



## Cochise County Board of Supervisors

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County Administrator

**EDWARD T. GILLIGAN**  
Deputy County Administrator

**ARLETHE G. RIOS**  
Clerk of the Board

### **AGENDA FOR WORK SESSION**

**Tuesday, August 11, 2015 at 2:30 p.m.**

BOARD OF SUPERVISORS EXECUTIVE CONFERENCE ROOM  
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION**

#### **ROLL CALL**

*Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.*

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#### **INTRODUCTIONS**

#### **ITEMS FOR DISCUSSION**

#### **Board of Supervisors**

1. Discussion and possible direction regarding legislative proposals submitted by staff for the 2015 County Supervisors Association Legislative Summit.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

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#### **Cochise County Board of Supervisors**

1415 Melody Lane, Building G Bisbee, Arizona 85603  
520-432-9200 520-432-5016 fax board@cochise.az.gov

DIS-2496

Items For Discussion 1.  
Board of Supervisors

Work Session Board of Supervisors2

Meeting Date: 08/11/2015

Legislative Proposals

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation Recommendation:

Document Signatures: # of ORIGINALS Submitted for Signature:

NAME of PRESENTER: James E. Vlahovich TITLE of PRESENTER: County Administrator

Mandated Function?: Source of Mandate or Basis for Support?:

Information

Agenda Item Text:

Discussion and possible direction regarding legislative proposals submitted by staff for the 2015 County Supervisors Association Legislative Summit.

Background:

Staff has submitted several legislative proposals that would change statutes to accommodate modern procedures and policies.

Department's Next Steps (if approved):

Officially submit proposals directed by the Board to CSA.

Impact of NOT Approving/Alternatives:

Cochise County will not submit any legislative proposals to CSA.

To BOS Staff: Document Disposition/Follow-Up:

See next steps.

Budget Information

Information about available funds

Budgeted:  Funds Available:  Amount Available:  
Unbudgeted:  Funds NOT Available:  Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Attachments

8.11.15 Legislative Proposal\_PSRs

8.11.15 Legislative Proposal Form Transferred Youth

8.11.15 Legislative Proposal 2015 -- Public Records Requests -- Recovering costs of search time

8.11.15 Legislative Proposal 2015 -- eliminating disincorporation statutes

8.11.15 Legislative Proposal -- ARS 11-864 copies of building codes - 06 24 15 draft

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## PSRS Legislative Proposal:

### **A. What is the legislative proposal?**

**Immediate Action:** Excess payments by local governments (counties and cities) that are made to the Public Safety Personnel Retirement System (PSPRS) in order to reduce the local government's unfunded liability to the PSPRS shall be excludable from its expenditure limit calculations.

**Longer-term-solution:** Form a Legislative Study Committee to study and make recommendations that will change the PSPRS in ways that will protect the long-term viability of the system and at the same time prevent local governments from long-term inability to fund their portion of the system.

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

Local governments are contractually required to contribute an amount to the Public Safety Retirement System for each public safety officer.. The system must be solvent by statute and the officers' share of costs is capped at 7.65% (assuming the Hall case is won). That means that local governments must pick up the rest of the cost. Currently the local government share of cost for Cochise County for FY 15/16, for example, is 51.39% of each officer's salary. Other cities and counties are in even worse shape. The situation is further complicated by the fact that retirees in the system are guaranteed a cost of living increase in any year that the system earns more than 9%, for officers hired before 2012. Even if the system loses money in the following years, the liability incurred by the COLA continues on. So the system could lose money for several years in a row but if there is a single year gain (that doesn't offset the losses from previous years), there is an automatic increase in the system. Local governments are in a bad spot, and as the percentage of salary for officers increases, they cannot afford to hire new officers. Yet at the same time they are still on the hook contractually for any shortfalls in the system, and would have to increase their share of costs for the officers they do have to cover in the system shortfall. Public safety officers have no incentive to change the system as their shares of cost are capped and retirees are guaranteed periodic COLA's any year the system has more than a 9% gain. In the long run, the costs are going to bankrupt local governments. Legislators should look at all the Retirement Systems, particularly the PSPRS, and any long-term solution needs to hold harmless those current officers and retirees who may have a contractual right to the current level of benefits.

There is a short-term solution, but it too will require a legislative change. Local governments could make substantial payments to the PSPRS to cover their unfunded liabilities to the system. By putting this up-front money to work, and having it earn interest, the local governments can cover their shortfalls and get ahead. However, in doing so, local governments will likely run afoul with their respective expenditure limitations; as such payments are not excluded from their expenditure limitation calculations. This proposal would allow local governments to make such payments

(in the case of Cochise County, two payments of one million dollars would be made), but it cannot do so without exceeding the expenditure limitation.

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

There is no impact on the state budget. The County budget should have minimal impact. Counties are still subject to the expenditure limitation and must do whatever fix is required within that parameter. It will enable counties to make a sensible and proactive effort to keep up with this otherwise unfunded liability that will continue to grow each year until it reaches crisis level. The local governments would likely have to seek state help to solve a major financial crisis.

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

There should be general support among stakeholders (local governments) and no opposition from PSPRS officers and retirees for the short-term recommendation as that will enable the officers to continue to receive all their benefits from the PSPRS. There may be some opposition from Legislatures that wish to limit spending by local governmental entities; however, even that may be offset by the need to reign in a growing unfunded liability. This is further offset by the need for local governments to live within their respective expenditure limitations. The longer-term recommendation to study long-term solutions to the solvency of the PSPRS and local governments' contributions thereto may generate concern from officers and retirees, who have no current incentive to see the system change.

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

**Name:** Lois Klein, Cochise County Finance Director

**Phone:** 520-432-8381

**E-mail:** lklein@cochise.az.gov



# County Supervisors A S S O C I A T I O N of a r i z o n a

**2015 Legislative Policy Statement**  
**11<sup>th</sup> Annual CSA Legislative Summit**  
**Mohave County, Arizona**  
**October 13-15, 2015**

- A. What is the legislative proposal? Amend A.R.S 8-305 as follows: “The county board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, shall maintain a detention center that is separate and apart from a jail or lockup in which adults are confined and where juveniles who are alleged to be delinquent, *are accused or convicted of a criminal offense*, or children who are incorrigible and within the provisions of this article shall be detained when necessary before or after a hearing or as a condition of probation.”

This change will enable counties to place youth transferred to adult court in detention centers instead of county jails.

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

The statute currently does not allow for transferred youth to be housed with other youth in juvenile detention facilities. Housing transferred youth in jail increases costs. In rural counties where few youth are transferred and detention populations are small, costs for separate housing are significant. Additionally, transferred youth who are incarcerated in adult jails are frequently deprived of the specialized youth services offered in juvenile detention facilities.

- C. What is the fiscal impact to the state or county budgets of the proposal? There is no impact to the state budget. Counties which elect to house transferred youth in detention centers would save money, because youth housed in adult jails require separation of sight and sound from the adult population, education services and special meals. All of these services are already being provided in juvenile detention facilities.

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

This amendment would enable each county to determine the most appropriate incarceration option for transferred youth in its jurisdiction. Because no county would be forced to house transferred youth in detention facilities, there should be little resistance.

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

Name:

Phone:

E-mail:



**2015 Legislative Policy Statement**  
**11<sup>th</sup> Annual CSA Legislative Summit**  
**Mohave County, Arizona**  
**October 13-15, 2015**

**A. What is the legislative proposal?**

This proposal is to allow governmental entities, including counties, to recover actual costs for the time it takes employees to search for, gather and produce documents in response to public records requests.

Everyone familiar with government appreciates and applauds Arizona's public records law, A.R.S. § 39-121 et. seq., as a valuable tool in assuring government transparency. When enacted, Arizona's public records were mostly paper copies of documents stored in file folders and filing cabinets. The task of creating, retaining and filing official public records fell on a relative handful of government employees. A person making a request to inspect records would make an appointment to review documents in folders and cabinets that might contain documents that pertained to the request. If they saw documents that interested them, they would request copies. Governmental entities could charge for the costs of making those copies. Although public records statutes do not directly address the issue, courts have ruled, and the Attorney General has opined, that governmental entities cannot ask to be reimbursed for the time spent searching for the records requested. (See Atty Gen Ariz Agency Handbook § 6.5.5 "An agency may charge a fee it deems appropriate for copying records, including a reasonable amount for the cost of time, equipment, and personnel used in producing copies of records, but not for costs of searching for the records").

Fast forward to 2015. In the digital age, the number of documents has exploded. And along with this, given emails and other electronic documents, the number of employees who create, retain and file documents that are deemed "public records" has also exploded. As a result, a public records request that takes a few minutes (or less) to generate and send by email, can cause dozens of government employees to drop what they are doing in order to engage in electronic (and paper copy) searches for documents. (Note that unlike the original process in which a requester would review documents in a hardcopy file, a responsible governmental entity cannot give a requester access to government computers to perform a search for electronic documents). Someone then needs to coordinate and gather these documents. Someone else will need to review these documents, sometimes numbering in the hundreds and thousands, for privacy and confidential information (eg., personal identifying information, or information made confidential by statute). These will then need to be redacted. Unless the reviewing employee has special software that enables electronic redaction, these will need to be printed and redacted by hand. If the process used by the governmental entity entails printing the electronic documents, the end result will be hundreds to thousands of printed copies that the requestor will review; the requestor will then take copies of none to all of the documents, depending upon how many they find interesting—paying a small fee for the copied documents. If the process is to retain the documents in electronic format—which is sometimes possible, sometimes not—the documents likely will be delivered electronically to the requestor at no cost, since there is essentially no recoverable cost to emailing electronic documents.

Below is an example of a public records from a former indigent defense contract attorney, that resulted in approximately 8,000 to 10,000 pages of copied documents. It took countless hours for all the employees involved to search and gather the documents. It took an attorney in the



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County Attorneys Office three full days to review and redact them. The requestor reviewed the documents and took none of them.

**From:** Nancy Bourke [mailto:nbourke36@gmail.com]

**Sent:** Friday, March 13, 2015 10:47 PM

**To:** Lemons, Kim A

**Cc:** Brenda Stickler

**Subject:** PRR

Hello Ms. Lemons,

Please consider this email a public records request not being made for a commercial purpose. I am not yet requesting photocopies of any of the following documents; only inspection.

1. List of all Indigent Defense Coordinator ("IDC") contracted attorneys as of 1/1/2014 for:
  - a. misdemeanor cases
  - b. felonies
2. Any attorneys added to the IDC contract since 1/1/2014 for:
  - a. misdemeanor cases
  - b. felonies
3. All attorneys removed from the IDC contract since 1/1/2014 including:
  - a. each removal initiated by the attorney and reason(s) given
  - b. each removal initiated by Cochise County Procurement or any other person or entity and reason(s) given
4. All complaints leveled against IDC contract attorneys brought to IDC's attention by the complainant or any other source since 1/1/2014 including those from:
  - a. assigned clients
    - i. during representation
    - ii. post representation
  - b. judges
  - c. other attorneys
  - d. all others
5. All other comments (not complaints) or compliments regarding IDC contract attorneys brought to IDC's attention by the commentor or any other source since 1/1/2014 including those from:
  - a. assigned clients
    - i. during representation
    - ii. post representation
  - b. judges
  - c. other attorneys
  - d. all others
6. All BOS agenda items from 3/1/14 to date of fulfillment of request.
7. All BOS meeting minutes from 3/1/14 to date of fulfillment of request.
8. All communications from or to Judge James Conlogue or his office regarding Nancy Bourke from 2/1/14 to the date of fulfillment of this request.
9. All communications from or to Judge James Conlogue or his office regarding State v. Riley, CR201400093.
10. All communications from or to Judge Charles Irwin or his office regarding Nancy Bourke dated 3/1/14 to the date of fulfillment of this request.
11. All communications from or to Judge Charles Irwin or his office regarding In the Matter of Aileen Luna, JV201400028.
12. All communications from or to the Cochise County Board of Supervisors or its staff regarding Nancy Bourke dated 1/1/14 to the date of fulfillment of this request.
13. All communications from or to the Cochise County Board of Supervisors or its staff regarding State v. Riley, CR201400093 and In the Matter of Aileen Luna, JV201400028.



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14. All communications from or to the Indigent Defense Coordinator or her staff regarding Nancy Bourke dated 1/1/14 to the date of fulfillment of this request.
15. All communications from or to the Indigent Defense Coordinator or her staff regarding State v. Riley, CR201400093 and In the Matter of Aileen Luna, JV201400028.
16. All communications from or to the Cochise County Attorney or his staff regarding Nancy Bourke dated 1/1/14 to the date of fulfillment of this request.
17. All communications from or to the Cochise County Attorney or his staff regarding State v. Riley, CR201400093 and In the Matter of Aileen Luna, JV201400028.
18. All communications from or to the Cochise County Procurement Department or its staff regarding Nancy Bourke dated 1/1/14 to the date of fulfillment of this request.
19. All communications from or to the Cochise County Procurement Department regarding State v. Riley, CR201400093 and In the Matter of Aileen Luna, JV201400028.
20. All communications between the Greenlee County Attorney or its staff regarding Nancy Bourke, regardless of date, with:
  - a. the Cochise County BOS and/or its staff
  - b. the Cochise County IDC and her staff
  - c. the Cochise County Attorney and his staff
  - d. Judge James Conlogue and his office
  - e. Judge Charles Irwin and his office
  - f. Cochise County Procurement and its staff
21. Records of telephone calls to/from phone numbers associated with the BOS and/or its staff with all other people and entities listed anywhere in this PRR for the period of 3/1/2014 to the date of the fulfillment of this request.
22. Records of telephone calls to/from phone numbers associated with IDC and/or its staff with all other people and entities listed anywhere in this PRR for the period of 2/1/2014 to the date of the fulfillment of this request.
23. Records of telephone calls to/from phone numbers associated with the CAO and/or its staff with all other people and entities listed anywhere in this PRR for the period of 2/1/2014 to the date of the fulfillment of this request.
24. Records of telephone calls to/from phone numbers associated with Judge James Conlogue and his staff with all other people and entities listed anywhere in this PRR for the period of 2/1/2014 to the date of the fulfillment of this request.
25. Records of telephone calls to/from phone numbers associated with the Judge Charles Irwin and his staff with all other people and entities listed anywhere in this PRR for the period of 2/1/2014 to the date of the fulfillment of this request.
26. Records of telephone calls to/from phone numbers associated with Cochise County Procurement and its staff with all other people and entities listed anywhere in this PRR for the period of 3/1/2014 to the date of the fulfillment of this request.
27. All communications from the following regarding procedures for appointment of Public Defender's Office attorneys, Legal Defender's Office attorneys, and contract attorneys from 2/1/2014 to the date of the fulfillment of this request from:
  - a. IDC and its staff
  - b. BOS and its staff
  - c. CAO and its staff
  - d. Judge James Conlogue and his staff
  - e. Judge Charles Irwin and his staff.
  - f. Procurement and its staff.
28. Any and all communications regarding fulfillment of this PRR by:
  - a. IDC and its staff
  - b. BOS and its staff
  - c. CAO and its staff



- d. Judge James Conlogue and his staff
- e. Judge Charles Irwin and his staff.
- f. Procurement and its staff.

Necessary redactions will be acceptable if explained.

Thank you,

Nancy Bourke, Esq.

4036 La Linda Way

Suite C

Sierra Vista, AZ 85635

As a second example, just one records request from a member of the public, Beau Hodai—who has made eight (8) requests since the beginning of 2015—took a Deputy County Attorney, the Sheriff’s Liaison, prosecutors and staff more than two months to research, redact, and respond to, resulting in 1,750 pages of documents, for which he paid \$525. Letters from and to Mr. Hodai’s attorney and Deputy County Attorney Lauri Owen will give you a flavor of the difficulties involved in dealing with some public records requests.

As a third example, an attorney purportedly working on a scholarly article requested every record related to every election challenge question that has passed through the County Attorney’s office. The request took two months to research and compile by two Deputy County Attorneys and staff, and resulted in thousands of pages from files from all over the computer and file room. One attorney spent hours each day reviewing and redacting documents. These documents were provided electronically so there was no cost to the requestor.

Numerous other similar examples could be provided. Cumulatively, the cost of responding to public records request has skyrocketed.

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

The basic problem is that, in the digital age, public records requests can be made with relatively little time, effort, thought or cost to requestors, but that can cost government thousands and thousands of man hours to search, gather, coordinate and redact—all at taxpayer expense.

Previous ideas that have been floated about how to deal with this problem have focused on giving government the authority to deny records requests that are excessively or unduly burdensome. There are numerous problems with this approach, eg.: i) too much discretion on the part of government, with highly variable definitions of “excessively or unduly burdensome” from agency to agency; ii) a public records request might not be excessively or unduly burdensome (however that might be defined), whereas the problem is really that the same individual makes numerous successive requests that are excessively or unduly burdensome.

A better, more objective approach is to require requestors to reimburse the governmental entity for the employee time spent searching, gathering, coordinating and redacting documents. This would cause potential requestors—especially the frequent requestors—to be more thoughtful about what kind of documents they would really want to review. This approach also would be consistent with the general good government philosophy of requiring those who seek government services to pay for them, rather than other taxpayers subsidizing their activities.

This approach could be accompanied by an allowance for no charge for the first X number of hours of search, gathering and redaction time, per request or per year. This would allow members of the public who rarely or infrequently make requests, or who make narrow, focused



requests, to avoid costs. It would also encourage frequent requestors to be more thoughtful about the scope of their requests.

Note that the federal Freedom of Information Act (FOIA) contains provisions for the cost of search time. Here is the language of a FAQ from the FOIA website:

There is no initial fee required to submit a FOIA request, but the FOIA does provide for the charging of certain types of fees in some instances. For a typical requester the agency can charge for the time it takes to search for records and for duplication of those records. There is usually no charge for the first two hours of search time or for the first 100 pages of duplication.

Following are the proposed changes to Arizona's public records statutes, with language eliminated in strikethrough and the added subsection 39-121.04 in blue:

39-121.01. Definitions; maintenance of records; copies, printouts or photographs of public records; examination by mail; index

A. In this article, unless the context otherwise requires:

1. "Officer" means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.

2. "Public body" means this state, any county, city, town, school district, political subdivision or tax-supported district in this state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by monies from this state or any political subdivision of this state, or expending monies provided by this state or any political subdivision of this state.

B. All officers and public bodies shall maintain all records, including records as defined in section 41-151.18, reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from this state or any political subdivision of this state.

C. Each public body shall be responsible for the preservation, maintenance and care of that body's public records, and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to sections 41-151.15 and 41-151.19.

D. Subject to section 39-121.03:

1. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person. ~~The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges. The custodian of such records shall promptly furnish such copies,~~



~~printouts or photographs and may charge a fee if the facilities are available, except that public records for purposes listed in section 39-122 or 39-127 shall be furnished without charge.~~

2. If requested, the custodian of the records of an agency shall also furnish an index of records or categories of records that have been withheld and the reasons the records or categories of records have been withheld from the requesting person. The custodian shall not include in the index information that is expressly made privileged or confidential in statute or a court order. This paragraph shall not be construed by an administrative tribunal or a court of competent jurisdiction to prevent or require an order compelling a public body other than an agency to furnish an index. For the purposes of this paragraph, "agency" has the same meaning prescribed in section 41-1001, but does not include the department of public safety, the department of transportation motor vehicle division, the department of juvenile corrections and the state department of corrections.

3. If the custodian of a public record does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. The copies, printouts or photographs shall be made while the public record is in the possession, custody and control of the custodian of the public record and shall be subject to the supervision of such custodian.

E. Access to a public record is deemed denied if a custodian fails to promptly respond to a request for production of a public record or fails to provide to the requesting person an index of any record or categories of records that are withheld from production pursuant to subsection D, paragraph 2 of this section.

#### [39-121.04 Request for copies, printouts or photographs; non-commercial requests](#)

(1) Each public body shall provide access to and, upon request, provide copies of public records for non-commercial public records requests as follows:

A. Each public agency may require reimbursement for the cost of copying records, including electronic records, including a fee not to exceed the actual cost of time, equipment, and personnel used in producing copies of records subject to public disclosure, including the time to search for, gather, coordinate and redact the records requested.

B. Fees for maps, blueprints, computer imaging, plats, or other records that require special expertise to produce for inspection, or duplicate, may include the actual rate of compensation for the trained personnel required to produce the records for inspection or duplication.

C. Payment of fees may be required prior to incurring extraordinary costs to produce public records for inspection, and prior to making or delivering copies.

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

This proposal would significantly reduce staff time in responding to public records requests—staff time of those whose records are being requested, as well as the time of



# County Supervisors

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employees charged with the responsibility of coordinating requests and reviewing/redacting documents.

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

I am sure that those members of the public who frequently make requests will howl. This will likely include newspapers and other media, although frankly these organizations, while making numerous requests, for the most part make fairly focused requests. It's the self-appointed watchdogs, with a great deal of time on their hands, who typically engage in the broad, sweeping, costly fishing expeditions. Arizona's public records laws, as interpreted over the years, has given frequent requestors a sense of entitlement to free government document search and gathering service. The watchword is the commonly used term "transparency." But note that this proposal does not reduce transparency in government; rather, it shifts the cost from taxpayers to those who are requesting the service.

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

**Name:** Britt Hanson, Chief Civil Deputy, Cochise County Attorney

**Phone:** 520/432-8755

**E-mail:** [bhanson@cochise.az.gov](mailto:bhanson@cochise.az.gov)



# County Supervisors ASSOCIATION of arizona

**2015 Legislative Policy Statement**  
**11<sup>th</sup> Annual CSA Legislative Summit**  
**Mohave County, Arizona**  
**October 13-15, 2015**

**A. What is the legislative proposal?**

***This proposal will eliminate A.R.S. §§ 9-211 through 9-226. These are an archaic set of statutes pursuant to which voters/property owners in a city or town can, through a petition/election process, disincorporate the city or town, in which case the county board of supervisors appoints trustees to manage the city or town.***

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

***Putting aside whether it might sometimes be a good idea for voters/property owners of a city or town to disincorporate it, and have a county board of supervisors appoint trustees to manage the city or town, these statutes are completely unworkable. For starters, provisions calling for an appointment of a town marshal, to be paid \$100/month (see § 9-223), a city clerk to be paid \$500/yr (see § 9-222), and the like, make no sense in a modern world. Reading through the rest of this set of statutes, a city or town could not be governed using them.***

***Moreover, both the County Attorney and the Attorney General authored opinions in 2014 stating that the procedures for petitioning and voting to disincorporate are unconstitutional due to property ownership requirements, as well as finding other difficulties with the statutory procedure. Those two opinions are attached.***

***This set of statutes has no value to Arizona citizens. They would be harmless, except that an individual who read them actively attempted to obtain and circulate petitions—which is what prompted the County Attorney and Attorney General Opinions. It would be better to eliminate useless statutes. If someone believes that there should be some procedure to disincorporate a city or town similar to that provided in this set of statutes, he or she should draft something that is workable and constitutional.***

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

***None.***

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

***There probably are not stakeholders or political environment for this set of statutes or eliminating them.***



# County Supervisors

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

**Name:** *Britt Hanson, Chief Civil Deputy, Cochise County Attorney*

**Phone:** *520/432-8755*

**E-mail:** *bhanson@cochise.az.gov*



# County Supervisors ASSOCIATION of arizona

## **2015 Legislative Policy Statement** **11<sup>th</sup> Annual CSA Legislative Summit** **Mohave County, Arizona** **October 13-15, 2015**

### **A. What is the legislative proposal?**

***A technical correction to A.R.S. § 11-864, which requires that three copies of a County's building codes be kept in the Clerk of the Board's office for inspection; replaced with a requirement that a County maintain three paper copies or, alternatively, one paper copy and make available an electronic copy of its codes. This revision would conform to the change made by the legislature in 2015, HB2557, changing the requirements for municipalities set forth in A.R.S. § 9-802.***

***In addition, the proposed change would make hard copies available in a county office more convenient to the public, such as the Planning or Community Development Department, than the current requirement that they be available in the Clerk of the Board's office.***

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

***The current law, set forth in A.R.S. § 11-864, requiring counties to maintain three hard copies of building codes in the Clerk of the Board's office, is impractical. There are numerous building codes, contained in a series of books, and each code series is extremely expensive. (\$2,331 plus shipping/handling for three sets).***

***The law is also not necessary. Architects and contractors, who are the most frequent users of building codes, typically keep their own copies of building codes. Members of the public typically call County building officials to help them answer building code questions. Moreover, for those who would prefer to research the building codes themselves, an internet link can be made available.***

***As for the location of building codes, In Cochise County and probably other counties, members of the public, including contractors, who are looking for copies of the Codes inquire at the Planning, Building or Community Development for information about the codes, not at the Clerk of the Board's office.***

***In 2015, the Legislature revised the similar requirement for municipalities as follows:***

***9-802. Procedure for adoption by reference***

***A municipality may enact the provisions of a code or public record theretofore in existence without setting forth such the provisions, but the adopting ordinance shall be published in full. At least three paper copies or one paper copy and one electronic copy maintained in compliance with section 44-7041 of the code or public record shall be filed in the office of the clerk of the municipality and kept available for public use and inspection. A code or public record enacted by reference may be amended in the same manner.***

***The proposed amendment to A.R.S. § 11-864 would read as follows:***

***For more information contact the County Supervisors Association at (602) 252-5521***



# County Supervisors ASSOCIATION of arizona

**11-864. Publication of ordinance adopting code**

Any code authorized by this article may be enacted without setting forth in full such provisions, but the adopting ordinance shall be published in full. At least three paper copies or one paper copy and one electronic copy maintained in compliance with section 44-7041 of the code shall be filed in the office of the clerk of the board of supervisors, or in another county office such as the Planning, Building or Community Development Department, and kept available for public use and inspection. A code enacted by reference may be amended in the same manner.

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

***Save the cost of maintaining and updating extra hard copies of building codes.***

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

***This should have no practical impact on stakeholders.***

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

**Name: *Britt Hanson, Chief Civil Deputy, Cochise County Attorney***

**Phone: *520/432-8755***

**E-mail: *bhanson@cochise.az.gov***