

Apache

Cochise

Cocopine

Graham

Greenlee

Maricopa

Mohave

Navajo

Pima

Pinal

Santa Cruz

Yavapai

Yuma

County Government Study Commission

Final Report & Recommendations

December, 1981

prepared for:
Governor Bruce Babbitt
State of Arizona

The Honorable Bruce Babbitt
Office of the Governor
State Capitol, West Wing
1700 W. Washington
Phoenix, Arizona 85007

Dear Governor Babbitt:

I am pleased to transmit to you this Final Report and Recommendations of the County Government Study Commission. The Commission has been zealous in responding to your charge to study the functions, structure and problems of Arizona County Government.

As you are well aware this study encompassed a number of problems and issues. It was not possible for us to recommend a solution for every problem. However, we believe that if our recommendations are implemented a framework will be established which will permit the counties to solve many of their other problems.

We appreciate the opportunity to have served on this Study Commission. The recommendations are submitted for your consideration.

Sincerely,

Marriner Cardon

Marriner Cardon
Chairman



Commission Members

- Marriner Cardon, Chairman
- Judy Sirkis
- Gloria Aguilar
- Bob Connolly
- Senator A. V. "Bill" Hardt
- Representative Paul R. Messinger
- Dr. Carol Taylor
- Dr. Don L. Bowen
- Mayor Libby Budenholzer
- Sam Lena
- Jay H. Turley
- Hank Gietz
- Ned Anderson
- Don Kramer, Sr.
- Jack DeBolske
- Dr. Brent Brown
- Russ "Rusty" Lyon, Jr.
- Fred Baker
- A. H. "Art" Kinneberg
- Warren Langfitt (deceased)

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Summary of Recommendations

The chief recommendations of the Commission may be summarized by the following statements:

a: Role of the County

The County must be recognized both as an administrative arm of the State and as a local government capable of solving local problems and providing local services.

b: Self-Government Powers (Home Rule)

Arizona's diverse counties must be given the authority, through adoption of charter powers, to formulate their own structure and exercise the powers necessary to perform their functions in an effective manner.

c: County-State Relations

Some reasonable restrictions must be placed on the State's right to mandate functions to be performed by counties including:

- Prohibiting a future State-mandated function from becoming effective unless an appropriation to pay for the costs of performing the function accompanies the mandate.
- Transferring all of the costs of administering and operating the Superior Courts from the counties to the State.

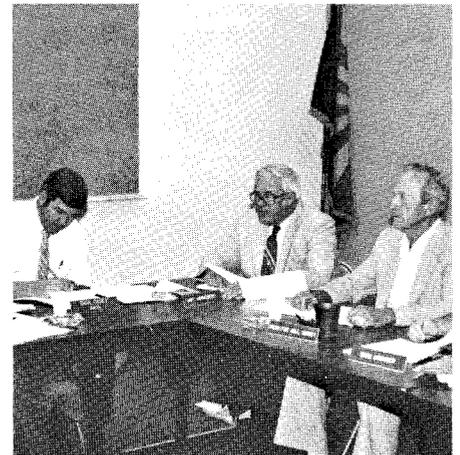
d: County Revenues

- The Legislature should consider restructuring the formula for sales tax distribution, with special attention given such factors as service objectives and County needs rather than origin of the funds, and to distributing to counties a share of income taxes collected.
- Counties should be authorized to collect service fees.
- Charter counties should be authorized to levy taxes on a county-wide basis for services provided countywide and on specially designated areas to pay for services or special levels of services provided to such areas.

e: Other Issues

The Commission identified a number of problems affecting counties for which specific recommendations may be summarized by the following statements:

- County Boards of Supervisors should be given authority to approve the formation of special districts within their jurisdictions.
- Appropriate legislative committees should study the entire budget process of political subdivisions for purposes of making necessary and desirable changes regarding time frames and procedures.
- Counties should be authorized to establish and collect a fee with each property tax bill to cover the costs of tax bill processing.
- Counties should be granted permissive authority to regulate lot-splitting similar to the authority now granted to cities.
- The Legislature should consider modifying or repealing standards established by statute for creation of new counties.
- Following enactment of the Commission's major recommendations, State statutes relating to counties should be reviewed, consolidated and recodified as necessary.
- Intergovernmental contracts and agreements between governmental entities should be utilized whenever appropriate.



The County Government Study Commission

In June of 1980 the County Supervisors Association passed a resolution calling for a study commission to be established by the Governor to study the organization, functions and operation of Arizona's county government. This resolution was endorsed by the Arizona Association of Counties (AACo) in September, 1980. The AACo resolution emphasized that social, economic and political changes have occurred since statehood which make a re-examination of Arizona county government imperative.

In April, 1981, Governor Bruce Babbitt established the twenty-member County Government Study Commission. The Governor appointed Marriner Cardon to chair the Commission. Governor Babbitt asked the Commission to study the role, functions and problems of Arizona county government and report its recommendations prior to January, 1982.

The Commission held its initial meeting in Phoenix on May 6, 1981. In addition to thirteen regular meetings,

which included two full-day work sessions, the Commission held two public hearings, in Tucson on May 28 and Flagstaff on June 19, to solicit public comment on the work of the Commission. The Commission also scheduled one of its regular meetings in conjunction with the mid-year conference of the Arizona Association of Counties in June at Rio Rico. The Commission solicited comments through a questionnaire mailed to all county officers and certain other officials. In addition, the Commission requested input and assistance from a variety of state officials, interest groups and individuals. In many instances the Commission examined the experiences and legislative provisions of other states to assist in its deliberations.

Staff support to the Commission was provided by the Governor's Office of Economic Planning and Development.

The Commission has proceeded to identify the problems facing county government, make recommendations and establish a framework for implementing solutions.

Arizona County Government

Early in its work the Commission concentrated on learning about the present problems of Arizona county government. This was a crucial part of the work of the Commission. Now, to better understand the findings and recommendations of the Commission, the following brief background information is provided.

Organization and Legal Basis

The Arizona Constitution, adopted in 1912, accepted the system of county government in existence in the Arizona Territory, and provided a structure for each county by specifying officers.

After subsequent amendment the constitutional offices now specified are Sheriff, County Attorney, Recorder, Treasurer, Assessor, Superintendent of

Schools and a Board of Supervisors. A clerk of the Superior Court is also elected in each county.

The officers must be elected, and each serves a term of four years. The Board of Supervisors is required to consist of no less than three members. The supervisors must be nominated and elected from districts.

The duties, powers and qualifications of the officers are to be prescribed by the Legislature.

Apparently the constitutional structure has not been adequate for Arizona County Government to function properly because the actual structure of most counties differs from what is provided in the Constitution or the statutes. Many of the counties have employed a county manager or administrator although such a position is not specifically authorized by statute or the State Constitution. This practice

Arizona County Government

(Continued)

permits the Board of Supervisors to better manage its administrative responsibilities and to concentrate on policymaking.

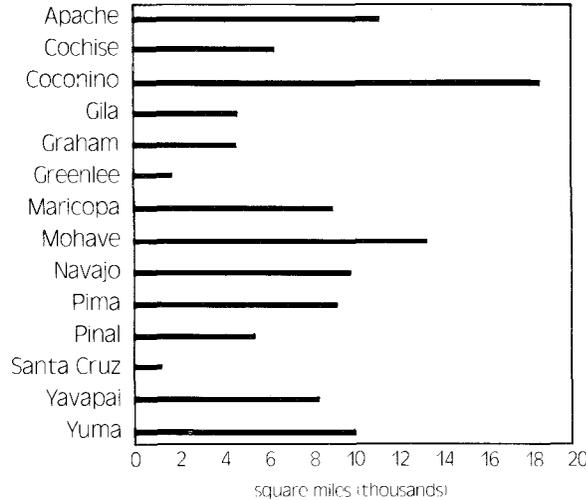
The general powers, duties and functions of Arizona's counties are set forth

in numerous statutes. The counties are established as the State's administrative arms for purposes of implementing policies established by the legislature and administrative agencies. The various statutory provisions generally prescribe what counties are required to do, are permitted to do, or conversely, are flatly prohibited from doing. Where the law is silent with regard to an issue a county may not act.

Arizona County Government is expressly restricted by the State Constitution and statutes in budgetary matters. These restrictions were enacted as part of the comprehensive property tax reform measure in 1980 and impose levy and spending limits on counties which have the effect of drastically limiting reliance on the property tax as a revenue source. However, there was no corresponding reduction in the legislative and administrative mandates each county must perform in its role as the administrative arm of the State. Since the property tax has always been the chief local revenue source, these 1980 changes have caused the counties considerable problems.

County Size

Source: Valley National Bank, "Arizona Statistical Review" September 1980
Arizona Department of Economic Security, February 1980



Differences Among the Counties

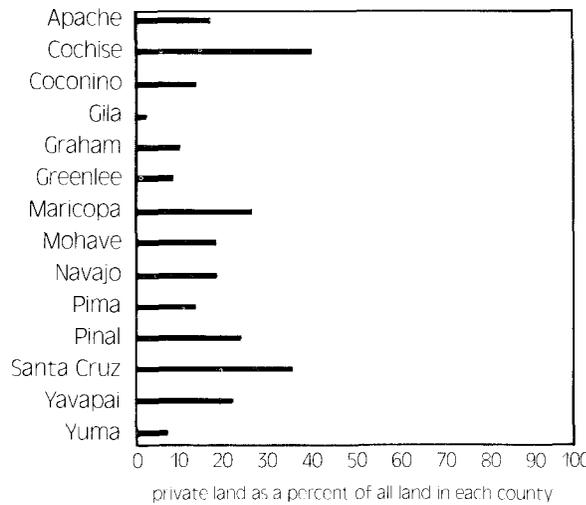
Arizona's fourteen counties vary greatly in size, population, resources, degree of urbanization and needs. However, the counties are treated, for the most part, as if no such differences existed for purposes of implementing statewide mandates and functioning as local governmental units.

Of particular concern is the fact that two of the fourteen counties are highly urban in nature and, particularly in the case of Maricopa County, densely populated. In the nonmetropolitan counties much of the land is not privately owned which reduces the ability of the County to raise revenue.

The counties' differences do not lend themselves to a single solution to the counties' problems. Yet the counties must operate under identical structural, functional and fiscal restraints imposed by the Legislature and the Constitution.

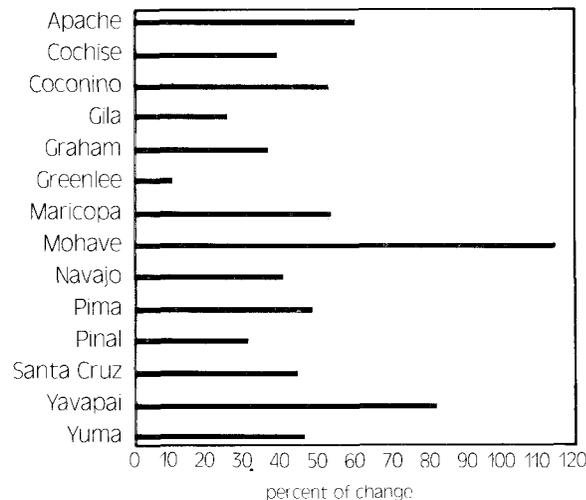
Private Land Ownership

Source: Valley National Bank, "Arizona Statistical Review" September 1980



Population Change 1970-1980

Source: U.S. Bureau of the Census and Arizona Department of Economic Security



Commission Findings & Recommendations

a: Role of the County

The role of the County must be redefined to reflect the fact that the County serves both as an administrative arm of the State and as a local government capable of solving local problems and providing local services.

The Commission recognizes that the counties perform an important function as administrative arms of State government. It is logical and cost-effective to administer State government at the county level. That is the traditional role of County government.

On the other hand, the Commission ascertained during its meetings and public hearings that the primary role of the County is no longer one of State administration. In fact, the role of the County is no longer readily understood. Government officials and citizens are confused as to the proper role of counties. All counties, to some degree, act as the local government for citizens living in unincorporated areas, and in some cases (e.g., operation of the sewage treatment system for all of Pima County) serve some of the needs of incorporated areas. It is to county officials that citizens turn when local problems need solutions.

Members recognize that the impetus for establishing this Commission came largely from the fact that the basic confusion surrounding the role of the County has inhibited the ability of the County to function properly.

Therefore, the Commission recommends acknowledgement of the County as a local government, as well as an administrative arm of the State. If a county chooses to be more responsive to its citizens' needs and desires, it should be authorized to do so.

The Commission recommends acknowledging the local governmental role of the County by implementation, through local voter approval, of self-government or charter powers as described in section b.

If self-government or charter powers are adopted, a County, at its discretion, will be permitted to provide services and perform functions as desired by County residents in response to local needs and problems. At the same time both charter and non-charter counties

will remain administrative arms of the State.

No change is necessary to clarify the State administrative role of the County.

b: Self-Government Powers (Home Rule)

A county should be authorized, through voter approval, to exercise local self-government powers. The Commission recommends adoption of a constitutional amendment that provides for both structural and functional flexibility. Each county must be given the authority, through adoption of charter powers, to formulate its own structure and exercise the powers necessary to perform its functions in an effective manner.

Structure

The Commission soon learned that one serious problem confronting county government was structural inflexibility. The State Constitution currently mandates the organizational structure of county government. It is known as the "row officer" concept because there is no hierarchy established; it is as if all of the officers sat equally in a row without the responsibility of reporting to any centralized executive authority. This structure has inhibited the functioning of the County for a number of reasons. The concept of equally powerful officers has caused conflict and competition as well as "buck-passing" among officials. Also, the effectiveness of the Board of Supervisors in performing both as policymaker and as administrator is limited by the lack of direct control over row officers' departments.

Perhaps at one time when a county served primarily as an administrative arm of the State the row officer concept was reasonable. In some counties today the concept may still be a viable one. However, the expanding role of the County as a local government makes it desirable for the citizens of each county to choose the structure best suited for their particular county.

The Commission determined, after examining a number of structural alternatives, that no particular organizational structure or variation utilized in counties throughout the nation was so superior that it should be recommended

Commission Findings & Recommendations (Continued)

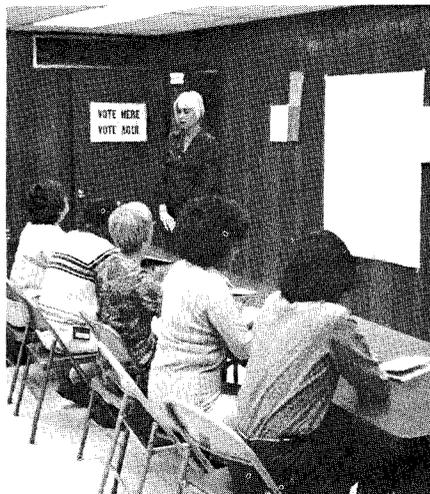
as a model. The Commission recommends permitting each county to provide for its own structural organization. Because current constitutional provisions mandate the existing county organizational structure, implementing this recommendation requires a constitutional amendment. The Commission recommends such a change be incorporated as part of the adoption of self-government powers.

Function

The Commission perceived another serious problem with county government; that is, its ability to effectively function as a local government. Since the County can act to solve local problems or provide local services only with specific State authorization, the County is now severely handicapped. Thus, an isolated problem in a County which could not be solved with existing authority can presently be remedied only by enactment of legislation applicable to the entire State.

After much discussion concerning better ways to solve local problems, including discussion of the authority of charter cities, the Commission voted to recommend that counties, like cities, have the option to adopt a charter through local vote. The charter authority would include, if desired by the County, ordinance-making authority in relation to matters of local (as contrasted with statewide) concern.

The Commission determined that functional flexibility in matters of local concern should be given to counties which adopt a charter.



Proposal

The Commission determined that the process of adopting a charter should be made a part of the State Constitution and that certain provisions should be included. Through extensive deliberations, the Commission drafted a proposal which appears in this report as the Self-Government Powers Proposal.

The recommended proposal provides for election of a County charter committee of fifteen County residents to draft a charter which sets forth the organizational structure of County government and the powers to be exercised by the County government. County electors must approve the charter before it becomes effective.

Charter government will provide a County with flexibility so County residents may tailor their local government to suit their needs and desires, much as City residents have the opportunity to do at the present time.

C: County-State Relations

The study of Arizona County Government required Commission members to examine the County as a single governmental entity and as a part of the entire State government. The most significant problem with the County-State relationship concerned the right of the State government, both legislatively and administratively, to mandate that the County government perform specific functions or provide certain services. The Commission did not undertake a complete inventory and analysis of all State-mandated functions, primarily because of time constraints.

However, the Commission gave careful consideration to particularly bothersome issues.

Current Mandates

The most burdensome State mandate, as the Commission was informed time after time, was the requirement for the County to provide health care to indigent residents. With regard to the specific issue of indigent health care, the Commission made no recommendation in light of the fact that during the course of the Commission's deliberations the State Legislature enacted a program designed to remedy many of the problems noted.

Commission Findings & Recommendations

(Continued)

A multitude of other legislative and administrative mandates, many seemingly insignificant when considered alone, have the combined effect of significantly burdening the counties. Some examples of these mandates relate to peace officer training, judiciary responsibilities, landfill operations and health code enforcement.

A particular State mandate identified as burdensome by many County officials, which the Commission recommends removing, concerns County funding of the Superior Courts. After careful consideration the Commission recommends that State government should pay for the operating and administrative costs of the Superior Court in each county. The capital costs of providing facilities for the Superior Court would remain with each county.

At the present time the County is required to fund most of the operating and administrative costs of the Superior Court. However, the Superior Court system is a statewide system which is already administered, to a major extent, at the State level through the supervisory jurisdiction of the Arizona Supreme Court. The County has no real control over the budget or operation of the Court. Therefore, it is particularly appropriate for the operational and administrative costs of the Superior Court to be transferred to the State.

Each county should continue to pay for the capital costs of the Superior Court since this largely involves providing and furnishing the Court building which is often used by the County for a number of purposes. In this same vein, the Commission recommends, for non-charter counties, that the Clerk of the Superior Court continue as an elected judicial official. For charter counties, the position of Clerk of the Superior Court should be considered for election or appointment in the drafting of the charter, just as other County officials are considered for election or appointment. The Commission makes no recommendation concerning the methods of selecting Superior Court judges.

Implementing this recommendation will require State legislation and an appropriation.

Restricting Future Mandates

The Commission determined that to ensure viable county government it

would be important to prevent the State from overburdening counties with additional costly mandates. For that reason, the Commission recommends restricting the State's right to mandate in the future.

Specifically, a constitutional amendment should be adopted which would prohibit either a legislative or administrative mandate from becoming effective unless the State provided an appropriation to pay for the costs of implementing the mandate.

The restrictive levy and spending limits imposed on the counties necessitate this rather drastic recommendation. This concept has been adopted in at least five other states, generally in response to controls placed on revenue-generating mechanisms at the local level. The Commission believes that this is a feasible idea to correct an unbalanced situation.

The Commission's proposal to implement this recommendation appears in this report as the Mandated Functions Proposal.

d: County Revenues

One major problem faced by Arizona's counties which was interrelated with all other County problems was a lack of revenue and the inability to generate adequate revenues.

The Commission was informed by every county that it faced a critical shortage of revenue. This was true in large part because of the recent constitutional amendment imposing levy and spending limits on the State's political subdivisions.

Since the County's power to levy property taxes is restricted, the amount of money each county can generate to pay its expenses and provide services is greatly reduced. The Commission made no recommendation concerning the levy and spending limits.

As a result of its study the Commission determined the following:

- if the counties' fiscal situation is to improve without changing the levy and spending limits, then other revenue resources must be made available to the counties. The distribution of shared sales taxes represents the other major source of

Commission Findings & Recommendations

(Continued)

County revenue, after property taxes. Therefore, the Commission recommends restructuring the distribution formula for sales taxes, with special consideration given to such factors as service objectives and County needs, rather than the origin of the funds. The Commission also recommends distributing to the counties a share of the income taxes collected by the State. Currently cities receive a share of the income taxes collected.

These recommendations recognize that it is a desirable State goal for each county to provide a minimum level of basic services, and that the various counties differ as to their ability to pay for that basic level of services.

State legislation is necessary to implement these recommendations.

- Counties provide a broad range of mandated and discretionary services and functions. Fees may be collected for those services or functions only if authorized by the Legislature.

Whether a county elects charter status or not, the Commission recommends that each county should be authorized to charge sufficient fees for services or functions to ensure that such activities are not inequitably subsidized by all County residents while benefiting only certain County residents.

State legislation is required to implement this recommendation.

- As the Commission's constitutional proposal concerning self-government powers provides, the Commission recommends that charter counties be permitted to levy taxes on a countywide basis for services

provided countywide, and in specially designated areas to pay for services rendered in such areas. This will ensure that an equitable situation prevails if a county responds to the varying needs and desires of a part of the County or the entire County.

A constitutional amendment is required to implement this recommendation. As noted, the Commission has made this a part of the Self-Government Powers Proposal.

e: Other Issues

Of the many County issues the Commission studied, a number merit comment and recommendations.

- County Boards of Supervisors should be given authority to approve the formation of special districts within their jurisdictions.

Special districts are formed to provide certain services to an area, often because no local government is able to provide the desired service. The County Board of Supervisors assists in the formation of such districts and in their administrative operation. However, the Board of Supervisors has little direct control over the actions of the special districts. The special districts are not accountable to the County despite the fact that the County may be indirectly or directly hurt by a special district which defaults. The County Board of Supervisors should clearly be authorized to scrutinize the fiscal situation of special districts being formed, to approve or veto their formation, and to take remedial actions in the event of the default of a special district. The Board's exercise of this strength-



M.C.P.I.O. Photo by Roger Buchanan



Commission Findings & Recommendations

(Continued)

ened authority should help prevent special district defaults.

This recommendation requires statutory changes.

- Appropriate legislative committees should study the entire budget process of political subdivisions for purposes of making necessary and desirable changes regarding time frames and procedures. Currently the adoption of county budgets occurs in August, after the new fiscal year has begun in July. The Commission had been encouraged to recommend changing the date of County budget adoption. However, change in the budget adoption date would not be an appropriate recommendation by itself since a number of other activities with specific time frames precede the final adoption of the budget.

Problems concerning the budget process should be studied by the legislative committees and statutory changes adopted to make the budget process simpler, less costly and more timely in relation to the commencement of the fiscal year.

- The County should be authorized to establish and collect a uniform fee with each tax bill. The fee should represent the County's cost of processing a tax bill. Certain low-value parcels of land do not generate enough property tax dollars to cover the cost to the County of processing the tax bill.

State legislation authorizing the establishment of a uniform fee is needed to remedy this situation and further improve the financial situation of the counties.

- Counties should be granted permissive authority to regulate lot-splitting. The Commission was informed that a problem exists with current subdivision laws. At this time subdivision laws apply only to splits of land into four or more parcels. The subdivision laws regulate such things as access and improvements to be provided on the subdivided land. However, if land is split into less than four parcels no regulations apply. In most counties problems arise when multiple splitting into three or fewer parcels occurs; for example,

one piece of land is split into three parcels, those three parcels are split into three parcels, and so on. Then purchasers of the property place demands on the county to provide services to the property.

Counties experiencing problems with lot-splitting need legislative authority to regulate such lot-splitting. Statutory authority of this type is currently exercised by Arizona cities at their discretion.

- The Legislature should reconsider the statutory requirements for creation of a new county to determine if the requirements are appropriate, and perhaps should modify or repeal the requirements.

Certainly one of the knottiest problems the Commission faced was that of County boundaries. The Commission determined that current boundaries could be changed in two ways: by the Legislature acting to amend the statutes which designate the fourteen county boundaries, and by citizens utilizing the procedures specified by statute to create new counties.

The Commission considered the procedures and technical requirements for creation of new counties, but the Commission did not feel competent to judge whether these technical requirements are realistic or necessary to ensure fairness.

Nevertheless, the Commission, recognizing growing pressures for boundary changes, recommends that the Legislature study the statutes which permit creation of a new county to determine whether they should be modified or repealed. In the case of repeal the Legislature would, of course, still retain its power to create a new county by direct legislative act.

- Following enactment of the Commission's major recommendations, State statutes relating to counties should be reviewed, consolidated, and recodified as necessary. Currently, State laws concerning counties are scattered throughout the volumes of Arizona Revised Statutes. This makes it difficult for County officials and citizens to learn and

Commission Findings & Recommendations

(Continued)

use the law. Also, if the self-government powers proposal is adopted, existing statutes may need to be revised to accommodate charter counties.

This recommendation should be implemented through formation of a special legislative committee which, in turn, would recommend statutory changes.

- Intergovernmental contracts and

agreements between governmental entities should be utilized whenever appropriate. Such intergovernmental agreements are often a cost-effective way to provide services and encourage cooperation. The Commission strongly believes that wider use of such agreements would benefit all taxpayers.

No additional statutory authority is required.

Self-Government Powers Proposal

REFERENCE TITLE: county home rule charters

State of Arizona

Thirty-fifth Legislature
Second Regular Session
1982

____ C. R. ____

Introduced by _____

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO COUNTIES; PROVIDING FOR COUNTY CHARTERS; PRESCRIBING PROCEDURES, POWERS AND DUTIES, AND AMENDING ARTICLE XII, CONSTITUTION OF ARIZONA, BY ADDING SECTIONS 5 THROUGH 9.

1 Be it resolved by the _____ of the State of Arizona, the
2 _____ concurring:

3 1. The following amendment of article XII, Constitution of Arizona,
4 by adding sections 5 through 9, is proposed to become valid when approved
5 by a majority of the qualified electors voting thereon and upon
6 proclamation of the governor:

7 5. ~~Charter committee; charter preparation; approval~~

8 SECTION 5. THE BOARD OF SUPERVISORS OF ANY COUNTY MAY
9 CAUSE A CHARTER COMMITTEE TO BE ELECTED BY THE QUALIFIED
10 ELECTORS OF THE COUNTY AT ANY TIME. THE BOARD OF SUPERVISORS
11 OF ANY COUNTY SHALL CALL FOR ELECTION OF SUCH A CHARTER
12 COMMITTEE WITHIN TEN DAYS AFTER RECEIPT BY THE CLERK OF THE
13 BOARD OF SUPERVISORS OF A PETITION DEMANDING THE ELECTION
14 SIGNED BY A NUMBER OF QUALIFIED ELECTORS OF THE COUNTY AT LEAST
15 EQUAL TO TEN PER CENT OF THE TOTAL NUMBER OF BALLOTS CAST FOR
16 GOVERNOR OR PRESIDENTIAL ELECTORS IN THE COUNTY AT THE LAST
17 GENERAL ELECTION. THE ELECTION SHALL BE HELD NOT LESS THAN ONE
18 HUNDRED DAYS NOR MORE THAN ONE HUNDRED TWENTY DAYS AFTER THE
19 CALL FOR THE ELECTION. EXCEPT AS OTHERWISE PROVIDED IN THIS
20 SECTION, FOR ELECTIONS HELD UNDER THIS SECTION OR SECTION 6 OF
21 THIS ARTICLE, THE MANNER OF CONDUCTING AND VOTING AT AN
22 ELECTION, CONTESTING AN ELECTION, CANVASSING VOTES AND
23 CERTIFYING RETURNS SHALL BE THE SAME, AS NEARLY AS
24 PRACTICABLE, AS IN ELECTIONS FOR COUNTY OFFICERS. AT THE

1 ELECTION A VOTE SHALL BE TAKEN UPON THE QUESTION OF WHETHER
2 FURTHER PROCEEDINGS TOWARD ADOPTING A CHARTER SHALL BE HAD IN
3 PURSUANCE TO THE CALL, AND UNLESS A MAJORITY OF THE QUALIFIED
4 ELECTORS VOTING ON THE QUESTION VOTES TO PROCEED FURTHER, NO
5 FURTHER PROCEEDINGS MAY BE HAD. THE SAME ELECTION SHALL ELECT
6 THE MEMBERS OF THE CHARTER COMMITTEE WHO WILL FUNCTION IF
7 FURTHER PROCEEDINGS ARE AUTHORIZED. THE CHARTER COMMITTEE
8 SHALL BE COMPOSED OF FIFTEEN QUALIFIED ELECTORS OF THE COUNTY
9 ELECTED BY SUPERVISORIAL DISTRICT WITH THE SAME NUMBER SERVING
10 FROM EACH DISTRICT. A PERSON SERVING IN A CONSTITUTIONALLY
11 DESIGNATED COUNTY OFFICE IS NOT ELIGIBLE TO SERVE AS A MEMBER
12 OF A CHARTER COMMITTEE. A NOMINATION PETITION SHALL BE MADE
13 AVAILABLE BY THE CLERK OF THE BOARD OF SUPERVISORS, WHICH MUST
14 BE SIGNED BY A NUMBER OF QUALIFIED ELECTORS OF THE
15 SUPERVISORIAL DISTRICT WHO ARE ELIGIBLE TO VOTE FOR THE
16 NOMINEE AT LEAST EQUAL TO ONE PER CENT OF THE TOTAL NUMBER OF
17 BALLOTS CAST FOR GOVERNOR OR PRESIDENTIAL ELECTORS IN THE
18 SUPERVISORIAL DISTRICT AT THE LAST GENERAL ELECTION, AND FILED
19 WITH THE CLERK NOT LATER THAN SIXTY DAYS BEFORE THE ELECTION.
20 THE CHARTER COMMITTEE SHALL, WITHIN NINETY DAYS AFTER THE
21 ELECTION, PREPARE AND SUBMIT A PROPOSED CHARTER FOR THE
22 COUNTY. THE PROPOSED CHARTER MUST BE SIGNED BY A MAJORITY OF
23 THE MEMBERS OF THE COMMITTEE AND FILED WITH THE CLERK OF THE
24 BOARD OF SUPERVISORS, AFTER WHICH THE CHARTER COMMITTEE SHALL
25 BE DISSOLVED. THE PROPOSED CHARTER SHALL THEN BE PUBLISHED IN
26 THE OFFICIAL NEWSPAPER OF THE COUNTY AT LEAST ONCE A WEEK FOR
27 THREE CONSECUTIVE WEEKS IF PUBLISHED IN A DAILY PAPER, OR IN
28 THREE CONSECUTIVE ISSUES IF PUBLISHED IN A WEEKLY PAPER. THE
29 FIRST PUBLICATION SHALL BE MADE WITHIN TWENTY DAYS AFTER THE
30 COMPLETION OF THE PROPOSED CHARTER. NOT LESS THAN FORTY-FIVE
31 DAYS AND NOT MORE THAN SIXTY DAYS AFTER FINAL PUBLICATION THE
32 PROPOSED CHARTER SHALL BE SUBMITTED TO THE VOTE OF THE
33 QUALIFIED ELECTORS OF THE COUNTY AT A GENERAL OR SPECIAL
34 ELECTION. IF A GENERAL ELECTION WILL BE HELD WITHIN NINETY
35 DAYS AFTER FINAL PUBLICATION, THE CHARTER SHALL BE SUBMITTED
36 AT THAT GENERAL ELECTION. THE FULL TEXT OF THE PROPOSED
37 CHARTER SHALL BE PRINTED ON THE BALLOT FOR THE ELECTION OR, IN
38 THE ALTERNATIVE, THE FULL TEXT OF THE PROPOSED CHARTER SHALL
39 BE PRINTED IN A PUBLICITY PAMPHLET AND DISTRIBUTED TO ALL
40 QUALIFIED ELECTORS PRIOR TO THE CHARTER ELECTION AND THE
41 BALLOT SHALL CONTAIN ONLY A SUMMARY OF THE PROPOSED CHARTER
42 PROVISIONS AND A QUESTION REGARDING APPROVAL OF THE PROPOSED
43 CHARTER. IF A MAJORITY OF THE QUALIFIED ELECTORS VOTING
44 RATIFIES THE PROPOSED CHARTER, A COPY OF THE CHARTER, TOGETHER
45 WITH A STATEMENT SETTING FORTH THE SUBMISSION OF THE CHARTER
46 TO THE QUALIFIED ELECTORS AND ITS RATIFICATION BY THEM, SHALL
47 BE CERTIFIED BY THE CLERK OF THE BOARD OF SUPERVISORS AND SHALL
48 BE SUBMITTED TO THE GOVERNOR FOR APPROVAL. THE GOVERNOR SHALL

Self-Government Powers Proposal (Continued)

1 APPROVE THE CHARTER IF IT IS NOT IN CONFLICT WITH THIS
2 CONSTITUTION. ON APPROVAL, THE CHARTER BECOMES THE ORGANIC
3 LAW OF THE COUNTY, AND CERTIFIED COPIES OF THE CHARTER SHALL BE
4 FILED IN THE OFFICE OF THE SECRETARY OF STATE AND WITH THE
5 CLERK OF THE BOARD OF SUPERVISORS AFTER BEING RECORDED IN THE
6 OFFICE OF THE COUNTY RECORDER. THEREAFTER ALL COURTS SHALL
7 TAKE JUDICIAL NOTICE OF THE CHARTER.

6. Amendment of charter.

9 SECTION 6. A CHARTER SHALL SET FORTH PROCEDURES FOR
10 AMENDMENT OF THE CHARTER. PROPOSED AMENDMENTS SHALL BE
11 SUBMITTED TO THE QUALIFIED ELECTORS OF THE COUNTY AT A GENERAL
12 OR SPECIAL ELECTION AND BECOME EFFECTIVE IF RATIFIED BY A
13 MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE AMENDMENTS
14 AND APPROVED BY THE GOVERNOR AS PROVIDED IN SECTION 5 OF THIS
15 ARTICLE.

7. County charter provisions.

17 SECTION 7. CHARTER COUNTIES SHALL CONTINUE TO BE
18 POLITICAL SUBDIVISIONS OF THIS STATE, EXISTING TO AID IN THE
19 ADMINISTRATION OF THIS STATE'S LAWS AND FOR PURPOSES OF
20 SELF-GOVERNMENT, EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE
21 THE POWERS OF THE LEGISLATURE OVER COUNTIES ARE NOT AFFECTED
22 BY THIS AMENDMENT. CHARTER COUNTIES SHALL PROVIDE THE SAME
23 STATE-MANDATED SERVICES AND PERFORM THE SAME STATE-MANDATED
24 FUNCTIONS AS NONCHARTER COUNTIES. CHARTER COUNTIES MAY
25 EXERCISE, IF PROVIDED BY THE CHARTER, ALL POWERS OVER LOCAL
26 CONCERNS OF THE COUNTY CONSISTENT WITH, AND SUBJECT TO, THE
27 CONSTITUTION AND THE LAWS OF THIS STATE AND THE POWERS OF
28 INCORPORATED MUNICIPALITIES. NOTWITHSTANDING ARTICLE IX,
29 SECTION 1, CONSTITUTION OF ARIZONA, EACH CHARTER COUNTY MAY
30 LEVY AND COLLECT TAXES ON A SPECIALLY DESIGNATED AREA BASIS TO
31 PAY FOR SERVICES OR SPECIAL LEVELS OF SERVICE PROVIDED TO SUCH
32 DESIGNATED AREA AND AT THE SAME TIME MAY LEVY AND COLLECT TAXES
33 ON A COUNTYWIDE BASIS TO PROVIDE SERVICES ON A COUNTYWIDE
34 BASIS. WHEN ANY COUNTY HAS FRAMED AND ADOPTED A CHARTER AND
35 THE CHARTER IS APPROVED BY THE GOVERNOR AS PROVIDED IN THIS
36 ARTICLE, THE COUNTY SHALL BE GOVERNED BY THE TERMS OF ITS
37 CHARTER AND ORDINANCES PASSED PURSUANT TO ITS CHARTER. WHEN
38 THE CHARTER HAS BEEN FRAMED, ADOPTED AND APPROVED, AND ANY OF
39 ITS PROVISIONS ARE IN CONFLICT WITH ANY LAW RELATING TO LOCAL
40 CONCERNS OF THE COUNTIES IN FORCE AT THE TIME OF THE ADOPTION
41 AND APPROVAL OF THE CHARTER, THE PROVISIONS OF THE CHARTER
42 PREVAIL NOTWITHSTANDING THE CONFLICT AND OPERATE AS A REPEAL
43 OR SUSPENSION OF THE LAW TO THE EXTENT OF CONFLICT, AND THE LAW
44 IS NOT THEREAFTER OPERATIVE AS TO SUCH CONFLICT.

8. Government and other powers.

46 SECTION 8. ALL COUNTY CHARTERS SHALL PROVIDE:

47 1. FOR A GOVERNING BODY, ITS METHOD OF COMPENSATION,
48 METHOD OF ELECTION, TERMS AND REMOVAL.

1 2. FOR ALL OFFICERS OTHER THAN SUPERVISORS CREATED
2 UNDER SECTION 3 OF THIS ARTICLE AND ARTICLE VI, SECTION 23,
3 THEIR ELECTION OR APPOINTMENT, THEIR TERMS AND REMOVAL AND
4 METHOD OF COMPENSATION. THE AUTHORITY OF A CHARTER COUNTY
5 EXTENDS TO THE CREATION, MERGER OR DISSOLUTION OF COUNTY
6 OFFICES, OTHER THAN THE GOVERNING BODY, WITHOUT REGARD TO
7 SECTION 3 OF THIS ARTICLE.

8 3. FOR THE PERFORMANCE OF FUNCTIONS REQUIRED BY STATUTE
9 OR NECESSARY TO EXERCISE THEIR POWERS OVER LOCAL CONCERNS OF
10 THE COUNTY.

11 4. FOR THE POWERS AND DUTIES OF THE GOVERNING BODY AND
12 ALL OTHER COUNTY OFFICERS AND FOR THE MANNER OF FILLING ALL
13 VACANCIES OCCURRING IN SUCH OFFICES.

14 5. WHETHER A PERIODIC REVIEW OF THE CHARTER PROVISIONS
15 SHOULD BE CONDUCTED. IF A CHARTER PROVISION REQUIRES A
16 PERIODIC REVIEW, THE CHARTER PROVISION SHALL ALSO PROVIDE FOR
17 ESTABLISHMENT OF REVIEW PROCEDURES.

9. Self-executing provision.

19 SECTION 9. THE PROVISIONS OF THIS ARTICLE ARE
20 SELF-EXECUTING AND NO FURTHER LEGISLATION IS REQUIRED TO MAKE
21 THEM EFFECTIVE.

22 2. The proposed amendment (approved by a majority of the members
23 elected to each house of the legislature, and entered upon the respective
24 journals thereof, together with the ayes and nays thereon) shall be by the
25 secretary of state submitted to the qualified electors at the next regular
26 general election, or at a special election called for that purpose, as
27 provided by article XXI, Constitution of Arizona.

Mandated Functions Proposal

REFERENCE TITLE: state funding; state
mandated local programs

State of Arizona

Thirty-fifth Legislature
Second Regular Session
1982

___ C. R. ___

Introduced by _____

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA RELATING TO PUBLIC DEBT, REVENUE AND TAXATION; PRESCRIBING STATE FUNDING FOR STATE MANDATED LOCAL PROGRAMS, PRESCRIBING EXCEPTIONS, AND AMENDING ARTICLE IX, CONSTITUTION OF ARIZONA, BY ADDING SECTION 22.

1 Be it resolved by the _____ of the State of Arizona, the
2 _____ concurring:

3 1. The following amendment of article IX, Constitution of Arizona,
4 by adding section 22, is proposed to become valid when approved by a
5 majority of the qualified electors voting thereon and upon proclamation of
6 the governor:

7 22. Funding for local programs mandated by the
8 state; exceptions

9 SECTION 22. A. IF ANY COUNTY (OR INCORPORATED CITY OR
10 TOWN) IS REQUIRED BY A LEGISLATIVE ACT OR ADMINISTRATIVE
11 PROCEDURE, RULE, REGULATION OR ACTION BY AN ADMINISTRATIVE
12 BODY PURSUANT TO A LEGISLATIVE ACT TO INSTITUTE ANY NEW
13 PROGRAM OR ANY INCREASED LEVEL OF SERVICE OF AN EXISTING
14 PROGRAM OR ANY NEW PROCEDURE FOR THE DELIVERY OF SERVICES OF AN
15 EXISTING PROGRAM OR ANY ADDITIONAL OR INCREASED PERSONNEL
16 COSTS, THE LEGISLATIVE ACT OR ADMINISTRATIVE ACTION SHALL NOT
17 BE EFFECTIVE OR APPLICABLE TO ANY COUNTY, CITY OR TOWN UNTIL
18 SUFFICIENT FUNDING IS PROVIDED BY THE STATE TO COVER THE COST
19 OF THE ACT OR ACTION AND ANY COST INCURRED BY THE COUNTY, CITY
20 OR TOWN IN CONFORMING TO THE ACT OR ACTION.

21 B. THIS SECTION DOES NOT APPLY TO:

22 1. THE CRIMINAL CODE AND OTHER STATUTES WHICH DEFINE OR
23 CLASSIFY CRIMINAL OFFENSES.

24 2. ACTS, PROCEDURES OR ACTIONS WHICH AFFECT ALL
25 PERSONS, PUBLIC AND PRIVATE, AS A GENERAL CLASS OF WHICH THE
26 CITY, TOWN OR COUNTY MAY BE A MEMBER.

1 2. The proposed amendment (approved by a majority of the members
2 elected to each house of the legislature, and entered upon the respective
3 journals thereof, together with the ayes and nays thereon) shall be by the
4 secretary of state submitted to the qualified electors at the next regular
5 general election, or at a special election called for that purpose, as
6 provided by article XXI, Constitution of Arizona.



Acknowledgements

The County Government Study Commission expresses its appreciation to those who met with the Commission to share their knowledge of current problems of county government, provided research or draft materials, and provided meeting facilities: Richard Casey, Executive Director, AACo; Robert Mauney, Maricopa County Manager; State Senator Ray Rottas; Karen English, Coconino County Supervisor; Craig McDowell, Pima County Manager; Andrew Migala, Pima County Finance Manager; John Olsen, Yavapai County Supervisor, Jay Bateman, Pinal County Administrator; Bob Schuster, Editor, The Kingman Daily Miner; Betty Van Fredenberg, First Vice-President, Sun City Homeowners Association; John Gliege, Attorney-at-Law; Coconino County Board of Supervisors; Pima County Board of Supervisors; Advisory Commission on Intergovernmental Relations; Arizona Association of Counties; and League of Arizona Cities and Towns.



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This report was produced by the Arizona Governor's Office of Economic Planning and Development, assisted by a grant from the Four Corners Regional Commission of the U.S. Department of Commerce.

