

## CITY COUNCIL REPORT

DATE: April 10, 2015

TO: Mayor and Councilmembers

FROM: Jerene Watson, Deputy City Manager

CC: Jeff Meilbeck, Josh Copley, Richard Travis, Triadvocates, Leadership Team

SUBJECT: 2015 LEGISLATIVE SESSION LOBBYING ACTIVITIES AND BILL TRACKING

This is in response to the request from Councilmember Putzova in emails and at the April 7, 2015 Council meeting for a summary of the lobbying activities and individuals who were involved in the bills of interest to the city of Flagstaff and the votes of our district legislators.

### DISCUSSION

Attached is the summary of bills of interest identifying City actions that occurred and people involved during the 2015 State Legislative Session.

With the interest by Councilmember Putzova and others on Council about how legislative items are handled through the process, a brief synopsis with additional materials are provided in this City Council Report to give a more complete picture of what occurs during the Legislative Session.

#### The Legislative Process and Cycle of Proposed Legislation

An abbreviated article, "How a Bill Becomes a Law in Arizona," with flow chart from the League of Arizona Cities & Town, that describes a snapshot of the cycle of the life of proposed legislation is attached. With approximately 1500 bills introduced in the Legislature each year, there are typically 200-400 bills of interest to aspects of municipal governance.

There are various ways that cities stay informed on what is happening with a bill whether they have a contracted lobbyist or dedicated staff member(s) taking on the legislative tracking and lobbying responsibilities. During the Session, weekly summaries to all cities or members from various associations are sent through Listserv or group emails from many organizations. Following is a sampling of groups who have eyes on legislation with an impact for us and assist in our tracking:

- ◆ Arizona Film and Media Coalition
- ◆ Arizona Municipal Clerks Association
- ◆ Rural Transportation Advocacy Council
- ◆ AZ Law Enforcement
- ◆ Arizona City Attorneys Association
- ◆ AZ Municipal Commercial Collections Assn.
- ◆ AZCOPS (AZ Chiefs of Police)
- ◆ AZ Municipal Commercial Collections Assn
- ◆ Coconino Plateau Watershed Partnership/Coconino Plateau Water Advisory Council (CPWP/CPWAC)

Additionally throughout the Session, the Arizona League of Cities & Towns has their attorneys and staff analyzing and watching the progress of all bills. They hold Friday meetings with the Intergovernmental (IG) staff public lobbyists or assigned staff members who carry out IG duties and go over the following week Committee assignments, discuss strategies among cities to use in supporting or opposing a bill, divide out contact assignments on legislators, etc. On Mondays they host a Legislative call for elected officials and IG staff, as well as host a separate call with municipal Finance Directors and financial staff in cities to discuss any bills with revenue impacts.

### What Guides our Lobbying and Advocacy Efforts

The “Legislative/Intergovernmental Protocols for 2014/15” that is updated and provided each year with our legislative agendas is attached. This guides the actions within our city personnel, elected officials and contract lobbyists as each carries out the direction given by the City Council majority. Items 1 and 2 of the protocols are worth highlighting as this is the foundation for all actions and legislative lobbying on the City’s behalf.

“1. A City legislative priorities agenda is approved annually by the City Council so that staff has authority to weigh in on issues without going to Council every time an issue changes or arises which is not practical and, at times, not feasible due to swift moving actions of the legislature.

2. The Council establishes guidelines or rules of engagement as a formalized protocol on how the City’s positions and messaging is to be conveyed, conducted in public discussion with agreement in principle on carrying the City’s message. Each new Council should revisit these guidelines so that missteps are avoided as best as possible. Items to be determined should include:

a. Understanding that notification is to be made when any elected officials are meeting with elected officials of other bodies at any level of government.

b. It is customary and expected that appropriate staff in the other entity is notified of meetings between elected officials (a duty of the city-designated Intergov).

c. Annual legislative priority agendas should be adopted so there is agreement of majority opinion on what messaging City officials are to lobby for, carry into meetings or formal settings. Activities should be coordinated through the City Manager’s office and with contracted government affairs or City staff assigned intergovernmental responsibilities.

d. Personal opinions are to be stated as such and not representing the City if they are not in alignment with the City’s adopted position.”

### RECOMMENDATION / CONCLUSION

The Legislative process is year-round. Resolutions may now be proposed throughout the year to the Arizona League of Cities policy committees (see the attached process). If proposed legislation hits an impasse during the Session, it may be referred to a legislative “Study Committee” over the summer and fall. Work on bills is initiated often long before the opening of Session. Hopefully this provides the framework for future discussions by the Council on how we manage the legislative process

This report is for information only.

**2015 LEGISLATIVE SUMMARY – Bills Tracking/Bills of Interest to COF**

Bill No.	D-6 Actions Or Votes	Summary <small>(DCM Watson coordinated &amp; tracked these bills with COF staff, AZ League of Cities, and contract Triadvocates lobbyist Richard Travis)</small>	Elected Official Interest Or Involvement	COF Departmental Staff aware, interested and/or tracking	Lobbying Partners/ Coalitions <small>(Note: these groups reached out to COF for assistance in lobbying efforts)</small>	City Position <small>(Richard Travis - Actions at the Legislature on behalf of the City)</small>
SB1072	Allen-Y Barton-Y Thorpe-Y	Purpose: LOCAL PLANNING; Prohibitions Against Inclusionary Zoning; amendment removed the authority limitation of a municipality to use conditions designed to increase the supply of moderate or lower cost housing. <b>SIGNED BY GOVERNOR: 4/1/15</b>		Sarah Darr, Deputy Housing Director	AZ Housing Alliance	OPPOSED until amended
SB1076	Allen (co-sponsor)	Purpose: Homeowners rebate (striker), pushing cost of property tax collected in excess of 1% will be paid by counties or cities rather than the state <b>RETAINED ON CALENDAR 4/1/15 - died</b>		Barbara Goodrich, Management Services Director	AZ League of Cities	OPPOSED
SB1079	Allen-Y Barton-Y Thorpe-Y	Purpose: SOLID WASTE COLLECTION FOR MULTI-FAMILY HOUSING TO GIVE LANDLORDS OPTIONS FOR SOLID WASTE COLLECTION – would require city ordinance changes. <i>AZ League asked the City to work with Rep. Bob Thorpe to get an amendment to mitigate the impacts of this bill.</i> <b>SIGNED BY GOVERNOR: 4/1/15</b>	Mayor Nabours, League Executive Cmtte. member	DCM- J Watson PW-Erik Solberg, Director PW-Solid Waste: Pat Bourque, Solid Waste Manager; Mike Gallegos, Landfill Manager	AZ League of Cities AMCCA (AZ Municipal Commercial Collections Assn) Member cities of SWANA (Sierra Vista, Peoria, Tempe, Prescott, Flagstaff) Sierra Club	OPPOSED until amended
SB1135	Allen-Y Barton-Y Thorpe-Y	Purpose: Allows for delinquent property taxes to be paid in partial installments and decouples year-to-year delinquent			AZ League of Cities Triadvocates	

		taxes, removes funding the Elderly Assistance Fund					
SB1187	Allen-Y Barton-Y Thorpe-Y	TO GOVERNOR: 4/2/15  Purpose: SOLID WASTE COLLECTION requires an in-lieu payment for taxes for county trash being hauled by the city outside municipal boundaries. <u>AZ League asked the City to work with Rep. Bob Thorpe to get an amendment to mitigate the impacts of this bill.</u> Rep. Thorpe got two floor amendments which helped reduce the impacts on the City and limit our exposure <b>SIGNED BY GOVERNOR: 4/1/15</b>	Mayor Nabours, League Executive Cmt. member	DCM – J. Watson PW-Erik Solberg, Director PW-Solid Waste: Pat Bourque, Solid Waste Manager; Mike Gallegos, Landfill Manager	AZ League of Cities AMCCA (AZ Municipal Commercial Collections Assn) Member cities of SWANA (Sierra Vista, Peoria, Tempe, Prescott, Flagstaff) Sierra Club	OPPOSED and worked for amendment to mitigate some of the effects of original language	
SB1241 (striker)	Allen-Y Barton-Y Thorpe-Y	Purpose: To prohibit governments from restricting the use of plastic bags through fees, bans or charging a recycling fee on plastic bottles and containers  TO GOVERNOR: 4/2/15		ICM Jeff Meilbeck PW-Erik Solberg PW-Sustainability Rebecca Sayers & Nicole Woodman	AZ League of Cities	OPPOSED	
SB1293	Allen-Y Barton-Y Thorpe-Y	Purpose: GITEM (Gang & Immigration Intelligence Team Enforcement Mission) subaccount appropriation for software for “Predictive policing”  TO GOVERNOR: 4/1/15		Police Chief Kevin Treadway	CJCC (Coconino County Criminal Justice Coordinating Council)	SUPPORT	
SB1300	Allen-Y Barton-Y Thorpe-Y	Purpose: LAW ENFORCEMENT BODY CAMERAS prescribed when a body camera could be turned off by request and takes away department policy options and officer judgment; this bill was amended on the floor by the bill	Council-member Coral Evans	Police Chief Kevin Treadway (TESTIFIED IN COMMITTEE on 2/18/15) Asst. City	AZ League of Cities AZCOPS (AZ Chiefs of Police)	OPPOSED	

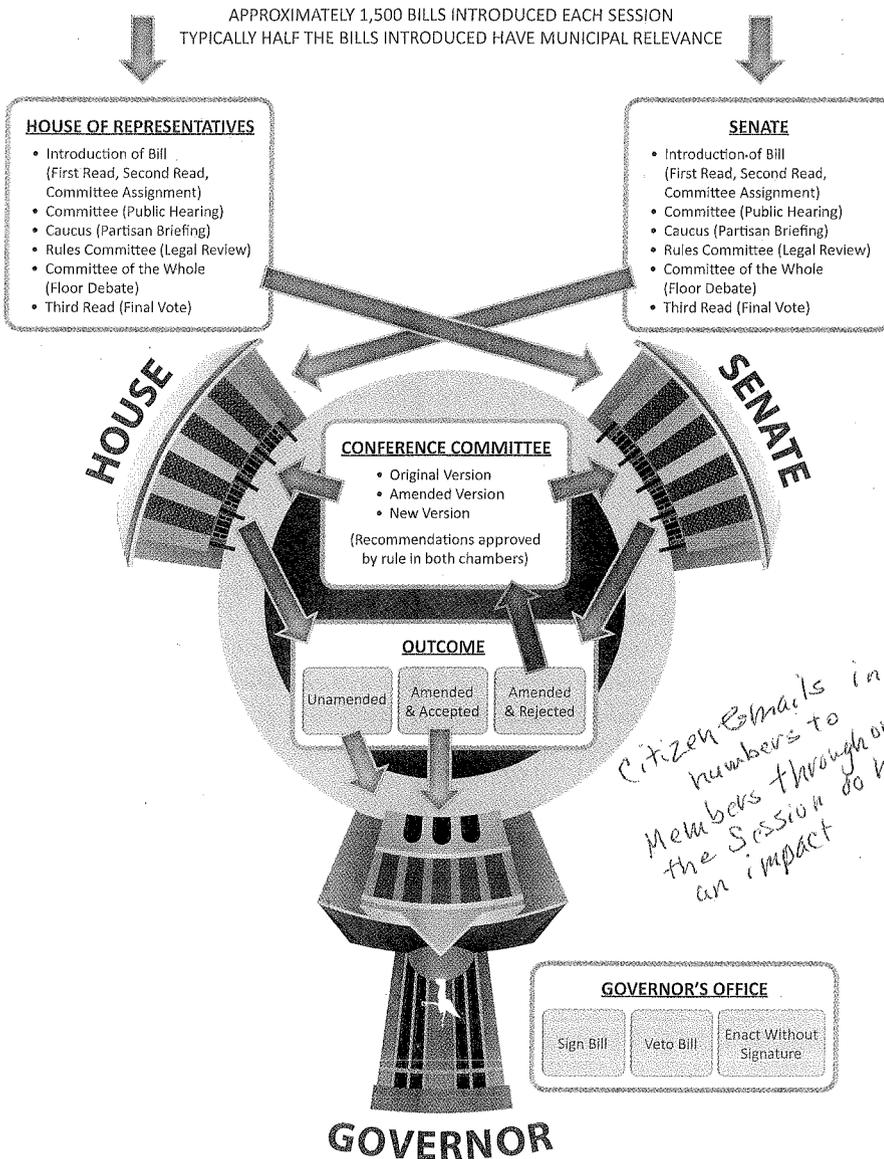
SB1342	Allen-Y Barton-Y Thorpe-Y	sponsor; language turned into a legislative study committee <b>SIGNED BY GOVERNOR: 4/1/15</b>		Attorney Marianne Sullivan	AZ League of Cities	OPPOSED
SB1344 (Striker)	Allen-Y Barton-Y Thorpe-Y	Purpose: RESPONSIBILITY OF PAYMENT FOR UTILITY SERVICES only to the person who resides at a property (rather than property owner) Rep. Thorpe introduced floor amendment <b>SIGNED BY GOVERNOR: 4/1/15</b>		DCM – J. Watson PW-Erik Solberg, Director PW-Solid Waste: Pat Bourque, Solid Waste Manager; Mike Gallegos, Landfill Manager	AMCCA (AZ Municipal Commercial Collections Assn)  Member cities of SWANA (Sierra Vista, Peoria, Tempe, Prescott, Flagstaff) Sierra Club	OPPOSED
SB1335 HB2005 (striker)	Allen-Y Barton-Y Thorpe-Y	Purpose: DEFINES AND REQUIRES DISCLOSURE ON POSITIONS OF ANY COUNCILMEMBERS IN THE MINORITY ON AN ISSUE BY PRIVATE & PUBLIC LOBBYISTS DURING PUBLIC TESTIMONY, thereby requiring Councils to vote on every piece of legislation before it can be testified upon. It would slow the legislative process or excluded cities from being able to effectively have a voice on bills with municipal impacts		DCM Jerene Watson	AZ League of Cities  Town of Gilbert	OPPOSED
1335 substituted for 2005		FAILED IN THE SENATE 3/30/15 - died		Fire Chief Mark Galliard	AZ League of Cities  RTAC (Rural Transportation Advocacy Council)	OPPOSED

SB1443	Allen-Y Barton-Y Thorpe-Y	Purpose: TRANSACTION PRIVILEGE TAX requiring cities to fully reimburse utilities for cost of adjusting/relocating facilities relating to construction projects		Dave Wessel, FMPO Director	AZ League of Cities RTAC (Rural Transportation Advocacy Council)	
SB 1446 HB 2590	Allen-Y Barton-Y Thorpe	HELD IN COMMITTEE – died 2/3/15  Companion TPT bills that got completed early in the Session and focused on the clarification of prime contracting		Barb Goodrich, Mgmt. Services Director	AZ League of Cities	SUPPORTED  CLARIFICATIONS
HB2008 (striker)	Thorpe (sponsor) Allen-Y Barton-Y	<b>SIGNED BY GOVERNOR: 2/24/15</b>  Purpose: ALLOWS USE OF FIREWORKS WITH CONDITIONS (such as prohibiting if a city is in a Stage 1 Fire Restriction) but pre-empts local ordinances of prohibition otherwise and conflicts with our ordinance TO GOVERNOR: 3/31/15		Fire Dept. - Paul Summerfelt, Wildland Fire Manager	AZ League of Cities	OPPOSED
HB2131	Allen - Y Barton-Y Thorpe-Y	Purpose: TAX ADJUDICATIONS; TO REMOVE \$30K CAPS ON ATTORNEYS FEES IN TAX CASES & APPLIES TO CITIES Now the limit is what the prevailing taxpayer has paid or agreed to pay the attorney with concern that it removes ability of the courts to decide when attorney's fees are unreasonable TO GOVERNOR: 4/2/15		Anja Wendel, Sr. City Atty.	ACAA (AZ City Attorneys Assn)	OPPOSED
HB2144	Thorpe (Bill Sponsor)	Purpose: TO ESTABLISH AN OFFICE OF FILM & MEDIA Assigned to House Commerce Cmte., Appropriations & Rules, but was not put on committee agenda to be heard; no one saw a draft of any bill language		Heather Ainardi, Marketing & PR Manager	AZ Film & Media Coalition / Coconino County (Metzger)	Would be in SUPPORT

HB2254	Thorpe-Y (vote in Rules Cmte.)	DID NOT MOVE FORWARD Purpose: MUNICIPAL TAX EXEMPTION ON RESIDENTIAL LEASES Note: although we do not currently have a residential tax, this bill would remove future ability to assess a residential rental tax; the AZ League asked cities to come in opposition due to the large fiscal impact on many RETAINED ON HOUSE CALENDAR 2/25/15		Barbara Goodrich, Management Services Director	AZ League of Cities	OPPOSED	
HB2557	Allen-Y Barton-Y Thorpe-Y	Purpose: CODES; ADOPTION BY REFERENCE - would reduce the number of original paper copies of a Code or Public Record that must be retained by a municipality from 3 to 1 original and 1 electronic version <b>SIGNED BY GOVERNOR: 4/2/15</b>		Liz Burke, City Clerk	City of Maricopa AZ League of Cities	SUPPORT	
HB2320	Barton (sponsor) Allen-Y Thorpe-Y	Purpose: Would allow concealed weapons to take guns into public buildings without metal detectors or guards FAILED IN SENATE 3/30/15	Vice Mayor Celia Barotz	Police Chief Kevin Treadway Asst. City Attorney Marianne Sullivan	AZCOPS (AZ Chiefs of Police)	OPPOSED	
HB2383 (Striker)	Allen – Y Barton- Y Thorpe-Y	Purpose: Invalid Annexations (Deannexation), stipulated a municipality may not require property owners located outside of the city's or town's corporate boundaries to make an improvement as a condition of providing water or wastewater service without substantial nexus. – <u>Worked for and got an amendment added that made the bill apply only to Maricopa County.</u>			AZ League of Cities Town of Marana	OPPOSED until amended	

		Amended in Senate and passed out 3/30 To Governor 4/2				
HB2419	Allen-Y Barton-Y Thorpe-Y	Purpose: Pawn fees collected by municipalities would be prohibited  FAILED IN SENATE 4/2/15		Police Chief Kevin Treadway Asst. City Attorney Marianne Sullivan	AZ League of Cities	OPPOSED
HB2621	Barton (co-sponsor)	Purpose: Multimedia Film Production Tax Incentives and create film liaison officer  DID NOT MOVE FORWARD (Never received a 1 <sup>st</sup> Read in the House)		Heather Ainardi, Marketing & PR Manager	AZ Film & Media Coalition  Coconino County	SUPPORT
HB2662	Barton-Y Thorpe-Y	Purpose: SPEED RESTRICTION CAPS ON PENALTIES, reducing penalties to \$15 for those speeding under 10 mph  HELD IN SENATE		FMPO Dave Wessel	RTAC (Rural Transportation Advocacy Council)	
HB2673	Barton-N Thorpe-N	Purpose: State Budget Bill reconciliation and Dept. of Revenue assessments to each City - concerns by League on structure of assessments  DID NOT MOVE TO VOTE OF HOUSE		Barbara Goodrich, Management Services Director	AZ League of Cities	OPPOSED

# How a Bill Becomes a Law in Arizona

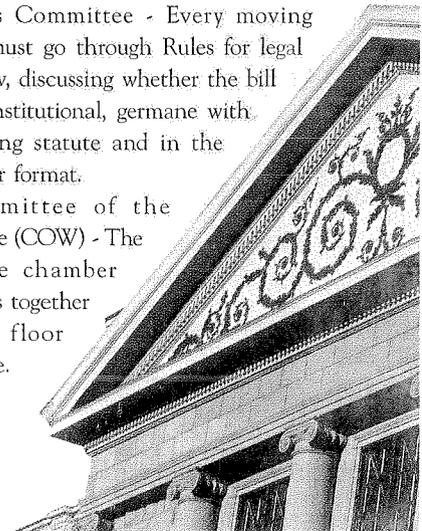


**Each** session state legislators introduce approximately 1,500 bills, half of which have some relevance to cities and towns. In this article we will shine some light on that process.

On the second Monday in January, the Legislature convenes. Bills start in either the House or the Senate, depending upon who sponsors the bill. Senate bills start with "1001," House bills start with "2001" and are then numbered sequentially. Although there are some differences in how each chamber operates, the basic process is the same. There are six sequential steps that take place in each.

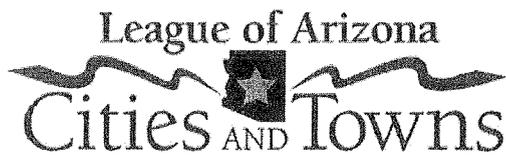
1. A bill is "First and Second Read" on the Floor; and then assigned to a committee based on subject matter.
2. Committee – Committees are comprised of members from each party, with the majority party having the most seats. This is the only step in the entire legislative process that is truly 'open to the public' for comment. If a bill fails here, the bill is "dead," although there may be an attempt to resurrect it. If it passes, it moves on to Caucus.
3. Caucus – Each party meets to review bills and the "party position" is vetted.
4. Rules Committee - Every moving bill must go through Rules for legal review, discussing whether the bill is constitutional, germane with existing statute and in the proper format.
5. Committee of the Whole (COW) - The entire chamber comes together for a floor debate.

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**Legislative/Intergovernmental Protocols  
City of Flagstaff – 2014/15**

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  - b. It is customary and expected that appropriate staff in the other entity is notified of meetings between elected officials (a duty of the city-designated Intergov).
  - c. Annual legislative priority agendas should be adopted so there is agreement of majority opinion on what messaging City officials are to lobby for, carry into meetings or formal settings. Activities should be coordinated through the City Manager's office and with contracted government affairs or City staff assigned intergovernmental responsibilities.
  - d. Personal opinions are to be stated as such and not representing the City if they are not in alignment with the City's adopted position.
3. Staff's role is always to provide the opportunity for the elected official to be out front but to ensure they have been briefed on key points to speak with knowledge to an issue.
4. The AZ League of Cities & Towns sends Intergovernmental (IG) communications to the City intergov staff (currently Deputy City Manager), and at times to the Mayor, who currently serves on the League Executive Committee, to City/Town Managers, and at times to the City Clerk, City Attorney and/or Finance Director. Staff monitors legislation of interest routinely.
5. Public lobbyists must be registered with the Secretary of State's Office and the City Clerk or City Manager's Office makes sure the City Manager, Deputy City Managers and all Division (department) Directors are on the list. Elected officials do not have to be registered.
6. The laws governing gifts or favors to elected officials applies to municipalities, and any meals, gifts with monetary value, etc. should be reported (to Clerk or City Manager's staff) so that a report can be prepared as required by law.
7. Guidelines specifically for staff:
  - a. Information sent from a City computer on a legislative issue is considered representative of the City so it should not be done without blessing from the City Manager, or designee, or City Attorney.
  - b. If you are part of a professional association that lobbies, it is generally acceptable to work on their behalf on your own time, always ensuring that you are known to be representing them, not the City.



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October 20, 2014

To: Mayors, Managers, Finance Directors, City and Town Attorneys  
Re: Resolutions Process

Good morning;

In May, the League Executive Committee approved a change in the Resolutions process. The new system will allow for more in-depth research and greater involvement by elected officials and staff in developing the League's Municipal Policy Statement.

There will be five separate policy committees that will more thoroughly vet the issues. These policy committees will be chaired by a member of the Executive Committee, and will consist of elected officials and municipal staff. At times, other stakeholders may be invited to participate to provide needed expertise and perspective. League personnel will coordinate and staff these committees.

The five policy committees and their chairs will be:

- Budget, Finance and Economic Development, Mayor Kenny Evans of Payson;
- General Administration, Human Resources and Elections, Mayor Lana Mook of El Mirage;
- Neighborhoods, Quality of Life and Sustainability, Councilmember Gilbert Lopez of Coolidge;
- Public Safety, Military Affairs and Courts, Mayor Jerry Weiers of Glendale; and
- Transportation, Infrastructure and Public Works, Mayor Jonathan Rothschild of Tucson.

The chairs of these committees and League staff will review and assign the submitted ideas to the relevant committees. Each committee will meet to discuss and process these ideas, and will craft the actual resolution to be submitted to the Resolutions Subcommittee. Completed resolutions will then go to the full Resolutions Committee at the Annual Conference. The chairs of each committee will be responsible for presenting these new resolutions to the full Resolutions Committee.

In this new process, cities and towns will be able to submit policy ideas to the League at any time during the year and do not need to have a co-sponsoring city or town. If your city or town wishes to submit an idea for consideration, you can send it with a brief yet thorough explanation to [resolutions@azleague.org](mailto:resolutions@azleague.org). You do not need to create a full resolution as you did in the past. However, you may be consulted to provide more information on the idea and also may be invited to speak to the issue at one of the policy committee meetings. As in past years, Resolutions will be debated for final passage at the League's Annual Conference.

**We are inviting you as elected officials and municipal staff to volunteer to participate in these committees.** If you are interested, please submit your name, title and committee of interest

to [resolutions@azleague.org](mailto:resolutions@azleague.org). We expect these committees to meet a few times a year. We are including a general schedule of meeting dates in this correspondence. The actual committee membership and meeting schedule will be set by the committee chairs. Since we are just initiating this process, the first set of meetings will occur as soon as practical. In the future we expect committee work to be conducted year round as needed.

If you have any further questions please feel free to contact me. We look forward to your active involvement in this new process.

Sincerely,



Ken Strobeck  
Executive Director

cc: Intergovs  
Intergovs 2  
Clerks without Managers  
Ryan Anderson

### **General meeting schedule for Policy Committees**

(Chairs are ultimately responsible for setting their schedules and agendas.)

#### **November 2014**

- Policy committees formed; chairs select members. Cities and towns invited to submit ideas for consideration. The chair may convene a meeting if there are pressing issues.
- Submitted ideas are discussed and committee decides on a course of action – decline, further study, or proceeds with drafting the resolution. League staff will draft the formal resolution.
- At the meeting subsequent to the approval of the issue going forward, the resolutions are reviewed and voted on for advancement. The committee may decide to have further refinements take place before actually voting. It may take several meetings before the resolution is ready to advance.

#### **December – June**

- Policy committees meet to continue to process issues. Frequency is determined by need and workload. League staff will keep chairs and committee members apprised of ideas submitted.
- Resolutions Subcommittee (consisting of each Policy Committee Chair and the full Resolutions Committee Chair) meet to review all submitted resolutions and make recommendations for disposition by the full Resolutions Committee.

#### **July**

- Cities and towns receive completed resolutions for review prior to the Annual Conference.

#### **Late August (League Annual Conference)**

- Full Resolutions Committee reviews and votes on recommended Resolutions. Policy Committee Chairs are responsible for presenting their resolutions to the full Resolutions Committee. Approved Resolutions go to the Annual Business meeting for final adoption.