

COMMITTEE ON COUNTIES, MUNICIPALITIES AND MILITARY AFFAIRS

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1238

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 11-251, Arizona Revised Statutes, is amended to  
3 read:

4 11-251. Powers of board

5 The board of supervisors, under such limitations and restrictions as  
6 are prescribed by law, may:

7 1. Supervise the official conduct of all county officers and officers  
8 of all districts and other subdivisions of the county charged with assessing,  
9 collecting, safekeeping, managing or disbursing the public revenues, see that  
10 such officers faithfully perform their duties and direct prosecutions for  
11 delinquencies, and, when necessary, require the officers to renew their  
12 official bonds, make reports and present their books and accounts for  
13 inspection.

14 2. Divide the counties into such districts or precincts as required by  
15 law, change them and create others as convenience requires.

16 3. Establish, abolish and change election precincts, appoint  
17 inspectors and judges of elections, canvass election returns, declare the  
18 result and issue certificates thereof.

19 4. Lay out, maintain, control and manage public roads, ferries and  
20 bridges within the county and levy such tax for that purpose as may be  
21 authorized by law.

22 5. Provide for the care and maintenance of the sick of the county,  
23 erect and maintain hospitals for that purpose and, in its discretion, provide  
24 a farm in connection with the county hospital and adopt ordinances for  
25 working the farm.

26 6. Provide suitable rooms for county purposes.

27 7. Purchase, receive by donation or lease real or personal property  
28 necessary for the use of the county prison and take care of, manage and

1 control the property, but no purchase of real property shall be made unless  
2 the value has been previously estimated by three disinterested citizens of  
3 the county, appointed by the board for that purpose, and no more than the  
4 appraised value shall be paid for the property.

5 8. Cause to be erected and furnished a courthouse, jail and hospital  
6 and such other buildings as necessary, and construct and establish a branch  
7 jail, when necessary, at a point distant from the county seat.

8 9. Sell at public auction, after thirty days' previous notice given by  
9 publication in a newspaper of the county, stating the time and place of the  
10 auction, and convey to the highest bidder, for cash or contract of purchase  
11 extending not more than ten years from the date of sale and upon such terms  
12 and conditions and for such consideration as the board shall prescribe, any  
13 property belonging to the county that the board deems advantageous for the  
14 county to sell, or which the board deems unnecessary for use by the county,  
15 and shall pay the proceeds thereof into the county treasury for use of the  
16 county, except that personal property need not be sold but may be used as a  
17 trade-in on the purchase of personal property when the board deems this  
18 disposition of the personal property to be in the best interests of the  
19 county. When the property for sale is real property, the board shall have  
20 such property appraised by a qualified independent fee appraiser who has an  
21 office located in this state. The appraiser shall establish a minimum price,  
22 which shall not be less than ninety per cent of the appraised value. The  
23 notice regarding the sale of real property shall be published in the county  
24 where the property is situated and may be published in one or more other  
25 counties, and shall contain, among other things, the appraised value, the  
26 minimum acceptable sale price, and the common and legal description of the  
27 real property. Notwithstanding the requirement for a sale at public auction  
28 prescribed in this paragraph, a county, with unanimous consent of the board,  
29 without a public auction, may sell or lease any county property to any other  
30 duly constituted governmental entity, including the state, cities, towns and  
31 other counties. A county, with unanimous consent of the board, without  
32 public auction, may sell or lease any county property for a specific use to

1 any solely charitable, social or benevolent nonprofit organization  
2 incorporated or operating in this state. A county may dispose of surplus  
3 equipment and materials that have little or no value or that are  
4 unauctionable in any manner authorized by the board.

5 10. Examine and exhibit the accounts of all officers having the care,  
6 management, collection or disbursement of money belonging to the county or  
7 appropriated by law or otherwise for the use and benefit of the county.

8 11. Examine, settle and allow all accounts legally chargeable against  
9 the county, order warrants to be drawn on the county treasurer for that  
10 purpose and provide for issuing the warrants.

11 12. Levy such tax annually on the taxable property of the county as may  
12 be necessary to defray the general current expenses thereof, including  
13 salaries otherwise unprovided for, and levy such other taxes as are required  
14 to be levied by law.

15 13. Equalize assessments.

16 14. Direct and control the prosecution and defense of all actions to  
17 which the county is a party, and compromise them.

18 15. Insure the county buildings in the name of and for the benefit of  
19 the county.

20 16. Fill by appointment all vacancies occurring in county or precinct  
21 offices.

22 17. Adopt provisions necessary to preserve the health of the county,  
23 and provide for the expenses thereof.

24 18. With the approval of the department of health services, contract  
25 with any qualified person to provide all or part of the health services,  
26 funded through the department of health services with federal or state  
27 monies, that the board in its discretion extends to residents of the county.

28 19. Contract for county printing and advertising, and provide books and  
29 stationery for county officers.

30 20. Provide for rebinding county records, or, if necessary, the  
31 transcribing of county records.

1           21. Make and enforce necessary rules and regulations for the government  
2 of its body, the preservation of order and the transaction of business.

3           22. Adopt a seal for the board, a description and impression of which  
4 shall be filed by the clerk in the office of the county recorder and the  
5 secretary of state.

6           23. Establish, maintain and conduct or aid in establishing, maintaining  
7 and conducting public aviation fields, purchase, receive by donation or lease  
8 any property necessary for that purpose, lease, at a nominal rental if  
9 desired, sell such aviation fields or property to the United States or any  
10 department, or sell or lease such aviation fields to a city, exchange lands  
11 acquired pursuant to this section for other lands, or act in conjunction with  
12 the United States in maintaining, managing and conducting all such  
13 property. If any such property or part of that property is not needed for  
14 these purposes, it shall be sold by the board and the proceeds shall be paid  
15 into the general fund of the county.

16           24. Acquire and hold property for the use of county fairs, and conduct,  
17 take care of and manage them.

18           25. Authorize the sheriff to offer a reward, not exceeding ten thousand  
19 dollars in one case, for information leading to the arrest and conviction of  
20 persons charged with crime.

21           26. Contract for the transportation of insane persons to the state  
22 hospital or direct the sheriff to transport such persons. The county is  
23 responsible for such expense to the extent the expense is not covered by any  
24 third party payor.

25           27. Provide for the reasonable expenses of burial for deceased  
26 indigents as provided in section 36-831 and maintain a permanent register of  
27 deceased indigents including name, age and date of death, and when burial  
28 occurs, the board shall mark the grave with a permanent marker giving the  
29 name, age, and date of birth, if known.

30           28. Sell or grant to the United States the title or interest of the  
31 county in any toll road or toll train in or partly within a national park,

1           upon such terms and consideration as may be agreed upon by the board and the  
2           secretary of the interior of the United States.

3           29. Enter into agreements for acquiring rights-of-way, construction,  
4           reconstruction or maintenance of highways in their respective counties,  
5           including highways that pass through Indian reservations, with the government  
6           of the United States, acting through its duly authorized officers or agents  
7           pursuant to any act of Congress, except that the governing body of any Indian  
8           tribe whose lands are affected must consent to the use of its land, and any  
9           such agreements entered into before June 26, 1952 are validated and  
10          confirmed.

11          30. Do and perform all other acts and things necessary to the full  
12          discharge of its duties as the legislative authority of the county  
13          government.

14          31. Make and enforce all local, police, sanitary and other regulations  
15          not in conflict with general law.

16          32. Budget for funds for foster home care during the school week for  
17          mentally retarded and otherwise handicapped children who reside within the  
18          county and attend a school for the handicapped in a city or town within such  
19          county.

20          33. Do and perform all acts necessary to enable the county to  
21          participate in the economic opportunity act of 1964 (P.L. 88-452; 78 Stat.  
22          508), as amended.

23          34. Provide a plan or plans for its employees that provide tax deferred  
24          annuity and deferred compensation plans as authorized pursuant to title 26,  
25          United States Code. Such plans shall allow voluntary participation by all  
26          employees of the county. Participating employees shall authorize the board  
27          to make reductions in their remuneration as provided in an executed deferred  
28          compensation agreement.

29          35. Adopt and enforce standards for shielding and filtration of  
30          commercial or public outdoor portable or permanent light fixtures in  
31          proximity to astronomical or meteorological laboratories.

1           36. Subject to the prohibitions, restrictions and limitations as set  
2           forth in section 11-830, adopt and enforce standards for excavation, landfill  
3           and grading to prevent unnecessary loss from erosion, flooding and  
4           landslides.

5           37. Make and enforce necessary ordinances for the operation and  
6           licensing of any establishment not in the limits of an incorporated city or  
7           town in which is carried on the business of providing baths, showers or other  
8           forms of hydrotherapy or any service of manual massage of the human body.

9           38. Provide pecuniary compensation as salary or wages for overtime work  
10          performed by county employees, including those employees covered by title 23,  
11          chapter 2, article 9. In so providing, the board may establish salary and  
12          wage plans incorporating classifications and conditions prescribed by the  
13          federal fair labor standards act.

14          39. Establish, maintain and operate facilities that provide for  
15          physical evaluation, diagnosis and treatment of patients and that do not keep  
16          patients overnight as bed patients or treat patients under general  
17          anesthesia.

18          40. Enact ordinances under its police authority prescribing reasonable  
19          curfews in the entire unincorporated area or any area less than the entire  
20          unincorporated area of the county for minors and fines not to exceed the fine  
21          for a petty offense for violation of such ordinances. Nothing in this  
22          paragraph shall be construed to require a request from an association or a  
23          majority of the residents of an area before the board may enact an ordinance  
24          applicable to the entire or any portion of the unincorporated area. An  
25          ordinance enacted pursuant to this paragraph shall provide that a minor is  
26          not violating a curfew if the minor is accompanied by a parent, a guardian or  
27          an adult having supervisory custody, is on an emergency errand or has been  
28          specifically directed to the location on reasonable, legitimate business or  
29          some other activity by the parent, guardian or adult having supervisory  
30          custody. If no curfew ordinance is applicable to a particular unincorporated  
31          area of the county, the board may adopt a curfew ordinance on the request or  
32          petition of either:

1           (a) A homeowners' association that represents a majority of the  
2 homeowners in the area covered by the association and to which the curfew  
3 would apply.

4           (b) A majority of the residents of the area to which the curfew would  
5 apply.

6           41. Lease or sublease personal property owned by the county to other  
7 political subdivisions of this state to be used for a public purpose.

8           42. In addition to the agreements authorized by section 11-651, enter  
9 into long-term agreements for the purchase of personal property, provided  
10 that the board may cancel any such agreement at the end of a fiscal year, at  
11 which time the seller may repossess the property and the agreement shall be  
12 deemed terminated.

13           43. Make and enforce necessary ordinances not in conflict with the laws  
14 of this state to regulate off-road recreational motor vehicles that are  
15 operated within the county on public lands without lawful authority or on  
16 private lands without the consent of the lawful owner or that generate air  
17 pollution. For the purposes of this paragraph, "off-road recreational motor  
18 vehicle" means three and four wheel vehicles manufactured for recreational  
19 nonhighway all terrain travel.

20           44. Acquire land for roads, drainage ways and other public purposes by  
21 exchange without public auction, except that notice shall be published thirty  
22 days before the exchange, listing the property ownership and descriptions.

23           45. Purchase real property for public purposes, provided that final  
24 payment shall be made not later than five years after the date of purchase.

25           46. Lease-purchase real property and improvements for real property for  
26 public purposes, provided that final payment shall be made not later than  
27 twenty-five years after the date of purchase. Any increase in the final  
28 payment date from fifteen years up to the maximum of twenty-five years shall  
29 be made only on unanimous approval by the board of supervisors.

30           47. Make and enforce ordinances for the protection and disposition of  
31 domestic animals subject to inhumane, unhealthful or dangerous conditions or  
32 circumstances. An ordinance enacted pursuant to this paragraph shall not

1 restrict or limit the authority of the game and fish commission to regulate  
2 the taking of wildlife. For the purposes of this paragraph, "domestic  
3 animal" means an animal kept as a pet and not primarily for economic  
4 purposes.

5 48. If a part of a parcel of land is to be taken for roads, drainage,  
6 flood control or other public purposes and the board and the affected  
7 property owner determine that the remainder will be left in such a condition  
8 as to give rise to a claim or litigation concerning severance or other  
9 damage, acquire the whole parcel by purchase, donation, dedication, exchange,  
10 condemnation or other lawful means, and the remainder may be sold or  
11 exchanged for other properties needed for any public purpose.

12 49. Make and enforce necessary rules providing for the reimbursement of  
13 travel and subsistence expenses of members of county boards, commissions and  
14 advisory committees when acting in the performance of their duties, if the  
15 board, commission or advisory committee is authorized or required by federal  
16 or state law or county ordinance, and the members serve without compensation.

17 50. Provide a plan or plans for county employee benefits that allow for  
18 participation in a cafeteria plan that meets the requirements of the United  
19 States internal revenue code of 1986.

20 51. Provide for fringe benefits for county employees, including sick  
21 leave, personal leave, vacation and holiday pay and jury duty pay.

22 52. Make and enforce ordinances that are more restrictive than state  
23 requirements to reduce or encourage the reduction of carbon monoxide and  
24 ozone levels, provided an ordinance does not establish a standard for  
25 vehicular emissions, including ordinances to reduce or encourage the  
26 reduction of the commuter use of motor vehicles by employees of the county  
27 and employees whose place of employment is in unincorporated areas of the  
28 county.

29 53. Make and enforce ordinances to provide for the reimbursement of up  
30 to one hundred per cent of the cost to county employees of public bus or van  
31 pool transportation to and from their place of employment.

1           54. Lease for public purposes any real property, improvements for real  
2 property and personal property under the same terms and conditions, to the  
3 extent applicable, as are specified in sections 11-651 and 11-653 for  
4 lease-purchases.

5           55. Enact ordinances prescribing regulation of alarm systems and  
6 providing for civil penalties to reduce the incidence of false alarms at  
7 business and residential structures relating to burglary, robbery, fire and  
8 other emergencies not within the limits of an incorporated city or town.

9           56. In addition to paragraph 9 of this section, and notwithstanding  
10 section 23-504, sell or dispose of, at no less than fair market value, county  
11 personal property that the board deems no longer useful or necessary through  
12 a retail outlet or to another government entity if the personal property has  
13 a fair market value of no more than one thousand dollars, or by retail sale  
14 or private bid, if the personal property has a fair market value of no more  
15 than fifteen thousand dollars. Notice of sales in excess of one thousand  
16 dollars shall include a description and sale price of each item and shall be  
17 published in a newspaper of general circulation in the county, and for thirty  
18 days after notice other bids may be submitted that exceed the sale price by  
19 at least five per cent. The county shall select the highest bid received at  
20 the end of the thirty day period.

21           57. Sell services, souvenirs, sundry items or informational  
22 publications that are uniquely prepared for use by the public and by  
23 employees and license and sell information systems and intellectual property  
24 developed from county resources that the county is not obligated to provide  
25 as a public record.

26           58. On unanimous consent of the board of supervisors, license, lease or  
27 sell any county property pursuant to paragraphs 56 and 57 of this section at  
28 less than fair market value to any other governmental entity, including this  
29 state, cities, towns, public improvement districts or other counties within  
30 or outside of this state, or for a specific purpose to any charitable, social  
31 or benevolent nonprofit organization incorporated or operating in this state.

1           59. On unanimous consent of the board of supervisors, provide technical  
2 assistance and related services to a fire district pursuant to an  
3 intergovernmental agreement.

4           60. Adopt contracting procedures for the operation of a county health  
5 system pursuant to section 11-291. Before the adoption of contracting  
6 procedures the board shall hold a public hearing. The board shall publish  
7 one notification in a newspaper of general circulation in the county seat at  
8 least fifteen days before the hearing.

9           61. Enter into an intergovernmental agreement pursuant to chapter 7,  
10 article 3 of this title for a city or town to provide emergency fire or  
11 emergency medical services pursuant to section 9-500.23 to a county island as  
12 defined in section 11-251.12. The board may charge the owners of record in  
13 the county island a fee to cover the cost of an intergovernmental agreement  
14 that provides fire and emergency medical services.

15           62. In counties that employ or have designated an animal control county  
16 enforcement agent pursuant to section 11-1005, enter into agreements with  
17 foundations or charitable organizations to solicit donations, property or  
18 services, excluding enforcement or inspection services, for use by the county  
19 enforcement agent solely to perform nonmandated services and to fund capital  
20 improvements for county animal control, subject to annual financial and  
21 performance audits by an independent party as designated by the county board  
22 of supervisors. For the purposes of this paragraph, nonmandated services are  
23 limited to low cost spay and neuter services, public education and outreach  
24 efforts, pet adoption efforts, care for pets that are victims of cruelty or  
25 neglect and support for volunteer programs.

26           63. Adopt **AND PROVIDE FOR THE ENFORCEMENT OF** ordinances prohibiting  
27 open fires and campfires on **DESIGNATED** lands in the unincorporated areas of  
28 the county ~~that are private property islands within the boundaries of a~~  
29 ~~national forest or United States bureau of land management or state land~~  
30 ~~holdings, if such a prohibition has been declared by a national forest, the~~  
31 ~~United States bureau of land management or the state forester~~ **WHEN A**  
32 **DETERMINATION OF EMERGENCY IS ISSUED BY THE COUNTY EMERGENCY MANAGEMENT**

1 OFFICER AND THE BOARD DEEMS IT NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY  
2 ON THOSE LANDS.

3 64. Fix the amount of license fees to be paid by any person, firm,  
4 corporation or association for carrying on any game or amusement business in  
5 unincorporated areas of the county and prescribe the method of collection or  
6 payment of those fees, for a stated period in advance, and fix penalties for  
7 failure to comply by fine. Nothing in this article shall be construed as  
8 authorizing any county to require an occupational license or fee for any  
9 activity if state law precludes requiring such a license or fee.

10 65. Adopt and enforce ordinances for the prevention, abatement and  
11 removal of graffiti, providing that any restrictions on the retail display of  
12 potential graffiti tools be limited to any of the following:

13 (a) In a place that is in the line of sight of a cashier or in the  
14 line of sight from a work station normally continuously occupied during  
15 business hours.

16 (b) In a manner that makes the product accessible to a patron of the  
17 business establishment only with the assistance of an employee of the  
18 establishment.

19 (c) In an area electronically protected, or viewed by surveillance  
20 equipment that is monitored, during business hours."

21 Amend title to conform

and, as so amended, it do pass

JOHN B. NELSON  
Chairman

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4/8/08  
H:jjb