Board of Supervisors Memorandum

December 3, 2019

2020 Legislative Agenda

Background

Attached please find Resolution No. 2019 - _____ adopting the County legislative program for 2020 (Attachment 1).

The County in the past has supported the County Supervisors Association's (CSA) Legislative Agenda. I believe it again should be supported by the Board of Supervisors. The final Legislative Agenda from the 2019 CSA Legislative Summit, attended by Supervisor Sharon Bronson and Chief Deputy County Administrator Jan Lesher, is attached for your information. (Attachment 2)

The Legislature will begin their next session in early January 2020. Each year the Board adopts a legislative agenda reflecting Pima County's legislative priorities. The proposed agenda for 2020 is outlined in the attached Resolution and generally described below:

1. Transportation

   a) Increase Transportation Funding - Generally increase transportation funding by any source available and stress transportation projects that support economic development.

   b) Increase the State's Aviation Funding for Airports in Pima County, including the Tucson International Airport, Ryan Field, the Marana Regional Airport and Pima County's Eric Marcus Municipal (Ajo) Airport – Aviation in Arizona is responsible for a total economic impact of nearly $58 billion for our economy. However, over the past 20 years the State of Arizona has diverted over $100 million from the State Aviation Fund to non-aviation related activities. In 2019, the State did replenish $10 million of state general funds back into the aviation fund. Pima County requests the State expand its efforts to accelerate replenishment of the fund. Pima County has plans to renovate Eric Marcus Municipal Airport to meet extant aircraft storage and operations demand. The airfield requires apron and runway repairs, lighting upgrades, new hangar space, and fuel and water services. Pima County will be submitting Airport Capital Improvement Program (ACIP) /Airport Pavement Management System (APMS) grant requests for $3,500,000 in permitted expenses. Such expenses include $740,000 for wildlife perimeter fencing, $800,000 for new airfield signage and lighting improvements, as well as $950,000 for asphalt improvements to the runway and taxiways. We encourage the State of Arizona to fully-fund the Arizona Department of

Transportation (ADOT) aviation grant program for the next year and to replace funding from previous non-aviation fund transfers.

c) Increase the State Gas Tax by $0.15 per gallon with an increase of $0.05 per year over the next three fiscal years - Last year, legislation was introduced to finally increase the State gas tax that has not been increased in 30 years. Arizona ranks 48th in gas tax amount and has nearly the lowest gas tax of any state in the Country. An appropriate increase is necessary to maintain state, county and city highway systems and to more importantly support economic development and tax base expansion.

d) Oppose any diversion of the Highway User Revenue Fund (HURF) to fund the Arizona Department of Public Safety.

e) Provide an Alternative Road Tax for Electric Vehicles – Electric vehicles will become a significantly larger portion of the vehicle fleet in the coming years. Electric vehicles need to pay an alternative road tax equivalent to that paid by gas-powered vehicles. An equivalent gas tax should be formulated and adopted and assessed against all electric vehicles at the time of vehicle license registration each year.

f) Redistribute any growth in Highway User Revenue Fund – The distribution formulas for the Highway User Revenue Fund have not been modified in over 20 years. Distribution inequities exist and need to be examined and corrected. The distribution of HURF among counties is based on a weighted formula that distributes to each county in Arizona based on 82 percent of the origin of fuel sales and 18 percent of unincorporated population. The distribution methodologies for cities weights these factors equally – 50 percent fuel sales and 50 percent population. Any new fund growth in HURF should be distributed to counties based on the formula for distributing HURF to cities and towns or a method agreed to by counties.

g) Modify statutes related to Highway User Revenue Fund Revenue Bonding – Presently, the statute that allows for HURF bonding for counties requires an election of all residents within a county, even though county HURF is used for unincorporated area transportation obligations. The revenue bonding statute should be modified to allow only those residents in the unincorporated area to vote in a county HURF revenue bond election.

2. State Trust Lands

a) Require the Arizona State Land Department (ASLD) to use local zoning, planning regulations and comprehensive plans adopted by cities, towns or counties when

planning State Trust Lands for lease or sale within the city, town or county where the State Trust Lands are located.

b) Prior to the lease or sale of State Trust Lands within a specific, city, town or county, require the ASLD to provide a Certificate of Compliance demonstrating the specific land uses for which the lease or sale are based on or have been approved by the city, town or county.

c) Require the State Land Commissioner to issue an Order of Closure to public access of State Trust Lands that pose a public safety threat when requested by the sheriff or chief of police for State Trust Lands within the respective jurisdictions - As an example, a particular area of State land in Pima County has been the subject of over 1,000 citizen complaint calls since 2017. On one day alone in 2019, officers responding to complaints of reckless shooting and off-road vehicle use on this same State land, observed about 300 people onsite participating in various illegal and reckless activities – a few with permits, which creates a gray area for enforcement. Areas on State land such as this create a dangerous environment to not only users onsite, but also area residents and responding officers. Closure Orders on State lands that pose serious public safety risks would give law enforcement agencies the clarity and ability to charge illegal activity as criminal trespass violations. In addition, the State Land Department shall reimburse the Sheriff for any county law enforcement activities necessary as a result of the required closure of state lands to all recreation use.

d) Require that before State Trust Lands are proposed for sale or lease that the lands are certified to be in compliance with the Arizona Antiquities Act and Arizona State Historic Preservation Act - While under the ownership of the Arizona State Land Department, these statutes that protect archaeological and historic sites pertain directly to ASLD as a state agency. When State Trust Lands are proposed for sale or lease, these same requirements should be made a condition of sale with ASLD retaining administrative oversight for its lands transferred into private ownership until such time that ASLD can certify to the State Historic Preservation Office (SHPO) and the local city, town or county jurisdiction that the treatment of these lands is demonstrably in compliance with the Arizona Antiquities Act and Arizona State Historic Preservation Act. Transfer of State Trust Lands to private ownership should not result in the abrogation of these statutory requirements. The identification, preservation, and mitigation of impacts to significant historic and archaeological resources required by statute are the responsibility of the ASLD. Certification of compliance with state statute would provide certainty to the State, the buyer, and local governments that the requirements to identify, document and preserve the state's cultural heritage have been met. (For more details, see Attachment 4(A).)

e) State Trust Lands in Military Protection Zones – Lands around Federal Military Installations or Military facilities operated by the Arizona Air National Guard, certain areas are sensitive and can negatively impact the operation of the military facility. These are commonly used for portions of airfields known as departure and approach corridors. For other military installations, including electronic testing, it is important State Trust Lands not be leased or sold for uses that could be incompatible with the long-term operation and function of the military installation. For these State Trust Lands that are sensitive to ongoing and long-term liability of military installations, it is proposed a new leasing category be established such that the lease can be issued at nominal value, similar to State Trust Land Grazing Leases and that such uses be issued for a term of 20 years and be renewable. Preference for these leases should be given to uses that are compatible with a particular military installation and policies of the State such as for the purpose of generating renewable and sustainable energy supplies.

f) Arizona State Land Department Grazing Leases - Support access to ASLD grazing leases by leaseholders to conduct non-ground disturbing natural and cultural resource studies and other inventories in order to better manage these leased lands including, but not limited to wildlife, soils and vegetation, rainfall, trash dump sites, archaeological and historic sites, caves, mine shafts, water sources, and ranch infrastructure.

A portion of Pima County's conservation lands are grazing leased lands, largely from the ASLD. As a grazing lessee, the County or its agents are entitled to access and conduct monitoring or other activities related to the grazing management of those lands. With the signing of the Section 10 Permit, in 2016, County staff provided ASLD with a detailed list of activities and emphasized how these actions would provide benefits to ASLD and its State trust lands, as well as to Pima County and its ranch operators. All parties agreed that continuing to work in partnership (i.e., dumpsite clean-ups on State lands) and to strive towards sharing data would be of benefit. Interestingly, ASLD staff even indicated that in future years Pima County could potentially acquire a longer term Special Land Use Permit (SLUP) that would cover the County's non-grazing related activities on State lands. ASLD subsequently authorized annual access for these purposes, which was conducted for the past two years.

In July 2019, ASLD denied Pima County annual access to its grazing leases because ASLD policy now precluded the County from conducting these actions that ASLD claimed were not in the best interest of the Trust and the maintenance of the land's value. Although requested, no written policy was provided.

Denial of renewed permission to monitor anything other than ranch-related resources on our State grazing leases will affect the ability of County staff to carry

out their land management and monitoring responsibilities, many of which are anchored by Pima County's Sonoran Desert Conservation Plan (SDCP), and required by the County's federally approved Multi-Species Conservation Plan (MSCP) that allows the County to comply with the Federal Endangered Species Act. (For more details, see Attachment 4(A).)

3. Efficiency and Transparency in Government Operations

a) An Annual Contract for Advertising and Printing - Currently, Arizona Law requires counties to provide for an annual renewal of advertising and printing related to government operations. The present statues require notification through the United States Postal Service (USPS) and to qualified newspapers. In Pima County, there are no longer local newspaper facilities to print these notices on premises. In addition, the USPS has been consolidated to Phoenix, Arizona; hence, these services are no longer necessary and, in fact, redundant and lack modern recognition of electronic website postings and other notices that are uniformly accepted. Therefore, to improve the operation of government, statutes regarding mail notice by the USPS and printing in local qualified newspapers should be eliminated. (For more details, see Attachment 4(B).)

b) Surplus Property Sale Notices – Presently, surplus property sale notices are required to be printed as a legal notice in current circulation as an official newspaper. The present newspaper has circulation limited to hundreds while the electronic version of our notices reaches a wider audience. Hence, the notice requirement is technologically obsolete and needs to be modified by publication not in a newspaper, but on the County's official website. Modifying the statutes to delete newspaper circulation and to include notice of the County's official website will greatly enhance exposure of surplus property sale notices while conforming with modern technology notices. (For more details, see Attachment 4(C).)

c) Bid Notices and Vendor Registration – State law requires bid notices be placed in a printed newspaper as legal notice. This process is antiquated and should be replaced with providing these legal notices through the County's website and any electronic vendor register used by the County. Current legal notice circulation has a few hundred subscribers, Pima County's current electronic database for our official website contains a list of over 6,000 vendors. Hence, to improve our governmental efficiency, it is requested that legislation eliminate publication in newspaper and substitute publication on the County's official website and vendor database registry. (For more details, see Attachment 4(D).)

d) Public Purpose Sale of Tax Foreclosed Properties Deeded to the State – Current statutes require properties forfeited to the State due to failure to pay taxes be

sold at public auction where the County may purchase property for public purposes related to transportation or flood control. This public purpose should be expanded to include properties to be used for county affordable housing programs. (For more details, see Attachment 4(E).)

e) Ability to File Property Liens for Wastewater System Users Fees – Presently, Pima County is the only county in Arizona to operate a regional wastewater system. Most wastewater systems are operated by cities and towns with a corresponding water utility that has the authority to shut off water service if the user fails to pay water and/or sewer fees. Pima County cannot require water service to be discontinued due to delinquent sewer user fees. Hence, the County needs State authority to file a property lien for nonpayment of sewer user fees. This means the County will ultimately be paid for the fees, as the fees become a lien against the property that must be cleared before property sale to a third party. (For more details, see Attachment 4(F).)

4. State Cost Transfers

a) State Juvenile Justice - Pima County requests elimination of the cost transfer mandated by legislation for only Maricopa and Pima Counties. The other 13 counties were eliminated from this State cost transfer in the last legislative session, only Pima and Maricopa were discriminatorily retained for possible cost transfers upon State budget adoption. The legislation that enables this State cost transfer should be eliminated.

b) Arizona Health Care Cost Containment System (AHCCCS) and Arizona Long Term Care System (ALTCS) Cost Transfers – It is anticipated that the cost transfers from the County to support these State programs will increase by $7 million. This is a substantial increase. It is the second largest increase we have had in the last 10 years. The largest increase totaled approximately $8.9 million in Fiscal Year 2012 due to the ending of the American Recovery and Reinvestment Act (ARRA) and other supplemental funding from the Federal Government. The combined Pima County AHCCCS and ALTCS payment 10 years ago was $48.1 million while this current fiscal year is $61.5 million, but anticipated to be increased by $7 million for Fiscal Year 2021. These types of increases are unpredictable and unsustainable. A more appropriate prediction and cost model needs to be developed for these programs to ensure they are sustainable and the cost transfers from the State to counties.

c) State Retirement Plan Contributions: Move county contributions outside of state expenditure limit requirements - The table below provides a summary of the increase in required retirement system contributions by year, number of active employees covered and the increase over the last 7 years.

Total Retirement Costs

Fiscal Year	Active Employees	Actuals	Change	% Change
FY 2012/13		$41,613,482		
FY 2013/14	6,243	$46,091,088	$4,477,606	10.76%
FY 2014/15	6,169	$47,825,995	$1,734,907	3.76%
FY 2015/16	6,189	$51,809,446	$3,983,451	8.33%
FY 2016/17	6,102	$54,697,687	$2,888,241	5.57%
FY 2017/18	6,033	$57,115,208	$2,417,521	4.42%
FY 2018/19	5,980	$64,393,128	$7,277,920	12.74%

Source: ADP and the Planning and Budgeting System

Details by plan are included in Attachment 3. The two plans that have increased the most are the plans for the elected official and for public safety participants. While these contributions continue to increase, the payment burden placed on counties is substantially magnified because of Constitutional budget constraints, primarily the County expenditure limit.

To reduce the burden of these State cost transfers, the Legislature should enact legislation that places these mandatory and unpredictable expenditures outside the Constitutional expenditure limitation of the County.

In addition, the Legislature should adopt funding alternatives that allows counties to fund these obligations from a source of revenue other than the county property tax, which is the ability to enact a specific excise, sales or transaction privilege tax that would be solely dedicated to the payment obligations of State retirement systems.

d) Eliminate pension spiking facilitated by federal policy or grant - Public safety pension spiking occurs when federal grants such as Operation Stonegarden or other such grants provide only overtime to County law enforcement officers. Overtime grants to counties can be in some cases over $1 million in overtime. Very often, the selected law enforcement officers are senior and are approaching retirement. Since retirement payments are based on highest years of total compensation, federal grants that offer overtime only contribute to the fiscal burden of the public safety pension system on local taxpayers.

While the State cannot affect the federal grant that offers only overtime rather than straight time compensation, legislation could be enacted that would eliminate from retirement benefit calculations and federal grant that provides personnel service compensation only in the form of overtime.

5. Criminal Justice System Improvement

a) Membership in the Arizona Criminal Justice Commission (ACJC) for a public defense representative - Currently the ACJC is made up of county attorneys, public safety and law enforcement officers, judges, court administrators and probation executives. Public defense representatives have not been included. Given the scales of justice are graphically represented as balanced, to ensure that justice lives up to symbology, the public defense attorney should be eligible for, and appointed to, the ACJC. (For more details, see Attachment 4(G).)

b) Increased judicial discretion in sentencing by giving judges the authority to decide when consecutive sentences are appropriate by eliminating A.R.S. § 13-705(M). (For more details, see Attachment 4(H).)

c) Mandate uniform criminal justice reporting requirements for all counties - In the previous legislative session, a bill was approved providing for two counties to evaluate the collection of various criminal justice system data and information. It is imperative that accurate data be collected and reported uniformly throughout the state in order to improve performance of the criminal justice system. The requirement to provide consistent, accurate and uniform information for all counties will greatly improve the ability to understand, modify, reform, or improve the criminal justice system. (For more details, see Attachment 4(I).)

d) Decriminalize Poverty - Presently a person convicted of a Class 6 non-dangerous felony can have their offense designated a Class 1 misdemeanor under a number of protracted circumstances. Very often these circumstances are a burden to the individual. The process to achieve the designation is cumbersome. Having such a felony on an individual's record is counterproductive to the person obtaining a job or housing.

The present statutory language criminalizes poverty. In some cases, an individual who may successfully complete probation but unfortunately does not have the ability to pay statutorily mandated fines and fees; remains tied to a felony conviction even though it would have been designated a misdemeanor if he or she had the financial wherewithal to pay their fees and fines. (For more details, see Attachment 4(J).)

e) Expungement - The consequence of having a felony conviction extends well beyond the completion of a sentence, as well as, probation. Convictions often stifle opportunities for employment, housing, public benefit, student loans, serving as a foster parent or visiting relatives in jail decades after the offense. Felony connections remain on an individual's public record and follows the person for the rest of their lives. Expungement is appropriate and necessary for individuals who have successfully completed a sentence, as well as, probation and who have not reoffended for a specific period of time such as 10 years. (For more details, see Attachment 4(K).)

f) Retain Eligibility for Probation after the First Offense – A.R.S. § 13-703(A) allows multiple offenses to be consolidated and has the effect of eliminating eligibility for probation after the first offense even if the person has never been arrested much less convicted of a crime. For example, addicts who sell to an undercover agent to support their habit are not arrested the first time, but after the agent arranges multiple sales to enhance the number of counts, the individual no longer has any possibility of probation even after the first arrest. Shoplifting cases can move from simple to aggravated shoplifting by not arresting the individual while the offense is a misdemeanor, but waiting until it is a felony, eliminating probation. (For more details, see Attachment 4(L).)

6. Early Childhood Education and Workforce Development

There continues to be growing recognition of the importance of early childhood education, especially for disadvantaged children, and in the context of workforce development. The County's Economic Development plan cites workforce expansion as a primary priority for Pima County. With full employment and an aging workforce, more than ever we need to focus efforts on increasing labor force participation by vulnerable populations. Case managers at the Pima County One-Stop often work with clients that cannot maintain a job, or participate in job training and education courses, because of a lack of reliable, affordable childcare. In addition, while study after study shows that investment in children's health and education is one of the most, if not the most, cost effective investment of public resources, the State of Arizona cut funding drastically for childcare subsidies at the beginning of the recession and has failed to restore that funding even after over a decade of positive economic growth. Only five percent of what the State spends on childcare subsidies annually comes from the general fund, with the remainder from federal grants. Overall, Arizona's spending on childcare is down one-third from 2008 spending levels. This lack of human capital investment is significantly impeding our economic growth opportunities as our future prosperity is directly tied to the quality of our future workforce.

a) Increase funding for high quality early childhood education - State law defines quality as an accreditation from a national organization or the State-approved quality improvement and rating system "Quality First".

b) Restore State General Fund support for the Department of Economic Security (DES) childcare subsidies and expand eligibility for subsidies to parents enrolled in workforce training or education programs instead of limiting them to only working parents.

c) Recognize the shared funding responsibility for high quality early childhood education, and incentivize supplementing, but not supplanting, existing funding sources with county, city, town, school and private funds.

Recommendation

I recommend the Board adopt Resolution 2019 - _____ adopting the Pima County Legislative Program for 2020.

Sincerely,

C.H. Huckelberry
County Administrator

CHH/dr – 11/20/2019

c: Jan Lesher, Chief Deputy County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services
Yves Khawam, Assistant County Administrator for Public Works
Wendy Petersen, Assistant County Administrator for Justice and Law Enforcement
John Voorhees, Assistant County Administrator

ATTACHMENT 1

PIMA COUNTY

RESOLUTION NO. 2019 - _____

A RESOLUTION OF THE BOARD OF SUPERVISORS IN PIMA COUNTY, ARIZONA ADOPTING A PIMA COUNTY LEGISLATIVE PROGRAM FOR 2020

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 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. Transportation

1. Increase transportation funding by any source available and stress transportation projects that support economic development.

2. Increase the State's Aviation funding for airports in Pima County, including the Tucson International Airport, Ryan Field, the Marana Regional Airport and Pima County's Eric Marcus Municipal (Ajo) Airport.

3. Increase the State Gas Tax by $0.15 per gallon with an increase of $0.05 per year over the next three fiscal years.

4. Oppose any diversion of the Highway User Revenue Fund (HURF) to fund the Arizona Department of Public Safety.

5. Support an alternative road tax for electric vehicles.

6. Support fair redistribution of the HURF to counties, cities and towns.

7. Support modification of statutes related to HURF Revenue Bonding to allow only those residents in the unincorporated areas to vote in a County HURF bond election.

B. State Trust Lands

1. Require the Arizona State Land Department (ASLD) to utilize the local zoning, planning regulations and comprehensive plans adopted by cities, towns or counties when planning State Trust Lands for lease or sale within the city, town or county where the State Trust Lands are located.

2. Prior to the lease or sale of State Trust Lands within a specific town or county, require the ASLD to provide a Certificate of Compliance demonstrating the specific land uses for which the lease or sale are based on have been approved by the city, town or county.

3. Require the State Land Commissioner to issue an Order of Closure to public access of State Trust Lands that pose a public safety threat when requested by the sheriff or chief of police for State Trust Lands within the respective jurisdictions.

4. Require that before State Trust Lands are proposed for sale or lease that the lands are certified to be in compliance with the Arizona Antiquities Act and Arizona State Historic Preservation Act.

5. Support a new nominal-cost leasing category for State Trust Lands in Military Protection Zones for compatible uses, with preference for renewable energy facilities.

6. Support access to Arizona State Land Department grazing leases by leaseholders to conduct non-ground disturbing natural and cultural resource studies and other inventories in order to better manage these leased lands including, but not limited to wildlife, soils and vegetation, rainfall, trash dump sites, archaeological and historic sites, caves, mine shafts, water sources, and ranch infrastructure.

C. Efficiency and Transparency in Government Operations

1. Support legislation that modernizes the following:

   - Annual contract for advertising and printing.
   - Surplus property sale notices.
   - Bid notices and vendor registration.

2. Support legislation that expands the public purposes for which counties may acquire properties forfeited to the State due to tax delinquency, to include county affordable housing programs.

3. Support the county's ability to file property liens for non-payment of sewer user fees.

D. State Cost Transfers

1. Support elimination of State Juvenile Justice cost transfers mandated only for Pima and Maricopa counties.

2. Support elimination of substantial annual cost transfer increases for Arizona Health Care Cost Containment System (AHCCCS) and Arizona Long Term Care System (ALTCS).

3. Support moving State Retirement Plan contributions by counties outside of county expenditure limitations, and authorize counties to levy taxes other than property taxes for State Retirement Plan contributions.

4. Eliminate pension spiking facilitated by federal policy or grant.

E. Criminal Justice System Improvement

1. Support membership in the Arizona Criminal Justice Commission (ACJC) for a public defense representative.

2. Support increased judicial discretion in sentencing by giving judges the authority to decide when consecutive sentences are appropriate by eliminating A.R.S. § 13-705(M).

3. Mandate uniform criminal justice reporting requirements for all counties.

4. Support legislation that decriminalizes poverty.

5. Support expungement for individuals who have successfully completed a sentence and probation, and who have not reoffended for a specific period of 10 years.

6. Retain Eligibility for Probation after the First Offense.

F. Early Childhood Education and Workforce Development

1. Support legislation that increases funding for high quality early childhood education.

2. Support restoration of State General Fund support for Department of Economic Security (DES) childcare subsidies and expand eligibility for subsidies to parents enrolled in workforce training or education programs instead of limiting them to only working parents.

3. Support legislation recognizing the shared funding responsibility for high quality early childhood education, and incentivize supplementing, but not supplanting, existing funding sources with county, city, town, school and private funds.

G. Support the County Supervisors Association Adopted Legislative Agenda

PASSED, ADOPTED AND APPROVED this ___ day of _____, 2019 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 Supervisors ASSOCIATION of arizona

Adopted October 30, 2019

CSA Adopted 2020 Coalition Financial Priorities

Eliminate ADJC Fee for the Arizona Department of Juvenile Corrections (ADJC) - $8.5M ongoing

- CSA urges the Governor and Arizona State Legislature to permanently eliminate the county payments to the Arizona Department of Juvenile Corrections for all 15 counties.

Secure Supplemental Appropriation for the Presidential Preference Election (PPE)

- CSA urges the Governor and Arizona State Legislature to fully fund the 2020 PPE and reimburse counties for the cost of conducting the PPE.

Reauthorize Flexibility Language

- Ensure the continued inclusion of "Flexibility Language" in the State Budget.

Resolution 4-19 PSPRS Pension Debt

A Resolution of the County Supervisors Association of Arizona Expressing Grave Concern with the PSPRS Pension Debt Repayment Plan and Urging the State Government to Remove Barriers to Responsible Solutions:

- Urge the PSPRS Board of Trustees to work with employers in the system to create a plan to phase-in a debt repayment schedule that properly funds the system without accumulating more debt and does not severely harm the county taxpayer, and
- Urge the Arizona State Legislature and Governor to enact legislation to relieve the pressure that current expenditure limits are placing on counties' ability to address this problem, and
- Respectfully request the Arizona State Legislature and Governor to exercise restraint in enacting policies that drive other county costs.

Resolution 5-19 Increase Transportation Investment

A Resolution of the County Supervisors Association of Arizona Urging State Leaders to Take Action to Increase State and Local Investment in Transportation Infrastructure

- CSA respectfully requests that the Governor and Arizona State Legislature:
- Increase ongoing investment in the state and local transportation systems by way of an increase in the state gas tax, annually adjusted for inflation, to reflect current transportation funding needs, and
- Establish tax parity between gasoline-powered vehicles and alternative-fuel vehicles by, for example, charging an additional registration fee on alternative-fuel vehicles, per the recommendation of the Surface Transportation Funding Task Force.

Resolution 6-19 Rising ALTCS Costs

A Resolution of the County Supervisors Association of Arizona Expressing Concern with the Rapidly Rising Cost of the Arizona Long Term Care System

- CSA urges the Arizona State Legislature and Governor to:
- Critically evaluate the need for such a large increase in ALTCS spending, and
- Protect the county taxpayer by ensuring that county contributions are predictable from year to year and do not grow faster than the county's ability to pay.

CSA Adopted 2020 Legislative Policy Proposals

Public Safety Pension Funding Tools

1. Provide county boards the authority to levy up to a 0.5% local excise tax to pay down debt in county PSPRS plans.
2. Allow county contributions for PSPRS debt to not count towards local expenditure limits.
   - In May, PSPRS informed employers that current assumptions have created payments that are insufficient to fund the repayment of the system's debt and that the PSPRS Board will have to make changes that will drive up employer costs.
   - Counties have no flexible revenue authorities other than the property tax (subject to limitations) to deal with this issue.
   - Already, contributions to PSPRS take up almost 7% of county general fund revenues, up from less than 3% just 8 years ago.
   - Formulaic expenditure limit growth prevents counties from taking responsible action to repay this debt and save taxpayer money in the long run. County expenditure limits have grown by 25% in 8 years, while pension costs have increased by 240%.

Short Term Vacation Rental Regulation

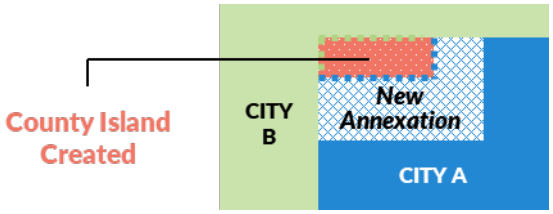
- Allow local communities to establish good neighbor regulations on investor-owned short-term vacation rentals (STR) and establish property tax parity between traditional hotels and the STR industry.
  - Ensure appropriate property tax classification for investor-owned STR's.
  - Create regulatory equity between traditional hotels and investor-owned STR's to mitigate the impact on residential neighborhoods.

Rural Transient Lodging Tax Equity

- Provide counties with a population of 500,000 or less the authority to levy a transient lodging tax in unincorporated areas of the county.
  - Tourism is the leading industry in many of Arizona's rural counties.
  - Establishes tax equity for rural counties to support tourism activity, invest in tourism promotion and economic development projects.

Annexation Modification

- Prohibit annexations that create county islands by leaving behind a portion of unincorporated county land that is surrounded by a city or town or a combination of cities and towns.
  - Eliminate a loophole in statute that allows for the creation of new county islands.



Juvenile Dependency Representation

- Establish a juvenile dependency proceedings fund to assist counties disproportionately impacted by an increase in petitions since the reorganization of the Department of Child Safety.
  - Allocate financial resources to assist counties that continue to see an increase in costs associated with providing mandated attorney services for indigent defendants in juvenile dependency matters.

Rural County Parks Maintenance District

- Grant counties with a population of 500,000 or less the authority to establish a voter approved County Parks Maintenance District to provide ongoing funding for maintenance and operations of the county park system.
- Allow rural communities to develop and maintain robust parks and recreation programs like that of urban communities.

Dangerous Incompetent and Not Restorable

- Establish state funded civil commitment process to commit and hold dangerous individuals charged with crimes that cannot complete the criminal justice process because they have been found to be incompetent to stand trial and unable to be restored to competency to stand trial.

Tourism Marketing District (TMD)

- Support establishment of enabling the majority of assessed businesses to petition a city or county to form a TMD to collect an assessment on short-term lodging for the promotion of tourism.

Support Arizona Heritage Fund Funding Restoration Effort

- Support efforts to restore $10 M in one-time funding to the Arizona Heritage Fund.

FY 2021 County Budget Priorities

Eliminate the continued shift of county taxpayer dollars away from local priorities to fund state agencies and responsibilities.

ADJC — Eliminate the Arizona Department of Juvenile Corrections Fee – $8.5M ongoing

- ADJC is an obligation of the state General Fund and was fully funded by the state until the budget shortfall in 2015.
- Absent action in FY21, Maricopa County taxpayers will see a **$6.7M** impact and Pima County taxpayers will see a **$1.7M** impact to fund a portion of ADJC.
- This fee unjustly charges taxpayers in two counties to pay for the state's ADJC responsibility, with no ability to control agency costs.
- These counties would bear the burden regardless of where the juveniles originate and local investments to keep youth out of ADJC.

PPE — Provide full funding in FY20 for Presidential Preference Election – $3.0M one-time

- Counties conduct the PPE on behalf of the state and the state provides reimbursement.
- County election officials estimate that the 2020 PPE will cost approx. **$7.4M** to execute.
- FY20 state budget appropriated $4.4M based on the statutory reimbursement rate.
- Fully funding the PPE allows counties to be reimbursed for the cost of running the state mandated election and protects the county taxpayer from bearing the burden.

FLEX — Maintain financial "flexibility language" as a tool to meet county fiscal obligations in FY21

ALTCS — Contain Mandatory County Contributions to the Arizona Long Term Care System

- ALTCS is a state program administered by AHCCCS and costs are driven by state and federal policy; counties just pay the bill.
- This year the county bill went up by over 8%, a $21.7M hit to county taxpayers!
- Without legislative intervention county costs will increase by another 11% next year - **$30.7M**.
- County taxpayers already provide over 55% of the state match for ALTCS – $290.3M in FY20.
- If enacted, FY21 county ALTCS contributions will be **20% higher** than FY19, significantly outpacing counties' ability to pay.

HURF — Increase Investment in Transportation

- County transportation infrastructure continues to degrade as atrophying revenues fail to meet the maintenance and construction needs.
- The system needs new resources to promote economic development, public safety and improved quality of life.
  - County engineers estimate that revenues will **fall $2.2B short** of necessary transportation spending through 2027.
- Current revenues are insufficient because construction and labor costs have dramatically outpaced the growth in HURF collections.
  - Highway construction costs nationwide grew over 10% last year compared to 4.4% growth in HURF collections.
  - FY19 HURF revenues could only purchase 74% of the construction/maintenance that FY03 revenues could.

2020 County Legislative Priorities

Public Safety Pension Funding Tools

1. ***Provide county boards the authority to levy up to a 0.5% local excise tax to pay down debt in county PSPRS plans.***
2. ***Allow county contributions for PSPRS debt to not count towards local expenditure limits.***

- In May, PSPRS informed employers that current assumptions have created payments that are insufficient to fund the repayment of the system's debt and that the PSPRS Board will have to make changes that **will drive up employer costs**.
- Counties have no flexible revenue authorities other than the property tax (subject to limitations) to deal with this issue.
  - Already, contributions to PSPRS take up **almost 7% of county general fund revenues**, up from less than 3% just 8 years ago.
- Formulaic expenditure limit growth **prevents counties from taking responsible action** to repay this debt and save taxpayer money in the long run. County expenditure limits have grown by 25% in 8 years, while **pension costs have increased by 240%.**

Short Term Vacation Rental Regulation

Allow local communities to establish good neighbor regulations on investor-owned short-term vacation rentals (STR) and establish property tax parity between traditional hotels and the STR industry.

- Ensure appropriate property tax classification for investor-owned STR's.
- Create regulatory equity between traditional hotels and investor-owned STR's to mitigate the impact on residential neighborhoods.

Rural Transient Lodging Tax Equity

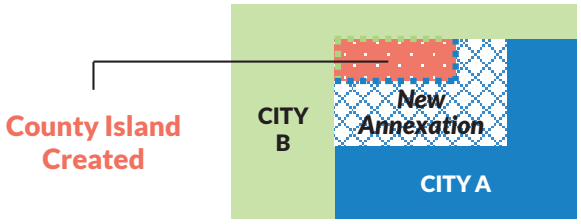
Provide counties with a population of 500,000 or less the authority to levy a transient lodging tax in unincorporated areas of the county.

- Tourism is the leading industry in many of Arizona's rural counties.
- Establishes tax equity for rural counties to support tourism activity, invest in tourism promotion and economic development projects.

Annexation Modification

Prohibit annexations that create county islands by leaving behind a portion of unincorporated county land that is surrounded by a city or town or a combination of cities and towns.

- Eliminate a loophole in statute that allows for the creation of new county islands.



Juvenile Dependency Representation

Establish a juvenile dependency proceedings fund to assist counties disproportionately impacted by an increase in petitions since the reorganization of the Department of Child Safety.

- Allocate financial resources to assist counties that continue to see an increase in costs associated with providing mandated attorney services for indigent defendants in juvenile dependency matters.

Rural County Parks Maintenance District

Grant counties with a population of 500,000 or less the authority to establish a voter approved County Parks Maintenance District to provide ongoing funding for maintenance and operations of the county park system.

- Allow rural communities to develop and maintain robust parks and recreation programs like that of urban communities.

ATTACHMENT 3

State Retirement Plan Contibutions by Plan

	Arizona State Retirement				Corrections Officer Retirement - Judicial				Arizona Public Safety Retirement - PCAO			
Fiscal Year	Active Employees	Actuals	Change	% Change	Active Employees	Actuals	Change	% Change	Active Employees	Actuals	Change	% Change
FY 2012/13		$ 24,890,984				$ 1,737,345				$ 199,578		
FY 2013/14	4,891	$ 26,674,636	$ 1,783,652	7.17%	316	$ 2,087,266	$ 349,921	20.14%	5	$ 122,835	$ (76,743)	-38.45%
FY 2014/15	4,822	$ 26,807,835	$ 133,199	0.50%	326	$ 2,253,923	$ 166,657	7.98%	4	$ 141,001	$ 18,166	14.79%
FY 2015/16	4,865	$ 26,253,145	$ (554,690)	-2.07%	314	$ 2,743,180	$ 489,257	21.71%	4	$ 161,765	$ 20,764	14.73%
FY 2016/17	4,800	$ 26,961,117	$ 707,972	2.70%	292	$ 2,809,241	$ 66,061	2.41%	4	$ 229,633	$ 67,868	41.95%
FY 2017/18	4,778	$ 26,848,499	$ (112,618)	-0.42%	305	$ 3,132,899	$ 323,658	11.52%	4	$ 370,569	$ 140,936	61.37%
FY 2018/19	4,762	$ 28,325,619	$ 1,477,120	5.50%	293	$ 4,462,748	$ 1,329,849	42.45%	4	$ 438,455	$ 67,886	18.32%

Source: ADP and the Planning and Budgeting System

te Retirement P

	Elected Official Retirement				Arizona Public Safety Retirement				Corrections Officer Retirement			
Fiscal Year	Active Employees	Actuals	Change	% Change	Active Employees	Actuals	Change	% Change	Active Employees	Actuals	Change	% Change
FY 2012/13		$ 1,434,616				$ 10,672,480				$ 2,678,479		
FY 2013/14	79	$ 1,744,802	$ 310,186	21.62%	491	$ 12,258,094	$ 1,585,614	14.86%	461	$ 3,203,455	$ 524,976	19.60%
FY 2014/15	77	$ 1,617,625	$ (127,177)	-7.29%	483	$ 13,273,485	$ 1,015,391	8.28%	457	$ 3,732,126	$ 528,671	16.50%
FY 2015/16	75	$ 1,568,944	$ (48,681)	-3.01%	460	$ 16,364,971	$ 3,091,486	23.29%	471	$ 4,717,441	$ 985,315	26.40%
FY 2016/17	69	$ 1,571,740	$ 2,796	0.18%	458	$ 18,207,519	$ 1,842,548	11.26%	479	$ 4,918,437	$ 200,996	4.26%
FY 2017/18	64	$ 1,513,906	$ (57,834)	-3.68%	423	$ 20,032,844	$ 1,825,325	10.03%	459	$ 5,216,491	$ 298,054	6.06%
FY 2018/19	62	$ 4,348,701	$ 2,834,795	187.25%	403	$ 19,968,026	$ (64,818)	-0.32%	456	$ 6,849,579	$ 1,633,088	31.31%

Source: ADP and the

ATTACHMENT 4

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM
OFFICE OF SUSTAINABILITY & CONSERVATION

Federal
X State

Date:
September 30, 2019

Department/Office:
Office of Sustainability & Conservation/Director

Name, Title and Telephone Number of Contact Person:
Linda Mayro, Director, 724-6451

Subject of Proposal:

MONITOR & ADVISE – Introduced Legislation Relating to the Following Issues:

1. **Amendments to A.R.S. § 41-841, et seq. – The Arizona Antiquities Act**
2. **Amendments to A.R.S. § 41-861 et seq. – The Arizona State Historic Preservation Act**
3. **Arizona's Assumption of the Clean Water Act (CWA), § 404 Program**
4. **Arizona Environmental Water Resource Needs**
5. **Arizona State Land Department Grazing Leases**

PROPOSAL DESCRIPTION:

1. <u>Amendments to A.R.S. § 41-841, et seq. – The Arizona Antiquities Act</u>

Support amendments that seek to reconcile the Arizona Antiquities Act's statutory provisions with the mandates, applicability and procedures of the Arizona Historic Preservation Act and Arizona Executive Order 2006-03 establishing the AZSITE inventory of Arizona's archaeological and historical properties.

Support measures that seek to provide adequate state funding for the Arizona State Museum to cover the cost of services mandated by the Arizona Antiquities Act, that has resulted in greatly increased costs and fees being passed on to state agencies, local government and the private sector.

Oppose further reductions in state funding for the Arizona State Museum.

2. <u>Amendments to A.R.S. § 41-861, et seq. – The Arizona State Historic Preservation Act</u>

Support amendments that seek to reconcile the Arizona State Historic Preservation Act's statutory provisions with the mandates, applicability, functions and procedures required by the Arizona Antiquities Act and the respective roles of the State Historic Preservation Office and the Arizona State Museum.

3. <u>Arizona's Assumption of the Clean Water Act (CWA), § 404 Program</u>

Support state legislative and rulemaking initiatives that are consistent with environmental, biological and historic preservation requirements of the CWA § 404 program relating to Arizona's assumption of the program from the United States Army Corps of Engineers.
Oppose the reduction of protections for environmental and mitigation of impacts to these resources.

4. <u>Arizona Environmental Water Resource Needs</u>

House Bill 2581 (Ecological water; program; fund) was introduced during the 2018 2nd Regular Session but failed to get a committee hearing. The legislation would establish requirements for the Arizona Department of Water Resources to report on the status and health of Arizona ecological water. The legislation defined Ecological Water to mean "water sufficient to sustain freshwater ecosystems and the wildlife habitat and human livelihoods and well-being that depend on those ecosystems." The legislation would also allow a broader range of entities than the state to sever and transfer water rights for ecological water purposes and would provide for appropriation of unappropriated water for ecological purposes.

Support the appropriation of unappropriated water for ecological purposes.

5. <u>Arizona State Land Department (ASLD) Grazing Leases</u>

Support access to ASLD grazing leases by leaseholders to conduct non-ground disturbing natural and cultural resource studies and inventories in order to better manage these leased lands including, but not limited to, wildlife, soils and vegetation, archaeological and historic sites, caves, mine shafts and water sources.

Oppose legislation or rulemaking that limits the ability of ASLD grazing leaseholders to conduct these studies and inventories.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
_X_ State

Date: September 12, 2019

Department/Office: Clerk of the Board's Office

Name, Title and Telephone Number of Contact Person:

Julie Castañeda, Clerk of the Board
(520) 724-8007

Subject or Title of Proposal:

Title 11, Chapter 2, Article 4 – 11-255 Annual contract for advertising and printing

Proposal Description:

Requirement changes to 11-255 annual contract for advertising and printing

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

Change the requirements for annual renewal of advertising and printing contract. This change will allow the process to conform with current procurement processes and improve efficiency by allowing renewals instead of performing a procurement process each year.

Remove the requirement that bid notices be mailed via the US Postal Service by the Clerk of the Board to qualified newspapers. This process is antiquated and the process would be more expedient with the use of technology.

It is also important to note that within Pima County there are no longer local newspaper facilities that print on premises. These activities must be contracted through the selected vendor with a facility in an adjacent county. Revision of this process would be cost effective especially with the time required for procuring services.

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

Removal of annual renewal requirement would allow for 1-year contract term with four 1-year renewal options in conformance with procurement standards.

Removal of the bid notification process by the Clerk of the Board via the USPS and allow Procurement to perform this function using their standard notification process. Not defining the method of sending the notice allows for technology changes. This would also allow more rapid distribution of information.

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.)

11-255. Annual Contract for advertising and printing –

Recommended revisions attached

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

Would eliminate the expenses associated with conducting annual renewals and costs associated with the US Postal Services.

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

In 2017 and 2018 the Pima County Clerk of the Board submitted a similar proposal for the 2018 and 2019 legislative agenda.

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

Clerk of the Board, Procurement

Title 11 – Counties

Chapter 2 BOARD OF SUPERVISORS

Article 4 Powers and Duties

11-255. ~~Annual~~ Ccontract for advertising and printing

A. The board shall contract ~~annually~~ for all advertising, publications and printing required to be done or made by all departments of county government.

B. Written notice of letting the contract shall be sent to a representative ~~deposited in the post office by the clerk of the board, postage prepaid, addressed to the office~~ of each qualified newspaper within the county, at least ten days prior to the opening of bids, calling for written bids for the advertising, publications and printing required by all county departments ~~during the ensuing year~~, and stating on what day the bids received will be opened.

C. A contract shall be made with the lowest and best bidder, in the discretion of the board, and to a newspaper which for at least one year has been admitted to the United States mail as second-class matter~~, if the bid is within the legal rate.~~. During the existence of the contract, all advertising, publications and printing ordered by any department of county government shall be provided to the newspaper awarded the contract for printing under the terms and conditions of the contract.

D. The newspaper which is awarded the contract pursuant to subsection C may be referred to as the official newspaper of the county.

E. Notwithstanding subsection C, the board of supervisors may, for itself and all departments of county government, advertise, publish and print in a publication other than the official newspaper, if any of the following apply:

1. The advertising, publishing or printing is in addition to that required to be done in the official newspaper of the county.

2. The advertising, publishing or printing is authorized but not required by law.

3. The advertising, publishing or printing is required by statute to be done in a location other than that of the official newspaper of the county.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
X State

Date: September 13, 2019

Department/Office: Procurement

Name, Title and Telephone Number of Contact Person:

Mary Jo Furphy, Procurement Director
(520) 724-8198

Subject or Title of Proposal:

Title 11, Chapter 2, Article 4 – 11-251, Surplus property sale notices

Proposal Description:

Modernize processes by changing the requirements: 1) from posting sales notices in a printed paper to posting sales notices on the County's website.

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

The requirement to place sale notices in a printed paper as a legal notice is an antiquated practice. Modern technology allows for more efficient and expedient processes by posting notices on a website.

The printed paper notice is not reaching the audience. The current circulation of Pima County's official newspaper is in the hundreds. It is the electronic version that is reaching an audience. The current printed paper notice costs public funds and delays the process, with little or no value to the citizens.

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

The proposal allows for the use of technology, specifically the internet, for posting sale notices. The proposal would result in savings for the County, but most importantly, website postings have the capability to reach a larger audience, which is the purpose of the public notice requirement.

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.)

11-251. Powers of board

9. Sell at public auction, after thirty days' previous notice given by publication ~~**in a newspaper of the county**~~ **on the County's official website,** stating the time and place of the auction, and convey to the highest bidder, for cash or contract of purchase extending not more than ten years after the date of sale and on such terms and for such consideration as the board shall prescribe, any property belonging to the county that the board deems advantageous for the county to sell, or that the board deems unnecessary for use by the county, and shall pay the proceeds of the sale into the county treasury for use of the county, except that personal property need not be sold but may be used as trade-in on the purchase of personal property when the board deems this disposition of the personal property to be in the best interests of the county. If the property for sale is real property, the board shall have the property appraised by a qualified independent fee appraiser who has an office located in this state. The appraiser shall establish a minimum price that shall be at least ninety percent of the appraised value. The notice regarding the sale of real property shall be published in the county where the property is situated and may be published in one or more other counties, and shall contain, among other things, the appraised value, the minimum acceptable sale price, and the common and legal description of the real property. Notwithstanding the requirement for a sale at public auction prescribed in this paragraph, a county, with unanimous consent of the board and without a public auction, may sell or lease any county property to any other duly constituted governmental entity, including the state, cities, towns and other counties. A county, with unanimous consent of the board and without public auction, may grant an easement on county property for public purposes to a utility as defined in section 40-491, A county, with unanimous consent of the board and without public auction, may sell or lease any county property for a specific use to any solely charitable, social or benevolent nonprofit organization incorporated or operating in this state, A county may dispose of surplus equipment and materials that have little or no value or that are unauctionable in any manner authorized by the board.

56. In addition to paragraph 9 of this section, and notwithstanding section 23-504, sell or dispose of, at no less than fair market value, county personal property that the board deems no longer useful or necessary through a retail outlet or to another government entity if the personal property has a fair market value of not more than one thousand dollars, or by retail sale or private bid, if the personal property has fair market value of not more than fifteen thousand dollars. Notice of sales in excess of one thousand dollars shall include a description and sale price of each item and shall be published ~~**in a newspaper of general circulation in the county**~~ **on the County's official website**, and for thirty days after notice other bids may be submitted that exceed the sale price by at least five percent. The county shall select the highest bid received at the end of the thirty-day period.

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

Would eliminate the expense associated with placing the legal ads for sale notices. The estimated annual spend for all legal ads in the official newspaper is approximately $21,000. The annual spend for surplus personal property notices is approximately $200.00. The soft cost is staff time to perform this process each month, including the processing of the payments. While the direct fiscal impact is minimal, the cost produces no return and is an inefficient process.

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

I filed the same request for the 2018 and 2019 season.

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

Procurement, Real Property and all departments that pay the advertising fee would support this proposal.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
X State

Date: September 13, 2019

Department/Office: Procurement

Name, Title and Telephone Number of Contact Person:

Mary Jo Furphy, Procurement Director
(520) 724-8198

Subject or Title of Proposal:

Title 11, Chapter 2, Article 4 – 11-254.01, Bid notices and vendor registration

Proposal Description:

Modernize processes by changing the requirements: 1) from posting bid notices in a printed paper to posting bid notices on the County's website and 2) to allow vendors to register electronically instead of in writing.

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

The requirement to place bid notices in a printed paper as a legal notice is an antiquated practice. The requirement for vendors to notify the purchasing department in writing is also an antiquated practice. Modern technology allows for more efficient and expedient processes by posting notices on a website and emailing notices to vendors who have registered electronically.

The printed paper notice is not reaching the audience. The current circulation of Pima County's official newspaper is in the hundreds. The County has been electronically posting bid notices and emailing notices for over a decade. These electronic postings and messages are what is reaching the audience. The printed paper process costs public funds and delays the process, with little or no value to the citizens.

It is impractical to require vendors to notify procurement in writing and that practice has not been occurring for more than a decade. Pima County currently has an electronic database of over 6,000 current vendor records.

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

The proposal allows for the use of technology, specifically the internet, for posting bid notices, emailing vendor notices and vendors registering with the County. All of these electronic postings are currently occurring, not only by Pima County but also by most, if not all, agencies in the State of Arizona. The proposal would result in savings for the County, but most importantly, website postings have the capability to reach a larger audience, which is the purpose of the public notice requirement.

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.)

11-254.01. County purchasing procedures; purchases to be based on competitive bids; content and issuance of invitations and specifications; basis of awards and rejection of bids; professional services; buildings

A. All purchases of supplies, materials, equipment and contractual services, except professional services, made by the county having an estimated cost in excess of ten thousand dollars per transaction, or the aggregate dollar amount provided for in section 41-2535, if pursuant to section 41-2501, subsection C the board of supervisors adopts the aggregate dollar amount, shall be based on sealed, competitive bids, The county purchasing agent shall make the awards on board of supervisors' approval. The invitation for bids and specifications must be issued in sufficient time before the purchase is made and in sufficient detail to permit free competition. Notice of the invitation for bids shall be published ~~**in a newspaper in accordance with title 39, chapter 2**~~ **on the County's official website** unless the board of supervisors, by at least two-thirds vote of its membership, determines than an emergency exists requiring immediate action to protect the public health or safety. Copies of the invitation and specifications shall be supplies to and bids shall be solicited from qualified sources consistent with the item to be purchased as determined by the county purchasing agent, including all qualified suppliers who before the issuance of the invitation notify the purchasing department in writing or **by electronic registration** that they desire to bid on materials, supplies, equipment or contractual services.

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

Would eliminate the expense associated with placing the legal ads for bid notices. The estimated annual spend for all legal ads in the official newspaper is approximately $20,595.29. The annual spend for bid notices is approximately $2,516.94. The soft cost is staff time to perform the process approximately 105 times per year, including the processing of the payments. While the direct fiscal impact is minimal, the cost produces no return.

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

I filed the same request for 2018 and 2019 season.

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

Procurement and all departments that pay the advertising fee would support this proposal.

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM
PUBLIC WORKS ADMINISTRATION – REAL PROPERTY SERVICES

Federal
X State

Date:
September 30, 2019

Department/Office:
Public Works Administration/Real Property Services

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

Subject of Proposal:

Disposal of Treasurer's Deeded Property – Amending A.R.S. § 42-18303

PROPOSAL DESCRIPTION:

A. Background:

Under A.R.S. § 42-18113, the county treasurer assigns tax liens that remain unsold after an auction to the state and issues a certificate of purchase to the state. After a period of time, if the lien hasn't been redeemed, the county treasurer can, at the request of the board of supervisors, deed the property to the State of Arizona provided the statutory process for providing notice is followed. [A.R.S. §§ 42-18261 and 42-18267]

A.R.S. § 42-18303 requires that the county then sell these properties, on behalf of the state, to the highest bidder for cash, except paragraph E provides that the county may, instead, purchase the property itself, or sell it to a city, town or special taxing district in the county, for a public purpose related to transportation or flood control. Many parcels of property held by the state by tax deed remain unsold for decades because they are not attractive to buyers and are not suitable for transportation or flood control.

These properties may, however, be appropriate for another public purpose. There is an affordable housing crisis in our state, and therefore it is recommended that the public purpose exception be expanded to include affordable housing.

B. Legislative Proposal:

Amend A.R.S. § 42-18303(E) to permit counties to allow real property that has been deeded to the state, to be sold to the county or a city, town or special taxing district in the county, without the bidding process, for a public purpose related affordable housing, in addition to transportation and flood control.

Also, amend the statute to allow the county selling the property to be directly reimbursed on the sale of the property for all expenses incurred by the county , including costs as provided in section 42-18262 and all costs incurred by the county with respect to the property after issuance of the treasurer's deed, including maintenance and environmental cleanup.

C. Statutes affected:

See, EXHIBIT – Disposal of Treasurer's Deeded Property – Amending A.R.S. § 42-18303

D. Fiscal Impact:

Tax delinquent properties that are not suitable for transportation or flood control purposes may be utilized for affordable housing.

E. Proposal History:

This proposal was submitted legislative sessions convening in 2001-2008, 2014, 2017 and 2019

F. Interested Parties:

County real estate managers should support this proposal because this revision facilitates disposal of surplus property, and makes property, that would otherwise continue to remain neglected, available for use as affordable housing.

EXHIBIT – Disposal of Treasurer's Deeded Property – Amending A.R.S. § 42-18303

42-18303. Auction and sale of land held by state under tax deed; disposition of proceeds

A. After advertisement, pursuant to section 42-18302, the board of supervisors may sell the real property in the county held by the state by tax deed to the highest bidder for cash except as provided in subsections E and F of this section. The property may be posted on the treasurer's website. The sale may include a live auction or an online bidding process in which the board receives bids electronically over the internet in a real-time, competitive event.

B. On selling the **REAL** property the board shall execute and deliver to the purchaser, at the purchaser's cost, a deed conveying the title of the state in and to the ~~**parcel**~~ **REAL PROPERTY** purchased. The deed shall be acknowledged by the chairman and clerk of the board.

C. The purchase money shall be paid to the county treasurer. After deducting and distributing interest, penalties, fees and costs charged against the ~~**parcel**~~ **REAL PROPERTY, INCLUDING COSTS AS PROVIDED IN SECTION 42-18262 AND ALL COSTS INCURRED BY THE COUNTY WITH RESPECT TO THE PROPERTY AFTER ISSUANCE OF THE TREASURER'S DEED, INCLUDING MAINTENANCE AND ENVIRONMENTAL CLEANUP**, the treasurer shall apportion the remainder to the funds of the various taxing authorities in proportion to their current share of the taxes charged against the real property.

D. If the **REAL** property is not sold before the time for the next succeeding notice of sale, the board may omit it from the notice.

E. The board of supervisors may accept an offer from, and sell real property held by this state by tax deed, to the county or a city, town or special taxing district in the county**,** for a public purpose related to transportation**,** ~~**or**~~ flood control **OR AFFORDABLE HOUSING**. The board of supervisors of supervisors shall convey the deed and apportion the monies received in the transaction in the manner prescribed by this section.

F. The board of supervisors may sell real property in the county held by the state by tax deed to the owner of contiguous real property that is used for residential purposes, and the board may accept an offer by the contiguous owner to purchase the **REAL** property, if both of the following conditions apply:

1. Both the **REAL** property offered for sale and the contiguous **REAL** property were at one time under common ownership, or the **REAL** property offered for sale is part of a common area maintained by a homeowners' association as determined by the county assessor.

2. The **REAL** property offered for sale cannot be separately used for residential purposes pursuant to applicable building codes and ordinances of the jurisdiction in which the **REAL** property is located due to its size, configuration or recorded common area restrictions.

G. If an offer under subsection E or F of this section is pending at the time of the auction under this section, the board of supervisors shall remove the **REAL** property from the auction.

H. Subsection F of this section does not apply if there is more than one contiguous parcel of **REAL** property that meets the requirements prescribed by subsection F of this section.

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM
REGIONAL WASTEWATER RECLAMATION DEPARTMENT

Federal
X State

Date:
September 30, 2019

Department/Office:
Regional Wastewater Reclamation Department/Director

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

Subject of Proposal:

Allowing County to File Property Lien for Non-payment of Sewage System User Fees if Delinquent for More Than Ninety Days – Amending A.R.S. § 11-264

PROPOSAL DESCRIPTION:

A. Background

TBD

B. Legislative Proposal

Amend A.R.S. § 11-264 allowing county to file a lien on property for non-payment of sewage system user fees for services provided to the property if payment is delinquent for more than 90 days

C. Statutes Affected

See, EXHIBIT – Allowing County to File Proper Lien for Non-payment of Sewage System User Fees if Delinquent for More Than Ninety Days – Amending A.R.S. § 11-264

D. Fiscal Impact

TBD

Proposal History

NONE

E. Interested Parties

TBD

EXHIBIT – Allowing County to File Property Lien for Non-payment of Sewage System User Fees if Fees are Delinquent More than 90 Days – Amending A.R.S. § 11-264

11-264. Authority to operate a sewage system; liens; sewage system user fees

. . .

H. A COUNTY MAY, BY ORDINANCE, PROVIDE THAT ANY DELINQUENT USER FEES TOGETHER WITH INTEREST AND PENALTIES THEREON MAY BE COLLECTED ON THE TAX ROLL IN THE SAME MANNER AS PROPERTY TAXES. BEFORE ANY ENTITY MAY COLLECT ANY DELINQUENT USER FEES ON THE TAX ROLL, THE COUNTY SHALL PREPARE A REPORT, PROVIDE NOTICE, CONDUCT A PUBLIC HEARING, AND FILE A CERTIFICATE IN THE OFFICE OF THE COUNTY RECORDER, AS FOLLOWS:

1. **THE COUNTY SHALL PREPARE AND PUBLISH ON ITS WEBSITE A REPORT THAT DESCRIBES EACH AFFECTED PARCEL OF REAL PROPERTY AND THE AMOUNT OF THE DELINQUENT USER FEES FOR EACH AFFECTED PARCEL FOR THE YEAR. THE COUNTY SHALL GIVE NOTICE OF THE FILING OF THE REPORT AND OF THE TIME, DATE, AND PLACE FOR A PUBLIC HEARING BY PUBLISHING THE NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION, AND BY MAILING THE NOTICE TO THE OWNER OF EACH AFFECTED PARCEL AT LEAST 14 DAYS PRIOR TO THE DATE OF THE HEARING.**
2. **AT THE PUBLIC HEARING, THE BOARD OF SUPERVISORS SHALL HEAR AND CONSIDER ANY OBJECTIONS OR PROTESTS TO THE REPORT. AT THE CONCLUSION OF THE PUBLIC HEARING, THE BOARD OF SUPERVISORS MAY ADOPT OR REVISE THE DELINQUENT USER FEES, TOGETHER WITH INTEREST AND PENALTIES THEREON. THE BOARD OF SUPERVISORS SHALL MAKE ITS DETERMINATION ON EACH AFFECTED PARCEL AND ITS DETERMINATIONS SHALL BE FINAL.**
3. **ON OR BEFORE MARCH 1ST OF EACH YEAR, THE COUNTY SHALL FILE WITH THE COUNTY ASSESSOR A COPY OF THE FINAL REPORT ADOPTED BY THE BOARD OF SUPERVISORS. THE COUNTY AUDITOR SHALL ENTER THE AMOUNT OF THE DELINQUENT USER FEES, TOGETHER WITH INTEREST AND PENALTIES THEREON AGAINST EACH OF THE AFFECTED PARCELS OF REAL PROPERTY AS THEY APPEAR ON THE CURRENT ASSESSMENT ROLL. THE COUNTY TREASURER SHALL INCLUDE THE AMOUNT OF THE DELINQUENT USER FEES, TOGETHER WITH INTEREST AND PENALTIES THEREON ON THE TAX BILLS FOR EACH AFFECTED PARCEL OF REAL PROPERTY AND COLLECT THE DELINQUENT USER FEES, TOGETHER WITH INTEREST AND PENALTIES THEREON IN THE SAME MANNER AS PROPERTY TAXES.**

~~**H**~~**I**. ~~**Subsection**~~ **SUBSECTIONS C AND H** of this section ~~**does**~~ **DO** not apply to residential property occupied by a lessee where the lessee is responsible for payment of the sewage system user fees. The county shall determine the status of leased residential property before filing the lien.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
_x_ State

Date: 9/12/2019

Department/Office: Pima County Public Defender

Name, Title and Telephone Number of Contact Person:
Dean Brault, Public Defense Services, 724-6967

Subject or Title of Proposal: County Attorney Reporting/Publishing Requirement

Proposal Description:

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

The Arizona Criminal Justice Commission, which is considered the neutral arbiter and decision maker for the State of Arizona, and is often relied on by the legislature to deliver numbers and statistics as well as handles distribution of funds, is currently made up of County Attorneys (and led by one), Department of Public Safety and Law Enforcement officers, judges, court administrators and probation exectutives.
There are no Public Defense representatives at all, or members of the defense bar at all. The Executive Director's biography on the website cites his work on behalf of law enforcement and victim's services. This is not acceptable for what is supposed to be a comprehensive body that oversees criminal justice in Arizona.

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

This bill would expand the ACJC to balance and equal number of County Attorney Representatives and Public Defense/Criminal Defense Representatives.

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.)

This would alter the language of A.R.S. 41-2404(B) which provides that of the gubernatorial appointments, a police chief, one county attorney and one county sheriff from each county, and that the remainder would include "one law enforcement leader, one former judge, one mayor, one member of a county board of supervisors and one chief probation officer." This would be altered to require a police chief, one county attorney, *one public defender*, and one county sheriff.

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

There should be no fiscal impact.

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

This bill has been floated twice in the last 3 years and not given a hearing, largely due to opposition from County Attorney lobbyists.

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

All state agencies that deal with criminal justice and all criminal attorneys-prosecution and defense. Legislators who want to ensure that there is balanced representation in the drafting of reports and interpretation of data, as well as the distribution of funds.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
_x_ State

Date: 9/12/2019

Department/Office: Pima County Public Defender

Name, Title and Telephone Number of Contact Person:
Dean Brault, Public Defense Services, 724-6967

Subject or Title of Proposal: Elimination of ARS 13-705(M)

Proposal Description:

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

A.R.S. 13-705(M) mandates that any offense in that chapter be sentenced consecutive to any other sentences imposed at any other time in all but 2 very limited circumstances, thus removing the discretion that Judges should have in deciding when consecutive sentences are appropriate. This provision often mandates sentences in excess of a lifetime any time such conduct can be identified as separate acts, occurrences or images, regardless of how closely related in type or time

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

This bill would eliminate this mandatory consecutive term, appropriately returning discretion to the judges who are appointed to make such decisions.

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.)

This would eliminate A.R.S. 13-705(M) and bump up the subsequent provisions in 13-705. Additionally, any places in statute that cross reference this would be altered accordingly.

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

There should be no fiscal impact.

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

This is the first time a bill like this would be considered.

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

Defendants, victims, County Attorneys, Public Defense/Criminal Defense Attorneys, Department of Corrections.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
_x_ State

Date: 9/12/2019

Department/Office: Pima County Public Defender

Name, Title and Telephone Number of Contact Person:
Dean Brault, Public Defense Services, 724-6967

Subject or Title of Proposal: County Attorney Reporting/Publishing Requirement

Proposal Description:

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

In 2017, the state legislature passed a bill in the budget allocating funds to Pinal and Yavapai Counties for the purpose of tracking arrests, charges and case statistics, and required that the results be posted on their respective websites.

The requirements included, but were not limited to:
- The number of misdemeanor and felony cases indicted and percentage resolved through plea agreements;
- Results and lengths of prison sentences for first time and repetitive offenders if given prison
- Percentage of drug possession cases prosecuted and breakdown by type
- Breakdown of demographic information of individuals indicted, including age, race, gender identity

The logistics of the original statute can be found on pages 8-9 of SB 1523:
https://www.azleg.gov/legtext/53leg/2R/laws/0278.pdf

The Pinal County Attorney's website with this information can be found at: https://pinalcountyattorney.org/criminal-justice/criminal-statistics/

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

This bill would expand this original requirement to apply to all counties in Arizona and would provide accurate reporting and transparency as to the charging practices as well as case management practices in each county.

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.)

Because the original bill was a one year requirement that was part of a larger budget bill, a new statute would need to be in place that made the requirement permanent.

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

There will be a cost involved. The allocation for just Pinal and Yavapai was $200,00 for the year. However, this data can be used to evaluate and sharpen policy that could save money long term.

E. Proposal History:
(Describe any previous efforts by any person/entity to pursue this proposal.)
Outside of the one year budgetary statute, this would be a first time bill to make this a statewide reporting requirement.

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

Any county criminal justice task force. County supervisors and management. Public defense agencies as well as county attorneys.

Obviously this will create extra work for the County Attorneys. However, in a recent presentation to a legislative ad hoc committee, Pinal County Attorney actually used his reporting website to give a comprehensive report on how his office works. He was proud of the site and the data that it gave. There should be no opposition to transparency.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
_x_ State

Date: 9/4/19

Department/Office: Pima County Public Defender

Name, Title and Telephone Number of Contact Person:
Nate Wade, Assistant Public Defender, 724-6811
Dean Brault, Public Defense Services, 724-6967

Subject or Title of Proposal: Class 6 Undesignated Offenses- Reclassification

Proposal Description:

A. Background Information:
(Describe the issue or problem in need of legislative attention. Attach all existing documents relating to the issue.)
Arizona Revised Statute 13-604 provides a person convicted of a class 6 non-dangerous felony to have their offense designated a class 1 misdemeanor if the court, in its discretion, determines that it would be unduly harsh to sentence the defendant for a felony. The court can consider the "nature and circumstances of the crime and the history and character of the defendant."

The bill also allows for the court to leave the offense undesignated and place the defendant on probation for a set period of time, and, upon successful completion of probation allow the defendant to petition the court to have the offense designated a misdemeanor. Often, the County Attorney offers plea agreements that require an offense to be left undesignated for a specific amount of time before the offense can be designated a misdemeanor. The purpose of the bill is to encourage defendants to get back on track, find employment, pay fines and fees and not reoffend.

Currently, during the time that an offense is left "undesignated," A.R.S. 13-604 provides that the offense be treated as a felony until ordered otherwise. There are two problems with that. First, leaving the offense a felony during this time is counterproductive to the person's ability to get a job and find housing, all while trying to pay their fines and fees and monthly probation expenses. There is a built

in road-block to what a person needs to be able to do in order to be successful, and this obstacle can sometimes thwart the goal of using the undesignated offense to reduce recidivism by leaving the barriers that cause recidivism in place.

Second, the current language criminalizes poverty. Quite often, a person successfully completes probation, but because they are poor, or deemed indigent (such as the clients of the Pima County Public Defense Services), they cannot pay all of the fines and fees. When this happens, quite often, no matter their success on probation, their offense remains a felony simply because of an inability to pay statutorily mandated fines and fees.

Finally, the current statute places the burden on the person themselves to petition the court for the misdemeanor designation. Often, persons believe that if they successfully complete probation, the offense is automatically designated a misdemeanor which leads to problems with the "check the box" portion of job applications. Additionally, if the court at the time of sentencing believes that the "nature and circumstances of the crime and character of the defendant" merit misdemeanor designation, the statute should reflect that it is treated as a misdemeanor until such time as designated a felony. This places the burden on the State to prove that the court's inclination as to the reasons for offering the opportunity for a misdemeanor designation is wrong.

B. Legislative Proposal:
(Describe the proposal and what it would accomplish.)
The attached bill is quite simple. It amends A.R.S. 13-604 to state that when an offense is left undesignated, the offense "shall be treated as a misdemeanor until such time as the court may actually enter an order designating the offense as a misdemeanor or a felony." Currently, the statute reads "Shall be treated as a felony until such time . . . "

The bill allows the prosecuting attorney or the defendant to petition the court at any time for final designation as either a misdemeanor or a felony. It also does not apply to persons with two prior felonies.

The proposal is to give people who the court deems worthy of earning a misdemeanor an actual meaningful opportunity to do so by removing the (even temporary) stigma and barriers created by having a felony on their record. Often the temporary felony tag during the undesignated period create road blocks that are proven to increase recidivism (homelessness, inability to find meaningful employment). The motivation is actually enhanced- the person is being given the opportunity to completely avoid a felony on their record and the tools to avoid that.

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.)
This would amend A.R.S. 13-604 as outlined above.

D. Fiscal Impact:

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

The fiscal impact would be indirect. Persons who are employed can pay county taxes, find housing and contribute to safer neighborhoods and communities.

Persons in this situation would likely reduce recidivism, which in turn reduce incarceration costs

E. Proposal History:

(Describe any previous efforts by any person/entity to pursue this proposal.)

Rep. Jeff Weninger sponsored this bill last year. This bill was subject to an intensive stakeholder process that included almost every County Attorney and Public Defenders from several counties.

We would like to run it again with Rep. Weninger, who was named "Bill Sponsor of the Year" last month.

The bill passed the house with near unanimous support, but Rep. E Farnsworth refused to give it a hearing in the Senate.

F. Interested Parties:

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

Almost all, if not all, criminal justice reform organizations, including Arizona Attorneys for Criminal Justice who are leading the charge as far as finding sponsors for the bill and shepherding the bill through the legislative process.

County Attorneys were actively involved in the stakeholder process for this bill. There is no reason that they should not and would not support this bill at this point.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
_x_ State

Date: 9/4/19

Department/Office: Pima County Public Defender

Name, Title and Telephone Number of Contact Person:
Nathan Wade, Assistant Public Defender, 724-6811
Dean Breault, Public Defense Services, 724-6967

Subject or Title of Proposal: Expungement Bill

Proposal Description:

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

The consequences of having a felony conviction in one's past extend well beyond the completion of the sentence; a conviction can stifle opportunities for employment, housing, public benefits, student loans, serving as a foster parent, and visiting relatives in jail, even decades after the offense. Often, these priors are drug related, and often for simple possession.
Persons who cannot find employment and housing are more likely to reoffend than those who can.
This also affects city, county, and state economies. Often, employers require applicants to disclose whether or not they have prior felonies on their records as part of the initial application process and discard applicants who "check the box." The reduced available workforce caused by keeping felonies on a person's public record for years after a conviction affects the decision of companies when choosing where to locate their businesses.

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

The proposal is to support an expungement bill at the State legislature. Currently, Arizona only has what is called a "set aside," meaning that a person can petition the court to make a record that their conviction was set aside. The conviction remains on the person's public record and still counts as a felony conviction that follows them for the rest of their life. The set aside guidelines and parameters are found in A.R.S. 13-907.

The Office of the Public Defender, in cooperation with Arizona Attorneys for Criminal Justice (and other agencies) proposes replacing the relatively ineffective set aside statute with a more expansive expungement bill, which would create A.R.S. 13-926. Under the expungement bill, a person whose record is expunged shall be treated in the public record as if they had never been "arrested, convicted or sentenced." However, the record, even if expunged is preserved for purposes of law enforcement and may be used to establish historical and non-historical priors for sentencing purposes and repetitive offender status.

In the proposed bill, the court may expunge a person's record upon timely petition if the court believes that "expungement will assist in the petitioner's rehabilitation and will be consistent with the public welfare."

The bill has timelines for eligibility for expungement, so that a person must prove that they are unlikely to commit another felony in the future. For example, the bill currently lists a period of 10 years before a person can petition for expungement of a felony conviction, and significantly less time for misdemeanors. (The time for a class 4, 5, or 6 felonies may be reduced to 5 years in the final draft of the bill.)

There are felonies that are barred from expungement, including dangerous crimes against children, felonies with a prison sentence of 10+ years, and dangerous offender offenses.

This bill allows persons with non-violent felonies to earn the opportunity to have their record publicly sealed so that the felony does not follow them for the rest of their lives and hamper their ability to obtain housing, employment and be productive members of society. It will also reduce recidivism and crime in the community.

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.)

This bill would create a new statute, A.R.S. 13-926. There is a chance that it could be folded into A.R.S. 13-907 (set aside) as part of a more expansive overall statute.

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

Fiscal impact cannot be determined directly, but states with comprehensive expungement statutes have reported a decrease in crime and recidivism, which reduces the costs on communities of incarceration. Additionally, it increases the available workforce, which could have the economic boon of attracting new and larger employers.
Persons who have their records expunged and are able to find employment and housing are less likely to rely on government assistance programs as well.

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

This bill was supported by Pima County last year. It was sponsored by Representative Toma and had strong bipartisan support. Other organizations have signed on to support this year.

Rep. John Allen, the chair of the House Judiciary committee refused to hear the bill last year, but there are renewed hopes that he will hear it this year.

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

Supporters of expungement include Arizona Attorneys for Criminal Justice, Right on Crime, American Friends Service Committee, Americans for Prosperity, the ACLU, FWD.us, FAMM and other agencies.

Those who opposed tended to be law enforcement agencies and county attorney's lobbyists. However, both law enforcement and county attorneys have access to records even after expungement and can use them in pursuit of criminal cases.

PIMA COUNTY

PIMA COUNTY
LEGISLATIVE PROPOSAL FORM

__ Federal
__ State

Date: 9/4/19

Department/Office: Pima County Public Defense Services

Name, Title and Telephone Number of Contact Person:
Dean Brault, Public Defense Services, 724-6967

Subject or Title of Proposal: Elimination of Houser Priors/Multiple Offenses Consolidated

Proposal Description:

A. Background Information:
(Describe the issue or problem in need of legislative attention. Attach all existing documents relating to the issue.)
Currently, A.R.S. 13-703(A), under the Repetitive Offenders Statute allows for the following:

1. If a person is convicted of multiple felony offenses that were not committed on the same occasion but are either consolidated for trial or are not historical prior felonies shall be sentenced as a first time offender for the first offense, with each subsequent offense raising the category level for sentencing ranges.

This has the effect of eliminating the eligibility for probation after the first offense, even if the person has never been arrested at all, much less convicted of a crime.
Examples of where this can come into play in a negative way:

1. Addicts who sell to an undercover agent to support their own habit are purposefully not arrested the first time, but rather the agent arranges multiple sales in order to enhance the number of counts and take away the possibility of probation.
2. Moving simple shoplifting cases to aggravated shoplifting by not arresting persons when they are still in misdemeanor territory and waiting for the

person to engage enough times to not only move the person into a felony situation and possibly prison-only.

The effect of these is that it eliminates any and all possibilities of non-incarceration intervention, such as drug treatment or mental health diagnosis and care before the person has ever had an opportunity for such interventions.

The power is then placed in the hands of prosecutors who are the sole determiners of whether or not a person in this situation is deserving of a non-prison alternative, and limit the discretion of judges and the courts to determine the best resolution to a case. This power of one single agency to make this determination can lead to an imbalance to who is charged this way, how pleas or probation are offered and doled out, and can lead to largely inconsistent sentencing.

Additionally, if this section of the repetitive offender statute is eliminated, law enforcement would be encouraged to make arrests on a first offense when possible, eliminating time and cost of creating multiple offenses which serve no purpose but to eliminate options within the criminal justice system.

B. Legislative Proposal:

Eliminate the "multiple offenses not committed on the same occasion but that are either consolidated for trial or are not historical prior convictions" from statute.

Doing so would allow more parties than just the County Attorney into the decision making process as to the best outcome for a person in these situations, particularly allowing for evaluation for eligibility by Adult Probation prior to sentencing. Courts will still have the option to sentence a person to prison instead of probation, but a more detailed and situational analysis, including motivation, addiction and mental health issues, will carry proper weight in determining the appropriate outcome.

Additionally, this would allow more intervention services to be offered on a person's first arrest before one agency is determining whether a person goes straight to prison on their first arrest. Obviously, this statute does not include violent crimes or crimes against children, of which consequences are handled in separate statutes.

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.)

Amend A.R.S. 13-703 by eliminating Section A.

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

Reduce the number of offenders going to county jail and department of corrections on their first offense. Allow more opportunity for less expensive intervention programs.

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

This Bill passed the legislature with only 3 "no" votes last year but was vetoed by the governor after he received misinformation on its effect. Basically, it allows the judge to look at the offenses and gives them more discretion to determine the right punishment. Additionally, it prevents "stacking" offenses to get people to take unfavorable pleas. Both the State and the Defense are allowed to plead for the appropriate outcome and the judge is the arbiter of the final sentence within the available, non-stacked ranges.

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

A large coalition of parties, both right and left leaning, supported this bill, and there is strong momentum to get this bill passed this year. The original bill sponsors want to see this pass. It has widespread support.

Most county attorneys agreed to go neutral on the bill after several stakeholder meetings. Unfortunately, the Pima County and Maricopa County Attorneys asked the governor to veto the bill, having not participated in any stakeholder meetings.