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# Board of Supervisors Memorandum

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August 15, 2022

## 2023 Legislative Agenda

### Background

Attached please find Resolution No. 2022-\_\_\_\_\_, adopting the County legislative program for 2023 (Attachment 1).

Pima County has historically worked closely with the County Supervisors Association (CSA) to ensure that our County's goals are reflected in the advocacy work conducted by the CSA and to strengthen a statewide voice for counties. This year, Pima County is considering the 2023 Legislative Agenda several months earlier than previous years. This will allow Pima County to more actively participate in the CSA policy summit, at which time the annual County Policy Agenda is determined. This October, the organization will evaluate and act on policy proposed issues, which with action today, will include Pima County's proposals.

Earlier this summer, every Pima County Department was asked to identify areas that require legislative action. They were encouraged to identify items that are:

- Resulting from statutorily mandated procedures that are not beneficial to the public or cost effective;
- Costs that have been unjustifiably shifted to the County from the State;
- Mandated services for which the State provides no or inadequate funding; and
- Existing revenues and authorities from the State that you have reason to believe will be at risk next year.

Proposals received are aligned with suggested broad legislative goals for 2023, which are:

1. Protect the Pima County Taxpayer;
2. Invest in Pima County's Infrastructure;
3. Strengthen the Public Health Authority;
4. Fortify Public Safety; and
5. Support the County Supervisors Association Adopted Legislative Agenda.

### 1. Protect the County Taxpayer

Each year the State of Arizona transfers to Pima County the cost of many programs, some regardless of policy connection. These transfers can represent as much as 25 percent of our primary property tax revenue and we have little choice other than to accept State cost transfers. It is proposed, therefore, that the County oppose any and all State cost transfers that increase the tax burden of Pima County residents.

Attachment 2 contains proposals submitted by the Pima County Assessor, the Pima County School Superintendent, the Clerk of the Board and the Procurement Department that, while seemingly ministerial, have an impact on how the County does business, which can result in a financial liability to Pima County residents.

- A. **Pima County Assessor's Office** – Remove the imposed penalty for re-development of golf courses to another use;
- B. **Pima County School Superintendent** – Increase funding for the Accommodation District, which is operated in the jail to an amount equal to the amount provided for all other accommodation district;
- C. **Clerk of the Board** – Change the requirements for the annual renewal of the advertising and printing contract to mirror standard practices required for all contracts;
- D. **Procurement Department** - Modernize process of bid notices and vendor registration by transitioning from posting in a printed newspaper to electronic notification; and
- E. **Procurement Department** - Modernize process of surplus property sales by transitioning from posting in a printed newspaper to electronic notification/County website.

Attachment 3 includes two proposals, which require advocacy at both the Federal and State level. Both proposals seeks to stabilize the childcare and preschool industry that saw an influx of federal funds during the COVID-19 pandemic by promoting a continuation of elevated funding for childcare.

- A. **Federal and State Community Workforce Development** – 2023 Early Childhood Arizona Legislative ask and preparations for increased childcare funding in the FY2024 Federal appropriations bill.

The Pima County Economic Development Department has delineated a variety of issues related to funding of transportation infrastructure, broadband and other critical programs that should be monitored during the Legislative Session. The list is provided as Attachment 4.

## 2. Invest in Pima County's Infrastructure

- A. **Transportation Funding** – Each year the Pima County Legislative Agenda notes that the State has not seriously invested in our transportation system in over 30 years, leading to declining revenues and inflation erosion of those revenues, all leading to deteriorating transportation systems. The County has consistently supported any increase in transportation revenues from any source for the purpose of accelerating the adopted County road repair program. A critical focus of our advocacy must be on the State and Arizona Department of Transportation (ADOT) to ensure funds are made

available to Pima County for both new roads and maintenance of the existing transportation infrastructure.

**B. Credit for Recharge Effluent** – Pima County’s Regional Wastewater Reclamation Department (RWRD) proposes legislation that will allow new managed recharge projects to receive credit for 95 percent of recharged effluent. RWRD has also provided a list of issues that require constant monitoring, including water related legislation, regulation of wastewater treatment facilities and critical infrastructure. Attachment 5 includes the proposals from RWRD.

- i. **Regional Wastewater Reclamation Department** – Long Term Storage Credits for Effluent Recharged in Managed Underground Storage Facilities.
- ii. **Regional Wastewater Reclamation Department** – Issue Requiring Monitoring.

**C. Regulation of Stormwater Quality** – The Department of Environmental Quality (DEQ) proposes to seek legal authority for Pima County, a large municipal separate storm sewer system (MS4), to regulate stormwater quality. Current language allows other counties within Arizona the authority and this proposal would extend the authority to Pima County.

- i. **Department of Environmental Quality** – Establish Legal Authority for Pima County to Regulate Stormwater Quality. Attachment 6 is the proposal from DEQ.

### 3. Strengthen the Public Health Authority

The COVID-19 pandemic has clearly demonstrated the importance of and need for a strong public health agency. Arizona’s cities and towns, while comprising a large percentage of the state population have no statutory role in public health. It is the county that has responsibility to manage and execute a countywide public health program. Because of the important role that county public health agencies play in service to our residents, authority to carry out needed programs to improve overall community health and minimize the spread of infectious diseases must be maintained by the local health department. For that reason, two initiatives that were included in last year’s Legislative Program and proposed for inclusion once again. Attachment 7 provides the two proposals that acknowledge the need for the State to pass to the counties funds allocated by the federal government to the State Health Departments and the protection of local public health authorities.

- A. **Health Department** - Minimum Pass-through of Public Health Funds to County Public Health Agencies; and
- B. **Health Department** - Protect Local Public Health Authority.

Four new proposals are recommended this year, which are found in Attachment 8. These initiatives call for the State of Arizona to:

- C. **Health Department** - Increase Access to Menstrual Products for Menstruators in Arizona;
- D. **Health Department** - Increased State Funding and Support for Cooling and Warming Centers; and
- E. **Health Department** - Tuition Reimbursement for school counselors, social workers, psychologist, and nurses.
- F. **Health Department** - Exempting Youth Risk Behavior Surveillance Survey from Parental Consent Clause of H.B. 2161.

The Department of Behavioral Health is seeking language to clearly authorize accredited jails to perform the services and functions of evaluation and Mental Health treatment agencies. This would allow detainees who suffer from mental illness to receive treatment during their detention. Specifics of this proposal are found in Attachment 9.

G. **Behavioral Health Department** – Jail Licensing Exemption Clarification

4. Fortify Public Safety

Pima County's Justice Services Department strives to reduce incarceration by addressing the main drivers of jail population, including warrants for failure to appear on misdemeanor charges and low-level nonviolent offenses related to mental illness and substance abuse. The aim is to utilize, when possible, effective alternatives to excessive incarceration. Attachment 10 includes the four proposals from the Justice Services Department to enhance strategies to further the mission.

- A. **Justice Services Department** - Release from Arizona Department of Corrections Rehabilitation & Reentry after serving 50 percent of the time rather than 75 percent – 85 percent; amendment of Arizona Revised Statute § 41-1604.07;
- B. **Justice Services Department** – Mandate uniform criminal justice reporting requirements for all counties;
- C. **Justice Services Department** – Increased Accessibility of Home Detention Programs;
- D. **Justice Services Department** – Bail Reform – Elimination of Cash Bail.

5. Support the County Supervisors Association Adopted Legislative Agenda

The County actively participates in and closely monitors the County Supervisors Association (CSA) and their priorities for the upcoming legislative session. October 5 - 7, the CSA Legislative Summit will be held in Pima County at which time statewide priorities and strategies for counties will be developed.

The Honorable Chair and Members, Pima County Board of Supervisors  
Re: **2023 Legislative Agenda**  
August 15, 2022  
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Recommendation

I recommend the Board of Supervisors adopt Resolution No. 2022-\_\_\_\_\_ adopting Pima County's legislative program for 2023.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jan Lesher', with a stylized, cursive script.

Jan Lesher  
County Administrator

JKL/mp – August 3, 2022

Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator  
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer  
Steve Holmes, Deputy County Administrator  
Michael Racy, Racy Associates, Inc.

# ATTACHMENT 1

**Resolution No. 2022-\_\_\_\_\_**

RESOLUTION NO. 2022 - \_\_\_\_\_

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA  
ADOPTING A PIMA COUNTY LEGISLATIVE PROGRAM FOR 2023

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

Section 1

Those persons authorized by Pima County to lobby on its behalf and registered as lobbyists 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

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. Protect the County Taxpayer

- 1. Oppose any State Cost Transfer that would transfer cost to the County.
- 2. Remove the imposed penalty for re-development of golf courses to another use.



3. Increase funding for the Accommodation District, which is operated in the jail to an amount equal to the amount provided for all other accommodation district.
4. Change the requirements for the annual renewal of the advertising and printing contract to mirror standard practices required for all contracts.
5. Modernize process of bid notices and vendor registration by transitioning from posting in a printed newspaper to electronic notification.
6. Modernize process of surplus property sales by transitioning from posting in a printed newspaper to electronic notification/County website.
7. Stabilize the childcare and preschool industry by promoting a continuation of elevated funding for childcare.

**B. Invest in Pima County's Infrastructure**

1. A critical focus of our advocacy must be on the State and Arizona Department of Transportation (ADOT) to ensure funds are made available to Pima County for both new roads and maintenance of the existing transportation infrastructure.
2. Pima County's Regional Wastewater Reclamation Department (RWRD) proposes legislation that will allow new managed recharge projects to receive credit for 95 percent of recharged effluent.

**C. Strengthening County Public Health Functions**

1. Guarantee a Minimum Pass through of Public Health Funds to County Public Health Agencies.
2. Protect the Public Health Authority.
3. Increase Access to Menstrual Products for Menstruators in Arizona.
4. Increased State Funding and Support for Cooling and Warming Centers.
5. Tuition Reimbursement for school counselors, social workers, psychologist, and nurses.
6. Exempting Youth Risk Behavior Surveillance Survey from Parental Consent Clause of H.B. 2161.

D. Fortify Public Safety

1. Release from Arizona Department of Corrections Rehabilitation & Reentry after serving 50 percent of the time rather than 75 percent – 85 percent; amendment of Arizona Revised Statute § 41-1604.07.
2. Mandate uniform criminal justice reporting requirements for all counties.
3. Increased Accessibility of Home Detention Programs.
4. Bail Reform – Elimination of Cash Bail.

E. Support the County Supervisors Association Adopted Legislative Agenda

Continue to support the County Supervisors Association Adopted Legislative Agenda.

PASSED, ADOPTED AND APPROVED this day of \_\_\_\_ 2022 by the Board of Supervisors of Pima County.

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Chair, Pima County Board of Supervisors

ATTEST:

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Clerk, Board of Supervisors

APPROVED AS TO FORM



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Civil Deputy County Attorney  
Lesley M. Lukach

# ATTACHMENT 2

Assessor  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

   Federal  
  X   State

**Date:** July 15, 2022

**Department/Office:**

Pima County Assessor's Office

**Name, Title and Telephone Number of Contact Person:**

Suzanne Droubie, Pima County Assessor, (520) 724-8364

**Subject or Title of Proposal:**

Repeal of A.R.S. 42-13154-Covenant not to convert golf course to another use; violation; penalty

**Proposal Description:**

Removes the imposed penalty for re-development of golf courses to another use.

**A. Background Information:**

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

A.R.S. 42-13154 requires a binding legal commitment to use a parcel of land as a golf course for at least 10 years. When this occurs, the ownership rights associated with the parcel have been limited and a legal impediment to development has been imposed. It is the responsibility of the golf course owner to record a deed restriction with the county recorder, and file a copy with the county assessor, restricting the property use to a golf course for at least 10 years. Subsequently, if a property qualifies and is taxed as a golf course and is used for anything other than a golf course during the 10 year period, a penalty shall be levied against the property. This penalty is equal to the difference in the amount of property taxes that would have been levied for the preceding ten years, had the property not been assessed under this section.

This statute inhibits redevelopment of these parcels into potentially higher better usage, or parks, open space or natural preserves.

**B. Legislative Proposal:**

**(Describe the proposal and what it would accomplish.)**

The repeal of ARS 42-13154 would stop the penalty for redevelopment of golf courses. According to the National Golf Federation (NGF) the average number of rounds of golf played per course, per year, dropped 20 percent over the past two decades. Repealing A.R.S. 42-13154 would allow for the redevelopment of failing golf courses or courses that have been abandoned without the owners being penalized.

- 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.)

Repeal of A.R.S. 42-13154 in its entirety. See attachment 1.

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

Impacts in the short term would be the loss of the claw back dollars, however that would be made up in its entirety with the redevelopment of the subject parcels into higher best usage of the property in tax dollars. Alternatively, the redevelopment into parks and/or open space would have positive environmental impacts.

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

Unknown

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

Pima County Economic Development, Pima County Development Services, Pima County Real Property, Pima County Attractions, Sun Corridor, Inc., Arizona Commerce Authority, Tucson Metro Chamber, City of Tucson, Town of Oro Valley, Town of Marana, the Town of Sahuarita, and numerous private developers should support this proposal.

Opposition: Unknown

## **Attachment 1**

42-13154. Covenant not to convert golf course to another use; violation; penalty.

A. As a condition for valuation under this article, the owner of a golf course shall record a deed restriction with the county recorder and file a copy of the restriction with the county assessor, restricting the property to use as a golf course for at least ten years. The deed restriction must be refiled as necessary to ensure that the deed restriction always applies for at least ten years.

B. The valuation of a golf course under this section constitutes a covenant between the county assessor and the owner of the golf course that the use of the property will remain unchanged for the duration of the deed restriction.

C. The assessor shall maintain a record of the value of the property determined under this article and the value of the property if it had not been determined under this article. The assessor shall maintain the record for at least ten years for use in computing the penalty under subsection D if the property is converted to a different use in violation of the covenant.

D. If the property is converted to a different use in violation of the covenant, the assessor shall add to the tax levied against the property on the next tax roll a penalty equal to the difference between the total amount of property taxes that would have been levied on the property for the preceding ten years or the period of time the property was valued under this section, whichever period is shorter, if the property had not been valued under this section and the property taxes that were actually paid for the same period. The penalty due under this subsection shall be paid before completion of the next property tax roll and is enforceable and subject to the same penalties and interest as if the penalty were a tax levied against the property.



Superintendent of Schools  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

\_\_\_ Federal  
Yes State

Date:  
7/26/2022

Department/Office:

Pima County School Superintendent's Office

Name, Title and Telephone Number of Contact Person:  
Superintendent Dustin Williams  
520-330-1286 Cell  
520-724-8745

Subject or Title of Proposal:  
Accommodation District funding.

Proposal Description:

15-913.01

**The current statute causes educational hardships and challenges due to the lack of complete funding and does not provide an equal amount of money as other districts across the state. This challenge limits the opportunity for students to succeed like other peers in different schools.**

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

Current Statute that will be purposed to change.

15-913.01. Education program; county jails

C. A county may operate its county jail education program through an accommodation school that provides alternative education services pursuant to section 15-308, except that each pupil enrolled in the accommodation school county jail education program shall be funded at an amount equal to **seventy-two per cent** of the amount for that pupil if that pupil were enrolled in another accommodation school program.

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

15-913.01

Pima legislative proposal:

C. A county may operate its county jail education program through an accommodation school that provides alternative education services pursuant to section 15-308, except that each pupil enrolled in the accommodation school county jail education program shall be funded at an amount equal to **one hundred per cent** of the amount for that pupil if that pupil were enrolled in another accommodation school program

- 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.)

See above. This is a state change.

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

Currently we only receive 72% amount per pupil. With an increase to 100% this will benefit the Pima County Accommodation District and other Accommodation Districts across the state. Estimated increase for Pima would be approximately \$50,000 per year.

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

**We currently completed HB2228 County Jails; Education Programs; Appropriation Representative Amish Shah Increased the amount of funding provided to counties from the general fund for the cost of educating young adults in the jail system by adjusting the funding formula. The bill was incorporated into the education budget reconciliation bill (HB2866) and passed as part of the budget.**

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

We currently have support from Arizona Association of County School Superintendents and anticipate many ABC groups supporting as well.

Clerk of the Board  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  X   State

Date: July 20, 2022

Department/Office: Clerk of the Board's Office

Name, Title and Telephone Number of Contact Person: Melissa Manriquez, Clerk of the Board, (520) 724-8449

Subject or Title of Proposal: Title 11, Chapter 2, Article 4 – 11-255 Annual Contract for Advertising and Printing

Proposal Description: To change the requirements for the annual renewal of the advertising and printing contract.

A. Background Information: Changing the requirements will allow the process to conform to current procurement processes and improve efficiency by allowing renewals instead of performing a procurement process each year. Removing the requirement that bid notices be mailed via the US Postal Service by the Clerk of the Board to qualified newspapers would allow for the use of technology to distribute the bid notices, as is the current and only responsible practice.

B. Legislative Proposal: Removal of the annual renewal requirement would allow for a 1-year contract term with four 1-year renewal options in conformance with procurement standards and the practice for most other as required contracts as allowed by statute. Removing the bid notification process by the Clerk of the Board will allow Procurement to perform this function using their standard notification process, as is currently being performed by most if not all counties. Removing the reference to the method of sending the notice by the US Postal Service allows for the use of technology, which would allow for more rapid distribution of information to a larger audience.

C. Statutes/Regulations Affected or Proposed Language: Attached

D. Fiscal Impact: This proposed change would eliminate the expense associated with conducting annual renewals and the costs associated with the US Postal Service.

E. Proposal History: This is at least the fifth year this has been proposed.

F. Interested Parties: The Clerk of the Board's Office and the Procurement Department would support this proposal.

Title 11 – Counties

Chapter 2 BOARD OF SUPERVISORS

Article 4 Powers and Duties

11-255. Annual contract 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.

Procurement  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  X   State

Date: July 15, 2022

Department/Office: Procurement Department

Name, Title and Telephone Number of Contact Person: Terri Spencer, Procurement Director, (520) 724-3722

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: Transition from posting bid notices in a printed newspaper to posting bid notices on the County's website and to allow vendors to self-register electronically vs. in writing.

A. Background Information:

The requirement to place bid notices in a printed newspaper as a legal notice is an outdated practice, as is the requirement for vendors to notify the Procurement Department in writing to be added to the vendor list. The use of 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 newspaper notice no longer has the ability to reach our target 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 emails are reaching a larger audience. The printed newspaper 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, this practice has not occurred for more than a decade. Pima County currently maintains an electronic database of over 30,000 vendors.

B. Legislative Proposal:

The proposal allows for the use of technology, specifically the internet, for posting bid notices, emailing vendor notices and allowing vendors to register 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:

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 a two-thirds vote of its membership, determines that an emergency exists requiring immediate action to protect the public health or safety. Copies of the invitation and specifications shall be supplied 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:

Would eliminate the expense associated with placing legal ads for bid notices. The estimated annual spend for all legal ads in the official newspaper is approximately \$3,812. The annual spend for bid notices is approximately \$2,010. The soft cost is staff time to perform the process approximately 100 times per year, including the processing of the payments. While the direct fiscal impact is minimal, the cost produces no return.

E. Proposal History:

The same request was filed in 2018, 2019 and 2020.

F. Interested Parties:

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



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  X   State

Date: July 15, 2022

Department/Office: Procurement Department

Name, Title and Telephone Number of Contact Person: Terri Spencer, Procurement Director, (520) 724-3722

Subject or Title of Proposal: Title 11, Chapter 2, Article 4 – 11-251 (9) (56), Surplus Property Sale Notices

Proposal Description: Modernize processes by changing the requirements: Transition from posting sales notices in a printed newspaper to posting sales notices on the County's website.

A. Background Information:

The requirement to advertise sale notices in a printed newspaper, as a legal notice, is an antiquated practice. Posting notices on a website allows for a more efficient and expedient process. The printed newspaper notice is not reaching our target audience. The current circulation of Pima County's official newspaper is in the hundreds. An online notice has the potential to reach a much larger audience and requires no cost. The current printed newspaper notice costs public funds and delays the process, with little or no value to the citizens.

B. Legislative Proposal:

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:

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 a 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 an appraiser who is licensed or certified pursuant to title 32, chapter 36. The appraiser shall establish a market value as defined in section 28-7091 for the property. The minimum acceptable bid for the purchase of the property shall be at least ninety percent of the market value, except that if the property has no market value or a net value as defined in section 28-7095, subsection F of \$10,000 or less, the value of the property may be justified by a market analysis that is based on comparable sales. 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 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 market value of not more than \$1,000, or by retail sale or private bid, if the personal property has a market value of not more than \$15,000. Notice of sales in excess of \$1,000 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:

This proposed change would eliminate the expense associated with placing legal ads for surplus property sale notices. The estimated annual spend for all legal ads in the official newspaper is \$5,822. The annual spend for surplus notices is approximately \$200.00. The soft cost is staff time to perform this process each month, including emailing the ad to the newspaper and the processing of the payments. While the fiscal impact is minimal, the cost produces no return and is an inefficient process.

E. Proposal History:

The same request was filed in 2018, 2019 and 2020.

F. Interested Parties:

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

# ATTACHMENT 3

County Administration/Community & Workforce Development  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

  x   Federal  
     State

Date: 8/3/22

Department/Office:  
Community and Workforce Development

Name, Title and Telephone Number of Contact Person:  
Nicole Fyffe, Senior Advisor, County Administration, 520-724-8149  
Nicole Scott, Program Manager, Pima Early Education Program. 520-724-2696

Subject or Title of Proposal:

**Preparations for increased childcare funding in the FY2024 appropriations bill.**

Proposal Description:

Begin the groundwork to advocate for the continuation of elevated childcare funding in the FY2024 appropriations bill.

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

Since the onset of COVID-19, Congress has sought to stabilize the child care/preschool industry with an influx of emergency CCDBG funding, including:

- \$3.5 billion in the Coronavirus Aid, Relief, and Economic Security Act in March 2020
- \$10 billion in the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 in December 2020
- \$39 billion in American Rescue Plan Act, 2021 in March 2021

The Child Care and Development Block Grant Act (CCDBG) is a law that authorizes the Child Care and Development Fund (CCDF) program. CCDF is administered by states, territories and tribes and outlines how federal funds will be used to provide financial assistance to low-income families to access childcare.

Total Funding Impact to Arizona's CCDF - \$1.3 billion (to be expended between March 2020-June 2024):

- \$88 million: CARES Act (March 2020)

- \$248 million: CRRSA (December 2020)
  - \$968.6 million: ARPA (March 2021)
- Compared to Arizona's regular annual CCDF allocation of \$210 million.

In Arizona, most of this increased funding has gone to DES, which DES has used to end the wait list for childcare subsidies and substantially increase their childcare subsidy reimbursement rates, meaning many more preschool and childcare providers are now accepting families with DES childcare subsidies. DES has also used this funding to provide additional support for preschool and childcare providers in the form of direct grants.

But all this increased funding ends in September 2024! If Arizona reverts back to regular Federal CCDF allocation, with little or no increase in State support, the impact to families, employers, and child care/preschool providers, most of whom are small businesses, will be substantial.

See attachment for more background.

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

Begin the groundwork to advocate for the continuation of elevated childcare funding in the FY2024 appropriations bill.

- 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.)

N/A

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

Long-term, sustained funding for childcare and preschool at the Federal level could reduce the need for Pima County funding for this purpose over time. In addition, funding spent specifically for evidence-based programs like Head Start and Arizona's First Things First Quality First improvement and rating system have been shown to provide a return on investment as high as \$12-\$16 per \$1 spent. Direct investments in the health and education of low-income children in particular have been shown to generate much higher returns on investment than social programs focused on adults only.

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

There is currently an effort to include childcare funding in budget reconciliation, which grew out of the initial Build Back Better initiative that included a family plan with \$400 billion for childcare and early education. The recent Murray/Kane proposal reduces that to \$78 billion. It may be more effective for Pima County to begin advocating in early calendar year 2023 for continued elevated childcare funding in the FY2024 appropriations bill.

- F. Interested Parties:

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

National Advocates for including Childcare/Preschool funding in the Reconciliation Bill include the following and it is assumed they would similarly support elevated funding via FY2024 appropriations:

Alliance for Early Success, All Our Kin, Child Care Aware of America, Child Care for Every Family Network, CLASP, Community Change, First Five Years Fund, Jumpstart, MomsRising, National Association for the Education of Young Children (NAEYC), National Head Start Association, National Women's Law Center, Save the Children Action Network, Start Early, The Century Foundation, and ZERO TO THREE.

Childcare funding is also a priority for the National Association of Counties.



## Childcare and Preschool Funding and the 2024 Fiscal Cliff

### An Arizona and Pima County Perspective

Quality childcare and preschool is essential for today's workforce, as well as the workforce of the future. Consistent, affordable and quality care and education means parents can participate in the workforce, attend education and training programs, increase their earnings and be more productive employees. For children, it means they will be better prepared for kindergarten, more likely to succeed in school, and in the future be gainfully employed and more productive members of society. Unlike Kindergarten that is often provided by public school districts as part of the K-12 system, **childcare and preschool/prek for children ages birth through 5 is mostly provided by the private sector** at privately owned and operated centers and homes – many of which are small businesses. Childcare and preschool are also often referred to as “early childhood education” or ECE.

Not just parents and children benefit. A wealth of data from numerous long-term studies show that investing in high-quality preschool, especially for economically disadvantaged, minority and dual language children, provides short-term and lasting benefits to not only children and their families, but also schools, employers, taxpayers, and the community. Economists have estimated an economic return of \$12 to \$16 on the high end for every one dollar invested, based on increased school and career achievement as well as reduced costs in remedial education, health and criminal justice system expenditures. In addition, the return on investment in high quality early childhood education has been found to be substantially higher than for other forms of government social service spending.

However, childcare and preschool are one of the biggest expenses a family can face, costing Arizona families upwards of \$10,000 a year per child for preschool age children (3-5 years old), and significantly more for infants and toddlers.

**Pima County and the Tucson** metro area are leading Arizona by investing locally in high quality preschool for families with incomes up to 300% Federal Poverty Level (3x the Federal Poverty level – or \$83,250 for a family of 4). Pima County, cities and towns (Tucson, Marana and Oro Valley), business and community organizations fund Pima Early Education Program scholarships (PEEPs). The purpose of PEEP is to increase the number of eligible children attending high quality preschools via local funding partnerships and statewide coordination. Individual scholarships, as well as free preschool classes, are **available at 170 preschools** across Pima County. **These include private childcare centers (57% of the locations), private home-based family childcare providers (12%), and local public school districts (31%), providing families with a variety of hours and environments that fit their needs and preferences.** Pima County and its partners have so far committed almost \$33 million over three years – through mid-2024. For Pima County, the majority of this is Federal American Rescue Act Plan funding. However, with the support of the business community who lobbied to change the State statutes for library districts, the Board of Supervisors is gradually increasing the Pima County Library District property tax rate to generate at least \$10M annually for this purpose when the ARPA funding runs out. **In this first year, PEEP served 850 children!**

The City of Tempe also has a city funded preschool program for income eligible children, as does Flagstaff. Local communities across Arizona are recognizing the importance of this issue and are committing local funds for this purpose.

Note: While these locally funded programs are targeting preschool age children, we all understand the critical need for, and benefits of, toddler and infant childcare. From a childcare business perspective, toddler and infant care is so much more expensive to provide than preschool, and often tuition charges for preschool age children subsidizes the cost of infant/toddler care if provided at the same location.

**Statewide programs and funding** for child care and preschool includes:

- Arizona Department of Economic Security (DES) childcare subsidies for families with incomes up to 165% FPL – funded almost entirely from the annual **Federal Child Care Development Fund Grant** – and available to be used at preschools and child care providers across Arizona that are contracted with DES. The State only provides \$7 million annually from the State General fund for childcare subsidies. This down from \$84 million prior to the Great Recession.
- First Things First, (FTF) a state agency created by voters in 2006, that allocates a portion of tobacco tax revenue to preschool and childcare scholarships across Arizona for families with incomes up to 300% FPL, to be used to cover tuition at preschools and childcare providers that are enrolled in the First Things First Quality First program (an evidence-based program and star rating system based on other State's evidence based programs).
- Head Start, a long time Federal program that provides funding to Head Start regional administrators for children from families at the poverty rate (100% of FPL) to attend free childcare/preschool, with extensive, wrap around services for enrolled children and families.

### **The 2024 Fiscal Cliff**

Since the onset of COVID-19, Congress has sought to stabilize the child care/preschool industry with an influx of emergency CCDBG funding, including:

- \$3.5 billion in the Coronavirus Aid, Relief, and Economic Security Act in March 2020
- \$10 billion in the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 in December 2020
- \$39 billion in American Rescue Plan Act, 2021 in March 2021

**The Child Care and Development Block Grant Act (CCDBG) is a law that authorizes the Child Care and Development Fund (CCDF) program.** CCDF is administered by states, territories and tribes and outlines how federal funds will be used to provide financial assistance to low-income families to access child care.

Total Funding Impact to Arizona's CCDF - **\$1.3 billion** (to be expended between March 2020-June 2024):

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- \$968.6 million: ARPA (March 2021)

→ **Compared to Arizona's regular annual CCDF allocation of \$210 million.**

In Arizona, most of this increased funding has gone to DES, which DES has used to end the wait list for childcare subsidies and substantially increase their childcare subsidy reimbursement rates, meaning many more preschool and childcare providers are now accepting families with DES childcare subsidies.

DES has also used this funding to provide additional support for preschool and childcare providers in the form of direct grants.

**But all this increased funding ends in 2024!** If Arizona reverts back to regular Federal CCDF allocation, with little or no increase in State support, the impact to families, employers, and child care/preschool providers, most of whom are small businesses, will be substantial.

**National Advocates for including Childcare/Preschool funding in the Reconciliation Bill that may also be supportive of the continuation of elevated funding in the FY2024 appropriations bill:**

The following national advocates for early childhood education hosted a short 30-min webinar on June 29<sup>th</sup> about the importance of lobbying Democratic Senators, in particular, to get child care funding in the upcoming Reconciliation Bill:

Alliance for Early Success, All Our Kin, Child Care Aware of America, Child Care for Every Family Network, CLASP, Community Change, First Five Years Fund, Jumpstart, MomsRising, National Association for the Education of Young Children (NAEYC), National Head Start Association, National Women's Law Center, Save the Children Action Network, Start Early, The Century Foundation, and ZERO TO THREE

They said, "Reports are clear that child care is not currently funded in the narrow reconciliation package that may be coming together. Join this 30-minute webinar co-hosted by more than a dozen national ECE organizations to learn more about what's happening in Congress and what our shared and collective strategy, actions, and messages must be now to get child care funding in reconciliation, before it's too late." See pdf of email with resources linked.

They discussed the Murray/Kaine proposal (\$78B vs \$400B in initial BBB initiative) - Senators Patty Murray (D-WA) and Tim Kaine (D-VA) announced a new proposal that would provide multi-year funding for child care and early learning:

[Newest Proposal Would Provide Robust Investments to Early Childhood Programs \(childcareaware.org\)](https://childcareaware.org)

Arizona's Children's Action Alliance, Kelley Murphy, would likely be best contact to learn about support at State Legislature or other Arizona counties and cities for increasing state funding for childcare and preschool. [kmurphy@azchildren.org](mailto:kmurphy@azchildren.org) 480-532-5040

**Quotes from parents whose children received Pima County PEEPs scholarships last year:**

"This program has allowed me to focus more on my education knowing that my son is in a program that is helping him learn." - Parent

"Without the scholarship, we would not be able to send our son to the early learning center. We wouldn't be able to afford it. This scholarship and the program has changed our lives. Our son has a hard time with speech, and the school has helped him become more verbal. It has changed his life. I have to work full time to make ends meet, and having this scholarship helps me be able to work. This scholarship has given me the opportunity to have a wonderful place for my son to go to school." -Parent

"This program has benefitted my family in a positive way, it has helped my child overcome her fear of being around other people and it has helped her social skills. My child is now able to speak the English language better. She is also more outgoing with children her age, and is speaking up a lot more." - Parent

“Thank you for the opportunity that this scholarship has provided me to be able to work and not have to stress about having to pay for childcare. I am nearing the end of being able to use the scholarship as my son will be going to kindergarten next year. I have been appreciative of the fact it was here and available for use while it was needed. The scholarship is a great help and benefit for all families in our program”. –Parent and childcare educator

“We absolutely adore the PEEPs program and the teachers at Ocotillo! My 4 year old son went from shy and hardly being willing to be away from me for any period of time, to excited every morning asking if he goes to preschool today. He loves his teachers and I have seen an improvement in his writing and drawing, as well as his confidence and excitement to learn. When I pick him up we can’t leave the parking lot until he shows me everything he made that day, and the drive home he tells me everything he learned and did. I would easily say that he is thriving in this program and we are so blessed to have found it!” –Parent

“The PEEPS program is an opportunity for the families in Pima County to have their young children in a high-quality early childhood program. In a high-quality program, children develop positive relationships with each other and their teachers. The experiences and interactions children have in these early years significantly affects brain development and helps to establish the foundation for future learning. Each teacher’s warm and responsive interactions, and knowledge of child development and learning, create a nurturing and stable environment. This enables the development of secure attachments between child and teacher, which can have lifelong impacts on learning, cognition, and self-regulation.” said Susan Shinn, the director of Early Learning Programs in the Flowing Wells School District.



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  x   State

Date:  
July 8, 2022

Department/Office:  
County Administrator/Community and Workforce Development

Name, Title and Telephone Number of Contact Person:

Nicole Fyffe, Senior Advisor, County Administration, 520-724-8149  
Nicole Scott, Program Manager, Pima Early Education Program. 520-724-2696

Subject or Title of Proposal:

***2023 Early Childhood Arizona Legislative Ask***

Proposal Description:

Arizona Early Childhood Alliance (AZECA) and others are undertaking a stakeholder process to develop a 2023 Early Childhood Legislative Ask with the intention of determining what it would cost to fully fund early childhood health and education in Arizona, with the costs broken out via a menu of components, and per county. This information could then be used to develop one big ask of the legislature to fully fund early childhood education and health, or to prioritize the components into a step-by-step funding plan.

A. Background Information:

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

Since 2009 and the Great Recession, the State has spent \$7 million annually in State General Funds towards child care/early childhood education for disadvantaged families and children. This is down from a high point in 2008 of \$84 million in State General Funds. Prior to the COVID-19 pandemic, the majority of the funding the State spent for this purpose was allocated annually to the State from the Federal Child Care Development Fund Block Grant (approx. \$125 million annually), and the State then spent most of this on childcare subsidies for low-income working families (DES) and foster children (DCS). Since

Since 2009, First Things First, a state agency created by voters, has been spending tobacco funding on scholarships for children ages 0-5 from income

eligible families to attend high quality preschool and child care programs at FTF quality first child care/preschool providers. The amount spent on this purpose in recent years has been approx. \$42 million a year.

In response to the pandemic, the State was awarded \$1.3 billion in additional Federal funding to be spent by September 2024 or before. As a result, DES/DCS childcare subsidy reimbursement rates have been substantially increased to address the true cost of quality. This funding has also been allocated directly to childcare and preschool providers to support other provider costs during the pandemic. DES also paid FTF to increase the number of providers participating in the FTF Quality First program. It is anticipated that a contract will be finalized in July 2022 between DES and FTF, whereby DES will use some of these funds to pay FTF to increase FTF scholarships reimbursement rates so that they are in line with the higher DES rates.

The problem is that in September 2024 these additional Federal pandemic recovery funds run out, and there is no long term commitment by the State to increase State General Funding for this purpose to even pre-Great Recession levels, which is still substantially less than what is needed.

Pima County, at the direction of the Board of Supervisors, recently created the Pima Early Education Program (PEEP), which funds preschool scholarships for children from income eligible families, at a cost of approximately \$10 million a year. This program will be much less effective if statewide funding for preschool and childcare decreases dramatically in September 2024.

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

Arizona Early Childhood Alliance (AZECA) and others are undertaking a stakeholder process to develop a 2023 Early Childhood Legislative Ask with the intention of determining what it would cost to fully fund early childhood health and education in Arizona, with the costs broken out via a menu of components. This information could then be used to develop one big ask of the legislature to fully fund early childhood education and health, or to prioritize the components into a step-by-step funding plan. This relates directly to the PEEPs guiding principle of advocating with partners for a long-term statewide solution.

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.)

N/A

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

A fully funded Arizona early childhood education and health plan could reduce the need for Pima County funding for this purpose over time.

E. Proposal History:

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

Specifics unknown.

F. Interested Parties:

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

All listed in support or likely in support:

Arizona Early Childhood Alliance  
Arizona Early Childhood Education Association  
Children's Action Alliance  
Arizona Head Start  
Central Arizona College  
Pima Community College  
First Things First  
ASU  
UA  
AZ Dept of Ed  
AZ Dept of Health  
Education Forward Arizona  
Stand for Children  
Candelen  
Make Way for Books  
Read on AZ  
Southwest Human Development  
Northern AZ Council of Governments  
City of Tucson  
Town of Marana  
Town of Oro Valley  
School districts in Pima County  
El Rio  
Tucson Medical Center  
United Way of Tucson and Southern Arizona  
Southern Arizona Leadership Council  
Preschool Promise

# ATTACHMENT 4



Economic Development  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
X State

Date: 7-22-2022

Department/Office:

Pima County Economic Development

Name, Title and Telephone Number of Contact Person:

Heath S. Vescovi-Chiordi, Director, 520-724-4444

Subject or Title of Proposal:

Economic Development Legislative Priorities

Proposal Description:

This proposal includes general Economic Development related policy issues of importance to local and County-wide Economic Development efforts, that would support multiple important facets of Economic Development competitiveness, including education, incentives for attraction and expansion, tax climate,

A. Background Information:

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

In general, Economic Development efforts need consistent representation and support at our State Capitol. By continuing to pursue broad Economic Development-related policies, we can ensure that local, county, and state government stays competitive in an ever-evolving, complex, and changing economic landscape. This competitiveness not only applies to within our own state, but as a state in the southwestern United States, as well as nationally and internationally. These priority areas will assist greatly with this.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

This proposal outlines general areas for Economic Development policy lobbying efforts, in an effort to continue to make local, county, and statewide Economic Development efforts more competitive, in order to attract, retain, and expand industry within the County, thereby diversifying the economy, eliminating poverty, and increasing economic opportunity and mobility for Pima County residents.

- A. Support funding of local and regional transportation infrastructure, including the necessary funding for the study and construction of the Sonoran Corridor transportation project.
- B. Support funding for rural broadband infrastructure.
- C. Retain and modernize existing Economic Development incentives and tools.
- D. Identify opportunities for, and research possible creation of new Economic Development incentives and tools that focus on attraction, growth, and retention and expansion of high-wage industries.
- E. Identify and implement policies and funding for educational programs that perpetuate a thriving, qualified, and adaptable Arizona workforce.
- F. Identify and support legislation that encourages funding for potable water resources and infrastructure, as well as wastewater infrastructure, to provide sustainable and renewable resources for Economic Development.

- 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.)

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

Indirect and direct funding implications for Pima County may vary, but might include additional state monies granted to Pima County for workforce training, upskilling, transportation studies, infrastructure construction, and economic development incentives.

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

Conceptually, this is a new proposal being submitted on behalf of the Pima County Economic Development Department, with policy priority areas that have been explored in the past, as well as newly identified priorities.

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

Support:

Andres Cano  
Morgan Abraham  
Alma Hernandez  
Vincent Leach  
Victoria Steel

# ATTACHMENT 5

# Regional Wastewater Reclamation Department 2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  X   State

**Date:** July 26, 2022

**Department/Office:** Pima County Regional Wastewater Reclamation Department

**Name, Title and Telephone Number of Contact Person:**

Jackson Jenkins, Director, 520-724-6549

**Subject or Title of Proposal:**

Long Term Storage Credits for Effluent Recharged in Managed Underground Storage Facilities.

**Proposal Description:**

Long Term Storage Credits for Effluent Recharged in Managed Underground Storage Facilities.

**A. Background Information:**

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

Pima County RWRD recharges effluent generated at wastewater treatment facilities in either constructed or managed underground storage facilities (USF) in order to accrue Long Term Storage Credit (LTSCs). A constructed USF, such as an injection well or a percolation basin, is a man-made structure; whereas a managed USF employs the naturally water-transmissive area of a streambed. A managed recharge facility has numerous ecological co-benefits such as creating and supporting riparian ecosystems; all while costing a small fraction to construct and operate compared to a constructed USF.

Constructed USFs generates water storage credits at a rate of 100% of the water that is recharged. However, new recharge projects that employ a managed USF for storage of effluent from a wastewater reclamation facility only generates LTSCs at a rate of 50% of the total amount of water recharged. Effluent recharge in a managed USF is the only type of recharge that gets less than 95% of storage credits. This results in a significant disincentive to recharge effluent at a managed USF, despite the widely known ecological benefits of in-stream discharge and cost advantage.

Both the Tres Rios WRF and Agua Nueva WRF discharge directly into the Santa Cruz River via managed USFs. These facilities currently earn 95% recharge credit due to the Drought Contingency Plan, signed by Governor Doug Ducey on January 31, 2019. The Drought Contingency Plan declared that effluent stored at any **existing** effluent managed USF on January 31, 2019 would receive 95% credit instead of 50%. This will not apply to any new managed USFs.

**B. Legislative Proposal:**

(Describe the proposal and what it would accomplish.)

The proposal would allow for newly constructed Managed USFs to qualify for a 95% credit of Long Term Storage Credits for Wastewater Treatment Facility effluent recharge. Both the public and Pima County would benefit if a new regional WRF is built in Sahuarita, with effluent being recharged directly into the Santa Cruz River. Not only would Pima County generate additional LTSCs, but it would create a lush riparian habitat for local ecology to flourish similar to recharge at Pima County's Tres Rios WRF, Agua Nueva WRF, and at the City of Tucson's newest effluent recharge project, The Santa Cruz River Heritage Project.

**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.)

A.R.S. 45-852.01(C)

**D. Fiscal Impact:**

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

This would increase the storage credits gained from 50% to 95% for any newly constructed Managed Recharge Projects, which is a long-term financial benefit to Pima County. There would be no significant impact in how the WRF were operated.

**E. Proposal History:**

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

N/A

**F. Interested Parties:**

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

Pima County Regional Wastewater Reclamation Department  
Pima County Regional Flood Control District  
Arizona Department of Water Resources  
Arizona Department of Environmental Quality  
Bureau of Reclamation



Sonoran Institute  
City of Tucson  
Tribal Nations  
Santa Cruz Watershed Collaborative



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

\_\_\_ Federal  
X State

**Date:** July 26, 2022

**Department/Office:** Pima County Regional Wastewater Reclamation Department

**Name, Title and Telephone Number of Contact Person:**

Jackson Jenkins, Director, 520-724-6549

**Subject or Title of Proposal:**

MONITOR & ADVISE – Introduced legislation relating to the following issues:

1. Water-related legislation (ARS Title 45 and Title 49):
  - a. Rules and Regulations on Per- and polyfluoroalkyl substances (PFAS) and Other Contaminants of Emerging Concern
  - b. Changes to the three-county Central Arizona Water Conservation District and impacts to service and representation
  - c. Changes to the Central Arizona Groundwater Replenishment District
  - d. Water Quality Standards: Aquifer Water Quality Standards; Reclaimed Water Quality Standards; Standards for Ephemeral & Effluent-Dependent Streams
  - e. Underground Storage Facility Permits and Recovery Wells
  - f. Environmental permits: Aquifer Protection Permits, AZPDES permits, Recycled Water Permits, any new program to regulate state waters that are not Waters of the United States
  - g. Utilization of Effluent and Reclaimed Water
2. Professional Engineers – Liability
3. Environmental Management Systems; Capacity, Management, Operations & Maintenance (CMOM); Asset Management Systems
4. Regulation of Wastewater Treatment Facility Operators and/or Inspectors
5. Blue Stake/House Connection Service (HCS)
6. Critical Infrastructure
7. Stormwater Treatment Costs & Point Source Compliance Pollution Limits
8. Stormwater Resource Legislation
9. Water Resources

**Proposal Description:**

NA

**A. Background Information:**

NA

**B. Legislative Proposal:**

(Describe the proposal and what it would accomplish.)

NA

**C. Statutes/Regulations Affected or Proposed Language:**

NA

**D. Fiscal Impact:**

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

NA

**E. Proposal History:**

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

NA

**F. Interested Parties:**

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

NA

# ATTACHMENT 6

Department of Environmental Quality  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

☐ Federal  
☒ State

**Date:** July 25, 2022

**Department/Office:**

Department of Environmental Quality

**Name, Title and Telephone Number of Contact Person:**

Barbara A. Escobar, Director, (520) 724- 7363

**Subject or Title of Proposal:**

Establish legal authority for Pima County (a large MS4) to regulate stormwater quality.

**Proposal Description:**

Establish legal authority for Pima County (a large MS4) to regulate stormwater quality.

**A. Background Information:**

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

The current language granting counties legal authority to regulate stormwater quality extends only to counties with small MS4s. Within A.R.S. § 49-371, all of Arizona counties except Pima county, are granted legal authority to fully implement a stormwater management plan as required by the state issued MS4 permit.

**B. Legislative Proposal:**

(Describe the proposal and what it would accomplish.)

Amendments to A.R.S. § 49-371 would grant explicit legal authority to counties with medium and large MS4s to create and implement stormwater quality control regulations.

**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.)

A.R.S § 49-371, See Exhibit

**D. Fiscal Impact:**

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

NA

**E. Proposal History:**

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

NA

**F. Interested Parties:**

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

TBD

**Exhibit 1 – Establishing legal authority for medium and large municipal separate storm sewer systems to regulate stormwater quality – Amending ARS § 49-371, subsections I & J**

49-371. Local stormwater quality programs; authority; limitations; fee; civil penalty; definition

A. A county that is required by the clean water act to obtain coverage under a national or state pollutant discharge elimination system stormwater program or a county that is required to obtain coverage under an Arizona pollutant discharge elimination system permit pursuant to article 3.1 of this chapter may do all of the following:

1. Develop and implement stormwater pollution prevention plans and stormwater management programs as prescribed by the clean water act or article 3.1 of this chapter.
2. Adopt, amend, repeal and implement any ordinances, rules or regulations necessary to comply with the minimum requirements of the clean water act or article 3.1 of this chapter, including the imposition and collection of fees for issuing and administering permits, reviewing plans and conducting inspections. Any fees imposed pursuant to this section shall not exceed the reasonable costs of the county to issue and administer permits, review plans and conduct inspections. Fees collected pursuant to this section may not be used to fund stormwater infrastructure costs.
3. Adopt rules, regulations or ordinances regulating the use of lands or rights-of-way owned or leased by the county as may be necessary to implement and enforce its national or state pollutant discharge elimination system stormwater management program. Rules, regulations or ordinances adopted pursuant to this paragraph may include provisions for both of the following:
  - (a) Establishing and enforcing a county permit program, including conditions for the review, issuance, revision, renewal, revocation, administration and enforcement of a permit.
  - (b) Establishing fees for the use of lands or rights-of-way and the discharge of stormwater or other waters onto or across those lands or rights-of-way pursuant to a permit.
4. Enforce the ordinances, rules or regulations adopted pursuant to this section consistent with section 49-372.
5. Seek a civil penalty of not more than \$2,500 for each violation. Each day of a violation constitutes a separate offense.

B. An ordinance, rule or regulation adopted pursuant to this section, or a stormwater management program developed and implemented by a county pursuant to this section, shall not be more stringent than or conflict with any requirement of the clean water act or article 3.1 of this chapter. A city, town or county may not regulate under this section any activity that does not discharge to a protected surface water.

C. A county that operates a regulated small municipal separate storm sewer system that discharges to a protected surface water shall conduct its pollutant discharge elimination system stormwater management program and shall limit the application of any ordinance, rule or regulation as follows:



1. In urbanized areas as described in 40 Code of Federal Regulations section 122.32 as necessary to meet the requirements of 40 Code of Federal Regulations section 122.34(b)(3). For small municipal separate storm sewer systems that discharge to non-WOTUS protected surface waters, the county shall apply this paragraph as if the small municipal separate storm sewer system discharged to a WOTUS protected surface water.

2. As necessary to meet the requirements of public education and outreach, public involvement and participation as provided by the clean water act or article 3.1 of this chapter.

D. Except as required by the clean water act, a county may not require a permit from any person with a federal or state pollutant discharge elimination system permit regulating the same activity at the same location.

E. Except as required by 40 Code of Federal Regulations section 122.34 , a county may not regulate any person or activity exempt under 33 United States Code section 1342(l), 40 Code of Federal Regulations section 122.3 or Arizona administrative code R18-9-A902(G).

F. If adopting an ordinance, rule or regulation pursuant to this section, a county shall use the definitions prescribed in section 49-255.

G. Fees received by a county pursuant to an ordinance or rule adopted pursuant to this article shall be deposited with the county for use in administering the programs or plans developed and implemented pursuant to this section.

H. Before adopting any ordinance, rule or regulation pursuant to this section, a county shall file with the secretary of state a written statement including a summary of the proposed rule, ordinance or other regulation. The summary shall provide the name of the person with the county to contact with questions or comments. The secretary of state shall publish the written statement in the next issue of the Arizona administrative register at no cost to the county. The county shall make the text of the rule, ordinance or other regulation available to the public at the same time it files the written summary of the rule, ordinance or other regulation with the secretary of state as provided in this subsection. The county shall also comply with the requirements of section 49-112, subsection D, paragraphs 2, 3 and 4 .

I. For the purposes of this article, **EXCEPT SECTIONS A & B**, "county" means a county that operates a regulated small municipal separate storm sewer system pursuant to 40 Code of Federal Regulations section 122.32 . For small municipal separate storm sewer systems that discharge to non-WOTUS protected surface waters, this definition shall apply as if the small municipal separate storm sewer system discharged to a WOTUS protected surface water.

**J. SECTIONS A & B SHALL ALSO APPLY TO MEDIUM AND LARGE MUNICIPAL SEPARATE STORM SEWER SYSTEMS.**

# ATTACHMENT 7

Health  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

☐ Federal  
☒ State

Date: July 29, 2022

Department/Office:

Pima County Health Department

Name, Title and Telephone Number of Contact Person:

Dr. Theresa Cullen, Director of the Pima County Health Department

Subject or Title of Proposal:

Minimum Pass-through of Public Health Funds to County Public Health Agencies

Proposal Description:

A. Background Information:

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

Federal funding provides the primary support for state public health infrastructure. The majority of these resources are retained centrally by the State for programming and use with no specific requirement to pass through funds to counties for local public health programming. Local programming is essential being effectively and efficiently responsive to health needs of local communities. Currently, many federal public health grants for public health are only awarded directly to the State, with no guaranteed option for counties to apply for the funds.

Direct federal funds for public health not tied to a specific program have become a more common practice due to the response to the pandemic. At the beginning of the pandemic, counties with a population of 500,000 or greater received direct CARES Act funding. This left smaller counties reliant on the State to distribute funds to them during emergency response. This delayed access to necessary economic support for pandemic response. Arizona received \$1.9 billion of CARES Act funding, of which approximately \$400M went to eleven state agencies to cover already budgeted salaries and expenses. This resulted in these agency's returning \$300 million in already previously budgeted funds to the state general fund and \$96 million back to other state funds instead being directed to emerging local health needs related to the pandemic. Later, with the

advent of the American Rescue Plan, direct allocations went to localities and did not require a pass through from the State. Public health funding from the federal government continues to increase. This means that states will continue to see increases in funds for public health efforts and emergency response, with no guarantee that local communities will receive pass-through funding.

As new federal dollars are added to address the chronically underfunded public health infrastructure and the ongoing pandemic response, it is important that local health departments receive a sufficient portion of the funding in order for local needs to be effectively and efficiently addressed.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

For the Arizona Legislature to enact legislation that would require at least 50 percent of public health funding provided by the federal government to the State to be passed through to county public health agencies. Such action would serve to support and protect the statutory authority of county health departments as they seek to conduct their constitutionally mandated functions.

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.)

TBD

D. Fiscal Impact:

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

It would increase revenues from the State to support public health initiatives in Pima County.

E. Proposal History:

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

Included in legislative ask for 2021,2022

F. Interested Parties:

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

County Supervisors Association



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

☐ Federal  
☒ State

Date: July 29,2022

Department/Office:  
Pima County Health Department

Name, Title and Telephone Number of Contact Person:  
Dr. Theresa Cullen, Director Pima County Health Department

Subject or Title of Proposal: Protect Local Public Health Authority

Proposal Description:

A. Background Information:

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

Local public health authority is essential to protecting the public's health and ensuring that science-based decision-making informs public health emergency response. However, the ability of local jurisdictions to implement a science-based response to emergencies was challenged by legislatures and governors who overrode policies put in place by local jurisdictions and public health agencies. Historically, emergency powers have been given to public health officials and departments to protect the community from infectious diseases. Public health officials need to have the authority to respond rapidly to emergencies using science-led and best practice approaches without delay.

According to the Network for Public Health Law and NACCHO, 44<sup>1</sup> states have passed and/or introduced measures that undermined public health authority — including changing who is granted emergency powers in states. Governors' emergency powers have been challenged as well during the pandemic. Arizona is among the states that have passed legislation limiting public health authority.

During the Arizona 2022 legislative session, multiple bills were passed and signed by the Governor which limits the authority of public health. They are :

- **SB1009** Limits the governor's authority to declare a public health emergency and must get approval from the Legislature if it continues after 120 days.
- **HB2507** Declaring religious services as "vital to the health and welfare of the public even during a state emergencies."

- **HB2498** Prohibits a government entity from requiring a resident of this state to receive a vaccination for COVID-19 or any variant of COVID-19 unless in clinical settings.
- **HB2616** Prohibits Arizona from requiring a person under 18 years of age to wear a face covering or mask without the express consent of the person's parent or guardian.
- **HB2453** Prohibits a governmental entity from imposing any requirement to wear a face covering or mask anywhere on the premises with certain exceptions.
- **HB2086** States that immunizations for COVID-19 or any variant of COVID-19 are not required for school attendance. Repeals statute relating to immunizations not required for school attendance.

These bills have severely limited local public health authority and the ability to respond to the current pandemic and future health emergencies.

References:

1. PUBLIC HEALTH AUTHORITY 50-State Legislative Law and Bill Survey URL <https://www.networkforphl.org/wp-content/uploads/2022/06/Summary-of-Enacted-Laws-and-Pending-Bills-Limiting-Public-Health-Authority.pdf>

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

Keep and restore local public health authority and allow state and local public health officials to act swiftly and follow science during public health emergencies.

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.)

36-787. Public health authority during state of emergency or state of war emergency; notices; appeals

D. Fiscal Impact:

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

NA

E. Proposal History:

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

Third time proposal

F. Interested Parties:

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

AzPHA

County Health Departments



# ATTACHMENT 8



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

☐ Federal  
☒ State

Date: July 29, 2022

Department/Office:

Pima County Health Department

Name, Title and Telephone Number of Contact Person:

Dr. Theresa Cullen, Director of Pima County Health Department

Subject or Title of Proposal: Increase Access to Menstrual Products for Menstruators in Arizona

Proposal Description:

A. Background Information:

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

Access to reproductive healthcare across the life course, from menses to menopause, and comprehensive family planning are critical to the health and well-being of the population of Arizona.

The reproductive health journey that begins with the onset of menstruation is fraught with social and economic barriers for some. In Arizona, 1 in 5 women and girls ages 12 to 44, approximately 1,500,000 people, live below the Federal Poverty Line. Nationally, 1-in-5 low-income women report missing work, school, and other commitments critical to their economic development due to lack of access to menstrual hygiene products.<sup>1</sup> Those who menstruate do not have an option but to purchase or resolve their circumstances by using unhygienic materials to manage their cycle. The use of unhygienic materials can lead to increased risk for infection which can lead to longer term reproductive health issues.

References:

1. Arizona State Fact Sheet on Period Supplies.  
[https://cdn.b12.io/client\\_media/HJ1wIVtl/d2b7d2ea-95f9-11ea-b068-](https://cdn.b12.io/client_media/HJ1wIVtl/d2b7d2ea-95f9-11ea-b068-)

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

Reintroduce the language of 2020 HB 2883

Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes, is amended by adding section 15-120.01, to read:

**15-120.01. Feminine hygiene products; required provision by schools; definition**

**A. A SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT AND THAT SERVES PUPILS IN GRADE SIX OR HIGHER OR A CHARTER SCHOOL THAT SERVES PUPILS IN GRADE SIX OR HIGHER SHALL MAKE FEMININE HYGIENE PRODUCTS AVAILABLE IN ALL WOMEN'S AND GENDER-NEUTRAL RESTROOMS AT THE SCHOOL. NOTWITHSTANDING ANY OTHER LAW, A SCHOOL THAT PROVIDES FEMININE HYGIENE PRODUCTS PURSUANT TO THIS SECTION MAY NOT CHARGE A PUPIL OR THE PUPIL'S FAMILY FOR A FEMININE HYGIENE PRODUCT.**

**B. FOR THE PURPOSES OF THIS SECTION, "FEMININE HYGIENE PRODUCT" INCLUDES TAMPONS AND SANITARY NAPKINS.**

- 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.)  
Title 15, Chapter 1, Article 1

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

NA

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

Eliminating the sales tax and access to free menstrual products in public schools and shelters has previously been introduced to the state legislature. Only free products in prisons has been passed into law.

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



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
X State

Date: July 29, 2022

Department/Office:  
Pima County Health Department

Name, Title and Telephone Number of Contact Person:  
Dr. Theresa Cullen, Director Pima County Health Department

Subject or Title of Proposal:  
Increased State Funding and Support for Cooling and Warming Centers

Proposal Description:

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

As the climate warms, exposure to and number of days of extreme heat is increasing. The number of days surpassing 110 degrees is set to increase in Arizona.<sup>1</sup> Heat resilient communities are essential to the public health of Pima County. Impending increases in temperatures and climate-related disasters in the state of Arizona require a supportive infrastructure in order to protect communities.

When someone is exposed to extreme heat, it enhances their risk to heat-related illness and death. In 2020, Arizona had 522 heat-related deaths, which was a record for the state.<sup>2</sup> Public health has a role in heat-related illness since they are preventable. Those most at risk for heat-related illness include communities of color, older and disabled individuals, low-income communities and those with chronic conditions.<sup>2</sup>

-Prevention of heat related illness is accomplished through both individual and community-based strategies. These strategies involve enhancing built and vegetated infrastructure to be heat resilient, providing cool places of refuge and ensuring the electrical grid can support increased stress from more days of extreme heat.<sup>3</sup> Cooling centers are a proven solution for people to escape the heat when access to air conditioning is not an option in their current living situation. Enhancing the built environment to be physically cooler involves building enhancements and shade coverage to cool the exterior of the structure. Physical changes to infrastructure and increased number of cooling centers will be essential as more days of extreme heat occur.

In the recently passed Arizona State Budget for 2023, significant funds will be allocated to water quality and fire suppression initiatives; however there is no mention of cooling centers or addressing heat related issues.

References:

- 1) National Environmental Public Health Tracking Network Data explorer. Centers for Disease Control and Prevention. <https://ephtracking.cdc.gov/DataExplorer/#/>. Published 2021. Accessed July 1, 2022.
- 2) Mallen E, Roach M, Fox L, et al. Extreme Heat Exposure: Access and Barriers to Cooling Centers — Maricopa and Yuma Counties, Arizona, 2010–2020. MMWR Morb Mortal Wkly Rep 2022;71:781–785. DOI: <http://dx.doi.org/10.15585/mmwr.mm7124a1>.
- 3) Stone B Jr, Mallen E, Rajput M, Gronlund CJ, Broadbent AM, Krayenhoff ES, Augenbroe G, O'Neill MS, Georgescu M. Compound Climate and Infrastructure Events: How Electrical Grid Failure Alters Heat Wave Risk. Environ Sci Technol. 2021 May 18;55(10):6957-6964. doi: 10.1021/acs.est.1c00024. Epub 2021 Apr 30. PMID: 33930272.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

Set up a network of cooling and warming centers financially supported by the state in which the state provides grants to cover the additional utility and staffing cost for community-based institutions serving as cooling and warming centers in both rural and under-resourced urban areas that experience extreme temperatures.

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.)

AZ REV ST § 49-141. Environmental Nuisances

Include language of extreme heat and heat related illnesses.

AZ REV ST § 36-601. Public Nuisances Dangerous to Public Health

Include language of extreme heat and heat related illnesses.

D. Fiscal Impact:

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

N/A

E. Proposal History:

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

First time proposal.

F. Interested Parties:

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

Support  
Development Services  
PDEQ  
CWD  
Transportation  
COT

#### Sources

1. [The Use of Cooling Centers to Prevent Heat-Related Illness: Summary of Evidence and Strategies for Implementation \(cdc.gov\)](#)



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

    Federal  
  X   State

Date: July 29, 2022

Department/Office: Pima County Health Department

Name, Title and Telephone Number of Contact Person: Dr. Theresa Cullen, Director of Pima County Health Department

Subject or Title of Proposal: Tuition Reimbursement for School Counselors, Social Workers, Psychologist and Nurses.

Proposal Description:

A. Background Information:

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

The COVID-19 pandemic has created and exacerbated issues that prevent youth from thriving, along with concerning pre-pandemic trends of lower reported mental and physical health among youth. All youth have experienced a major disruption and stressor at an incredibly developmentally sensitive time in their lives. Approximately 1 in 500 children in the United States experienced COVID-19-associated orphanhood or death of a grandparent caregiver.<sup>1</sup> More than a third of high school students in the country reported poor mental health during the pandemic.<sup>2</sup>

Adverse Childhood Experiences (ACEs) are stressful or potentially traumatic events that happen during childhood. They are linked to mental health problems, shorter schooling, lower self-esteem, sexual risky behaviors, and increased risk of substance abuse, suicide, violence, sexual abuse, and exploitation. Toxic stress from ACEs also put one at a significantly increased risk as an adult for heart disease, cancer, chronic lung disease, and liver disease.<sup>3</sup> Therefore, it is critical for interventions to occur at the earliest possible moment to mitigate

lifelong consequences. Staff and teachers need expanded training on mental health conditions and trauma-informed best practices.

However, many youth lack access to the appropriate mental health care to assess and intervene at this critical time in their development. One way to reduce the barriers to care for youth is to increase in-school mental and healthcare providers. In Arizona, there is one school psychologist for every 1,593 students (the recommended ratio is 1:500); there is one school social worker for every 3,382 students (the recommended ratio is 1:250); there is one school counselor for every 905 students (the recommended ratio is 1:250).<sup>4</sup>

In the United States, more than 40% of school-aged children and adolescents have at least one chronic health condition, such as asthma, obesity, other physical conditions, and behavior/learning problems.<sup>5</sup> Black, Indigenous, and People of Color (BIPOC) youth are more likely to suffer chronic health conditions due to the social determinants of health, as well as more likely to not have access to healthcare outside of the school.

School nurses help students with daily chronic care management, care coordination, responding to medical emergencies on campus, and educating families on what health care services are available to their child at school. School nurses were critical to the COVID-19 pandemic response, and other communicable diseases, through contact tracing, testing, and communicating with parents. Unfortunately, not every school in Pima County has a school nurse. The American Academy of Pediatrics, American Civil Liberties Union, and the National Association of School Nurses recommend that every school have at least one school nurse. According to the National Academy of School Nurses, 39.3% of schools have a full-time nurse nationwide, and 25% have no nurse at all.<sup>6</sup>

Integrated support in schools is an equitable solution to improve health outcomes for youth. School-based interventions provides a continuity of care to meet students' mental and physical health needs, while freeing educators to focus on teaching and parents/caregivers to remain at work. Integrated student support are critical for both youth and their families to thrive.

#### References:

1. Hillis SD, Blenkinsop A, Villaveces A, et al. Covid-19–associated orphanhood and caregiver death in the United States. American Academy of Pediatrics. <https://publications.aap.org/pediatrics/article/148/6/e2021053760/183446/COVID-19-Associated-Orphanhood-and-Caregiver-Death?autologincheck=redirected>. Published December 1, 2021. Accessed June 28, 2022.
2. New CDC data illuminate youth mental health threats during the COVID-19 pandemic. Centers for Disease Control and Prevention. <https://www.cdc.gov/media/releases/2022/p0331-youth-mental-health-covid-19.html#:~:text=According%20to%20the%20new%20data,hopeless%20during%20the%20past%20year>. Published March 31, 2022. Accessed June 28, 2022.
3. Felitti VJ, Anda RF, Nordenberg D, et al. Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. American Journal of Preventive Medicine. 1998;14(4):245-258. doi:10.1016/s0749-3797(98)00017-8.
4. America's School Mental Health Report Card . Hopeful Futures. <https://hopefulfutures.us/wp->



content/uploads/2022/02/Final\_Master\_021522.pdf. Published February 2022. Accessed June 28, 2022.

5. National Survey of Children's Health. NSCH 2018 19: Number of Current or Lifelong Health Conditions, Nationwide, Age in 3 Groups website. [childhealthdata.org](https://childhealthdata.org). Accessed June 28, 2022.
6. School Nursing & School-based health centers in the United States. [https://www.sbh4all.org/wp-content/uploads/2021/05/SBHA\\_JOINT\\_STATEMENT\\_FINAL\\_F.pdf](https://www.sbh4all.org/wp-content/uploads/2021/05/SBHA_JOINT_STATEMENT_FINAL_F.pdf). Accessed June 28, 2022.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

To have the state incentivize careers as school psychologists, counselors, social workers, and nurses through a state supported student tuition reimbursement program for graduates from one of the three public universities who stay in Arizona and work for a public k-12 institution in one of these positions.

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.)

A.R.S. Ann. §15-120

A.R.S. §15-3

D. Fiscal Impact:

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

N/A

E. Proposal History:

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

Improving the ratio of school nurses to students was requested last year.

F. Interested Parties:

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

- School Nurses Organization of Arizona
- American School Counselor Association
- School Social Worker Association
- National Association of School Psychologists
- Arizona Association of School Psychologists
- Arizona Department of Education
- AzDHS
- School Districts



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  X   State

Date: July 29, 2022

Department/Office: Pima County Health Department

Name, Title and Telephone Number of Contact Person:

Dr. Theresa Cullen, Director Pima County Health Department

Subject or Title of Proposal:

Exempting Youth Risk Behavior Surveillance Survey from Parental Consent Clause of H.B. 2161

Proposal Description:

A. Background Information:

The Youth Risk Behavior Surveillance Survey (YRBSS) is a system of surveys. It includes 1) a national school-based survey conducted by CDC and state, territorial, tribal, and 2) local surveys conducted by state, territorial, and local education and health agencies and tribal governments. This survey monitors the following:

- Behaviors that contribute to unintentional injuries and violence
- Sexual behaviors related to unintended pregnancy and sexually transmitted diseases, including HIV infection
- Alcohol, tobacco, and other drug use
- Unhealthy dietary behaviors
- Inadequate physical activity.<sup>1</sup>

Access to this information on a state and local level highlights areas of concern for young people including the rates of teens that attempt or commit suicide and use drugs compared to the national average. These metrics would inform policies that could directly impact the health of young people across the state. Currently, the YRBSS is similar to the Arizona Youth Survey (AYS). The AYS under the direction of the Arizona Criminal Justice Commission Statistical Analysis Center and in partnership with the Arizona State University School of Criminology & Criminal Justice, assesses the prevalence and frequency of youth substance use, gang involvement, and other risky behaviors, and helps stakeholders to better understand the risk and protective factors that are correlated with these behaviors.<sup>2</sup> However, the passage of H.B 2161, enables parents to sue educators for “usurping the fundamental rights of parents” by delivering materials deemed contrary to parents’ ideals for the “upbringing, education, healthcare and mental health” of their children.<sup>3</sup> All surveys and questionnaires must be read and approved by a parent 7 days prior to administering the activity has impacted this data collection. The Arizona

Youth Survey is currently exempt from the opt-out clause requiring parental approval of the survey seven days prior to its administration. The YRBSS is not covered under this exemption and as a result, the parental opt-out clause is expected to cause a skew in the data.

Without comprehensive data, the most harmful behavioral issues impacting the health of Arizona's youth will be exacerbated and increased state funds will need to be allocated towards addressing these behaviors. According to the 2019 YRBS surveys, Arizona beat the national average of youth injuries related to weapons, depression, suicide attempts, drug use, and inadequate dietary habits.<sup>2</sup> In addition, teens in Arizona have struggled more with mental health issues as a result of social isolation, economic instability and other worries surrounding COVID-19. According to a recent National Alliance on Mental Health (NAMI) Report on Arizona, 87,000 Arizonans age 12-17 have depression.<sup>4</sup> High school students with depression are more likely to drop out of school. Furthermore, in the juvenile system 7 in 10 experience a mental health condition.<sup>4</sup> Without collecting and analyzing this data, we cannot begin to address these health risk behaviors with comprehensive public and mental health programming.

#### References:

1. Youth online: High school YRBS - Arizona 2019 Results. Centers for Disease control and Prevention. <https://nccd.cdc.gov/youthonline/App/Results.aspx?LID=AZB>. Published 2019. Accessed July 20, 2022.
2. Arizona Youth Survey: Arizona Indicators. Arizona Indicators Home | Arizona Indicators. <https://www.arizonaindicators.org/arizona-youth-survey/#data>. Published September 28, 2010. Accessed July 20, 2022.
3. Title 15-Education. Arizona Revised Statutes. <https://www.azleg.gov/ARStitle/>. Accessed July 20, 2022.
4. Nami Arizona. NAMI Home. <https://www.namiarizona.org/>. Published 2019. Accessed July 20, 2022.

#### B. Legislative Proposal:

Apply the exemption from the seven day parental opt-out clause afforded to the Arizona Youth Survey to the Youth Risk Behavior Surveillance Survey.

#### C. Statutes/Regulations Affected or Proposed Language: A.R.S. Title 15 Chapter 1, Article 4, Section 15-143

#### D. Fiscal Impact:

N/A

#### E. Proposal History:

First time proposal.

#### F. Interested Parties:

# ATTACHMENT 9

Behavioral Health  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  X   State

Date: 06/24/2022

Department/Office: Behavioral Health

Name, Title and Telephone Number of Contact Person: Paula Perrera, Director, 724-7958

Subject or Title of Proposal: Jail licensing exemption clarification

Proposal Description: Amend A.R.S. §36-501 (13) and (27) to clearly permit accredited jails to provide the services of an Evaluation and/or Treatment Agency.

A. Background Information:

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

A.R.S. §36-501 (13) and (27) define Evaluation Agency and Mental Health Treatment Agency as agencies that are licensed by the Arizona Department of Health. As a result, there is confusion among the court, attorneys, and health services providers in jail settings, whether the exemption language in §36-402 permits accredited jails to perform the services of Evaluation and/or Treatment agencies. A.R.S. §36-402 (A) phrases the licensing exemption as a prohibition of Arizona Department of Health jurisdiction rather than an express grant of authority to accredited jails.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

The amendment of A.R.S. § 36-501(13) and (27) would clearly authorize accredited jails to perform the services and functions of Evaluation and Mental Health Treatment agencies thereby allowing detainees who suffer from mental illness and who are either unable or unwilling to accept treatment to be evaluated and treated, in accordance with the due process afforded individuals who are not accused of a crime, for their mental illness rather than languishing during their detention. Further, public safety and fisc would benefit as dangerous detainees would not be required to be transported to a hospital or hospitalized with the general public and the County would spare the expense of such transports and hospitalizations.

- 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.) A.R.S. §36-501 (13) and (27) require amendment. Specifically,

A.R.S. §36-501(13) would read: "Evaluation Agency" means a health care agency that is licensed by the department or is an accredited facility exempt from licensure pursuant to title 36, chapter 4 and that has been approved pursuant to this title, providing those services required of such agency by this chapter.

A.R.S. §36-501(27) would read: "Mental health treatment agency" means the state hospital ~~or~~ a health care agency that is licensed by the department or is an accredited facility exempt from licensure pursuant to title 36, chapter 4 and that provides those services that are required of the agency by this chapter.

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

	<b>FYE 2022 Estimate, including pending 7</b>
Petition Outcome	
Released from evaluation by psychiatrist	30
Not completed, no disposition, released, expired prior to completion	7
Dismissed by court	1
Court Ordered into Treatment	28
<b>Total petitions</b>	0
	<b>66</b>

<b>Projected Court Ordered Evaluation (COE) &amp; Post Evaluation Period (PEP) Costs</b>	
# of cases to court	29
# of cases dropped prior to court	37
Estimated # of COE days (average 3.7)	244
Estimated # of PEP days (up to 4)	116
Estimated # of Psychiatric Evaluations	
Estimated Cost for COE days (Daily rate \$940 in FYE 2022)	\$229,548.00
Estimated Cost for PEP days (PEP days \$244 in FYE 2022)	\$ 28,304.00
Estimated Cost for Evaluations (Eval @ \$142.47 in FYE 2022)	\$ 18,806.04
Round @ \$48/day in FYE 2022	\$ 17,289.60
Total Estimated cost	\$293,974.64
Average cost per case	\$ 4,453.75



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

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

Counties  
Sheriffs  
Courts  
County Attorneys  
Public Defenders  
Mental Health Advocates  
Correctional Medical Service providers  
State Department of Corrections



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
X State

**Date:** 7-22-2022

**Department/Office:**

Pima County Economic Development

**Name, Title and Telephone Number of Contact Person:**

Heath S. Vescovi-Chiordi, Director, 520-724-4444

**Subject or Title of Proposal:**

Monitor & Advise - General areas for Economic Development policy lobbying efforts, in an effort to continue to make local, county, and statewide Economic Development efforts more competitive, in order to attract, retain, and expand industry within the County, thereby diversifying the economy, eliminating poverty, and increasing economic opportunity and mobility for Pima County residents.

- A. Support funding of local and regional transportation infrastructure, including the necessary funding for the study and construction of the Sonoran Corridor transportation project.
- B. Support funding for rural broadband infrastructure.
- C. Retain and modernize existing Economic Development incentives and tools.
- D. Identify opportunities for, and research possible creation of new Economic Development incentives and tools that focus on attraction, growth, and retention and expansion of high-wage industries.
- E. Identify and implement policies and funding for educational programs that perpetuate a thriving, qualified, and adaptable Arizona workforce.
- F. Identify and support legislation that encourages funding for potable water resources and infrastructure, as well as wastewater infrastructure, to provide sustainable and renewable resources for Economic Development.

**Proposal Description:**

NA

**A. Background Information:**

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

NA

**B. Legislative Proposal:**

(Describe the proposal and what it would accomplish.)

NA

**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.)

NA

**D. Fiscal Impact:**

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

Indirect and direct funding implications for Pima County may vary, but might include additional state monies granted to Pima County for workforce training, upskilling, transportation studies, infrastructure construction, and economic development incentives.

**E. Proposal History:**

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

NA

**F. Interested Parties:**

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

Support:

Andres Cano  
Morgan Abraham  
Alma Hernandez  
Vincent Leach  
Victoria Steel

# ATTACHMENT 10

Department of Justice Services  
2023 Legislative Proposal



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
X State

Date: July 15, 2022

Department/Office: Justice Services

Name, Title and Telephone Number of Contact Person: Kate Vesely, Director, [Kate.vesely@pima.gov](mailto:Kate.vesely@pima.gov), 520-724-3062

Subject or Title of Proposal: Release from the Arizona Department of Corrections Rehabilitation & Reentry after serving 50% of the time rather than 75%-85%; amendment of ARS 41-1604.07

Proposal Description:

A. Background Information:

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

Governor Doug Ducey signed SB 1310 on June 7, 2019. This law allowed inmates who were convicted solely on drug offenses were now eligible for release after serving 70 percent of their sentence, rather than the previous 85 percent as required under Arizona's strict "truth in sentencing" law. Reducing the time from 85 percent to 70 percent was a start. However, more reform is still needed. Rep. Walt Blackman's "Mandatory sentences do nothing to rehabilitate that inmate, which will cost Arizona taxpayers more money in the future."

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

SB1064 be reintroduced. This bill would increase the amount of earned release credits. Drug offenders, who are already eligible to get up to 30% off their sentence under SB 1310, could be released after serving two-thirds of their sentence. Some other nonviolent offenders could be released for up to half their sentences.

Amend ARS 41-1604.07, *Earned Release Credit*, to allow prisoners to be considered for release after serving 50% of their time.

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.)

ARS 41-1604.07, *Earned Release Credit*

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

Releasing individuals early from their prison sentence will save taxpayer dollars due to the cost associated with incarcerating people.

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

SB1064 was introduced in the 2021 legislative session sponsored by Senator Javan Mesnard. However, the bill failed to pass.

HB 2080 and HB 2753 were introduced in the 2020 legislative session. Neither of the bills was passed.

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

Arizona county prosecutors; Arizona Defense attorneys; Arizona American Civil Liberties Union (per Pima County's 2021 Legislative agenda).



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

☐ Federal  
☒ State

Date: July 15, 2022

Department/Office: Justice Services

Name, Title and Telephone Number of Contact Person: Kate Vesely, Director, [Kate.vesely@pima.gov](mailto:Kate.vesely@pima.gov), 520-724-3062

Subject or Title of Proposal: Mandate uniform criminal justice reporting requirements for all counties

Proposal Description:

A. Background Information:

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

The current criminal justice data landscape in Pima County is primarily suited for system operations, making holistic system evaluation difficult. To promote inter-agency collaboration and system-wide evaluation, Justice Services will lead the creation and maintenance of a centralized justice data warehouse in partnership with local criminal justice agencies. This warehouse will serve as a one-stop shop for all data on an individual's journey through the criminal justice system. However, it will adhere to data security guidelines mandated by each agency (i.e., requests for data will still need to be made for individual-/case-level external data requests to the agency that initially collected the data). The data warehouse will support the investigation of racial and ethnic disparities in Pima County's criminal justice system. Once the data warehouse is operational, Justice Services will ask participating data warehouse partners for permission to present their agency's aggregate data in a public-facing data dashboard. This data dashboard will be hosted on the Justice Services website and promote transparency and education of the local justice system to the public. In addition, the website will host a community resources page where individuals can learn more about resources available to justice-involved individuals and how the local justice system operates.

This on-the-ground approach that Pima County Justice Services Department is enacting will be highly beneficial at the State level. A statewide uniform criminal justice reporting requirement from all counties would allow the public to have transparency between the data and accurate reporting across the board.



B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

Per House Bill 2166, Arizona Criminal Justice Commission (ACJC) will provide a written report on the “data contained in criminal justice record systems housed at local and state criminal justice agencies, including courts, law enforcement agencies, prosecuting attorney, and county and municipal public defender offices, the state department of corrections the department of juvenile corrections and county municipal jails to create a state criminal justice data inventory report identifying what data is housed at each type of agency.” The recommendations captured in the reports from the ACJC will need to be supported by a state legislator and an increase in funding to establish a statewide data warehouse for criminal justice reporting.

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.)

Introduce legislation that captures the recommendations from the ACJC report, including the cost associated with a statewide justice system database and requirements for all justice system partners to collect data uniformly.

D. Fiscal Impact:

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

The cost involved will be dependent upon the ACJC report.

E. Proposal History:

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

HB 2166 was passed, which allowed ACJC to create a comprehensive report regarding data collection. A new bill would need to be established to support all of their outlined recommendations.

F. Interested Parties:

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

County criminal justice task force; County supervisors and management; Public defense agencies; County attorneys (per Pima County's 2020 Legislative proposals).



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
  X   State

Date: July 15, 2022

Department/Office: Justice Services

Name, Title and Telephone Number of Contact Person: Kate Vesely, Director, [Kate.vesely@pima.gov](mailto:Kate.vesely@pima.gov), 520-724-3062

Subject or Title of Proposal: Increased Accessibility of Home Detention Programs

Proposal Description:

A. Background Information:

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

Counties across the state have drastically changed their work release program due to COVID-19. Maricopa County Jail temporarily suspended its work release program. Pima County Jail has eliminated its work release program and is relying on home detention as an option for defendants sentenced to jail to attend work. However, home detention in felony cases is prohibited, and in some DUI cases, the defendant must serve 20% of their sentence in custody before being released on home detention.

B. Legislative Proposal:

(Describe the proposal and what it would accomplish.)

Revise ARS 9-499.07(N), ARS 11-251.15(J), and ARS 11-459(M) to include the expansion of home detention programs for felony cases. The costs associated with housing individuals in county jails will decrease by allowing more individuals access to home detention programs. Along with cost savings, a study by the [District of Columbia Crime Policy Institute](#) found that electronic monitoring reduced recidivism by 24 percent.

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.)

ARS 9-499.07(N), ARS 11-251.15(J), ARS 11-459(M)

9-499.07. [Prisoner work, community restitution work and home detention program; eligibility; monitoring; procedures; continuous alcohol monitoring program; home detention for persons sentenced for driving under the influence of alcohol or drugs](#)

A through M remain the same.

N. If the city or town establishes a home detention or continuous alcohol monitoring program under subsection L or M of this section, a prisoner must meet the following eligibility requirements for the program:

1. Subsection B of this section applies in determining eligibility for the program.
2. If the prisoner is sentenced under section 28-1381, subsection I, the prisoner first serves a minimum of one day in jail.
3. Notwithstanding section 28-1387, subsection C, if the prisoner is sentenced under section 28-1381, subsection K or section 28-1382, subsection D or E, the prisoner first serves a minimum of ~~twenty per cent of the initial term of incarceration~~ TWO DAYS in jail before being placed under home detention or continuous alcohol monitoring.
4. If placed under home detention, the prisoner is required to comply with all of the following provisions for the duration of the prisoner's participation in the home detention program:
  - (a) All of the provisions of subsections C through G of this section.
  - (b) Testing at least once a day for the use of alcoholic beverages or drugs by a scientific method that is not limited to urinalysis or a breath or intoxication test in the prisoner's home or at the office of a person designated by the court to conduct these tests.
  - (c) Participation in an alcohol or drug program, or both. These programs shall be accredited by the department of health services or a county probation department.
  - (d) Prohibition of association with any individual determined to be detrimental to the prisoner's successful participation in the program.
  - (e) All other provisions of the sentence imposed.
5. Any additional eligibility criteria that the city or town may impose.

Remaining provisions unchanged.

**11-251.15. Prisoner home detention program; eligibility; monitoring; procedures; continuous alcohol monitoring program; home detention for persons sentenced for driving under the influence of alcohol or drugs**

A through I remain the same.

J. If the county establishes a home detention or continuous alcohol monitoring program under subsection H or I of this section, a prisoner must meet the following eligibility requirements for the program:

1. Subsection B of this section applies in determining eligibility for the program.
2. If the prisoner is sentenced under section 28-1381, subsection I, the prisoner first serves a minimum of one day in jail.

3. Notwithstanding section 28-1387, subsection C, if the prisoner is sentenced under section 28-1381, subsection K or section 28-1382, subsection D or E, the prisoner first serves a minimum of ~~twenty per cent of the initial term of incarceration~~ TWO DAYS in jail before being placed under home detention or continuous alcohol monitoring.

4. If placed under home detention, the prisoner is required to comply with all of the following provisions for the duration of the prisoner's participation in the home detention program:

(a) All of the provisions of subsections C through E of this section.

(b) Testing at least once a day for the use of alcoholic beverages or drugs by a scientific method that is not limited to urinalysis or a breath or intoxication test in the prisoner's home or at the office of a person designated by the court to conduct these tests.

(c) Participation in an alcohol or drug program, or both. These programs shall be accredited by the department of health services or a county probation department.

(d) Prohibition of association with any individual determined to be detrimental to the prisoner's successful participation in the program.

(e) All other provisions of the sentence imposed.

5. Any additional eligibility criteria that the court may impose.

Remaining provisions unchanged.

11-459. Prisoner work, community restitution work and home detention program; eligibility; monitoring; procedures; continuous alcohol monitoring program; home detention for persons sentenced for driving under the influence of alcohol or drugs; community restitution work committee; members; duties

A remains the same.

B. A prisoner is not eligible for a prisoner work, community restitution work and home detention program or a continuous alcohol monitoring program if any of the following applies:

1. After independent review and determination of the jail's classification program, the prisoner is found by the sheriff to constitute a risk to either himself or other members of the community.

2. The prisoner has a past history of violent behavior.

3. The prisoner has been convicted of a serious offense as defined in section 13-706 or has been sentenced as a dangerous offender pursuant to section 13-704 or repetitive offender pursuant to section 13-703.

~~4. Jail time is being served as a result of a felony conviction.~~

5. The sentencing judge states at the time of the sentence that the prisoner may not be eligible for a prisoner work, community restitution work and home detention program or a continuous alcohol monitoring program.

6. The prisoner is sentenced to a county jail and is being held for another jurisdiction.

C through L remain the same.

M. If a county sheriff establishes a home detention or continuous alcohol monitoring program under subsection K or L of this section, a prisoner must meet the following eligibility requirements for the program:

1. Subsection B of this section applies in determining eligibility for the program.
2. If the prisoner is sentenced under section 28-1381, subsection I, the prisoner first serves a minimum of one day in jail.
3. Notwithstanding section 28-1387, subsection C, if the prisoner is sentenced under section 28-1381, subsection K or section 28-1382, subsection D or E, the prisoner first serves a minimum of ~~twenty per cent of the initial term of incarceration~~ TWO DAYS in jail before being placed under home detention or continuous alcohol monitoring.
4. If placed under home detention, the prisoner is required to comply with all of the following requirements for the duration of the prisoner's participation in the home detention program:
  - (a) All of the provisions of subsections C through G of this section.
  - (b) Testing at least once a day for the use of alcoholic beverages or drugs by a scientific method that is not limited to urinalysis or a breath or intoxication test in the prisoner's home or at the office of a person designated by the court to conduct these tests.
  - (c) Participation in an alcohol or drug program, or both. These programs shall be accredited by the department of health services or a county probation department.
  - (d) Prohibition of association with any individual determined to be detrimental to the prisoner's successful participation in the program.
  - (e) All other provisions of the sentence imposed.
5. Any additional eligibility criteria that the county may impose.

Remaining provisions unchanged.

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

With the potential increase in individuals on work release, there would be a decrease in population at the local jails. The decrease in jail population will result in tax-payers saved because of costs associated with detaining someone.

E. Proposal History:  
(Describe any previous efforts by any person/entity to pursue this proposal.)  
The town of Marana included this information in their legislative proposal for legislative season 2022.

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

Magistrates Association; Justices of the Peace Association, Pima County Sheriff (per Arizona Judicial Council's 2022 Legislative Request for Proposal).



**PIMA COUNTY  
LEGISLATIVE PROPOSAL FORM**

     Federal  
X State

Date: July 15, 2022

Department/Office: Justice Services

Name, Title, and Telephone Number of Contact Person: Kate Vesely, Director, [Kate.vesely@pima.gov](mailto:Kate.vesely@pima.gov), 520-724-3062

Subject or Title of Proposal: Bail Reform – Elimination of Cash Bail

Proposal Description:

The use of cash bail upon arrest has proven to be ineffective and disproportionately impacts people of color and those of low economic status. For example, a woman was once arrested for stealing a candy bar from a local convent store in Tucson. Upon arrest, police noted that the woman had years of old warrants due to failure to appear. The judge set the bond at \$250, which they thought she could afford. Instead, the woman spent 45 days in jail awaiting her trial, which cost taxpayers more than \$5,000. When she was finally seen before a judge, she pleaded guilty and was sentenced to probation. This story is not an outlier in our current cash bail system. There are hundreds of people in the local county jails that are sitting awaiting trial strictly because they cannot afford to make bail. It is recommended that HCR2022 – prohibited bail; pretrial release presumption is re-introduced so that state voters can have the opportunity to update the Arizona Constitution to amend this antiquated law.

A. Background Information:

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

Cash bail continues to impact people of color and low-income individuals more. One wave of justice reform sweeping the nation is the modification and/or elimination of cash bail. The states listed below are a few examples of the bail reform actions that are taking place:

Illinois: On February 22, 2021, Illinois became the first state in the county to abolish cash bail for individuals in jail who had been arrested and were waiting for their cases to be heard. This law will go into effect starting January 1, 2023.

California: In March of 2021, California's Supreme Court ruled that a presumptively innocent person in California cannot be jailed while awaiting trial because they cannot afford the cash bail. Now, trial courts of the state have to consider an individual's ability to pay. The courts cannot set bail in an amount that a person cannot afford unless the court finds that no other less-restrictive alternative conditions of release

can reasonably assure the safety of the community or person's appearance in court. Cash bail can be allowed in that limited circumstance.

New Jersey: In 2017, New Jersey passed a law that virtually eliminated the use of cash bail and implemented a risk-informed approach to pretrial release. As a result, the population in pretrial decreased 50 percent from 2015 to 2018.

New Mexico: In 2016, New Mexico passed a voter-approved constitutional amendment that prohibited judges from imposing bail on people who could not afford it, enabled the release of low-risk defendants without bond, and allowed defendants to request relief from post bond. Since then, state-wide crime rates have declined, and the number of people released from pretrial who are not charged with committing a new crime has increased from 74 percent to 83.2 percent.

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

HCR2022 – prohibited bail; pretrial release presumption is re-introduced so that state voters can have the opportunity to update the Arizona Constitution Article 2 Section 15 and eliminate the use of cash bail.

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.)

Arizona Constitution, Article 2, Section 15  
Monetary bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

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

The elimination of cash bail would have a positive fiscal impact on Pima County due to drastically lowering the pretrial Jail population and decreasing the cost associated with detaining an inmate in the Pima County Adult Detention Complex.

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

In 2016, the Arizona Supreme Court commissioned Fair Justice for All task force. Rules 7.1, 7.2, and 7.3 were changed and implemented in April 2017. Despite the rule changes, a cash bail is still an option for judges to require cash bail.  
In 2022, HCR2022 was introduced. When initially introduced, there appeared to be bipartisan support. However, it failed in the House committee.

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

All Arizona County Attorneys; Public Defense Services, all Arizona County Superior Courts, all Arizona County Sheriff's Department jails, and County Pretrial Services (per Pima County's 2021 Legislative agenda).