



MEMORANDUM

TO: County Supervisors and Senior County Staff
FROM: CSA Staff
DATE: August 22, 2011
SUBJECT: Summit Proposals Submitted

Attached is the list of proposals as submitted to CSA for consideration at the Sixth Annual CSA Legislative Summit in Navajo County, Arizona from October 3 – 5, 2011. As always, *the state's budgeting process and its negative impact on counties remains the single most important issue faced by CSA. Working with other county staff and colleagues to prevent and mitigate those deleterious effects of the budget process on all county operations is our top priority. Other legislative will be addressed to the extent it's practicable to pursue them.*

Each legislative proposal will be further analyzed and, if appropriate, circulated to stakeholders for comment in preparation for consideration at the summit.

As you review these proposals, we would encourage you all to speak to your colleagues and professional staff, both in your county and in the other counties, to understand their proposals and to get feedback on any proposals you may have offered. If CSA staff can be of any assistance or answering any questions about these proposals leading up to the Summit, please don't hesitate to contact us.

Sixth Annual Legislative Summit

Hosted by Navajo County

October 3 – 5, 2011

Hon Dah Resort, Navajo County, AZ

<http://www.countysupervisors.org/CSAevents/>

If you should have any questions, please feel free to call Todd Madeksza at (602) 452-4504.

Enc.

2012 CSA Legislative Issues & Proposals for Consideration

2011 CSA Proposed Principle Policy Directions

Budget. Protect county fiscal sustainability by opposing state cost/programmatic shifts and diversion of revenues. Threats include:

- Adult Prisoner Shifts;
- State shared revenue diversion;
- State administrative and program responsibilities shifted to county funding;
- Increased share of ALTCS / Acute Care;
- Where impacts exist, pursue relief and flexibility.

Local Authorities. Protect and advance county administrative and fiscal authorities necessary to appropriately manage operations to meet local needs. Oppose efforts to restrict or diminish board authority and local control.

Legislative Submissions Received to Date:

Courts

Grand Jury

Increase the number of days counties are permitted to empanel grand juries to 180 days.
Submitting County: Navajo County

2. *Judicial Facilities District*

Establish a secondary taxing district mechanism dedicated, by a vote of both the BOS and the voters in the county, to the construction and maintenance of judicial facilities within a county.
Submitting County: Mohave County

3. *Municipal Incarceration Costs*

Include incarceration costs for law enforcement agency arrests on municipal warrants in the costs borne by the municipality.
Submitting County: Mohave County

4. *Clarify Implementation of the Prisoner Shift to the Counties*

Multiple clarifications to the proposed state prisoner shift in 2012-2013. Among the proposed clarifications are:

- Whether entering into such an agreement obligates the county to send all qualified inmates to the DOC, or if a county may keep at least some prisoners;
 - Determining where liability for claims by the inmates lies – with the state or the county?
 - Increase the 30-day requirement to process a reimbursement claim.
 - Clarify whether counties are required to continue statutorily mandated programs, including therapeutic and rehabilitative programs, which are not currently available in many county jails.
- Submitting County: Mohave County

5. *Recoupment of Indigent Defense Monies*

Expand the county's capacity to recoup costs of appointed counsel from individuals that are determined by the court to have an ability to offset or afford counsel.
Submitting County: Mohave County

6. *Non-incarceration Offenses*

Change statute to allow a county to deny indigent defense counsel when a prosecutor waives jail, as a potential sentence.
Submitting County: Mohave County

Law Enforcement/Public Safety

7. *Sex Offenders*

Adopt monitoring fees for sex offenders that are required to register with a sheriff's office.
Submitting County: Cochise County

8. *Public Defenders/Park Rangers*

Add Public Defenders and Park Rangers to the inclusive group whose assault would be classified as a felony.
Submitting County: Mohave County

Flood Control Districts

9. *Floodplain Responsibility*

Clarify municipal responsibility for long-term impacts, such as maintenance costs, when the municipality acting as a floodplain administrator, makes these decisions and subsequently gives up floodplain administration duties.
Submitting County: Pinal County

10. *Indemnity for FCDs*

Provide indemnification to the county, flood control district and county employees when engaged in flood control activities through a county-controlled flood control district.
Submitting County: Coconino County

11. *Raise Construction Caps for FCDs*

Increase flood control district construction caps from \$5,000 to \$190,000 for construction projects that are eligible for construction by public employees in counties with of 175,000 or less.
Submitting County: Cochise County

2012 CSA Legislative Issues & Proposals for Consideration

General Government/Administrative

12. *Appointment Filings with the Recorders Office*
Remove the requirement that the appointment of county deputies in various departments must be filed with the county recorders.
Submitting County: Mohave County
13. *"Same Political Party"*
Proactively address confusion over whether or not "same political party" means the party when the elected official took office or when they vacated office.
Submitting County: Mohave County
14. *Road Enhancement Improvement Districts*
Establish an alternate form of government for Road Enhancement Improvement Districts and establish a mechanism where a BOS may be replaced by an independently elected board of directors.
Submitting County: Yavapai County
15. *Clarify 1598 "Regulatory Bill of Rights"*
Multiple clarifications to last session's SB1598, commonly known as the "Regulatory Bill of Rights," including amendments to notification, documentation and timeframe requirements.
Submitting County: Mohave County
16. *Appraisal Requirements for Small Parcels*
Require "Market Analysis" instead of the current "Appraisal" to determine a fair lease price, without removing the competition requirements.
Submitting County: Pinal County
17. *JTEDs Classroom Blocks*
Amend state requirements that limit students of technical education to one-hour blocks, which may put those in rural Arizona at a disadvantage due to travel times.
Submitting County: Coconino County
18. *July Assessed Valuations*
Amend property tax levy limits statute to allow counties to use the July assessed valuation to determine the appropriate tax rate.
Submitting County: Yuma County
19. *Buy Local*
Amend county competitive bidding statute to permit counties to offer some preference to local vendors.
Submitting County: Yuma County
20. *Sick-Leave Payouts*
Amend statutes governing sick-leave payouts to include those employees being laid off with those that are currently paid out when they retire.
Submitting County: Cochise County
21. *Increase Construction Caps for Road Building*
Increase Title 34 construction caps to \$250,000 for "horizontal" construction projects that are eligible for construction by public employees in counties with a population of 175,000 or less.
Submitting County: Cochise County
22. *Fireworks*
Give counties the ability to prohibit the sale of fireworks during times when there is a reasonable risk of wildfires within the county.
Submitting County: Coconino County



2012 Legislative Policy Statement
7th Annual CSA Legislative Summit
Mohave County, AZ
October 3 - 5, 2011

- A. What is the legislative proposal?** *Cleanup various antiquated sections of the ARS which require the appointment of deputies in various county offices to be filed with the Clerk and Recorder's Office.*
- B. Describe the problem and explain how the proposal solves it.** *The current requirement that the appointment of deputies be filed with the county recorder is unnecessary and antiquated. It is not followed by many counties and where compliance is done, it creates an unnecessary workload on the recorders office. Failure to comply could create challenges to the acts of deputies resulting in unnecessary legal challenges and associated costs.*
- C. What is the fiscal impact to the state or county budgets of the proposal?** *For those counties where compliance is occurring, this will allow for the elimination of a small, but recurring task within the recorders office and allow for a reduction in costs.*
- D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?** *The attached version of the bill passed through the house on a 60-0 vote before the bill became mired in amendments dealing with the County Assessors property information storage and retrieval conversion and maintenance fund. With amendments it failed in the Senate due to lack of votes (non-voting members at the close of session). The County recorders and AACo were in support of this provision last session.*
- E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?**

Dana P. Hlavac
Deputy County Manager
Criminal Justice Services
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2012 Legislative Policy Statement
7th Annual CSA Legislative Summit
Mohave County, AZ
October 3 - 5, 2011

A. What is the legislative proposal? *Clarify ARS 16-230(A)(1) & (2) relative to the meaning of "same political party as the person vacating the office".*

B. Describe the problem and explain how the proposal solves it. *Currently this provision governs the process for filling a vacancy in certain State and County offices. Both sections 1 and 2 require that the individual appointed to fill the unexpired term be "of the same political party as the person vacating the office". What is unclear is what occurs if the person who is vacating was elected while registered under one political party, but switched parties after the election, but before vacating the office. Which party affiliation must the successor have under that odd, but not unheard of circumstance? This is a proactive fix to avoid an issue in the future. It is not important which way it is written, just so long as it is written. Two alternative solutions are offered for how this particular statutory oversight can be clarified:*

Option One – Define this to be the party of the elected person at the time they were elected in the preceding general election.

Option Two – Define this to be the party of the elected person on the last day they served in office.

C. What is the fiscal impact to the state or county budgets of the proposal?

If anything the fiscal impact would be positive if litigation over the issue can be avoided in the future.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

It would seem that most citizens would expect the party to be the party that the individual was a member of at the preceding election. If so, there should be broad support for clarification of the issue. Conversely, there are certainly those who might wish to be able to scheme to influence an individual who is ousted from office to switch parties as a form of political payback prior to be removed from office in order to shift party power, but all in all this is likely to be seen as underhanded and not worthy of addressing. It would seem logical to select the first option and therefore have broad support.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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2012 Legislative Policy Statement
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- A. **What is the legislative proposal?** To create a statutory procedure for establishing an alternate form of government for a county improvement district formed for the purpose of enhancing roads or highways and maintaining enhancements (a "road enhancement improvement district"), and a procedure for conversion of a road enhancement improvement district governed by a board of supervisors sitting as the district board of directors to a district governed by an independent elected board of directors.
- B. **Describe the problem and explain how the proposal solves it.** Statutes currently in effect provide for the establishment of a road improvement and maintenance district for constructing or improving roads not built to county standards. Current statutes (ARS §§48-1081-1088) also provide for an alternative form of government for road improvement and maintenance districts which allow a board of supervisors to order conversion of a district to one governed by an independent elected board of directors after a public hearing conducted with at least 20 days' notice mailed to owners of real property located in the district. Under current statutes, a board of supervisors cannot order the conversion of road enhancement improvement districts as such districts were not formed for the purpose constructing or improving roads not built to county standards.

The proposed legislation would grant road enhancement improvement districts the same authority to establish an alternate form of government and to utilize the same conversion process as is currently granted to other county improvement districts including road improvement and maintenance districts, domestic water improvement districts and domestic wastewater improvement districts. Specifically, it would authorize a board of supervisors, in its discretion, with notice to affected property owners, to direct that a district be governed by an independent elected board of supervisors. Road enhancement improvement districts are created to address needs that are local, rather than county-wide, in nature. This legislation would allow a board of supervisors, in appropriate circumstances, to place the operating and fiscal responsibility for the local activity under the direct supervision and control of those most directly benefitted by the activity.

- C. **What is the fiscal impact to the state or county budgets of the proposal?** There would be no impact on state budgets. Impacts on county budgets would be limited. There would be a reduction in staff time as required to prepare and process district budgets and, as required, to provide ancillary services that would become the responsibility of the district following conversion.
- D. **What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?** County improvement districts cannot be established unilaterally by a board of supervisors. Such districts, including road enhancement improvement districts, can be established only upon petition of a majority of persons owning real property or the owners of 51% or more of the real property in the district. This requirement ensures substantial local support for creation of the district and

assumption of the financial obligations attendant to the purposes for which the district would be formed. While there may be some petitioners who would prefer that oversight of the district be retained by the board of supervisors, it is reasonable to expect that those directly benefitted by the district's activities should be willing and prepared to exercise the oversight and management functions attendant to receipt of those benefits. Most, if not all, of those supporting the establishment of a district would likely prefer localized governance. Since this legislation would authorize the board of supervisors to direct that a district be governed by an independent elected board, the only foreseeable opposition would come from those who wish to avoid this responsibility.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?



2012 Legislative Policy Statement
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A. What is the legislative proposal?

Added clarifications to ARS 11-1601 thru 1610, as approved in 2011 Senate Bill 1598.

Incorporation of proposed changes (below) to issues found within ARS 11-1601 thru 1610, as approved in 2011 Senate Bill 1598

Study of complex issues found within ARS 11-1601 thru 1610, as approved in 2011 Senate Bill 1598.

B. Describe the problem and explain how the proposal solves it.

While SB 1598 was intended to help the regulated community, it has many unintended consequences that need to be studied and/or clarified in the statute.

1. **11-1602.A.4:** Requires licensing time frames added to any new ordinance or regulation requiring a license within county. Would the licensing time frames apply only to those functions not delegated by the state? The functions that are delegated already have specific licensing time frames in rule.

NEEDS CLARIFICATION/Proposed solution: make clear within language that the licensing time frames apply only to programs NOT delegated by the State.

2. **11-1603.B:** Requires that the regulatory bill of rights be given at every inspection and that a signature is obtained. The Environmental Health Division (EHD) conducted over 4500 inspections in regulated facilities in FY10. If the inspectors now need to explain the bill of rights and obtain a signature, this will significantly increase inspection time, and therefore, permit fees, in order to conduct this function.

Proposed change: Allow regulators to obtain a signature from the regulated person at the time of permit issuance and require regulators to send (either via mail or electronically) a copy of the regulatory bill of rights to each establishment on a yearly basis. This will save time and hopefully prevent the increase of fees.

3. **11-1603.B:** Requires that the regulatory bill of rights be given at every inspection. Many premises hold more than one permit with EHD. Will this section require a separate bill of rights to be reviewed and signed for each permit the establishment holds (e.g. grocery stores often hold more than one permit) as each permitted establishment requires a separate inspection.

NEEDS CLARIFICATION/Proposed solution: Allow County to issue one regulatory bill of rights when more than one inspection is conducted at one establishment.

4. **11-1603.E.4:** The County may provide the regulated person an opportunity to correct deficiencies unless the county determines the deficiencies are.....a risk to any person, the public health, safety or welfare or the environment. All of our violations fall under Section

E.4. Does this mean the county can determine the period of time in which the violation must be corrected?

NEEDS CLARIFICATION/Proposed solution: Make clear that the County may determine the time period in which the violation must be corrected if the violation falls within this section.

5. **11-1603.H:** Requires at least once a month after commencement of an inspection the county to provide the regulated person with an update on the status of any county action resulting from an inspection of the regulated person. We presume this section is talking about any enforcement action resulting from an inspection of a regulated facility. The requirement to provide the regulated person with a monthly update will increase staff time on cases and therefore, permit fees.

NEEDS TO BE STUDIED/Proposed solution: Instead of the County providing unsolicited updates to the regulated person, require the County to provide updates within a specified time frame to the regulated person upon request. This will cut staff time/resources, and therefore, fees.

6. **11-1603.H:** A county is not required to provide an update after the regulated person is notified that no action will result from the inspection or after the completion of county action resulting from an inspection. If the requirement is for the county to formally inform the regulated person that no enforcement action will result after each inspection or to inform the person in a formal action that the case has been completed, this may require reprinting all inspection forms, increase in staff time, increasing fees.

NEEDS TO BE STUDIED/Proposed solution: Clarify that the County does not need to notify the regulated person after each inspection, but only when an enforcement action (aside from follow-up inspections) has been taken and is complete.

7. **11-1604.A:** This section states that a general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition. Some ordinances use language in Title 11. Will this automatically repeal any ordinances that have been approved using "general language?" Who makes that determination? Is this law retroactive?

NEEDS CLARIFICATION/Proposed solution: Clarify whether this section applies to existing ordinances

8. **11-1605.G:** This section allows only one comprehensive request for additional information during the substantive review period, forcing the county to deny an application if the correct information is not received or the deficiency isn't corrected after the first request. This will be detrimental to the applicant as it will force them to re-apply and pay for permit fees again.

NEEDS TO BE STUDIED/Proposed Solution: Allow more than one request for additional information in order to protect the regulated person from denial of an application after one request without needing a formal agreement between the County and the regulated person.

9. **11-1610:** Exemptions section does not include an exemption for temporary events. For example, according to the regulatory bill of rights, the EHD would be required to give all inspection rights to each temporary food booth. This will double the time at each facility and therefore, increase fees.

Proposed solution: include temporary events (those lasting less than 14 days) in exemptions from this rule.

C. What is the fiscal impact to the state or county budgets of the proposal?

Changes to this piece of legislation should help the county budgets as well as the budgets of the regulated community. The amount of work involved in the requirements of this bill will increase staff time, and therefore, cause an increase in fees to the regulated community as it is an unfunded mandate.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

SB 1598 seemed to have wide support within the legislature. It was proposed and approved in order to protect the regulated community from unfair treatment by regulators. The problems as outlined above will result in increased administrative time, increased inspection time (time spent by both the regulators and the permit holders), revision and reprinting of policies/procedures and forms, and therefore, increased permit and service fees to the regulated community. The proposal outlined above would allow the regulated community to be notified, and still supports the spirit and intent of what this legislation was meant to accomplish, but without a significant increase to County staff time.

If the regulated community realized the consequences of SB 1598 as approved, the belief is they would support the proposed changes.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Rachel Patterson
Environmental Health Manager
Mohave County Department of Public Health
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2012 Legislative Policy Statement
7th Annual CSA Legislative Summit
Navajo County, AZ
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A. What is the legislative proposal?

Add the following language to ARS 11-256 B

“The Board may lease real property valued at five thousand dollars or less after the value has been estimated and justified by a market analysis based on comparable sales”

B. Describe the problem and explain how the proposal solves it.

This is needed to simplify leasing if the value of the land is to be leased is less than \$5,000. Current statutes require hiring an appraiser to determine the value of the land. Ground leases typically generate revenues worth 6-12% of the land value. An appraisal costs \$2,000 to \$2,500. Current statutes create a situation where it will take several years to just recoup the costs of the appraisal. Very small parcels could reach the end of the lease period and never recoup the costs of the appraisal.

C. What is the fiscal impact to the state or county budgets of the proposal?

This will simplify the process to lease, and will save county budgets money. This will not remove the requirement for a public auction.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

There is no known opposition to this suggestion.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Greg Stanley, 520-866-6418, Gregory.Stanley@pinalcountyz.gov



2012 Legislative Policy Statement
7th Annual CSA Legislative Summit
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A. What is the legislative proposal?

To change the Arizona primary property tax levy limits statutes to allow for use of July assessed values in determining the appropriate tax rate.

B. Describe the problem and explain how the proposal solves it.

Currently, Arizona counties are required to utilize assessed values transmitted by the county assessors in February of each tax year in the calculation of the appropriate tax rate to meet levy needs. Budgets are adopted, and truth in taxation hearings held, in reliance on the February assessed value numbers. In July, county assessors transmit up to date assessed value numbers; however, counties are precluded from using those numbers. If the assessed value declines, less property tax revenue will be collected because the tax rate has already been fixed. In the case of a negative collection, the Property Tax Oversight Commission will not consider allowing an adjustment to the budgeted tax rate unless the difference exceeds three percent (3%).

C. What is the fiscal impact to the state or county budgets of the proposal?

In Fiscal year 2011, Yuma County's primary property tax levy was \$650,000 less than the amount adopted in the annual budget. Because the amount was less than three percent (3%) of the total levy amount, no adjustment would have been considered. Had the July assessed values been used in the adoption of the tax rate, the rate could have been adjusted to meet the budgeted levy need.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Robert Pickels
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robert.pickels@yumacountyaz.gov



2012 Legislative Policy Statement
7th Annual CSA Legislative Summit
Navajo County, AZ
October 3 - 5, 2011

A. What is the legislative proposal?

To change the county competitive bidding evaluation criteria and allow for preference to be given to local vendors.

B. Describe the problem and explain how the proposal solves it.

Currently, competitive bids are required for purchases of supplies, materials, equipment and contractual services with an estimated value in excess of \$50,000. Awards are made "to the responsible bidder whose bid conforms to the invitation and whose bid is the most advantageous to the county concerning price, conformity to the specifications and other factors." The Yuma County Attorney has concluded that "other factors" cannot include a preference for local vendors.

The Yuma County Chamber of Commerce has incorporated the national "buy locally" campaign into its mission. The municipalities within Yuma County have adopted policies, through their charter authority, establishing a preference for local vendors. Yuma County is supportive of the "buy locally" campaign, but does not have the existing statutory authority to include such an option in its purchasing policy, which is outlined in A.R.S. § 11-254.01. Amending the authorizing statute to permit local preference would provide for this option.

C. What is the fiscal impact to the state or county budgets of the proposal?

It is possible that giving preference to local vendors could result in a higher expenditure of county funds for a particular procurement; but, the benefit will lie in the local tax dollars that fund the procurement being retained within the county.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

We know that Yuma County's legislative delegation has been deluged by the Chamber and our municipalities with requests for Yuma County to pursue the option of giving local preference.

- E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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2012 Legislative Policy Statement
7th Annual CSA Legislative Summit
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A. What is the legislative proposal?

A.R.S. 38-615 (A) currently limits a county ability to pay out employees accumulated sick leave upon their retirement only. We propose the statute allow the counties to pay out sick leave on in the event of a lay off as well as upon retirement.

38-615. Payment for accumulated sick leave; requirements: limits: definition

A. An officer or employee of this state, subject to legislative appropriation, or an officer or employee of a county, subject to authorization by the board of supervisors, is eligible, on retirement or *upon lay off*, to receive benefits as follows:

1. An officer or employee who has at least five hundred but less than seven hundred fifty hours of sick leave is entitled to receive payments equal to twenty-five percent of the officer's or employee's salary at the officer's or employee's current hourly rate for each hour of accumulated sick leave.
2. An officer or employee who has at least seven hundred fifty but less than one thousand hours of sick leave is entitled to receive payments equal to thirty-three per cent of the officer's or employee's salary at the officer's or employee's current hourly rate for each hour of accumulated sick leave.
3. An officer or employee who has at least one thousand hours of sick leave is entitled to receive payments equal to fifty per cent of the officer's or employee's salary at he officer's or employee's current hourly rate for each hour of accumulated sic leave not to exceed one thousand five hundred hours of accumulated sick leave.

B. In order to be eligible to receive payments pursuant to subsection A of this section *as pertains to retirement*:

1. An officer or employee must establish a retirement date not later than thirty-one days after termination of employment by qualifying with an authorized retirement system or plan of this state.
2. The retirement date must be effective not later than thirty-one days after termination of employment.
3. An officer or employee shall elect retirement benefits that are defined not later than thirty-one days after termination of employment.

C. An officer or employee who receives payments as provided in subsection A of this section shall not receive more than thirty thousand dollars.

D. If an officer or employee receives payments pursuant to subsection A of this section, the officer or employee shall be paid the amount due the officer or employee either in a lump sum or in installments over a three year period.

E. If an officer or employee dies before the officer or employee receives the payment due to the officer or employee or if an office or employee is eligible for normal retirement but has not retired at the time of the officer's or employee's death, the officer's or employee's beneficiary is entitled to receive the balance due to the officer or employee in a lump sum.

F. Notwithstanding any other law:

1. The cash value of the sick leave credit pursuant to subsection A of this section shall not be used to compute the average salary.
2. The payment authorized by this section for accumulated sick leave is not salary or compensation for the purposes of making retirement contributions or computing any pension benefit.
3. The sick leave must be available for use by the officer or employee at the time of termination of employment. This section does not apply to previously forfeited sick leave.

G. This section applies to an officer or employee of this state or a county who is eligible to participate in the Arizona state retirement system as provided in chapter 5, article 2 of this title, in the public safety personnel retirement system as provided in chapter 5, article 4 of this title, in the corrections officer retirement plan as provided in chapter 5, article 6 of this title or in an optional retirement program established by the Arizona board of regents pursuant to section 15-1628.

H. This section applies retroactively to July 1, 1998 to an officer or employee of a university under the jurisdiction of the Arizona board of regents who participates in a federal retirement system, except

that this section does not apply to a participant in a federal retirement system if the participant receives and sick leave payment from the federal government.

I. This section applies only to officers or employees of this state or a county whose compensation regulations provide for a forfeiture of sick leave on retirement *or lay off*.

J. For the purposes of this section, "hourly rate" means an officer's or employee's hourly salary on retirement, excluding overtime pay and pay for unused annual leave.

B. Describe the problem and explain how the proposal solves it.

The economic downturn continues with no recovery in sight. This downturn has permeated the public sector from the state level on down. The counties have been particularly hard hit which has resulted in a much reduced work force. Despite this much reduced work force, we remain committed to continue to provide excellent service to our constituents. By allowing counties the opportunity to pay out accumulated sick leave to employees upon lay off, as well as retirement, it would provide an incentive for employees to not use their accrued sick time prior to their separation from service which would enable the county to continue to provide effective and efficient service to the public it serves.

C. What is the fiscal impact to the state or county budgets of the proposal?

Fiscal impact could be significant depending upon whether sick time has been used/paid out or accumulated by the employee prior to lay off.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

No analysis has been made at this time.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Michael J. Ortega, County Administrator



2010 Legislative Policy Statement

A. What is the legislative proposal?

Increase Title 34 Force Account work limitation to \$250K and index it to keep pace with inflation for counties with a population of 175,000 or less.

B. Describe the problem and explain how the proposal solves it.

Costs for construction (material in particular) have escalated substantially over the past few years. The present limit (approx. \$190K) is insufficient to properly upgrade even one mile of dirt/gravel road to a dust free (double chipseal) surface with reasonable attention to earthwork and related site specific conditions for safety. Raising the limit to \$250K would provide the flexibility to utilize County forces for small projects such as these and still have a reasonable project length. We need the flexibility, as there are a severely limited number of qualified heavy construction (i.e. Public Works) contractors in the outlying rural areas. Very small projects are hardly worth mobilizing for (for the firms who specialize in this sort of work, typically with office/yards/ plants in Tucson or Phoenix). By essentially 'requiring' us to use a contractor for small projects, the taxpayers/citizens are ultimately disadvantaged (and the limited public dollars don't go as nearly far as they could/should). We can do a mile of road betterment for significantly less than what it would take to contract for the same work. With the population threshold noted above, this would really help the smaller counties that have trouble getting contractors to bid on projects.

C. What is the fiscal impact to the state or county budgets of the proposal?

Limited County funds (for betterments) will go almost twice as far as they would if the same work must be contracted.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

Uncertain – this may face resistance from AGC and others; however, there may be some sympathy for the rural areas/counties, as they realize that we are really strapped financially and have a very limited number of contractors to 'access'.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

Patricia Morris, Deputy Director and Acting Director
Cochise County Highway & Floodplain Dept.
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Bisbee, AZ 85603
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pmorris@cochise.az.gov



2012 Legislative Policy Statement
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A. What is the legislative proposal?

The legislation being proposed would provide counties with the ability to regulate the sale of fireworks in the unincorporated areas of the county.

B. Describe the problem and explain how the proposal solves it.

In the 49th Regular Session, legislation was passed and signed into law that would allow the sale and use of *permissible consumer fireworks*, unless otherwise regulated by a governing body. The statute allowed an “incorporated city or town to regulate the use of permissible consumer fireworks within its corporate limits,” but only allowed a “county to regulate the use of permissible consumer fireworks in unincorporated areas when there is a reasonable risk of wildfires within the county.”

The statute, however, does not allow cities or counties to regulate the sale of fireworks. The current statute has caused confusion, particularly when the use of permissible consumer fireworks is banned in the unincorporated areas. In the summer of 2011, for example, the use of fireworks was banned within the cities and in unincorporated areas of the county due to high fire danger. The county, however, did not have the authority to regulate the sale of consumer fireworks.

C. What is the fiscal impact to the state or county budgets of the proposal?

The fiscal impact of this legislation not being pursued is the continuing threat of catastrophic wildfire during high fire season and the cost of the firefighting and the continued costs of dealing with the aftermath of wildfires.

D. What is the preliminary analysis of the political environment and stakeholders' and affiliates' comments?

Counties within Arizona may support this legislation.

E. Who is the primary county contact information for the proposal (name, phone, email and other relevant information)?

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Suggested Language:

36-1606. Consumer fireworks regulation; state preemption; further regulation of fireworks by local jurisdiction

The sale and use of permissible consumer fireworks are of statewide concern. The regulation of permissible consumer fireworks pursuant to this article and their use is not subject to further regulation by a governing body, except that an incorporated city or town may regulate the use of permissible consumer fireworks within its corporate limits and a county may regulate the use **AND SALE** of permissible consumer fireworks within the unincorporated areas of the county during times when there is a reasonable risk of wildfires in the immediate county. This article does not prohibit the imposition by ordinance of further regulations and prohibitions on the sale, use and possession of fireworks other than permissible consumer fireworks by a governing body. A governing body shall not permit or authorize the sale, use or possession of any fireworks in violation of this article.