

Local Decision Making in Flagstaff, AZ

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Challenges of the State/ Local Relationship



Broader and more punitive preemption laws;



Promote special interests



Block localities from protecting the health, safety and civil rights of residents



Limit local policy innovation



Displace local action without offering a substantive replacement



Cause a “chilling effect” in testing the scope of preemption

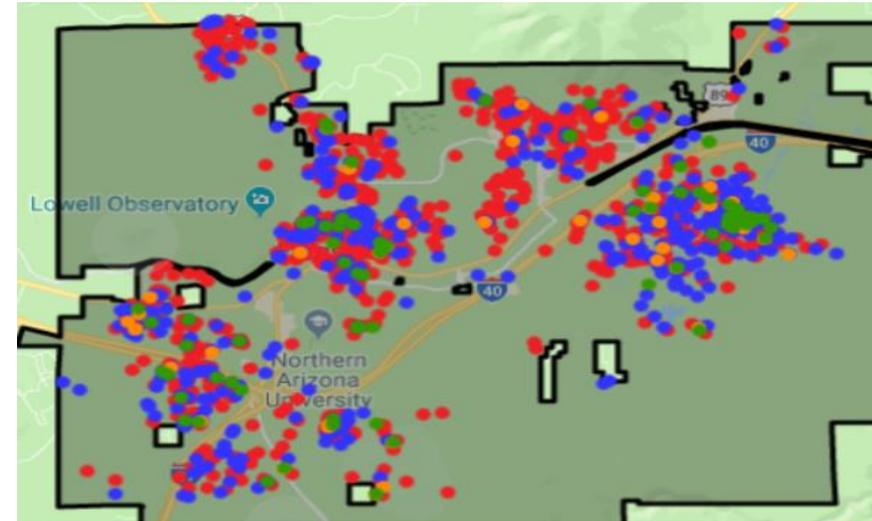


Recent Preemptive Action



Sharing Economy

- “Airbnb Bill” (S.B. 1350) prohibits localities from banning or regulating home-sharing
- Short term rentals affect cities differently
- Potential issues include:
 - Limited housing stock/ affordable housing
 - Lack of neighborhood coherence
 - Noise/ nuisance complaints
 - Traffic issues
 - Unfair competition with hotels/ motels
 - Conflicts with current zoning





Recent Preemptive Action

Tobacco 21

Tobacco 21 ordinance adoption across AZ cities and towns

May 2016	City of Cottonwood, AZ adopts Tobacco 21 ordinance
July 2017	City of Douglas, AZ adopts Tobacco 21 ordinance
June 2019	City of Flagstaff, AZ adopts Tobacco 21 ordinance
October 2019	City of Tucson, AZ adopts Tobacco 21 ordinance
Fall 2019	AZ House Rep requests advisory opinion from AZ Attorney General on municipal age restrictions on transactions involving tobacco/ vapor products

“Incorporated cities, towns and county governments lack any legal authority to establish age restrictions on transactions involving tobacco or vapor products – irrespective of whether such measures are preempted by state law”

– TJ Shope, AZ House speaker pro-tempore





Recent Preemptive Action

Plastic Bags

- Plastic bag litter represents a significant financial cost to cities
- H.B. 2131 bars cities from banning plastic bags
- Overturned ordinance in Bisbee and preempted action in Flagstaff, Tempe & Tucson



“Arizona leaders rush to the rescue of ... plastic?”
– AZ Central



Recent Preemptive Action



Flagstaff Minimum Wage



- Prop 414 (a citizens' initiative): Raises the City's minimum wage above the statewide rate
- H.B. 2756 – State will hold cities accountable for costs when they raise the minimum wage above the statewide rate
- Flagstaff is expecting to receive a “bill” of unknown amount in Spring 2020

"The message is: Other cities, you do this at your own peril" - AZ Rep Randall Friese



S.B. 1487



Withholds shared revenue from cities that are found by the state Attorney General to have violated state law

Past S.B. 1487 Investigations

Locality	Subject Matter	Final Disposition
Sedona, AZ	City requiring a business license for short-term rentals	Violates state law
Tempe, AZ	City's use of Government Property Lease Excise Taxes	May violate state law
Bisbee, AZ	City banning plastic bags	Violates state law
Tucson, AZ	City destroying (instead of selling) confiscated firearms	Violates state law
Snowflake, AZ	City approving a marijuana growing operation	May violate state law



Opportunities of Home Rule

Minimizing state preemption would allow Flagstaff to;



Keep special interests out of local politics



Give residents a greater voice & enhance local democracy



Protect the health, safety & civil rights of Flagstaff residents



Launch innovative & unique policies to solve local issues