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November 23, 1955  
Opinion No. 239

REQUESTED BY: Honorable Norman Lee, Representative  
Arizona State Legislature

OPINION BY: ROBERT MORRISON, The Attorney General

QUESTION 1: Can County Assessors hire extra help necessary to carry out the law for dispensing license plates to automobile owners, without the approval of the Board of Supervisors?

CONSLUSION: No.

QUESTION 2: May the Board of Supervisors select the employees for the Assessor's Office and require the Assessor to employ in his department only those employees selected by the Board of Supervisors?

CONCLUSION: No.

Section 12-708, ACA, 1939, provides that the Assessor ". . . may, by and with the consent of and at salaries to be fixed by the board of supervisors, appoint deputies, stenographers, clerks and assistants necessary to properly conduct the affairs of their respective offices."

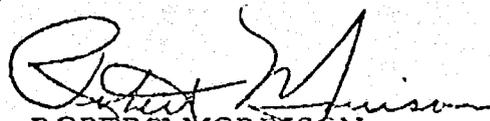
Since the salaries of the Assessor and the employees of his department are paid by the county, it is necessary that the Board of Supervisors approve both the appointment and the salary to be paid.

As to the second question - if Boards of Supervisors are requiring Assessors to select their office personnel from a list prepared by them or by someone in their behalf as a condition for giving approval and fixing of salaries, this practice is an obvious attempt to nullify and usurp the authority granted the assessors by Section 12-708. In the case of Powers v. Isley, 66 Ariz. 94, at page 101, our Court, in defining the meaning of the word "approval" in dealing with the Board of Supervisors of Maricopa County approving the salary of a court reporter, said that the word means "to command, confirm, ratify, sanction, or to consent to some act or thing done by another." Obviously, our Court believes that the words approval and consent are synonymous. In that case, the Court held that the Board of Supervisors could not raise or lower the salary fixed by the Court, but could only

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approve or reject it. The general law on the subject of consent or approval is that the withholding of approval must not be capricious and arbitrary, but must be based on reasonable grounds.

  
ROBERT MORRISON  
The Attorney General

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