

### Supplemental Package Requests

Department 1600000 - COUNTY ATTORNEY  
 Package B - VICTIM WITNESS NORTHWEST EXPANSION  
 Program CRIMINAL PROSECUTION  
 Priority 2  
 One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	39,214	39,214	39,214	39,214	39,214
Supplies & Services	0	0	0	0	0
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>39,214</b>	<b>39,214</b>	<b>39,214</b>	<b>39,214</b>	<b>39,214</b>
Total Revenues	0	0	0	0	0
Fund Balance Support	0	0	0	0	0
General Fund Support	39,214	39,214	39,214	39,214	39,214

**Description**

Request one Victim Witness Advocate position. The Northwest expansion area will provide a Victim Witness Advocate to the victims of crime in unincorporated Northwest Pima County and including the Towns of Marana, Oro Valley and the more rural outlying areas served by the Pima County Sheriff's Department Foothills District. The Victim Witness Northwest expansion is a collaborative effort by the Oro Valley Police Department, Marana Police Department, Pima County Sheriff's Department and this office. The combined contributions of all of these agencies is \$90,000. Based on the increasing number of crime victims resulting from burglary, assaults, and domestic disputes, the Northwest Expansion will: 1) reduce response time to law enforcement calls for crisis services in rural areas of northwest Pima County and: 2) increase Victim Witness Advocates specifically assigned to provide victim services in northwest Pima County

**Personal Services**

One Victim Witness Advocate, class code 3146.

**Supplies & Services**

None requested.

**Capital Request**

None requested.

**Revenues**

None requested.

**Impact if not Funded**

Without the Victim Witness Northwest Expansion Advocate position, residents in rural northwest Pima County involved with law enforcement will not receive victim services in a timely manner to adequately support officers at the scene. Approximately 450 domestic violence and/or stalking arrests occurred in northwest Pima County in 2003. Pima County Attorney's Office Victim Witness Advocates are currently stationed in central Tucson and face travel times of 45 minutes to one hour to reach sites in the northwest part of the County. The average crisis response in northwest Pima County is 1.5 to 2 hours compared to 20-30 minutes in the city of Tucson and surrounding areas of the County. According to law enforcement agencies serving residents in northwest Pima County, the slow response by victim service units often discourages officers from contacting the Pima County Attorney's Office Victim Witness for victim services and precludes the officer from being able to respond to other calls for service. A delayed crisis response leaves residents of northwest Pima County geographically isolated and underserved by regional victim services.

**Source of Mandate**

Assist crime victims and witnesses in the Criminal Justice System through counseling and advocacy. Work to relieve the short-term financial impact of crime on victims through restitution and victim compensation. Maintain a unit specifically designed for the purpose of victim notification to ensure that all victims are notified of all criminal proceedings in accordance with Arizona Revised Statutes.

**Goals & Objectives**

Performance Measure	FY2004/05 Estimated	FY2005/06 Planned	FY2006/07 Planned
Law enforcement calls for victim advocate services	100	108	250

Supplemental Package Recommended As Requested.

### Supplemental Package Requests

Department **1600000 - COUNTY ATTORNEY**  
 Package **C - CIVIL GENERAL SERVICES & CONTRACT UNIT** Priority **3**  
 Program **CIVIL LEGAL SERVICES** One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	0	0	0	0	0
Supplies & Services	0	0	0	0	0
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Fund Balance Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>General Fund Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Description**

The County Attorney's office is required, by statute, to provide legal advice to Pima County, to defend actions (lawsuits and claims) brought against the County and its related entities, and to review all County contracts. The County Attorney's office, through the General Services Unit of the Civil Division, reviews all intergovernmental agreements and all routine and complex County contracts, provides legal advice to the various County departments (including Wastewater Management; Transportation; Natural Resources, Parks & Recreation; Procurement; Assessor; Public Health; Finance; Institutional Health; Information Technology; Community Services; Community Resources; Economic Development; Recorder; Elections; Facilities Management; and other departments). The unit also advises various County officers, boards, and commissions, and various special taxing districts, including the Flood Control District, the Library District, the Stadium District, and the fire and school districts. The Unit also assists County departments in negotiating and drafting numerous non-routine ordinances, contracts, leases, purchase agreements, licenses and development agreements.

The General Services and Contracts Unit - consisting presently of five attorneys, one legal assistant and one secretary - functions much like the in-house legal staff of a fortune 500 company. The volume of business done by the County is enormous, and is continuing to grow in amount and complexity. Following are some specific examples of areas in which the County's legal needs, served by the General Services Unit, have significantly increased.

**Health Related Legal Services:** The Health departments have had to hire outside counsel on several occasions over the past year at a cost significantly greater than in-house counsel because the General Services unit does not presently have the number of attorneys necessary to meet these departments' needs. For example, from January of 2004 to April 5, 2005, the County has paid or been billed \$95,933 for health care related legal services provided by outside counsel. It is anticipated that bills amounting to more than \$40,000 will be received shortly for additional health care related legal services provided by outside counsel in February and March of 2005. The Deputy County Administrator for Health Issues has requested that the Pima County Attorney's Office Civil Division hire another attorney to devote his or her time to health care legal issues. This is not possible without the creation of the new attorney position.

**Land Acquisition Related Legal Services:** The voters of the County approved the issuance in May of 2004 an unprecedented \$174,300,000 in open space bonds and hundreds of millions of additional dollars in roadway, floodplain acquisition and sewer bonds. In response, County staff has embarked on an ambitious program of acquisitions of open space, flood-prone land and rights-of-way, and these acquisitions, some of which are very substantial, involve many legal issues, including the use of conservation easements, clear title, environmental due diligence, and satisfaction of Federal Section 10 Permit requirements. As additional open space, flood-prone land and roadway rights-of-way are acquired by the County, new legal issues are raised regarding management of that property, including dealing with bond-related issues. In addition to those programs focused on land acquisition, the Wastewater Management department also has had need for additional legal services to deal with problems regarding provision of sufficient sewage conveyance and treatment capacity, related contracting and procurement issues and regulatory compliance issues (see text for Package D regarding the latter). More attorney time is required to address these complex issues. The attorneys presently in the General Services Unit do not have any additional time to devote to these issues, indeed they already are working long days and weekends on a routine basis.

**Other Specialty Legal Services:** Federal telecommunications law is changing and developing very quickly in a way that uniquely impacts public entities, the rights-of-way of which are utilized by telecommunication, cable, and information system providers for their fiber and wireless facilities. Renewal negotiations for local cable licenses and telecommunications licenses will be starting in 2005 and will be difficult and time consuming for legal counsel. None of the attorneys in the Civil Division who has relevant expertise has sufficient time to devote to these matters.

Several ambitious projects are on the horizon for 2005, including consolidation of the assets and functions of the joint Pima-Tucson library system into the Pima County Free Library District, as well as the formation of a regional economic development authority in which the County would play a key role. Each of these projects will involve legal counsel.

As a result of the national focus on election procedures and the anticipated increased scrutiny of elections, more attorney time and office resources are required in such areas as pre-clearance filings, representation of Pima County and its officials in nomination petition challenges and election contests and responding to citizen inquiries and complaints.

Electronic filing and storage of public records will make requests for such records more complex and require increased attorney involvement, necessitating the development of protocols for timely release of public records. There also has been an increase in requests for public records which has had a significant impact on attorney and staff time due to the potential liability issues and the other conflicting legal issues concerned with these public records.

The Pima County Attorney requires the Deputy County Attorneys to generate 1,550 trackable hours per 12 month period. The lead attorney in this unit exceeded this number by 30%. This number of hours is more than the billable hour requirement at most private law firms. This attorney has handled more than 200 contracts this year including the Kino Hospital contract. The predecessor to this attorney also worked inordinate number of hours, and this was one of the reasons given for leaving the office. Another attorney in this unit has surpassed the required number of trackable hours by 15% and has reviewed nearly 1,000 contracts this year. Other attorneys in this unit have reviewed more than 400 contracts. In addition, the client departments assigned to this unit, while praising the services they have received, have made requests for additional attorney services and have requested that the General Services Unit provide faster service.

The five attorneys of the Contract/General Services Unit reviewed a total of 2,893 contracts, ordinances and resolutions in calendar year 2004. The Civil Division's recommended turnaround time for contracts is five days. Out of 2,893 contracts, the 5 day turnaround time was met 99% of the time. With an increasing number of contracts, ordinances and resolutions, but without an additional attorney and secretary, the 5 day turnaround time will not be able to continue to be met.

The unit also assisted the various County departments in drafting non-routine ordinances, contracts, leases, purchase agreements, licenses and development agreements, the value of which is in the hundreds of millions of dollars. In addition, the unit assisted the Elections Division in ensuring that the 2004 election complied with all federal and state legal guidelines.

The unit receives its funding in part from the General Fund and in part from the enterprise funds of several departments, including the Department of Transportation, the Flood Control Department, and the Department of Institutional Health, all of which could be expected to support these two new positions in the unit.

#### **Personal Services**

2 Attorneys and 1 Legal Secretary are being requested to relieve the ever increasing work load in the Civil Division General Services and Contracts unit. One attorney will be dedicated fully to provision of legal services on behalf of the County's health related departments. The other attorney position will be dedicated to the provision of legal services on behalf the Flood Control District, Wastewater Management Department and the Department of Transportation, including but not limited to those legal services related to acquisitions and contracts for projects authorized by the 2004 bond package. The Department of Institutional Health will include the funding for one of the attorney positions in its budget and the other attorney position and the secretary positions will be funded by the Departments of Transportation and Wastewater Management, and the Flood Control District, through their budgets pursuant to Memoranda of Understanding.

#### **Supplies & Services**

None requested.

#### **Capital Request**

None requested.

#### **Revenues**

None requested.

#### **Impact if not Funded**

Violation of statutory obligations to meet the requirements of representing and protecting the County in reviewing intergovernmental agreements and contracts, election issues, providing legal advice to Pima County Flood Control District, and Pima County Officers and respective boards, commissions, and committees, providing legal advice and review for Pima County Procurement, and review of contracts for Pima Health Care System.

Providing legal advice and contract review for Pima County is of critical importance to this County. The workload has increased to such an extent that, without additional staff, the work cannot be completed in a timely manner without the expenditure of a significant number of overtime hours over the next year. Additionally, if the new positions are not funded, the General Services and Contracts Unit will not be able to provide the most thorough and expeditious review and approval of Pima County contracts and assistance with other legal projects. Specifically, the various health departments, while complimentary of the unit staff, has requested additional assistance. Their need for another unit attorney, while justified, will not be possible without these additional positions. Furthermore, critical legal advice regarding Flood Control, Transportation and Wastewater bond projects will be significantly delayed. In order to provide the needed legal services on a timely basis, the County will need to increase reliance on outside counsel, the costs of which will significantly exceed the costs of employing the two additional attorneys. Outlays for outside legal counsel have increased from approximately \$51,000 in 2003 to over \$208,000 in 2004. Projected outlays based upon the first few months of 2005 indicate that outside counsel contracts will exceed \$260,000 in 2005. Additionally, in the absence of an additional secretary, attorneys will have to perform their own secretarial duties thereby significantly impeding their ability to efficiently and timely complete their work. Presently, there is only one secretary in the Unit for five attorneys. Another is needed to support those attorneys as well as the two new attorneys.

#### **Source of Mandate**

A.R.S. § 11-532 (Powers and duties of the County Attorney): The County Attorney SHALL:

(b) advise county officers (A.R.S. § 11-532(A)(7));

(c) act as legal advisor to the board of supervisors, ... (A.R.S. § 11-532(A)(9));

(d) act as the attorney for school districts (A.R.S. § 11-532(A)(10)) and community college districts (A.R.S. § 11-532(A)(11)) except as provided in A.R.S. §§ 15-343 and 1448;

A.R.S. § 11-952(D) and (H) (Intergovernmental Agreements and Contracts): Every agreement or contract involving any public agency, board or commission made pursuant to this article, SHALL, prior to its execution, be submitted to the attorney for the public agency, board or commission who SHALL determine whether the said agreement is in proper form and is within the powers and authority granted under the laws of the state to such public agency, board or commission.

A.R.S. § 16-905(M) (Elections, Contribution limitations; civil penalty; complaint): If a qualified elector files a sworn complaint with the county attorney alleging a violation of this section, the county attorney SHALL investigate the complaint for possible action.

A.R.S. § 16-924(B) (Elections, Civil penalties; ... county attorney): If a person fails to take corrective action pursuant to this section, the county attorney SHALL issue an order assessing a civil penalty....

BOS Policy D 29.2 (Pima County Procurement Policy): All contracts committing the County to \$5,000 or more and all intergovernmental agreements WILL BE approved as to form by the County Attorney....Additionally, if the purchasing department deems the low bid on a project unacceptable, the Procurement Director will convene a meeting of applicable department representatives, the County Administrator's Office and the County Attorney's Office to review the bid evaluation and formulate a recommendation to the Board of Supervisors.

BOS Policy D 29.4 (Pima County Contracts Policy): All contracts MUST be submitted to the Procurement Department for financial, administrative and legal (assistance of the Pima County Attorney's Office) review before signatures are obtained....

BOS Policy D 29.7 (Selection and Contracting Medical and Health-Related Professional Services for the Operation of the Pima Health Care System): The PHCS Department Director SHALL obtain County Attorney review and approval as to form of any contract in excess of \$5,000....

**Goals & Objectives**

Perform the statutory obligation to provide legal advice and contract review and approval in the most expeditious manner. Expedite the contracts and intergovernmental agreements for construction projects for the County. Ensure that Pima County remains in compliance with the procurement code and protects the County's interest in contract negotiations. Promptly investigate alleged election violations.

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<b>Performance Measure</b>	<b>FY2004/05 Estimated</b>	<b>FY2005/06 Planned</b>	<b>FY2006/07 Planned</b>
Routine contracts reviewed within 5 days	95%	98%	98%
Hours of legal representation for County at meetings	865	900	1000
Requests for reports/orders acted on w/in statute	90%	95%	100%

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**Supplemental Package Recommended As Requested.**

### Supplemental Package Requests

Department **1600000 - COUNTY ATTORNEY**  
 Package **D - CIVIL ENVIRONMENTAL/LAND USE UNIT** Priority **4**  
 Program **CIVIL LEGAL SERVICES** One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	0	0	0	0	0
Supplies & Services	0	0	0	0	0
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Fund Balance Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>General Fund Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Description**

The County Attorney's office is required, by statutes and ordinances, to provide legal advice to the County, to defend actions (lawsuits and claims) brought against Pima County and its related entities, and to review all County contracts. The County Attorney's office, through the Environmental/ Land Use Unit of the Civil Division, provides Pima County, its elected officials, officers and departments with comprehensive legal services, including general legal advice, document and ordinance review, drafting of development agreements and other land use contracts, and legal representation in all aspects of dispute resolution, from simple to complex litigation in administrative hearings, administrative appeals, trial courts, and appellate courts involving diverse areas of law, including environmental (toxic tort, air quality, wildcat dumping, hazardous materials and water quality), planning and zoning, and building codes.

The Civil Division managed an active case load of 1,183 cases during calendar year 2004 (excluding the cases handled by the Mental Health Unit). The largest number of these cases in any category was building and environmental code enforcement cases.

The Land Use/Environmental Unit managed a total caseload of 395 cases in calendar year 2004, 62% of which were building, zoning and environmental code enforcement actions. The unit generated \$145,284 in assessed fines and penalties for environmental, zoning and building code violations, and successfully collected \$72,882 in fines and penalties during calendar year 2004.

Attorneys in the Environmental/ Land Use Unit met weekly in 2004 with the Director of the Development Services Department, the Planning Official, the Chief Zoning Inspector, the Building Official, the planners, and the building and zoning code enforcement officers. In addition, attorneys in the Environmental/ Land Use Unit responded to daily requests for legal advice and direction and to weekly requests for ordinance review from the Development Services Department. These regular meetings and this provision of advice on a daily and weekly basis resulted in the early resolution of disputes with developers and a resulting decrease in the number of complex land use cases filed against the County in 2004.

The Environmental/ Land Use Unit works on a high volume of matters that are presented to the Board of Supervisors on a weekly basis. The volume of business done by the County is enormous, and is continuing to grow in amount and complexity. Following are some specific examples of areas in which the County's legal needs, served by the Environmental/ Land Use Unit, have significantly increased: Over the past two years, the County has hired more inspectors to respond to complaints concerning environmental, building and zoning code violations, resulting in an increasing number of enforcement actions to be prosecuted by the Civil Division's Environmental/ Land Use Unit. For example, the number of building and zoning code violation cases handled by the Civil Division has increased approximately fivefold over the past five years – approximately doubling in the past three years. In addition, more defendants accused of code violations are seeking legal representation and are contesting the code enforcement actions brought against them, significantly increasing the time and effort that must be devoted by Civil Division attorneys to ensure that the County prevails in such actions. A statutory change regarding the procedure for Superior Court appeals from decisions of the Boards of Adjustment has converted those cases from simple appeals on the administrative record to trials de novo. This means appeals from decisions of the Boards of Adjustment no longer involve merely one simple court hearing with counsel for each side presenting their arguments referencing the transcript from the Board of Adjustment proceeding. Rather, such appeals now involve the full process of discovery, including document production and depositions, as well as full-blown trials with witnesses. Due to this procedural change, which tends to benefit the appellant, the number of appeals from decisions of the Boards of Adjustment has increased significantly. One attorney now must devote 50% of her time just to handling these appeals.

The County has begun to utilize formal development agreements with increasing frequency, and these agreements have become more complex as they include provisions pertaining to concurrency in the areas of transportation, flood control, wastewater, water, and conservation of flora and fauna. The Environmental/ Land Use Unit has been slow in producing drafts of these agreements due to the volume of its workload.

The number of rezonings is increasing, resulting in an increased burden upon the Environmental/ Land Use Unit to review rezoning ordinances. The unit has a commitment to reviewing and commenting upon ordinances within three business days. The departments now are submitting all ordinance language prior to presenting it to the Board of Supervisors, necessitating that the Environmental/ Land Use Unit remain timely in its review despite an increasing volume.

The County has initiated new efforts to prosecute illegal lot splits. An attorney and a legal assistant in the Environmental/ Land Use Unit have devoted significant time and resources to this process. A new lot-split ordinance was recently adopted by the Board of Supervisors. That ordinance establishes a formal procedure which is likely to result in more litigation in this area.

The Department of Environmental Quality faces significant and complex regulatory legal issues with respect to which it seeks prompt advice and counsel from the Environmental/ Land Use Unit. The department would like to institute more regular meetings with one of the attorneys in the unit and would like to receive advice more quickly. Similarly, the Wastewater Management Department has recently been encountering more regulatory compliance issues due in part to rapid growth of the Tucson Metropolitan area which is placing an additional strain on existing infrastructure. The unit provides valuable legal advice to various departments, including the Departments of Environmental Quality and Wastewater Management, in the areas of environmental permitting and in dealing with regulatory agencies regarding enforcement matters.

#### **Personal Services**

1 Attorney and 1 Legal Secretary are being requested to relieve the ever increasing work load in the Civil Division Environmental and Land Use Unit. These attorney and secretary positions will be funded by the Development Services Department, an enterprise fund, pursuant to a Memorandum of Understanding.

#### **Supplies & Services**

None requested.

#### **Capital Request**

None requested.

#### **Revenues**

None requested.

#### **Impact if not Funded**

The Environmental/ Land Use Unit will not be able to satisfy the requests of the Department of Environmental Quality for more prompt advice and more regular meetings without additional staffing. Enforcement cases may not be prosecuted as promptly as in the past. The legal secretary and attorney who handle these cases have reached their maximum capacity. Assistance is needed via additional staffing. The Board of Supervisors, other elected officials, County Administrator, Deputy County Administrators, and County Departments have not been receiving as prompt responses and legal advice from the attorneys as they seek, resulting in delay of their projects. This cannot be remedied without the addition of another attorney and legal secretary in the Unit. The Department of Environmental Quality, the Development Services Department, and the County Administrator have at times expressed frustration at how long it takes the unit to respond to their requests for advice and representation in complex matters. There will continue to be delays in the absence of additional staffing.

#### **Source of Mandate**

A.R.S. § 11-532 (Powers and duties of the County Attorney).

The County Attorney SHALL:

- (a) defend actions brought against the County and prosecute actions on behalf of the County (A.R.S. § 11-532(A)(4)) ;
- (b) advise County officers (A.R.S. § 11-532(A)(7));
- (c) act as legal advisor to the Board of Supervisors, attend its meetings, and oppose claims against the County (A.R.S. § 11-532(A)(9))

A.R.S. § 11-803(F): The County Attorney SHALL serve in an advisory capacity to the County Planning and Zoning Commission and to the Boards of Adjustment. This statute together with A.R.S. §§ 11-532, 11-808 through 810, 11-821.02, 11-830, 11-830, and 11-861 effectively mandates that the County Attorney advise and represents the Board of Supervisors, the Planning and Zoning Commission, the five Boards of Adjustment and all other County officers in connection with the mandatory development, implementation and enforcement of: a comprehensive plan, zoning ordinances and regulations; and subdivision platting; as well as in connection with their discretionary development, implementation and enforcement of: building codes, land division ordinances and regulations, dedications and exactions, operating requirements for businesses, and regulations for sand and gravel operations. See also Section C (ordinances) below. See also BOS Policy C 6.1 (The Pima County Attorney is the legal advisor for Pima County. The County is defined as Pima County, the Pima County Flood Control District, Pima County officers and their respective boards, commissions, and committees.)

A.R.S. § 49-391 (Local enforcement of water pretreatment requirements; civil penalties): The Federal Clean Water Act of 1977, §§ 307, 308, and 402, as implemented by 40 CFR § 403.8(f)(1), requires that water pretreatment programs be enforceable. A.R.S. § 49-391 authorizes the County to enforce its pretreatment program by imposing and recovering civil penalties for violations of the program. Compliance may be obtained either through an action in Superior Court or through a consent decree. Pursuant to A.R.S. § 11-532, the County Attorney SHALL advise County officers and SHALL prosecute actions on behalf of the County. Therefore, the County Attorney's Office has a mandate to enforce the County's pretreatment program by imposing and collecting civil penalties for pretreatment violations.

A.R.S. § 49-406(I) (Air Quality) Nonattainment area plan: After adoption of a nonattainment or maintenance area plan, if the control officer determines that any person has failed to implement an emission limitation or other control measure, means or technique, and the failure is not corrected, the County Attorney, at the request of the control officer, SHALL file an action in Superior Court for an injunction or any other relief provided by law.

A.R.S. § 49-512: The County Attorney, at the request of the control officer, SHALL file an action for an injunction or other relief provided by law, if the control officer has reasonable cause to believe that a person has violated any provision of this article, is in violation of an order of abatement, or is creating an imminent and substantial endangerment to the public health or the environment.

A.R.S. § 49-513(A): The County Attorney at the request of the control officer SHALL file an action in Superior Court to recover penalties provided for in this section.

P.C.C. Ch. 3.04.140, the County Attorney SHALL defend County officers and employees for their actions done in the course and scope of their employment.

P.C.C. Ch. 18.95 (Zoning Code: Compliance and Enforcement), together with Ordinance Nos. 1985-89 (zoning code enforcement rules of procedure) and 1986-128A (applying the zoning code enforcement rules to building code enforcement proceedings) provides the procedures for administrative enforcement actions pertaining to zoning and building code violations and for appeals from those administrative enforcement actions in superior court. References are made within the rules of procedure for the County Attorney's involvement in these enforcement actions and appeals: Ordinance No. 1985-189, Rule 9 provides that the County may be represented by counsel at the administrative hearing; Rule 13 provides that the County Attorney may question witnesses at the hearing; Rule 16 provides that counsel may present argument at the hearing. These code provisions work together with the statutes cited in ¶ 11 above.

BOS Policy F 50.1 (Pima County Environmental Policy): Risk Management and the Pima County Attorney Civil Division Environmental Unit SHALL assist departments having exposures to environmental issues and problems or who are subject to environmental regulations....Pima County Risk Management Department and the Environmental Unit of the Pima County Attorney's Office SHALL assist the SEC and Pima County's departments in understanding and implementing the Environmental Policy and in complying with all relevant and applicable environmental laws, state or federal.

**Goals & Objectives**

Perform the statutory obligation to provide legal advice and to review ordinances and to prepare and review development agreements in the most expeditious manner. Expedite the filing of enforcement actions. Meet the departments' and the County Administrator's needs for timely advice. Continue to handle prosecution of enforcement actions and defend the County in land use actions in-house without the necessity for outside counsel, except in the unusual situation where a conflict of interest exists.

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<b>Performance Measure</b>	<b>FY2004/05 Estimated</b>	<b>FY2005/06 Planned</b>	<b>FY2006/07 Planned</b>
File building, zoning & environ. enforcement actions	80%	90%	95%
Contribute towards hours spent legally representin	865	900	1000

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**Supplemental Package Recommended As Requested.**

### Supplemental Package Requests

Department 1600000 - COUNTY ATTORNEY  
 Package E - CIVIL TAX/BANKRUPTCY AND TORT UNITS  
 Program CIVIL LEGAL SERVICES  
 Priority 5  
 One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	33,163	33,163	33,163	33,163	33,163
Supplies & Services	0	0	0	0	0
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>33,163</b>	<b>33,163</b>	<b>33,163</b>	<b>33,163</b>	<b>33,163</b>
Total Revenues	0	0	0	0	0
Fund Balance Support	0	0	0	0	0
General Fund Support	33,163	33,163	33,163	33,163	33,163

**Description**

The County Attorney's office is required, by statute, to provide legal advice to the County, the Treasurer and the Assessor; to defend actions (lawsuits and claims) brought against Pima County and these elected officials; and to assist in the collection of personal and real property taxes. In this regard, the Tax & Bankruptcy Unit of the Civil Division provides representation and advice in connection with bankruptcy proceedings (tax liens, monies owed to Pima County), tax law (tax appeals and valuations of property), and all types of administrative hearings, appeals and similar processes

The Tax & Bankruptcy Unit, with two and a half attorneys, two legal assistants, and one secretary, managed an active case load of 641 cases in 2004 and handled conversion to a new electronic filing procedure for all these cases. The secretary has been stretched to maximum capacity, and at times the legal assistants and even attorneys have had to step in to perform secretarial duties to ensure that statutory mandates are complied with.

The Tax and Bankruptcy Unit filed claims in pending bankruptcy and eminent domain cases for \$1,111,488 to collect personal and real property taxes, jury fees and restitution payments during calendar year 2004. The unit actually collected a total of \$3,253,839 in calendar year 2004 for payment into the General Fund.

**Personal Services**

1 Legal Secretary is being requested to relieve the ever increasing work load in the Civil Division Tax/Bankruptcy and Tort Units.

**Supplies & Services**

None requested.

**Capital Request**

None requested.

**Revenues**

None requested.

**Impact if not Funded**

The Tax & Bankruptcy Unit will operate with insufficient resources and will continue to comply with statutory requirements by employing legal assistants and attorneys inefficiently by having them devote some of their time to legal secretarial duties.

**Source of Mandate**

The County Attorney SHALL:  
 defend all locally valued and assessed property tax appeals (A.R.S. § 11-532(A)(12)).  
 A.R.S. § 11-543: The County Attorney SHALL sue the Assessor and his sureties for all taxes which remain unassessed due to the neglect of the Assessor.

A.R.S. § 15-998 (Liability of treasurer for failure to keep separate account); enforcement: If the County Treasurer fails to keep a separate account for each school district, he is liable to the County in the amount of five hundred dollars, and the County Attorney SHALL, upon direction of the Board of Supervisors, bring an action in the name of the County against the Treasurer to recover such monies.

A.R.S. § 42-3153(B) (Luxury tax): At the request of the Department of Revenue, the County Attorney SHALL bring an action in the name of the state to enjoin any person against whom a tax is levied under this chapter from engaging or continuing in any business... (concurrent with AG).

A.R.S. § 42-11052: The Department of Revenue may request that the County Attorney commence and prosecute actions or to represent the department in litigation to enforce the laws relating to property taxation.

A.R.S. § 42-18003(C): On request of the Board of Supervisors, the County Attorney SHALL bring an action for the full amount of taxes due on the tax roll.

A.R.S. § 42-18207: If the state brings an action to foreclose (re: unpaid taxes), it SHALL be prosecuted by the County Attorney.

A.R.S. § 42-18304(A): If real property that is held by the state by tax deed is improved and occupied adversely to the title of the state, the Board of Supervisors may direct the County Attorney to bring an action in the name of the state for possession of the property, and the county attorney SHALL commence and prosecute the action.

A.R.S. § 42-19117(B): At the request of the County Treasurer, the County Attorney SHALL bring an action against the owner to recover all or part of a tax debt.

P.C.C. Ch. 3.04.140, the County Attorney SHALL defend County officers and employees for their actions done in the course and scope of their employment.

**Goals & Objectives**

Continue to provide timely legal advice and representation to the Treasurer and the Assessor. Ensure that the attorneys and legal assistants in the Tax & Bankruptcy Unit are able to devote all their attention to these duties by ensuring they have adequate secretarial assistance, so that they do not have to perform legal secretarial functions.

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<b>Performance Measure</b>	<b>FY2004/05 Estimated</b>	<b>FY2005/06 Planned</b>	<b>FY2006/07 Planned</b>
Electronically file all tax & bankruptcy pleadings	80%	90%	95%

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**Supplemental Package Recommended As Requested.**

### Supplemental Package Requests

Department 1600000 - COUNTY ATTORNEY  
 Package F - STORAGE AREA NETWORK  
 Program ADMINISTRATION

Priority 6  
 One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	0	0	0	0	0
Supplies & Services	0	0	0	0	0
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Fund Balance Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>General Fund Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Description**

Storage Area Network (SAN) necessary to store data in electronic format. SAN data storage of electronic information is a critical component of office movement towards becoming paperless. This project will also incorporate a duplicate storage area network to be located offsite to provide disaster recovery if necessary due to catastrophic loss of data at Legal Service Building.

**Personal Services**

None requested.

**Supplies & Services**

None requested.

**Capital Request**

Storage Area Network necessary for computer disk storage at Legal Services Building and at offsite location for disaster recovery.

**Revenues**

None requested.

**Impact if not Funded**

The Pima County Attorney's Office is embarking on a bold and innovative effort to have a 75% to 90% paperless office over the next 3 years. The need for computer disk storage which is now at reasonable cost levels compared to 7 years ago will allow us to place more onto our system and not only create a positive Return on Investment but hopefully, will allow each attorney and support staff to become more efficient by having all data on their desktop. This project will also provide a duplicate storage area network in a remote facility so that Disaster Recovery can take place in the event of a catastrophic loss of data. Presently, the Pima County Attorney's Office has no off site storage for its data, which is a very critical need.

**Source of Mandate**

Risk Management officials and generally accepted auditing standards from the County's accounting/auditing firm would require that this be done.

**Goals & Objectives**

To insure that adequate data storage is available for the new and innovative systems that will be created over the next three years. To purchase this equipment as soon as possible because of the catastrophic implications that could arise if a disaster occurred. In essence, the Pima County Attorney's Office would have no informational data base and programs to perform our mandated duties.

Performance Measure	FY2004/05 Estimated	FY2005/06 Planned	FY2006/07 Planned
Onsite/Offsite electronic data storage capacity	0%	25%	50%

**Supplemental Package Is Not Recommended.**

### Supplemental Package Requests

Department 1600000 - COUNTY ATTORNEY  
 Package G - IMAGING/SCANNING HARDWARE AND SOFTWARE  
 Program ADMINISTRATION  
 Priority 7  
 One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	0	0	0	0	0
Supplies & Services	0	0	0	0	0
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Fund Balance Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>General Fund Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Description**

Imaging/Scanning Hardware and Software a component of the Pima County Attorney's Office movement to become paperless will require the imaging and scanning of existing and incoming documents. Additionally, administrative functions being automated through Synergen will also require documents to be imaged and scanned. The goal will be for employees to have access to any document via their desktop computer.

**Personal Services**

None requested.

**Supplies & Services**

None requested.

**Capital Request**

Imaging/Scanning Hardware and Software

**Revenues**

None requested.

**Impact if not Funded**

The goal of the Pima County Attorney's Office over the next 3 years is to go 75% to 90% paperless. This will require that the remaining paper received be stored in a format where the attorney or other support personnel are able to readily view it from their terminal. This is a critical part of the positive Return on Investment that we expect to receive by implementing a reliable and complete disk storage solution along with an imaging system. Without the system, a great deal of inefficiency will continue to be reigned upon the employees of the Pima County Attorney's Office and strides to become more efficient will not be achieved.

**Source of Mandate**

The County Attorney's mandate to its Information Technology Director is to develop and implement a strategy where a greater degree of efficiency at the work place is achieved and the constant problems of storing and filing an excessive amount of paper is controlled and eliminated.

**Goals & Objectives**

To insure that the office work procedures and processes are made as efficient as possible resulting in a positive Return of Investment to the County. To work on a Committee with the Central IT Office to develop this as a pilot project for others to base their systems on for standardization purposes.

Performance Measure	FY2004/05 Estimated	FY2005/06 Planned	FY2006/07 Planned
Conversion of documents to electronic format	0%	1%	10%

**Supplemental Package Is Not Recommended.**

### Supplemental Package Requests

Department 1600000 - COUNTY ATTORNEY  
 Package H - MISDEMEANOR UNIT JUSTICE COURT PRECINCTS  
 Program CRIMINAL PROSECUTION  
 Priority 8  
 One Time Cost  Continuing Cost

**Type of Request**

New Program  Expanded Program  Growth Related  New Mandate   
 Revenue Enhancement  Capital  Other (explain in description)

	FY2005/06 Recommended	FY2006/07 Annualized	FY2007/08 Annualized	FY2008/09 Annualized	FY2009/10 Annualized
Personal Services	0	0	0	0	0
Supplies & Services	0	0	0	0	0
Capital	0	0	0	0	0
<b>Total Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Revenues</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Fund Balance Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>General Fund Support</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Description**

Effective January 1, 2005, two additional Justice Court precincts became active making a total of ten for Pima County. Two of those precincts are located in Ajo and Green Valley and are independent requiring coverage by dedicated deputy County attorneys. The other 8 have operated as a consolidated court serving the greater Tucson area. Currently seven deputy County attorneys are authorized to serve the consolidated court and Green Valley. In addition the consolidated court consistently utilizes judges pro tem to cover over flow cases. On a daily basis this has resulted the County Attorney's office having insufficient attorneys to cover the courts that are in session. This situation will soon be exacerbated by two additional factors. Justice Court has requested funding for an eleventh precinct and effective July 1, 2005, the Consolidated Justice Courts are going to an individual calendaring system in which each precinct will calendar it's own hearings. The individual calendaring will eliminate the current practice of the court grouping similar types of hearings, which allows the County Attorney's office to attempt to cover courtrooms with fewer attorneys. The current situation has resulted in numerous situations where cases have been dismissed by the courts because deputy County attorneys are not available to cover courtrooms. This results in loss of many cases and in increased administrative costs of refiling many other cases, wasted money to pay law enforcement officers to appear on cases that do not happen and justice thwarted for the citizens of Pima County. All of this is further exaggerated if a deputy County attorney is absent for any reason.

**Personal Services**

Two attorneys are being requested to relieve the increased work load in the Misdemeanor Unit due to the addition of two new Justice Court precincts and implementation of individual court calendars.

**Supplies & Services**

None requested.

**Capital Request**

None requested.

**Revenues**

None requested.

**Impact if not Funded**

If the two additional deputy County attorney positions are not funded the Justice Court system and the County will be adversely impacted in the following ways: 1) courts will incur loss of productive court time waiting while deputy County attorneys attempt to cover multiple courtrooms thereby costing taxpayers through idleness of judges, court personnel, law enforcement officers (many of whom are County employees being paid overtime) and inconvenience to citizens; 2) the County will incur the added cost of refiling cases that have been dismissed which requires additional resources for all branches of the criminal justice system; 3) the County risks incurring additional expense and legal problem as a result of putting deputy County attorneys at risk of practicing in an unethical manner due to excessive caseloads.

**Source of Mandate**

A.R.S. 11-532. et.al. Powers and Duties of the County Attorney.

**Goals & Objectives**

To insure sufficient prosecution coverage to allow uninterrupted operation of Pima County Consolidated Justice Courts and minimize law enforcement overtime expenditures by improving Justice Court case processing.

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<b>Performance Measure</b>	<b>FY2004/05 Estimated</b>	<b>FY2005/06 Planned</b>	<b>FY2006/07 Planned</b>
Misdemeanor per Attorney average caseload	4265	3412	3500

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**Supplemental Package Is Not Recommended.**