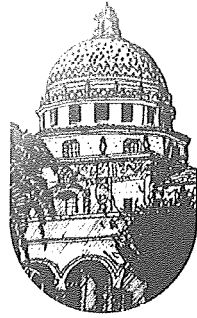


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**MEMORANDUM**

**TO:** Additional Material for Item 11 “Board of Supervisors Policy” re Policy No. 22.16  
**FROM:** Laura Conover, County Attorney  
**DATE:** March 18, 2024  
**RE:** Duties and Circumstances for Attorneys Require an Exemption to Policy No. 22.16

Pursuant to proposed Board of Supervisors Policy D 22.16 (BOS D 22.16), the “County Administrator shall establish administrative procedure(s) to eliminate positions, with exceptions, vacant more than 240 days.” Because the Draft Administrative Procedure 22-84 (AP 22-84) does not identify exceptions to positions being eliminated, the Pima County Attorney’s Office (PCAO) request an exemption to the elimination of positions. An exemption is warranted for the following reasons: the county attorney is mandated by Arizona law to fulfill certain functions to protect public safety and the County, the attorney recruiting timeframe is longer than 240 days, PCAO has already had close to \$2.5M swept from its current budget and is now threatened with vacancy sweeps, and PCAO has continually acted in a responsible manner to reduce costs while simultaneously improving efficiency.

1. **PCAO is *mandated* to protect both the public and Pima County** (see CA Duties, A.R.S. §11-532):
  - conduct all prosecutions for public offenses and draw indictments
  - act as the legal advisor to the board of supervisors, elected officials, and county administration
  - defend actions and claims against the county
  - defend all locally valued and assessed property tax appeals
  
2. **Attorney recruiting timeframe is longer than 240 days**
  - recruiting for new attorneys begins at the start of the last semester for third-year law students (Jan-Feb), but offers conditioned on licensure (after the recruit passes both the July bar exam *and* a character and fitness investigation) cannot be finalized until the bar exam results are released in November, or later if a recruit’s investigation extends beyond November.
  - PCAO has made several such contingent offers based on positions that would be eliminated.
  
3. **PCAO Vacancy and Funding Sweeps**
  - General Fund lost \$958,072; Special Revenue lost \$1,466,133
    - The sweeps are now permanent cuts: funding was not added back into PCAO’s FY 25 budget and PCAO had to eliminate nine General Fund and five Special Revenue positions
  - Classification and Compensation raises made us more competitive on paper, but vacancy sweeps reduce our ability to use those raises to their full potential
  - PCAO focused on being a good budget steward by not hiring into unfunded positions

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#### 4. Fiscal Stewardship

- **PCAO uses a “team concept” to balance attorney workloads**
  - Each team is comprised of two attorneys, one paralegal, and one legal secretary
  - The workload balance resulted in significant efficiency gains (we handle greater caseloads)
  - Eliminating positions will drastically impact this operationally crafted workload balance
  
- **Risk of going over budget**
  - If positions are eliminated, PCAO risks going over budget this FY and potentially next
  - PCAO has not had an opportunity to modify FY25 budget to reflect impact of this policy
  
- **Contingency funding process**
  - When a position is eliminated, funding is removed from the agency (see BOS D 22.16)
  - To request new positions (PCNs), we route a form through County Administration
  - For a PCN to be granted, a funding source has to be identified
  - To support a new PCN, the county attorney as an elected official has to request contingency funding *each and every time* (see BOS D 22.15)
  - This will have unintended consequences that include:
    - an increased demand for the Board’s time
    - delays in funding approval due to board agenda deadlines and meeting schedules
    - delays cause great risk to public safety including the loss of qualified candidates