



County Supervisors

A S S O C I A T I O N
of arizona

1905 W. Washington St., Ste. 100, Phoenix, AZ 85009
(602) 252-5521 fax: (602) 253-3227

**COUNTY SUPERVISORS ASSOCIATION
BOARD OF DIRECTORS
AGENDA
April 19, 2012
Boardrooms A and B
County Supervisors Association
1905 W. Washington St.
Phoenix, AZ**

10:00 a.m. Call to Order / Pledge / Prayer ~ *President Max Wilson*

- 1) Approval of Minutes
 - ❖ March 15, 2012, Board of Directors Meeting
 - ❖ April 13, 2012, Legislative Policy Committee Meeting
- 2) Recognition of Outgoing Maricopa County Manager David Smith
- 3) Legislative Policy Committee Discussion
 - ❖ Budget Negotiations Update
 - County Priorities – 2012 Legislative Session
 - ❖ Regulatory Reform
 - [HB 2570](#): political subdivisions; proceedings; governing bodies (*Olson*)
 - [HB 2827](#): administrative procedures; counties; districts (*Ugenti*)
 - ❖ [HB 2543](#): S/E state highway; signage; nonprofit museum (*Carter*)
 - ❖ [HB 2729](#): state regulation of firearms (*Gowan*)
 - ❖ [HB 2815](#): employment; incentives; regulatory tax credit (*Mesnard*)
 - ❖ [HB 2826](#): consolidated election dates; political subdivisions (*Ugenti*)
 - ❖ [SB 1040](#): NOW: county highways; county engineer recommendations (*Gray*)
 - ❖ [SB 1311](#): civil actions; justice courts; jurisdiction (*Antenori*)
 - ❖ CSA Legislative Package
 - [HB 2360](#): flood control districts; immunity (*Fann*)
 - [HB 2389](#): lease of county property; requirements (*Pratt*)
 - [HB 2495](#): counties; purchases; local dealers (*Jones*)
 - [HB 2651](#): road enhancement improvement districts (*Burges*)
 - [HB 2658](#): flood control authority; relinquishment; districts (*Pratt*)
- 4) Nominations/election of NACo Board of Directors Representative
- 5) Nominations/election of NACo WIR Board of Directors Representative
- 6) Secure Rural Schools Coalition Action Team
- 7) Gabe Zimmerman Public Service Awards

- 8) NACo Report
 - ❖ National County Government Month (April, 2012)
 - ❖ Western Interstate Region Conference, May 16-18, 2012, Santa Fe, NM
 - ❖ NACo Presidential Leadership and Committee Appointments Process Deadline of May, 2012 (*TBD*)
 - ❖ NACo Steering Committee Process Deadline of June, 2012 (*TBD*)
 - ❖ NACo Annual Conference, July 13-17, 2012, Pittsburgh, PA
- 9) County Managers Association Report ~ *Robert Pickels*
- 10) County Caucus Reports
- 11) Other Business
- 12) Adjourn

Attendance may occur by teleconference or videoconference

The County Supervisors Association Board of Directors may vote to order an executive session for the purposes of discussion on any of the agenda items. A.R.S. § 38-431.03(A)(1), (3), (4), and (5).

Executive Budget and House & Senate Joint Budget Proposal Impacts to Counties

DRAFT

On February 20, 2012, the House of Representatives and the State Senate each introduced a set of budget bills that appear to be nearly identical in content. This budget package does not reflect an agreement negotiated with the Governor. Governor Brewer released the details of her FY2012-2013 budget recommendations on January 13, 2012. A review of the Governor's plan and the House & Senate Joint Proposal, identified the following county-related items:

<u>Budget Provision</u>	<u>Executive Budget</u>	<u>House & Senate</u>
Prison shift: Triggered shift, from last year's budget, SB1621.	Repeals	Repeals
Mandated county cash contributions	Eliminates	Eliminates
HURF to MVD: Continues the FY2012 shift from HURF to MVD into FY2013. Holds the 10 smallest counties harmless (\$4,090,000).	Continues	Continues
HURF to DPS: Continues the transfer from HURF to DPS. <ul style="list-style-type: none"> • Executive Proposal removes the statutory cap of \$10 million to DPS from the HURF. • House & Senate Proposal makes some changes to the HURF shift to DPS, possibly lowering the impact to counties by approximately \$4.5 million over prior years. 	<u>Continues the transfer and removes the statutory cap.</u> Does not include changes to HURF shift.	Continues the transfer, withstands the statutory cap removal. <u>Includes the change to HURF Shift.</u>
SVP/RTC Payments: Continues county payments for 100% of RTC patients and 50% of SVPs housed at the AZ State Hospital. Includes "flexibility language" allowing the counties to pay through any county resource.	Continues	Continues
County Attorneys Fund: Provides \$973,600 of ACJC grant monies.	Funded	Funded
Diversion of the Indigent Defense Fund: Diverts the State Indigent Defense Fund to the GIITEM Fund Border Security and Law Enforcement Subaccount.	Continues	Continues
Law Enforcement Boating Safety Fund (LEBSF): Appropriates funds to be used for LEBSF by the counties. The Executive Budget appropriates \$1.8 million and the House & Senate Budget appropriates \$2,183,800.	Continues	Continues at a higher level
Justice of the Peace salaries: Maintains the 80.75% county share.	Continues	Continues
Suspension of County Non-Supplanting Funding Requirements: Suspends county non-supplanting requirements associated with funding for probation services, criminal case processing, and alternative dispute resolution programs.	Continues	Continues
Suspension of Grand Jury and Attorney Reimbursement: Suspends the requirement that the Supreme Court reimburse counties 50% of the costs of grand juries and state-funded counsel assigned to first-time capital post-conviction relief proceedings.	Continues	Continues
State Capitol Post-Conviction Public Defenders Office: Funds the Capital Post-conviction Public Defender Office Fund at \$161,000, with no increase from 2011.	Funded	Eliminates
County Attorney Immigration Enforcement: Maintains \$1,213,200 for county attorney immigration enforcement, including \$200,000 for the Maricopa County Attorney, and \$500,000 for the Maricopa County Sheriff.	Funded	Funded
ASRS Pension Contribution Rate: Reversal of the current 47% employer and 53% employee contribution rate split to the original 50/50 split for the Arizona State Retirement System (ASRS). Includes the return of employee contributions paid to the system in excess of the employer contributions from the effective date of the original change, June 30, 2011.	Not included	Included

Bills for Consideration
CSA Board of Directors Meeting
April 19, 2012 (10:00 a.m.)

Bill Number	Short Title	Description	Comment
<i>Legislative Bills for Discussion</i>			
HB 2543	S/E state highway; signage; nonprofit museum (<i>Carter</i>)	The Department of Transportation may approve, install and maintain interim or temporary directional signage on state highways for nonprofit museums if the museum files an application for a permit for installation of the signage. The applicant must agree that the signage is temporary and that ADOT may remove it at any time.	Passed on Senate Third Read 27-3, conference committee recommended in House
HB 2570:	political subdivisions; proceedings; governing bodies (<i>Olson</i>)	Political subdivisions cannot enact any ordinance or other form of legislation unless it has passed three public readings in its governing body on three separate days and been made available to the public for at least 14 days.	Failed Senate Third Read 9-21-0 & Motion to Reconsider
HB 2827:	administrative procedures; counties; districts (<i>Ugenti</i>)	Counties and special taxing districts are required to establish and maintain a public ordinance or rule adoption docket containing specified information on proposed ordinances or rules; file a notice of proposed action before ordinance or rule adoption, amendment, or repeal; provide at least 30 days for public participation on proposed ordinances or rules; publish the full text of each ordinance or rule at least once every quarter; publish a register containing a schedule of hearings on proposed ordinances or rules, the full text of ordinances or rules, and a summary of action on ordinances or rules; and annually publish a directory of current ordinances or rules and substantive policy statements, which must be open to public inspection. Provides processes for emergency and expedited ordinance or rule adoption under specified circumstances, and exempts a list of ordinances or rules from the required adoption process. Effective January 1, 2013.	DPA Senate COW
HB 2729	state regulation of firearms (<i>Gowan</i>)	Modifies the definition of misdemeanor with a weapon, to only entering a public building or public event with a firearm if the building or event posts a sign saying guns are not allowed and it is secured with armed guards, metal detectors and lockers for storing firearms. This legislation does not have an appropriation.	Governor VETOED, 4/17

HB 2815:	employment; incentives; regulatory tax credit (<i>Mesnard</i>)	Beginning in tax year 2014, establishes an individual and corporate income tax credit for the creditable costs and expenses of “excessive regulation” (defined) incurred by a taxpayer. The credit is capped at \$1,000 for individuals and \$4,000 for corporations in tax years 2014 and 2015, and \$2,000 for individuals and \$8,000 in tax years 2016 and after. The unused credit may be carried forward for up to 10 consecutive taxable years. Establishes caps for the aggregate amount of credits in claims against different government entities. Establishes a process for claiming the credit, including approval by the Department of Revenue. An approved credit constitutes a debit against the general fund appropriation for a responsible state agency, a debit against state shared revenues for responsible counties and municipalities, and a debit against any other taxing entity’s monies in the custody of the State Treasurer for other taxing entities. All or part of an unclaimed credit may be sold or transferred under specified conditions. Additionally, the list of amounts subtracted from Arizona gross income for individual and corporate income tax purposes is expanded to include net capital gain included in federal adjusted gross income for the taxable year that is derived from an investment in a capital asset acquired after December 31, 2011, beginning with 25 percent of net capital gain in tax year 2013 and increasing 25 percent per tax year to 100 percent in tax year 2016 and after. Corporations may carryover net operating losses arising in tax years beginning with 2013 for 20 years, increased from 5 years.	DP Senate Appropriations
HB 2826	consolidated election dates; political subdivisions (<i>Ugenti</i>)	Beginning with elections held in 2014, political subdivision elections, except special elections, can no longer be held in March or May and may only be held in even-numbered years.	Failed Senate Third Read 11-17-2 & Motion to Reconsider
SB 1040	S/E county highways; county engineer recommendations (<i>Gray</i>)	County highways may be established or authorized by the county engineer's recommendation after a public hearing (in addition to the current process of a petition signed by county residents). If a county board of supervisors is abandoning or vacating a highway, the board is required to give written notice by certified mail to the owners of the land abutting the highway. The board cannot abandon or vacate the highway unless a majority of the landowners approve of the action or vacate the highway.	Transmitted to Governor
SB 1311	civil actions; justice courts; jurisdiction (<i>Antenori</i>)	This measure increases the jurisdictional limit over civil actions in justice of the peace courts from its current level of \$10,000 to \$15,000. Includes a legislative intent clause that states the following, <i>"The legislature intends that any increase in justice court caseloads that results from this act be fully funded according to the existing judicial productivity credit formula as provided by law. A county may fund any increase by using any savings that are associated with the corresponding decrease in superior court caseloads or by any other means of funding that is available."</i>	Free Conference Committee Members Appointed

CSA Legislative Agenda

HB 2360:	flood control districts; immunity (<i>Fann</i>)	A county flood control district and its employees are not liable for any injury or property damage arising out of a flood control project when a reasonably adequate warning of any unreasonably dangerous hazard is given to potentially affected property owners.	Signed by Governor, Chapter 222
HB 2389:	lease of county property; requirements (<i>Pratt</i>)	The appointment of an appraiser is not required for the lease of county property valued at \$5,000 or less if the value has been estimated and justified by a market analysis based on comparable sales.	Signed by Governor, Chapter 254
HB 2495:	counties; purchases; local dealers (<i>Jones</i>)	For purchases in excess of \$50,000, counties must award contracts to a local dealer in preference to competing bidders if the bid of the competing bidder is less than five percent lower.	Transmitted to Governor
HB 2651:	road enhancement district; governance (<i>Burges</i>)	Establish a mechanism where a BOS may be replaced by an independently elected board of directors for a Road Enhancement Improvement Districts.	Signed by Governor, Chapter 104
HB 2658:	flood control authority; relinquishments; districts (<i>Pratt</i>)	Clarify municipal responsibility for long-term impacts, such as maintenance costs, when the municipality acting as a floodplain administrator, makes these decisions and gives up floodplain administration duties.	Signed by Governor, Chapter 228

Legislative Compromise Digital Billboards Conference Committee Amendment to HB 2543

BACKGROUND

A recent Arizona Court of Appeals has overturned several years of established property rights by ruling that digital billboards that change messages on federal and state highways are illegal under state law, despite the existence of over 70 such billboards that had been approved in accordance with both Federal Highway Administration and ADOT policy guidelines. In its decision, the Court of Appeals stated that an amendment to Arizona's Highway Beautification Act would be necessary in order to clarify that digital billboards that change messages are permitted along Federal and State highways.

COMPROMISE LEGISLATION

The billboard industry, along with Arizona's astronomy community, has reached a **compromise** that will protect Arizona's astronomy industry and still allow digital outdoor billboards in parts of the state. This compromise strikes a balance to competing economic interests while ensuring the public benefits that both bring to the state.

The work done by observatories here brings jobs, tourism and prestige to the state. The presence of outdoor billboards in our urban area supports thousands of businesses and provides important charitable and crime fighting benefits for our residents.

CONFERENCE COMMITTEE AMENDMENT PROVISIONS:

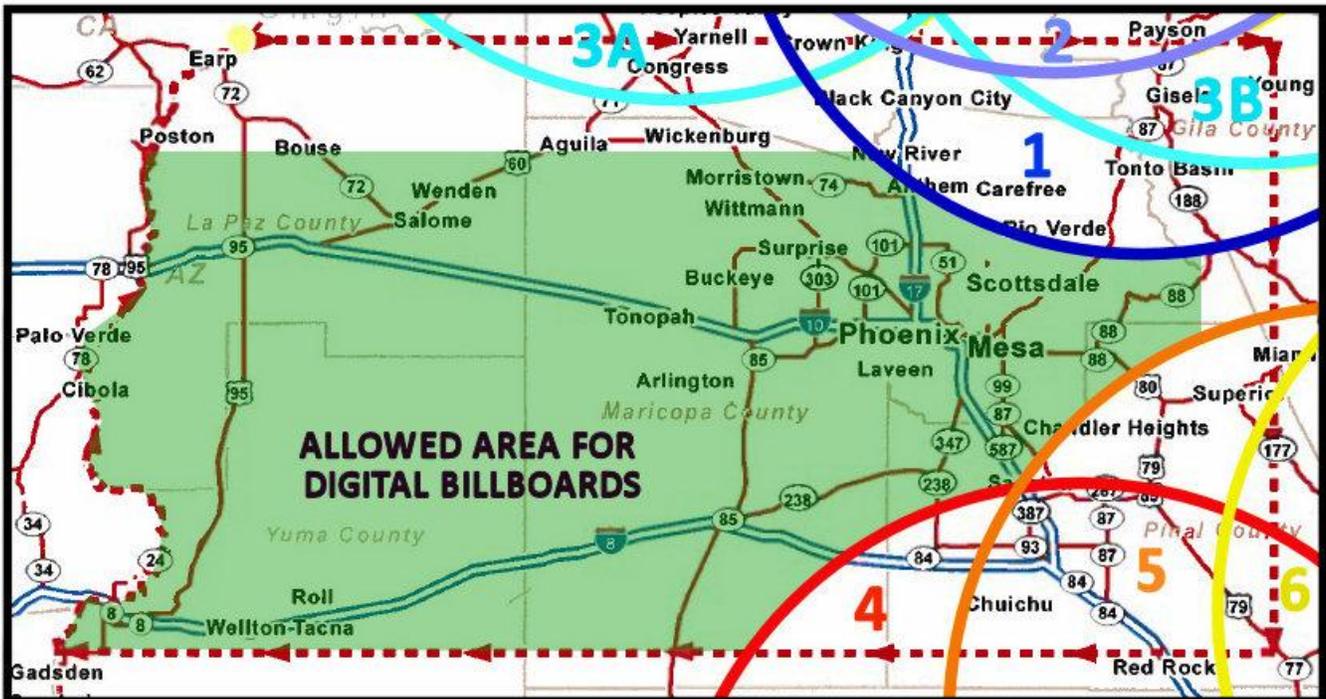
The compromise amendment updates Arizona's statute and makes it consistent with 41 other states by doing the following:

- Prohibits digital billboards on Arizona highways in over two thirds of Arizona. It prohibits new signs or conversion of existing signs south of Sacaton and north of New River. (Map attached)
- Expands the curfew on digital outdoor billboards by one hour, from the current Midnight deadline to 11 p.m.
- Restricts the brightness of the boards and requires operators to comply with the spacing and size requirements in the Highway Beautification Act.
- Grandfathers all existing digital billboards to prevent future takings claims and permits ADOT to enact workable rules to regulate digital signs throughout the state.
- Protects the right of local jurisdictions to enact tougher restrictions and maintains any existing city and county ordinances banning electronic billboards.
- Includes an emergency clause to immediately put into effect the law that would prevent billboards outside the approved area unless they are already grandfathered according to the legislation.

1 DISCOVERY CHANNEL TELESCOPE

2 ANDERSON MESA (LOWELL OBSERVATORY) / NAVY OPTICAL INTERFEROMETER

3A/3B CHERENKOV TELESCOPE ARRAY PROPOSED SITES



4 KITT PEAK NATIONAL OBSERVATORY

5 MOUNT LEMMON OBSERVATORIES

6 MT. GRAHAM INTERNATIONAL OBSERVATORY



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

April 17, 2012

The Honorable Andy Tobin
Speaker of the House
Arizona House of Representatives
1700 West Washington
Phoenix, Arizona 85007

Re: House Bill 2729 (state regulation of firearms)

Dear Speaker Tobin,

Today, I vetoed House Bill 2729 (state regulation of firearms). This bill would have required public entities to provide security personnel and equipment in public buildings in order to limit or prohibit weapons. As you know, I vetoed a similar measure last year, and it appears the majority of my concerns were not addressed in House Bill 2729.

I am a strong proponent of the Second Amendment, and I have signed into law numerous pieces of legislation over these past few years to advance gun rights. However, I cannot support this measure in its current form. United States Supreme Court Justice Antonin Scalia, in the *Heller* decision, recognized the legitimacy of laws "forbidding the carrying of firearms in sensitive places such as schools and government buildings." Decisions made by government officials at the state, county and municipal level impact all areas of life and can have a profound impact upon an individual's family and livelihood. Emotions can run high. The decision to permit or prohibit guns in these extremely sensitive locations – whether a City Council chamber or branch office staffed with State workers – should be cooperatively reached and supported by a broad coalition of stakeholders, including citizens, law enforcement officials and local government leaders.

I am also concerned about the fiscal impact of this legislation. Clearly, the Arizona House of Representatives and Senate buildings and Executive Tower would not be impacted by the legislation, as security measures are already in place. However, many other government jurisdictions across our state do not have this same luxury. They would face this choice: Either spend untold dollars in order to provide their officials and employees the same level of protection that we have at the Arizona State Capitol complex, or accept weapons on the premises. If nothing else, the result would be extensive confusion regarding where guns are permitted or not permitted in public buildings.

The Honorable Andy Tobin

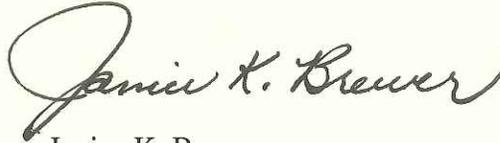
April 17, 2012

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While I appreciate the efforts of the bill sponsor, there is still a tremendous amount of work to be done before this concept can become law. Ultimately, there must be a more thorough and collaborative discussion of the proper place for guns in the public arena. As the proponents of this measure continue to work toward expanding the application of this right, the CCW permit-holder concept and the protection of private property rights must play an important role. In addition, we need to thoughtfully consider public venues and situations in which weapons may not be appropriate, or may be prohibited by federal law.

Until these and other issues are resolved, this legislation is not ready to become part of Arizona law.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer". The signature is written in black ink and is positioned above the printed name and title.

Janice K. Brewer
Governor

cc: The Honorable Steve Pierce
The Honorable David Gowan

NACo Board of Directors CSA Appointment

Position to be Held: CSA has one dedicated seat on the NACo Board of Directors. The election for this position will be held at the April CSA Board of Directors meeting. The term would begin July 2012 and would be held for a minimum of two-years, with no term limit, to be affirmed on a bi-annual basis at the April board meeting of even-numbered years (*per CSA Bylaws Articles 6.9 and 6.10*).

Purpose of the Board: The 126-member board oversees NACo operations. CSA's appointment provides an opportunity to advance the interests of Arizona's supervisors within NACo.

NACo Board of Directors Meeting Schedule for FY12-13: The NACo Board meets four times each year during the following periods:

- July 13-17, 2012 at the NACo Annual Conference in Allegheny County (Pittsburgh), Pennsylvania (*NACo and NACoRF BOD will meet on July 16*)
- December 2012 at the NACo Fall Board of Directors Meeting, *Date and Location TBD*
- March 2-6, 2013 at the NACo Legislative Conference in Washington, D.C. (*NACo Board will meet on March 4*)
- May 22-24, 2013 at the Annual Western Interstate Region Conference in Coconino County (Flagstaff), Arizona (*NACo Board will meet on May 23*)

Reimbursement Policy: \$6,000 reimbursement in budget based on CSA's reimbursement policy

WIR Board of Directors CSA Appointment

Position to be Held: CSA has one dedicated seat on the Western Interstate Region (WIR) Board of Directors. The election for this position will be held at the April CSA Board of Directors meeting. The term would begin July 2012 and would be held for a minimum of two-years, with no term limit, to be affirmed on a bi-annual basis at the April board meeting of even-numbered years (*per CSA Bylaws Articles 6.9 and 6.10*).

Purpose of the Board: The 23-member board focuses on public lands policy (including PILT funding) and other issues critical to the western region of the United States. WIR provides a forum to hear speakers, discuss legislation, and network with other officials to exchange policy information. CSA's appointment provides an opportunity to advance the interests of Arizona's supervisors within WIR.

WIR Board of Directors Meeting Schedule for FY12-13: The WIR Board meets four times each year during the following periods:

- July 13-17, 2012 at the NACo Annual Conference in Allegheny County (Pittsburgh), Pennsylvania (*the WIR BOD will meet during this conference*)
- October 2012 at the WIR Board of Directors Meeting, *Kodiak, AK (Date TBD)*
- March 2-6, 2013 at the NACo Legislative Conference in Washington, D.C. (*the WIR BOD will meet during this conference*)
- May 22-24, 2013 at the Annual Western Interstate Region Conference in Coconino County (Flagstaff), Arizona

Reimbursement Policy: There is not a travel reimbursement for this position, because CSA pays annual dues to WIR totaling \$8,744 for 2012.

Call For Nominations: The 2012 Gabe Zimmerman Public Service Awards

The Gabe Zimmerman Public Service Awards are a statewide competition created to recognize those non-elected professional public servants who serve as the critical link between citizens and the people elected to represent them. They are named in honor of Gabrielle Giffords' director of community outreach, who lost his life on January 8, 2011, while serving the citizens of Arizona.

These awards are an opportunity to showcase the commitment and dedication of more than 100,000 professional public servants working at all levels of government. The purpose of the awards is to recognize those Arizonans who exemplify the importance and impact of public service. See [Eligibility](#).

The Gabe Zimmerman Public Service Awards will be conferred in three categories:

LEADERSHIP: Recognizing the long-term achievements and efforts of public servants who have displayed and sustained leadership contributions throughout their careers, with a minimum of 20 years of public service.

INNOVATION: Recognizing the achievements and efforts of public servants who bring transformative new ideas and technology to public service, and who have the skills to implement their ideas in ways that benefit the citizens they serve.

CIVIC ENGAGEMENT: Recognizing the achievements and efforts of public servants who have materially helped inform, engage and connect citizens in ways that encourage their active participation in 21st century democracy and community building.

Nominations are due by 11:59 pm, Monday, June 4, 2012.

Honorees of the Gabe Zimmerman Awards will be recognized at the 2012 League of Arizona Cities and Towns Annual Meeting, to be held in late August.

Center for the Future of Arizona
541 E. Van Buren, Suite B-5
Phoenix, AZ 85004
602-496-1360

Eligibility

Any Arizona-based public servant who is employed by any of the following may be nominated for one of the Gabe Zimmerman Public Service Awards:

- Cities and Towns
- Counties
- Special Districts
- Agencies of the Executive and Legislative Branches of State Government
- Tribal Governments
- Personal Staff employed by Members of the Arizona Congressional Delegation

As there are other recognition programs for education and public safety employees, this program will focus on **all other categories of public service** in Arizona at the levels of government listed above.

Nominate an Outstanding Public Employee

Nominations for the **2012 Gabe Zimmerman Public Service Awards** are now being accepted.

Deadline for Submission: 11:59 pm, Monday, June 4, 2012.

Award Ceremony: Honorees of the Gabe Zimmerman Awards will be recognized at the 2012 League of Arizona Cities and Towns Annual Meeting, which will be held in late August.

Thank you for your participation in this effort to recognize extraordinary public service in Arizona.

Nomination Process

ONLINE NOMINATION APPLICATION <http://www.thearizonawewant.org/zimmerman/nominate.php>

All nominations must be submitted electronically.

Please note that if you are unable to complete the online application in one session, your responses will not be saved.

To help ensure that you can complete the nomination process in one online session, worksheets are available in both Adobe PDF and Microsoft Word to help you plan your responses to the essay questions in the online application. When you are ready, proceed to the online version to copy and paste your essay responses into the application form for electronic submission.

Award Sponsors

County Supervisors Association of Arizona (CSA)

For 30 years, the CSA has served as a forum for county officials to address important issues facing local constituents. The association provides a mechanism to share information among county officials and professional staff, and works to advance issues of county interest with the state and federal governments. Membership includes the 55 elected supervisors from Arizona's 15 counties.

League of Arizona Cities and Towns

The League of Arizona Cities and Towns is a voluntary association of all the 91 incorporated cities and towns in the state of Arizona. It provides policy and legislative advocacy, information and inquiry services, along with publications and educational programs to strengthen the quality and efficiency of municipal government. It was founded in 1937 to serve the interests of cities and towns and to preserve the principles of home rule and local determination.

Inter Tribal Council of Arizona, Inc.

In 1952, the elected leaders of nine Indian Tribes formed an association to provide members with a united voice. Today, 20 federally recognized Indian Tribes belong to the Council. Their mission is "...to be the voice of the member Tribes in bringing about Indian involvement and self-determination."