condition of mobile home parks in Arizona. Past legislative proposals were based on the Manufactured Housing Office moving to State of Arizona Housing Office. Most would request the same protections in real estate transactions be extended to mobile home ownership, sales and rentals. Urge more real estate protections and disclosures for mobile homes, inspections upon transfer, C of O process, licensing for park owners who buy, sell or rent mobile homes in parks and foreclosure protections

**6. Procurement**

Issues relating to revision of procurement practices and procedures as it relates to local preferences for goods and services.

**7. Government Property Lease Purchase Excise Tax**

Issues related to county use of the Government Property Lease Purchase Excise Tax for county use and abatement for economic incentives.

**8. Planning, Zoning and Building**

Issues related to county planning, zoning and building requirements.

## **II.**

# **Department of Environmental Quality**

**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

Federal  
**X State**

Date:  
October 7, 2016

Department/Office:  
Environmental Quality/Director

Name, Title and Telephone Number of Contact Person:  
Ursula Nelson, P.E., Director, 724-7454

Subject of Proposal:

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. Regulation of Solid Waste Dumping
2. Waste Tire Program – Diversion of Waste Tire Fund Monies
3. Regulation of Activities Related to Stormwater Discharges and Permitting
4. Air Quality
5. County-targeted Regulatory Reform

**PROPOSAL DESCRIPTION:**

**1. Regulation of Solid Waste Dumping**

During past legislative sessions, bills were introduced establishing requirements and penalties for the removal of trash and other solid waste on private and public property. Similar legislation may be introduced during the 2017 legislative session.

**2. Waste Tire Program Continuation and Diversion of Waste Tire Fund Monies**

Laws 2007, Chapter 31, § 1 session law provided for delayed repeal of A.R.S. §§ 44-1302 (Sale of new tires; fees; acceptance of waste tires; notice; definition) and 44-1305 (Waste tire fund and program) from and after December 31, 2017. The state-mandated waste tire program, administered by the counties, has a demonstrated record of success in protecting the environment and should be supported through enactment of enabling legislation.

Also, during past legislative sessions, bills and/or amendments were introduced proposing significant changes to the waste tire program. Proposals have included using waste tires as “fill” for abandoned mine sites. Enactment of such proposals, including the diversion of monies from the Waste Tire Fund that supports county implementation, would severely compromise Pima County’s program mission.

**3. Regulation of Activities Related to Stormwater Discharges and Permitting**

The Arizona Legislature has passed legislation addressing expanded authority to Phase II MS4 counties thereby facilitating compliance with the terms of their permits. Legislation relating to Stormwater permitting and regulation of stormwater discharge activities may be introduced during the 2017 legislative session.

**4. Air Quality**

During past legislative sessions, legislation was introduced proposing changes related to air quality regulation. Legislation relating to the Federal Clean Air Act, Regional Haze, and Vehicle emissions, Fugitive Dust and/or Exceptional Events and/or Diesel Retrofit Programming may be introduced during the 2017 legislative session.

**5. County-targeted Regulatory Reform**

In past legislative sessions, legislation was introduced and enacted making changes to county regulatory procedures. Related “regulatory reform” measures affecting county operations may, once again, be introduced during the 2017 legislative session.

# **III.**

## **Public Works Administration Real Property Services**

**PIMA COUNTY**  
**LEGISLATIVE PROPOSAL FORM**  
**REAL PROPERTY SERVICES**

Federal  
**X State**

Date:  
October 7, 2016

Department/Office:  
Public Works Administration/ Real Property Services

Name, Title and Telephone Number of Contact Person:  
Neil Konigsberg, Manager, 724-6582

Subject of Proposal:

**Lease of County Lands and Buildings – Amending A.R.S. § 11-256**

**PROPOSAL DESCRIPTION:**

A. Background:

Acquisition in advance of using property for capital improvement projects may necessitate purchase of improved properties that are then leased on an interim basis. A.R.S. § 11-256 requires four consecutive weeks of public notice of the proposed lease and a minimum of 30 days after the last public notice to schedule an auction each time those properties become vacant. This is a time consuming process. While vacant, the properties generate no revenue and often are vandalized.

B. Legislative Proposal:

Amend A.R.S. § 11-256 to distinguish requirements for publication of notice and requirements for auctions, depending on rental value. Properties with a market rental value not exceeding \$3000 per month would be exempt from notice and auction. Two notices published over two consecutive weeks and an auction 30 days after the first publication would be required for rental values exceeding \$3000 per month.

C. Statutes Affected:

See, EXHIBIT – Lease of County Lands and Buildings – Amending A.R.S. § 11-256

D. Fiscal Impact:

Reducing the number of publications and holding an auction sooner will minimize administrative costs. Additional administrative costs will be saved by not publishing or holding auctions for properties with a fair market rent of less than \$3000.

E. Proposal History:

This proposal was submitted in years 2001-2008; 2014 and 2015

F. Interested Parties:

All Arizona counties should support this proposal

**EXHIBIT – Lease of County Lands and Buildings: Amending A.R.S. § 11-256**

**11-256. Lease or sublease of county lands and buildings; exceptions**

- A. The board may lease or sublease, for a term not to exceed twenty-five years plus an option to renew for an additional period not exceeding twenty-five years, any land or building owned by or under the control of the county.
- B. ~~An experienced~~ **A CERTIFIED GENERAL REAL ESTATE** appraiser **LICENSED BY THE STATE OF ARIZONA** shall be appointed to determine the ~~rental valuation~~ **MARKET RENT** of such land or building, except that the appointment of an appraiser is not required for the lease of any land or building that ~~is valued at~~ **HAS A MARKET VALUE OF** five thousand dollars or less if the value of the land or building has been estimated and justified by a market analysis that is based on comparable sales.
- C. **PROPERTIES WITH A MARKET RENT NOT EXCEEDING \$3000 PER MONTH MAY BE LEASED WITHOUT PUBLICATION OF NOTICE AND WITHOUT PUBLIC AUCTION. PROPERTIES WITH A MARKET RENT EXCEEDING \$3000 PER MONTH** ~~Such land or building~~ shall be leased or subleased at a public auction to the highest responsible bidder, provided that the amount of bid is at least ninety per cent of the rental valuation as determined by the appraiser or the market analysis, and subject to such other terms and conditions as the board may prescribe.
- D. **FOR LEASES WITH A MARKET RENT EXCEEDING \$3000 PER MONTH** ~~NOTICE~~ **Notice** of a proposed lease or sublease shall be given by publication, once each week for ~~four~~ **TWO** consecutive weeks, in a newspaper of general circulation in the county. The notice shall state the period and all material conditions of the proposed lease, and the day on which the auction will be held, which shall be not less than thirty days after ~~last~~ **FIRST** publication of the notice.
- E. Subsections C and D do not apply to leases granting a leasehold interest to a person or entity that owned, leased or otherwise possessed the property to be leased immediately before purchase or acquisition by the county or to other persons or entities leasing property for a term that would expire within four years after the purchase or acquisition by the county. A lease entered into pursuant to this subsection shall be for at least ninety per cent of, but not more than, the appraised rental valuation or market analysis determined pursuant to subsection B.
- F. This section is supplementary to and not in conflict with other statutes governing or regulating powers of boards of supervisors.

**IV.**

**Regional Flood Control  
District**

**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM  
REGIONAL FLOOD CONTROL DISTRICT**

Federal  
**X State**

Date:  
October 7, 2016

Department/Office:  
Regional Flood Control District/Director

Name, Title and Telephone Number of Contact Person:  
Suzanne Shields, P.E., Director & Chief Engineer, 724-4681

Subject of Proposal:

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. Regulatory Bill of Rights
2. Special Taxing Districts
3. Flood Control Districts
4. Aggregate Mining
5. Water Quality Standards: Ephemeral & Effluent-Dependent Streams
6. Environmental Permits
7. Stormwater Rules & Regulations
8. Water Resources

**PROPOSAL DESCRIPTION:**

**1. Regulatory Bill of Rights**

Issues related to statutory requirements that set conditions and limitations on the issuance of permits, licenses and regulations that limit our ability to effectively regulate and permit activities.

**2. Special Taxing Districts**

Issues related to our ability to set tax rates or our use of revenues generated by special taxing districts.

**3. Flood Control Districts**

Issues related to limiting our ability to regulate, permit or enforce development within floodplains, erosion hazards or riparian habitat.

4. **Aggregate Mining**

Issues related to aggregate mining activities and impacts on flood control district jurisdiction and authority to regulate related activities

5. **Water Quality Standards: Ephemeral & Effluent-Dependent Streams**

Continue efforts toward the adoption of state water quality standards that are appropriate for ephemeral and effluent-dependent streams and that do not discourage the use of effluent as a renewable resource.

6. **Environmental Permits**

Issues related to the timing, cost, fees and requirements of environmental permits including Arizona Pollutant Discharge Elimination System (AZPDES) Permits, Aquifer Protection Program (APP) Permits, Reuse Permits and Air Quality/Greenhouse Gas Permits.

7. **Stormwater Regulation**

Issues related to green infrastructure or BMPs to minimize stormwater runoff or allow runoff to be treated by soils to reduce pollutant loads to receiving waters, i.e. retention basins, detention basins, green management zones (trees, e.g.) and pervious pavement.

8. **Water Resources**

Issues related to reuse, recharge, credits, ownership rights, flood control diversion and assured water supply.

Also, issues that impact the ability to capture stormwater from non-point sources, i.e. green infrastructure laws for mandatory use of pervious pavement in road projects that may reduce the amount of stormwater captured at a single point for recharge/treatment/credits.

**V.**

**Regional Wastewater  
Reclamation Department**

**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM  
REGIONAL WASTEWATER RECLAMATION DEPARTMENT**

Federal  
**X State**

Date:  
October 7, 2016

Department/Office:  
Regional Wastewater Reclamation/Director

Name, Title and Telephone Number of Contact Person:  
Jackson Jenkins, Director, 724-6549

Subject of Proposal:

**MONITOR & ADVISE** – Introduced legislation related to the following issues:

1. Water Quality Standards: Ephemeral & Effluent-Dependent Streams
2. Utilization of Effluent and Reclaimed Water
3. Mobile Home Park Utility Fees
4. Professional Engineers – Liability
5. Environmental Management Systems; Capacity, Management, Operations & Maintenance (CMOM); Asset Management Systems
6. Regulation of Wastewater Treatment Facility Operators and/or Inspectors
7. Blue Stake/House Connection Service (HCS)
8. Critical Infrastructure
9. Environmental Permits
10. Stormwater Treatment Costs & Point Source Compliance Pollution Limits
11. Stormwater Resource Legislation
12. Stormwater I & I Cost Impacts/CMOM
13. Water Resources

**PROPOSAL DESCRIPTION:**

1. **Water Quality Standards: Ephemeral & Effluent-Dependent Streams**

Continue efforts toward the adoption of state water quality standards that are appropriate for ephemeral and effluent-dependent streams and that do not discourage the use of effluent as a renewable resource.

**2. Utilization of Effluent and Reclaimed Water**

Continue efforts that promote, encourage, facilitate and reward increased utilization of effluent and reclaimed water in-lieu of groundwater resources.

**3. Mobile Home Park Utility Fees**

Issues related to the amount and methodology of assessing utility fees for mobile home park owners and/or tenants.

**4. Professional Engineers – Liability**

Issues related to the liability of professional engineers.

**5. Environmental Management Systems; Capacity, Management, Operations & Maintenance (CMOM); Asset Management Systems**

Issues related to the implementation and/or establishment of Environmental Management Systems, Asset Management Systems and Capacity, Management, Operations & Maintenance (CMOM).

**6. Regulation of Wastewater Treatment Facility Operators and/or Inspectors**

Issues related to the regulation, certification and oversight of wastewater facility operators and/or inspectors.

**7. Blue Stake/House Connection Service (HCS)**

Issues related to the responsibilities of locating, installing, operating and maintaining House Connection Service (HCS) between the sanitary sewer and a structure.

**8. Critical Infrastructure**

Issues related to the security and vulnerability of critical public infrastructure, including water and wastewater facilities.

**9. Environmental Permits**

Issues related to the timing, cost/fees and requirements of environmental permits including Arizona Pollutant Discharge Elimination System (AZPDES) Permits, Aquifer Protection Program (APP) Permits, Reuse Permits and Air Quality/Greenhouse Gas Permits.

**10. Stormwater Treatment Costs & Point Source Compliance Pollution Limits**

Issues related to green infrastructure or BMPs to minimize stormwater runoff or allow runoff to be treated by soils to reduce pollutant loads to receiving waters (i.e., retention basins, detention basins, green management zones (trees, etc.), pervious pavement, etc.).

**11. Stormwater Resource Legislation**

Issues related to reuse, recharge, credits, ownership rights, flood control diversion and assured water supply. In addition, issues that impact the ability to capture stormwater from non-point sources (i.e., green infrastructure laws for mandatory use of pervious pavement in road projects which may reduce the amount of stormwater captured at a single point for recharge treatment credits).

**12. Stormwater I & I Cost Impacts/CMOM**

Issues related to stormwater management and flood control. Stormwater and flood control design measures, including roads, may be beneficial above-ground fixes that reduce or avert stormwater Inflow & Infiltration from conveyance and treatment system components. Also, issues related to pipe capacity (e.g. 10 year/24 hour storm events, including hydraulic model standards).

**13. Water Resources**

Issues related to reuse, recharge, credits, ownership rights, groundwater replenishment and assured water supply.

**PIMA COUNTY**  
**LEGISLATIVE PROPOSAL FORM**  
**REGIONAL WASTEWATER RECLAMATION DEPARTMENT**

Federal  
**X State**

Date:  
October 7, 2016

Department/Office:  
Regional Wastewater Reclamation/Staff Development & Training

Name, Title and Telephone Number of Contact Person:  
Duane Vild, Training Manager, 724-6454

Subject of Proposal:

**Certified Operator Licensing Fees: Eliminating Fee-based funding  
Amending A.R.S. §§ 49-352(A) & 49-361**

**PROPOSAL DESCRIPTION:**

A. Background:

The Arizona Department of Environmental Quality (ADEQ) has adopted rules pursuant to statutory authority requiring persons who possess an ADEQ license to pay fees for renewal of such licenses. Historically, ADEQ has not charged a renewal license fee. Individuals have paid examination fees of approximately \$87 for each ADEQ examination taken. RWRD policy has been to approve two (2) attempts for an employee to take an ADEQ license examination.

B. Legislative Proposal:

Amend A.R.S. §§ 49-352(A) & 49-361 to explicitly eliminate program funding through fee-setting authority.

C. Statutes Affected:

See, EXHIBIT – Certified Operator Licensing Fees: Eliminating Fee-based funding  
Amending A.R.S. §§ 49-352(A) & 49-361

D. Fiscal Impact:

Charging license fees to persons renewing licenses will cost RWRD approximately \$35,000 annually unless this expense is passed on to each employee required to be licensed by ADEQ as a requirement of the job. Requiring RWRD employees to pay for

job-related licenses will be economically burdensome and could lead to reduced morale among the affected workforce.

E. Proposal History:

Proposal submitted in 2015

F. Interested Parties:

RWRD; ADEQ Licensed RWRD personnel; Federal, State, County, Municipal and Private Sector Personnel Required to obtain ADEQ license renewals

**49-352. Classifying systems and certifying personnel; limitation**

- A. The department shall establish and enforce rules for the classification of systems for potable water and certifying operating personnel according to the skill, knowledge and experience necessary within the classification. The rules shall also provide that operating personnel may be certified on the basis of training and supervision at the place of employment. ~~The department may assess and collect reasonable certification fees to reimburse the cost of certification services, which shall be deposited in the state general fund.~~ Such rules apply to all public water systems involved in the collection, storage, treatment or distribution of potable water. The rules do not apply to systems that are not public water systems including irrigation, industrial or similar systems where the water is used for nonpotable purposes.

...

**49-361. Sewage treatment plants; operator certification**

The department shall adopt and enforce rules to classify sewage collection systems and treatment plants and to certify operating personnel according to the skill, knowledge and experience necessary within the classification. The rules shall provide that operating personnel may be certified on the basis of training and supervision at the place of employment. ~~The department may assess and collect reasonable certification fees to reimburse the cost of certification services, and the fees shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.~~ The rules apply to all sewage treatment plants that receive and treat wastes from common collection sewers and industrial plants but do not apply to septic tanks, to devices that serve a single home or to industrial treatment devices that are used to perform or allow recycling or impounding wastes within the boundaries of the industry's property.

**VI.**

**Department of  
Transportation**

**PIMA COUNTY**  
**LEGISLATIVE PROPOSAL FORM**  
**DEPARTMENT OF TRANSPORTATION**

Federal  
**X State**

Date:  
October 7, 2016

Department/Office:  
Transportation/Engineering Division

Name, Title and Telephone Number of Contact Person:  
Seth Chalmers, Traffic Engineering Division Manager, 724-2371

Subject of Proposal:

**Motorcyclist Protection Act – Amending A.R.S. §§ 28-922 & 28-964**

**PROPOSAL DESCRIPTION:**

A. Background:

Motorcyclists represent a group of vulnerable road users. While a small proportion of travel in the United States occurs on motorcycles, fatality and injury risks for motorcyclists far exceed those for any other category of road user. Motorcycle helmets are effective for reducing mortality and head injury in the event of a crash.

Arizona had a universal mandatory helmet law that ran from 1969 to 1976. The reason that Arizona established the law was due to FHWA tying highway funding to a mandatory helmet law.

In 1976 this law was changed when the states convinced Congress to abolish this practice and they reduced the law to 17 and under mandatory helmet usage.

It is not cost effective for Pima County or society in general to continue to assume the burden of fatal and serious injuries for those who drive and ride motorcycles but do not mitigate the higher risks by doing more to protect themselves from serious injury or death.

See ATTACHMENT– Motorcyclist Protection Act – Amending A.R.S. §§ 28-922 & 28-964

B. Legislative Proposal:

1. Amend A.R.S § 28-922 requiring anytime motorcycle headlight use

2. Amend A.R.S. §28-964 requiring helmet use by motorcycle operators and passengers

C. Statutes Affected:

See, EXHIBIT – Motorcyclist Protection Act – Amending A.R.S. §§ 28-922 & 28-964

D. Fiscal Impact:

TO BE DETERMINED

E. Proposal History:

This proposal was submitted in 2014 and 2015

F. Interested Parties:

TO BE DETERMINED

**EXHIBIT – Motorcyclist Protection Act – Amending A.R.S. §§ 28-922 & 28-964**

28-922. Lighted lamps required; motorcycles

- A. At any time from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead, a vehicle on a highway in this state shall display lighted lamps and illuminating devices as required by this article for different classes of vehicles, subject to exceptions for parked vehicles as provided in this article.
- B. AT ANY TIME A MOTORCYCLE ON A HIGHWAY IN THIS STATE SHALL DISPLAY LIGHTED LAMPS AND ILLUMINATING DEVICES AS REQUIRED BY THIS ARTICLE, SUBJECT TO EXCEPTIONS FOR PARKED MOTORCYCLES AS PROVIDED IN THIS ARTICLE.**

28-964. Motorcycles; all-terrain vehicles; motor driven cycles; equipment; exception; prohibition

- A. An operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle ~~who is under eighteen years of age~~ shall wear at all times a protective helmet on the operator's or passenger's head in an appropriate manner. The protective helmet shall be safely secured while the operator or passenger is operating or riding on the motorcycle, all-terrain vehicle or motor driven cycle. An operator of a motorcycle, all-terrain vehicle or motor driven cycle shall wear at all times protective glasses, goggles or a transparent face shield of a type approved by the director unless the motorcycle, all-terrain vehicle or motor driven cycle is equipped with a protective windshield. This subsection does not apply to electrically powered three wheeled vehicles or three wheeled vehicles on which the operator and passenger ride within an enclosed cab.

...

**ATTACHMENT – Motorcyclist Protection Act – Amending A.R.S. §§ 28-922 & 28-964**



MEMORANDUM

DATE: June 20, 2016

TO: Seth Chalmers FROM: Hannah Olsen

SUBJECT: Motorcyclist Protection Act

*Percent Comparison of Motorcycle Crashes to All Motor-Vehicle Crashes*

In 2014 approximately 6,064,000 motor-vehicle crashes occurred in the United States, 109,554 crashes occurred in Arizona, and 9,367 crashes occurred in Pima County. Statewide and countywide motorcycle crashes accounted for approximately 3% of all motor-vehicle crashes with a total of 3,127 and 344, respectively. No National Highway Safety Administration (NHTSA) documents provide the total number of motorcycle crashes nationwide, but NHTSA’s “Traffic Safety Facts 2014” reports that 110,000 motorcycles were involved in crashes nationwide.

Motorcycles make up only 3% of vehicle registrations and account for only 0.7% of vehicle miles travelled nationwide. However, national crash data indicates that, per vehicle mile traveled motorcyclists are 26 times more likely to die in a traffic crash than occupants of passenger vehicles. According to NHTSA’s “2014 Quick Facts,” motorcycle fatalities accounted for 14% of all fatalities in the United States. A detailed comparison of national, state, and county fatalities and injuries resulting from all motor-vehicle crashes as well as motorcycle crashes is given in Table 1, below. Arizona and Pima County data was taken from the Arizona Department of Transportation (ADOT) report “2014 Motor Vehicle Crash Facts for the State of Arizona.”

**Table 1: Percent Motorcyclists Involved in Fatal and Injury Crashes in 2014**

Jurisdiction	Fatalities			Injuries		
	All	Motorcycles	%	All	Motorcycles	%
United States	32,675	4,586	14.0	2,338,000	92,000	3.9
Arizona	774	127	16.4	50,890	2,655	5.2
Pima County	88	11	12.5	5,397	311	5.8

The percentage of fatal motorcycle crashes in Arizona may be higher than the national percentage due to the lack of a universal helmet law.

### *Benefits of Helmets*

According to NHTSA's "2014 Traffic Safety Facts: Motorcycles," unhelmeted motorcyclists made up 58% of motorcycle fatalities in states without universal helmet laws but only 8% of fatalities in states with universal helmet laws. NHTSA estimates that helmets saved the lives of 1,669 motorcyclists in 2014 and could have saved 660 more lives if all the motorcyclists had worn helmets. The percentage of helmet use in fatal crashes in the United States, Arizona, and unincorporated Pima County is given in Table 2, below.

**Table 2: Percent Helmet Use in Fatal and Injury Crashes in 2014**

<b>Jurisdiction</b>	<b>Fatalities</b>					
	<i>Used</i>	<i>%</i>	<i>Not Used</i>	<i>%</i>	<i>Unknown</i>	<i>%</i>
<i>United States</i>	2,728	60	1,716	37	142	3
<i>Arizona</i>	54	42	58	46	15	12
<i>Unincorporated Pima County</i>	1	50	1	50	0	-

According to the NHTSA document "Prioritized Recommendations of the National Agenda for Motorcycle Safety," helmets reduce fatalities in motorcycle crashes by approximately 37% for drivers and 41% for passengers. In Arizona in 2014, as many as 21 of the 58 unhelmeted motorcyclists killed in crashes could have been saved if all the motorcyclists had been wearing helmets.

In recent years many studies have been conducted evaluating the effectiveness of universal helmet laws in increasing motorcycle helmet usage as well as reducing the number of fatal and injury motorcycle crashes. In 2008 Gilbert, Chaudhary, Solomon, Preusser, and Cosgrove published a study evaluating the effect of reinstating the universal helmet law in Louisiana in 2004 that had been repealed in 1999. According to the study, observed helmet use when the universal helmet law was repealed was approximately 50%, but it was nearly 100% after the law was reinstated. Furthermore, approximately 5.0% of all motorcycle crashes resulted in fatalities and 9.4% resulted in serious injuries when the law was repealed. Once the law was reinstated, these rates dropped to 4.4% and 7.2%, respectively. Based on these results, Gilbert et al. estimated a reduction in fatal and serious-injury crashes of 9.4 crashes per month, after the law was reinstated.

An earlier study, published in 2005 by Ulmer and Northrup, examined the effect of repealing the universal helmet law in Florida in 2000. This study also reported an observed helmet use of nearly 100% with the universal helmet law and approximately 50% when the law was repealed. The study also found that before the law was repealed an average of 181 motorcyclists died annually in Florida crashes; after it was repealed, the average number of motorcycle deaths rose 55% to 280 annually. Based on these results, the researchers estimated an average increase in motorcycle fatalities of 9.1 fatalities per month after the universal helmet law was repealed.

### *Benefits of Other Protective Clothing*

In addition to the head, arms and legs are the body parts most often injured in a crash. Well selected protective clothing can help to prevent abrasions and other minor injuries in the event of a crash. In addition to helmets, NHTSA and the Motorcycle Safety Foundation (MSF) recommend the use of the following protective clothing and equipment items: eye protection (goggles, safety glasses, or face shields), jackets and pants made of leather or protective synthetic materials, non-slip gloves, and leather boots that cover the ankles and lower leg. Additionally, armor-quality clothing can help protect against life-threatening torso injuries.

Motorcyclist conspicuity is an important factor in motorcycle crashes. In 2014 approximately 54,200 motorcycle crashes in the United States were classified as two-vehicle crashes; 2,191 of these (4%) resulted in fatalities. According to a 2007 study by Longthorne, Varghese, and Shankar in approximately 35% of two-vehicle crashes the other vehicle violated the motorcycle's right-of-way. For this reason NHTSA recommends the use of brightly colored or retro-reflective clothing on the torso to increase conspicuity.

### *Benefits of Additional Training and Licensing*

Training has the potential to reduce motorcycle crashes of all severities. According to the NHTSA publication "Prioritized Recommendations of the National Agenda for Motorcycle Safety," rider behavior precipitated or failed to prevent approximately 79% of crashes. Additionally, an estimated 25% of motorcycle riders involved in fatal crashes were not properly licensed, and motorcycle riders had the highest percentage of drivers with previous driving-while-intoxicated, speeding, and license revocation convictions. A study by McGwin, Whatley, Metzger, Valent, Barbone, and Rue found that the following licensing and training practices reduced motorcycle-crash fatality rates:

- Requiring training course completion before licensing
- Using restricted permitting, especially when three or more restrictions are applied
- Requiring a skills test to obtain a permit
- Mandating a longer amount of time between issuing permit and a license

Requiring training before issuing a license is becoming more and more commonplace. Currently, 19 states require prospective motorcyclists to complete training courses before obtaining a license.

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## Juanita Garcia-Seiger

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**From:** Carla Blackwell  
**Sent:** Wednesday, October 19, 2016 10:49 AM  
**To:** Daniel Tylutki; Ann Vargas; Mark Holden; Martha Martin; Marcos Ysmael; David Ludwig; Beverly Parker; Ursula Nelson  
**Cc:** Larry Hawke; John Bernal  
**Subject:** FW: Proposed Tiny House Legislation  
**Attachments:** 0030.pdf; 2013\_0904\_Non Conforming Use Interpretation for Mobile Home Parks\_Final.pdf

Hi All,

Per our conversation on mobile home parks etc. Here is some Tiny House legislation proposed for the next legislative session based on Pima County's definition and interpretations. If adopted that should change the RV definition that state considers unless it remains on a chassis. Click on the link below for further definitions. Tiny Homes meet the international building code (so do not need to meet HUD standards for Manufactured housing.)

Also our setbacks in a park 14 feet between units (20 feet between units in trailer TH zone). The bigger setbacks are for the site which is around the boundary of the park. There is no minimum lot size for a unit's space other than gross square footage (8000) per unit which may include streets, common area etc. in manufactured housing parks, and 2000 feet per trailer in TH parks. Attached is an interpretation that we did to allow bigger manufactured housing replacement units in the parks without variance.

We may need to address the older units and have more requirements to add the rehab certification.

Thanks  
Carla

Carla Blackwell  
Deputy Director, Development Services  
Pima County  
201 N. Stone Ave. First Floor  
Tucson, Arizona 85701  
520-724-9516  
[Carla.blackwell@pima.gov](mailto:Carla.blackwell@pima.gov)

**From:** Daniel Romm [<mailto:danielr@countysupervisors.org>]  
**Sent:** Tuesday, October 18, 2016 3:48 PM  
**To:** Darren Gerard - PLANDEVX <[DarrenGerard@mail.maricopa.gov](mailto:DarrenGerard@mail.maricopa.gov)>; [mollerton@co.apache.az.us](mailto:mollerton@co.apache.az.us); Esparza, Paul (<[PEsparza@cochise.az.gov](mailto:PEsparza@cochise.az.gov)>) <[PEsparza@cochise.az.gov](mailto:PEsparza@cochise.az.gov)>; Drake, Jesse (<[JDrake@cochise.az.gov](mailto:JDrake@cochise.az.gov)>); 'jchristelman@coconino.az.gov' <[jchristelman@coconino.az.gov](mailto:jchristelman@coconino.az.gov)>; Short, Bob (<[bshort@coconino.az.gov](mailto:bshort@coconino.az.gov)>) <[bshort@coconino.az.gov](mailto:bshort@coconino.az.gov)>; Joe Goodman (<[JGoodman@graham.az.gov](mailto:JGoodman@graham.az.gov)>) <[JGoodman@graham.az.gov](mailto:JGoodman@graham.az.gov)>; [pronnerud@co.greenlee.az.us](mailto:pronnerud@co.greenlee.az.us); Cecilia Edwards (<[cedwards@co.greenlee.az.us](mailto:cedwards@co.greenlee.az.us)>) <[cedwards@co.greenlee.az.us](mailto:cedwards@co.greenlee.az.us)>; 'nyackley@co.la-paz.az.us' <[nyackley@co.la-paz.az.us](mailto:nyackley@co.la-paz.az.us)>; Lynn Favour - PLANDEVX <[lynnfavour@mail.maricopa.gov](mailto:lynnfavour@mail.maricopa.gov)>; Matthew Holm - PLANDEVX <[MatthewHolm@mail.maricopa.gov](mailto:MatthewHolm@mail.maricopa.gov)>; [christine.ballard@mohavecounty.us](mailto:christine.ballard@mohavecounty.us); Nick Hont <[Nick.Hont@mohavecounty.us](mailto:Nick.Hont@mohavecounty.us)>; David Whittaker (<[david.whittaker@navajocountyaz.gov](mailto:david.whittaker@navajocountyaz.gov)>) <[david.whittaker@navajocountyaz.gov](mailto:david.whittaker@navajocountyaz.gov)>; [Homero.Vela@navajocountyaz.gov](mailto:Homero.Vela@navajocountyaz.gov); Chris Poirier <[Chris.Poirier@pima.gov](mailto:Chris.Poirier@pima.gov)>; Himanshu Patel <[Himanshu.Patel@pinalcountyaz.gov](mailto:Himanshu.Patel@pinalcountyaz.gov)>; [steven.mauk@yavapai.us](mailto:steven.mauk@yavapai.us); David Williams (<[david.c.williams@yavapai.us](mailto:david.c.williams@yavapai.us)>) <[david.c.williams@yavapai.us](mailto:david.c.williams@yavapai.us)>; Tammy DeWitt (<[tammy.dewitt@yavapai.us](mailto:tammy.dewitt@yavapai.us)>)

<[tammy.dewitt@yavapai.us](mailto:tammy.dewitt@yavapai.us)>; Maggie Castro ([maggie.castro@yumacountyaz.gov](mailto:maggie.castro@yumacountyaz.gov)) <[maggie.castro@yumacountyaz.gov](mailto:maggie.castro@yumacountyaz.gov)>;  
Craig Sullivan <[craigs@countysupervisors.org](mailto:craigs@countysupervisors.org)>; Yvonne Ortega <[yvonneo@countysupervisors.org](mailto:yvonneo@countysupervisors.org)>  
**Subject:** Proposed Tiny House Legislation

Good afternoon...

Senator Farnsworth plans to run a bill for next session on the subject of tiny houses. The proposed legislation would do the following:

- 1) Require counties, cities and towns to provide guidelines for tiny house construction within their jurisdictions; and
- 2) Define "tiny house" as a single family dwelling of maximum 400 square feet. This definition comes from a recent update to Pima County's zoning ordinance, which can be found here:  
<http://webcms.pima.gov/cms/One.aspx?pageId=259596>

The intent is to ensure that such structures may be built throughout Arizona without being unreasonably regulated except as necessary to ensure that they meet reasonable fire and life safety standards.

CSA would certainly appreciate any thoughts and input on this proposed legislation. Attached is a copy of the proposed language.

Please do not hesitate to contact me if you have any questions or concerns.

Regards,  
Daniel

Daniel A. Romm  
Senior Legislative Liaison  
County Supervisors Association of Arizona  
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Office: (602) 452-4504  
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Rough Draft  
October 13, 2016 09:10 AM  
Folder 30, Drafter LIZ DUNFEE

REFERENCE TITLE: municipalities; counties; tiny homes; codes

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

**S. B. \_\_\_\_\_**

Introduced by \_\_\_\_\_

AN ACT

AMENDING TITLE 9, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.1; AMENDING SECTION 11-861, ARIZONA REVISED STATUTES; RELATING TO BUILDING CODES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 7, Arizona Revised Statutes, is amended  
3 by adding article 1.1, to read:

4 ARTICLE 1.1. BUILDING CODES

5 9-810. Tiny home construction; definition

6 A. A MUNICIPALITY SHALL ADOPT RESIDENTIAL BUILDING CODE  
7 REQUIREMENTS FOR TINY HOME CONSTRUCTION.

8 B. FOR THE PURPOSES OF THIS SECTION, "TINY HOME" MEANS A  
9 SINGLE-FAMILY DWELLING THAT IS NOT MORE THAN FOUR HUNDRED SQUARE FEET.

10 Sec. 2. Section 11-861, Arizona Revised Statutes, is amended to  
11 read:

12 11-861. Adoption of codes by reference; limitations; method  
13 of adoption; code requirements and prohibitions

14 A. In any county that has adopted zoning pursuant to this chapter,  
15 the board of supervisors may adopt and enforce, for the unincorporated  
16 areas of the county so zoned, a building code and other related codes to  
17 regulate the quality, type of material and workmanship of all aspects of  
18 construction of buildings or structures, except that the board may  
19 authorize that areas zoned rural or unclassified may be exempt from the  
20 provisions of the code adopted. The codes may be adopted by reference  
21 after notice and hearings before the county planning and zoning commission  
22 and board of supervisors as provided in this chapter for amendments to the  
23 zoning ordinance of the county.

24 B. The board of supervisors may adopt a fire prevention code in the  
25 unincorporated areas of the county in which a fire district has not  
26 adopted a nationally recognized fire code pursuant to section 48-805. Any  
27 fire code adopted by a board of supervisors pursuant to this subsection  
28 shall remain in effect until a fire district is established and adopts a  
29 code applicable within the boundaries of the district.

30 C. For the purpose of this article, codes authorized by subsections  
31 A and B of this section shall be limited to the following:

32 1. Any building, electrical, plumbing or mechanical code that has  
33 been adopted by any national organization or association that is organized  
34 and conducted for the purpose of developing codes or that has been adopted  
35 by the largest city in that county. If the board of supervisors adopts a  
36 city code, it shall adopt, within ninety days after receiving a written  
37 notification of a change to the city code, the same change or shall  
38 terminate the adopted city code.

39 2. Any fire prevention code that has been adopted by a national  
40 organization or association organized or conducted for the purpose of  
41 developing fire prevention codes and that is as stringent as the state  
42 fire code adopted pursuant to section 37-1383.

43 D. The board of supervisors may adopt a current wildland-urban  
44 interface code. The code may be adapted from a model code adopted by a  
45 national or international organization or association for mitigating the

1 hazard to life and property. The board must follow written public  
2 procedures in the development and adoption of the code and any revisions  
3 to the code to provide effective, early and continuous public  
4 participation through:

5 1. The broad dissemination and publicity of the proposed code and  
6 any revisions to the code.

7 2. The opportunity for submission and consideration of written  
8 public comments.

9 3. Open discussions, communications programs and information  
10 services.

11 4. Consultation with federal agencies and state and local  
12 officials.

13 E. THE BOARD OF SUPERVISORS SHALL ADOPT RESIDENTIAL BUILDING CODE  
14 REQUIREMENTS FOR TINY HOME CONSTRUCTION. FOR THE PURPOSES OF THIS  
15 SUBSECTION, "TINY HOME" MEANS A SINGLE-FAMILY DWELLING THAT IS NOT MORE  
16 THAN FOUR HUNDRED SQUARE FEET.

17 ~~E.~~ F. The board of supervisors shall not adopt a code or ordinance  
18 or part of a uniform code or ordinance that prohibits a person or entity  
19 from choosing to install or equip or not install or equip fire sprinklers  
20 in a single family detached residence or any residential building that  
21 contains not more than two dwelling units. The board of supervisors shall  
22 not impose any fine, penalty or other requirement on any person or entity  
23 for choosing to install or equip or not install or equip fire sprinklers  
24 in such a residence. This subsection does not apply to any code or  
25 ordinance that requires fire sprinklers in a residence and that was  
26 adopted before December 31, 2009. The provisions of this subsection shall  
27 be included on all fire sprinkler permit applications that are for a  
28 single family detached residence or any residential building that contains  
29 not more than two dwelling units.

30 ~~F.~~ G. A fire sprinkler permit application may be in either print  
31 or electronic format.

32 ~~G.~~ H. A board of supervisors may not adopt any, or part of any,  
33 fire code, ordinance, stipulation or other legal requirement for an  
34 approved fire apparatus access road or a fire apparatus access road  
35 extension, or both, or an approved route or a route extension, or both,  
36 that directly or indirectly requires a one or two family residence or a  
37 utility or miscellaneous accessory building or structure to install fire  
38 sprinklers. A fire code official may increase or extend an approved fire  
39 apparatus access road or a fire apparatus access road extension, or both,  
40 or an approved route or a route extension, or both, to comply with this  
41 subsection. Compliance with this subsection is not grounds to deny or  
42 suspend a license or permit. This subsection may be enforced in a private  
43 civil action and relief, including an injunction, may be awarded against a  
44 county. The court shall award reasonable attorney fees, damages, lost  
45 opportunity costs, interest and the cost of the sprinkler system to a

1 party that prevails in an action against a county for a violation of this  
2 subsection. The legislature finds and determines that property rights are  
3 a matter of statewide concern and a fundamental element of freedom. A  
4 property owner's right to use the property owner's property must be  
5 protected from unreasonable abridgment by county regulation and  
6 enforcement. This subsection supersedes and preempts any regulation  
7 adopted by a county regarding an approved fire apparatus access road, fire  
8 apparatus access road extension, approved route or route extension. For  
9 the purposes of this subsection:

10 1. "Fire code" includes the international fire code, however  
11 denominated.

12 2. "Utility or miscellaneous accessory building or structure"  
13 includes an agricultural building, aircraft hangar, accessory to a  
14 residence, barn, carport, fence that is more than six feet high, grain  
15 silo, greenhouse, livestock shelter, private garage, retaining wall, shed,  
16 stable, tank or tower.

17 ~~H.~~ I. If a fire code adopted by a board of supervisors requires  
18 the use of a fire watch, an employee who works at the building in which a  
19 fire watch is required may serve as the fire watch. A person who is  
20 designated as a fire watch shall be equipped with means to contact the  
21 local fire department, and the person's only duty while keeping watch for  
22 fires shall be to perform constant patrols of the protected premises. The  
23 county shall provide the fire watch with printed instructions from the  
24 state fire marshal and may provide a free training session before the  
25 person's deployment as the fire watch begins. For the purposes of this  
26 subsection, "fire watch" means a person who is stationed in a building or  
27 in a place relative to a building to observe the building and its openings  
28 when the fire protection system for the building is temporarily  
29 nonoperational or absent.

30 ~~I.~~ J. From and after December 31, 2014, a code or ordinance or  
31 part of a uniform code or ordinance that is adopted by the board of  
32 supervisors applies to locking devices for pool barrier gates used for  
33 means of ingress or egress for semipublic swimming pools. Any new  
34 construction or major renovation of a semipublic swimming pool from and  
35 after December 31, 2014 must meet the requirements of the code or  
36 ordinance or part of the uniform code or ordinance that is adopted by the  
37 board of supervisors. This subsection does not apply to a locking device  
38 for a pool barrier gate used for means of ingress or egress for a  
39 semipublic swimming pool that was installed before January 1, 2015, if the  
40 locking device meets the requirements prescribed in section 36-1681,  
41 subsection B, paragraph 3.

**DATE:** September 4, 2013

**TO:** Development Services Staff

**FROM:** Carmine DeBonis Jr. Development Services Director 

**RE:** **Non-Conforming Use Interpretation for Manufactured Homes, Mobile Homes and Manufactured Home Parks**

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Section 11-812, A.R.S., restricts Pima County's regulation of land use. Section 11-812(A)(1), A.R.S., establishes that nothing contained in an ordinance authorized by Title 11, Chapter 6 shall affect existing uses of property or **the right to its continued use or the reasonable repair or alteration** for the purpose for which used at the time the ordinance affecting the property takes effect.

Similarly, Pima County Code (P.C.C.), Chapter 18, contains provisions for the legal nonconforming use of land. Section 18.01.030(D)(2), states:

*"Nonconforming Use of Land. The lawful use of land existing at the time this code or any preceding Pima County zoning ordinance became effective, or on the effective date of any amendment of text or of the maps hereof, although such use does not conform to the provisions hereof for said land, may be continued, but if such nonconforming use is discontinued for a period of twelve months, any future use of said land shall be in conformity with the provisions of this code."*

According to Section 18.03.020(M)(3) of the P.C.C., a manufactured home park is defined as:

*"A site as defined in this section, under a single or unified ownership:*

- a. containing spaces with required improvements and utilities that are leased for the long-term placement of four or more manufactured or mobile homes for dwelling purposes, or*
- b. upon which four or more manufactured or mobile homes are occupied as dwellings, regardless of whether or not a charge is made for such accommodations. The development of manufactured or mobile homes on contiguous lots in a recorded subdivision is not a manufactured home park under this definition."*

Development Services Staff

**Non-Conforming Use Interpretation for Manufactured Homes, Mobile Homes and  
Manufactured Home Parks**

September 4, 2013

Page 2

In the case of manufactured home parks (whether on a site containing spaces with required improvements or on a site with four or more units occupied as dwellings), the use of land is for the purpose of the manufactured home park and not for the purpose of the individual manufactured or mobile home units in the park (a mobile home is a unit constructed prior to June 15, 1976). Therefore, the individual units in a nonconforming manufactured home park may be removed and replaced without requiring the manufactured home park to conform to the current provisions of the code, provided that the nonconforming manufactured home park use is not discontinued for a period of twelve months or the number of legally permitted units is not being increased.

Additionally, manufactured and mobile home replacements within a nonconforming manufactured home park (whether on a site containing spaces with required improvements or on a site with four or more units occupied as dwellings) are not subject to current zoning code development standards, including setbacks, separation, coverage, etc. This includes the replacement of individual units, including switching a "single-wide" with a multi-sectional unit, which is a reasonable repair or alteration for upgrading manufactured and mobile homes. Such replacements also serve a greater public policy purpose to encourage affordable housing options in Pima County.

Likewise, additions to structures in a nonconforming manufactured home park are not subject to the current zoning code development standards. However, all building code requirements including separation must be met whether or not a building permit is required. Detached accessory structures customarily associated with residential uses are subject to current zoning code development standards.

In all instances, thorough research should be performed on each property, including review of permit history documentation and permitting system holds, notices, and conditions, prior to making a determination of legal non-conforming and/or permit applicability. The above stated determination pertains to applicability of zoning and building code provisions. Other departments should be consulted regarding applicability of other adopted County requirements.

c: Lesley Lukach, Deputy County Attorney



PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM

Federal  
 State

Date: September 27, 2016

Department/Office: Finance & Risk Management

Name, Title and Telephone Number of Contact Person:  
Keith Dommer, Finance Director, 724-8496

Subject or Title of Proposal:  
Waste Tire Fund and Program – A.R.S. §44-1305

Proposal Description:

The Waste Tire Fund and Program statute is scheduled to sunset on 1/1/2018. Pima County's Finance and Risk Management Department believes it is in the best interest of the County for this program to continue and the statute should be reauthorized.

A. Background Information:

In fiscal year 2016, the County received \$1.2 million from the Waste Tire Fund to offset the \$1.0 million in cost incurred by Pima County's Solid Waste program.

B. Legislative Proposal:

Reauthorize the legislation so that the Waste Tire Fund is continued and the County continues to receive revenues to offset our costs.

C. Statutes/Regulations Affected or Proposed Language:

§44-1305 Waste Tire Fund and Program.

D. Fiscal Impact:

In fiscal year 2016, the County received \$1.2 million from the Waste Tire Fund to offset the \$1.0 million in cost incurred by Pima County's Solid Waste program.

E. Proposal History:

n/a

F. Interested Parties:

Department of Environmental Quality

44-1305. Waste tire fund and program

(Rpld. 1/1/18)

A. A waste tire fund is established to be administered by the department of revenue consisting of monies collected from the fees applied to tires pursuant to this article. Monies in the fund are exempt from lapsing under section 35-190.

B. At the end of each calendar quarter the department of revenue shall certify to the department of administration and to the department of environmental quality the amounts to be paid from the fund as follows:

1. An amount not to exceed three and one-half per cent of the monies in the fund shall be transferred to the department of environmental quality for deposit in the solid waste fee fund established by section 49-881 for monitoring and enforcing this article.
2. An amount not to exceed five per cent or two hundred fifty thousand dollars, whichever is less, may be used by the director of the department of environmental quality for tire fire cleanup expenses if no other funds are available.
3. The remainder of the monies shall be distributed among the counties in this state in proportion to the number of motor vehicles registered in the county as of the preceding July 1. Such monies shall be used by the counties for the purposes prescribed by subsection C of this section.

C. Each county shall establish a waste tire program and shall submit by September 1 of each year a waste tire management plan to the department of environmental quality for review and approval. A waste tire program may include contracts with private enterprise to do any of the following, either individually or collectively:

1. Develop a plan to manage waste tires in the county.
2. Construct or operate or contract for the construction or operation of a waste tire processing facility and purchase equipment for that facility.
3. Contract for a waste tire processing facility service.
4. Remove or contract for the removal of waste tires from the county or other region.
5. Establish waste tire collection centers at solid waste disposal facilities or waste tire processing facilities.
6. Develop an accounting system for the waste tires managed with monies from the waste tire fund.

D. A county with a population of less than four hundred thousand persons as determined by the most recent United States decennial census may join with any other county and pool their financial resources to establish a program pursuant to this section to address the waste tire problem.

E. The department of revenue shall provide an annual report to the legislature and to the department of environmental quality on the collection and distribution of monies in the waste tire fund.