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# Board of Supervisors Memorandum

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November 20, 2018

## 2019 Legislative Agenda

### Background

Attached please find Resolution Number 2018 - \_\_\_\_\_ adopting the County legislative program from 2019.

The Legislature will begin their next session in early January 2019. Each year the Board adopts a legislative agenda and the proposed agenda is outlined in the attached Resolution. The agenda is similar to the agenda last year.

### Cost Shifts

During the last legislative session, we were able to reduce state cost transfers by the amount of \$3.4 million. This year we will attempt to eliminate all state cost transfers that were initiated during the recent Great Recession. These remaining cost transfers are \$1.7 million to the Arizona Department of Juvenile Corrections (ADJC) and \$1.2 million to the Arizona Department of Administration for sales tax collection and distribution to local governments. Ironically, Pima County is the only jurisdiction in the state not to have a local sales tax.

### Transportation

Increased transportation funding will also be a focus of our efforts with the failure of Proposition 463, the last available local option is to increase transportation revenues has been foreclosed, hence, it is to support legislation to increase transportation revenues, not only for the County, but region-wide. Our focus this year will be on supporting legislation to provide the Regional Transportation Authority (RTA) another half-cent sales tax option. After development of an appropriate plan by the RTA for voter consideration, the additional sales tax would only become effective if approved by the voters of Pima County. It is likely that this option could be coupled with reauthorization of the existing half-cent RTA sales tax allowing a more comprehensive and diverse transportation plan to be developed for the region with a significant portion dedicated to road repair in both the city and the county.

### Grants and Cost Disclosure

Another area of interest will be insuring the Board's authority over both federal and state grant acceptance for county agencies is retained and not modified, diminished or eliminated, because of the Board's recent decision to decline the Operation Stonegarden grant. In addition, most taxpayers are not aware of the significant portion of their tax bill that is dedicated to the criminal justice system. For purposes of transparency and accountability, these costs should be disclosed to county taxpayers. Legislation making these disclosures uniform statewide would help educate taxpayers on the significant amount of their resources spent on the system of criminal justice in Arizona.

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### Criminal Justice Reform

In addition, criminal justice reform efforts in a measured and analytic process need to continue. There are a number of legislative reforms that could be undertaken by the Legislature in the areas of; a) carefully expanded home-detention and electronic monitoring; b) allowing deflection of addicted drug users into treatment, as opposed to incarceration; c) expanding funding for diversion and treatment programs; d) giving convicted felons a true second chance by record expungement; e) expanding community restitution programs in lieu of incarceration for misdemeanor and low income defendants who cannot afford to pay fees and fines in cash; and finally, f) ensuring that those criminal defendants who have committed a crime and cannot be restored to competency, are institutionalized and not released back into the community.

### Water Policy

Water supply is likely another statewide topic at the legislature. The County needs to participate in water policy, as we are the only county in Arizona that converts sewage to potable water. Unfortunately, our efforts are not rewarded since discharging Class A plus treated effluent into the Santa Cruz River (SCR) only nets the owners of the effluent a 50 percent recharge credit. To preserve in-stream flow and the environment established by it, these instream recharge credits should be increased to 95 percent for the clean water discharged to the SCR. In addition, there are a number of locations in the unincorporated area of the County that had previously been proposed for water service based on representations of Tucson Water. They believed they would receive water service only to be denied this service. Alternatives need to be developed to provide water service and water supplies for those areas of the County specifically earmarked and Pima Prospers in our long-range comprehensive plan for development and economic expansion.

### Border Counties

Border counties face an increased burden due to a variety of factors related to immigration. The present effort to secure the border by the federal government has and continues to cause increased infrastructure stress in border communities and county governments who are required to provide and maintain critical infrastructure related to transportation, water supply, wastewater treatment, emergency services, law enforcement, prosecution and defense of border crimes and adjudication of same in the courts. State grants or appropriations should be provided to support and offset the cost of these impacts on county government.

Federal funding is grossly inadequate and sporadic due to reliance on congressional appropriation. The best example of inadequate relates to offsetting the cost of housing and criminal lands in county jails. On average Pima County houses approximately 100 noncitizens in our jail at a daily cost of \$100 per day. This amounts to \$3.7 million per year in cost, yet the federal program for reimbursement known as State Criminal Alien Assistance Program (SCAAP) awarded the amount \$213,593 for fiscal year 2016 to Pima County.

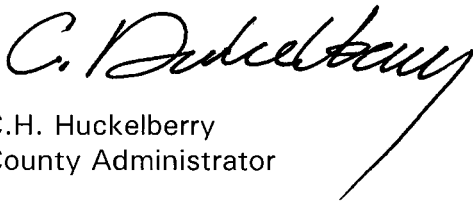
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More pressing is critical infrastructure projects. The best example of such is the international wastewater outfall line conveying sewage from Nogales, Sonora to a treatment facility in Rio Rico, Arizona. The line, length and age of this outfall sewer makes it subject to collapse or failure, causing the potential release of untreated sewage in large volumes to the environment causing a major public health crisis. The estimated cost to fully repair this line is \$90 million. While the federal government may have a grant that would provide much of these funds, these grants normally require a 20 to 30 percent local match. This means either Nogales, Arizona, or Santa Cruz County would have to provide between \$16 and \$24 million to repair sewer line that is federal responsibility. This is an unfair burden to place on border county taxpayers. The state legislature should develop a program that appropriates state funds to match federal infrastructure projects necessary because of border or immigration issues.

Recommendation

I recommend the Board adopt Resolution 2018 - \_\_\_\_\_ adopting the Pima County Legislative Program for 2019.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/lab – November 9, 2018

Attachment

c: Jan Leshar, Chief Deputy County Administrator  
Carmine DeBonis, Deputy County Administrator for Public Works  
Tom Burke, Deputy County Administrator for Administration  
Michael Racy, President, Racy Associates, Inc.

**PIMA COUNTY**

**RESOLUTION NO. 2018 - \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS IN PIMA COUNTY, ARIZONA  
ADOPTING A PIMA COUNTY LEGISLATIVE PROGRAM FOR 2019**

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

**Section 1**

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

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

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

**Section 2**

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

A. Property Tax Reduction

- 1. Facilitate primary property tax reduction by creation of a hospital secondary property tax special district.
- 2. Support any legislation that would assist the County in reducing the property tax.

3. Eliminate all recently enacted state cost transfers in order to provide for local county property tax relief including both the Department of Administration and Juvenile Corrections cost shift.
4. Oppose any new state programs that increase direct or indirect costs and hence, property taxes to counties without full reimbursement of those costs from the new or expanded state programs.

B. Transportation Funding

Support any increase in funding for transportation, including authorizing an additional one-half cent sales tax for the Regional Transportation Authority subject to voter approval.

C. Board Authority over Federal and State Grant Acceptance and Taxation Disclosure for Criminal Justice

1. Oppose any legislation that would reduce, modify, or transfer the authority of the Board of Supervisors to review and accept federal or state grants.
2. Support legislation to disclose the tax costs associated with operating and funding the various county criminal justice costs, including disclosure of such on the annual property tax bill, as a measure to improve transparency and accountability.

D. Criminal Justice Reform

1. Expand home detention or electronic monitoring programs.
2. Allow, at the option of law enforcement, a deflection to treatment program for those in possession of drugs for personal use as opposed to arrest, booking and confinement in a detention center.
3. Making possession of drugs for personal use a misdemeanor instead of a felony.
4. Support efforts to provide sustainable funding for recidivism reduction programs includes those related to Diversion, Drug Courts and various treatment programs as alternatives to prison.
5. Provide meaningful expungement legislation to delete the criminal record of offenders who have successfully completed all conditions of a sentence for a crime, including restoration and then only 10 years after completion of the sentence.
6. Provide authority for the courts to institutionalize defendants determined to be incompetent and not restorable to competency and who are deemed to be violent and dangerous.
7. Expand the use of community restitution (community service) as a sentencing alternative to fines, fees and incarceration in misdemeanor cases for low-income defendants who cannot afford to pay in cash.

E. Water Policy

1. Modify the instream recharge credits for discharging treated wastewaters to rivers and streams from 50 percent to 95 percent.

2. Support any legislation that would require a water provider to provide water service if the water provider had previously made representation to serve but subsequently failed to provide water service.

F. Anti-Racketeering Fund Review of Proposed County Attorney Expenditures

Reimbursement of legal costs associated with any review of proposed County Attorney expenditures of Anti-racketeering of RICO funds from said funds.

G. Support the County Supervisor Association Legislative Agenda

H. Assist Other Border Counties

Assist and support legislation for border counties facing increased infrastructure demands related to border security or the provisions of basic services related to water supply or wastewater treatment and reclamation. The state, by appropriation or grants, should provide any necessary funds required to match federal infrastructure expansion, repair programs or projects.

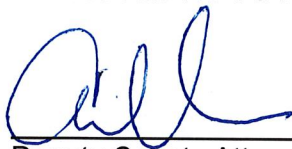
**PASSED, ADOPTED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2018 by the Board of Supervisors of Pima County.

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

ATTEST:

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

APPROVED AS TO FORM:



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Deputy County Attorney

**ANDREW FLAGG**