

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2656

AN ACT

AMENDING SECTION 11-251, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-251.16; AMENDING TITLE 11, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 6; AMENDING SECTION 11-1435, ARIZONA REVISED STATUTES; RELATING TO COUNTY LEASE-PURCHASE AGREEMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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

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

36 9. Sell at public auction, after thirty days' previous notice given by
37 publication in a newspaper of the county, stating the time and place of the
38 auction, and convey to the highest bidder, for cash or contract of purchase
39 extending not more than ten years from the date of sale and on such terms and
40 for such consideration as the board shall prescribe, any property belonging
41 to the county that the board deems advantageous for the county to sell, or
42 that the board deems unnecessary for use by the county, and shall pay the
43 proceeds thereof into the county treasury for use of the county, except that
44 personal property need not be sold but may be used as a trade-in on the
45 purchase of personal property when the board deems this disposition of the

1 personal property to be in the best interests of the county. When the
2 property for sale is real property, the board shall have such property
3 appraised by a qualified independent fee appraiser who has an office located
4 in this state. The appraiser shall establish a minimum price, which shall
5 not be less than ninety per cent of the appraised value. The notice
6 regarding the sale of real property shall be published in the county where
7 the property is situated and may be published in one or more other counties,
8 and shall contain, among other things, the appraised value, the minimum
9 acceptable sale price, and the common and legal description of the real
10 property. Notwithstanding the requirement for a sale at public auction
11 prescribed in this paragraph, a county, with unanimous consent of the board
12 and without a public auction, may sell or lease any county property to any
13 other duly constituted governmental entity, including the state, cities,
14 towns and other counties. A county, with unanimous consent of the board and
15 without public auction, may grant an easement on county property for public
16 purposes to a utility as defined in section 40-491. A county, with unanimous
17 consent of the board and without public auction, may sell or lease any county
18 property for a specific use to any solely charitable, social or benevolent
19 nonprofit organization incorporated or operating in this state. A county may
20 dispose of surplus equipment and materials that have little or no value or
21 that are unauctionable in any manner authorized by the board.

22 10. Examine and exhibit the accounts and performance of all officers
23 having the care, management, collection or disbursement of monies belonging
24 to the county or appropriated by law or otherwise for the use and benefit of
25 the county. The working papers and other audit files in an examination and
26 audit of the accounts and performance of a county officer are not public
27 records and are exempt from title 39, chapter 1. The information contained
28 in the working papers and audit files prepared pursuant to a specific
29 examination or audit is not subject to disclosure, except to the county
30 attorney and the attorney general in connection with an investigation or
31 action taken in the course of their official duties.

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

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

39 13. Equalize assessments.

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

42 15. Insure the county buildings in the name of and for the benefit of
43 the county.

44 16. Fill by appointment all vacancies occurring in county or precinct
45 offices.

- 1 17. Adopt provisions necessary to preserve the health of the county,
2 and provide for the expenses thereof.
- 3 18. With the approval of the department of health services, contract
4 with any qualified person to provide all or part of the health services,
5 funded through the department of health services with federal or state
6 monies, that the board in its discretion extends to residents of the county.
- 7 19. Contract for county printing and advertising, and provide books and
8 stationery for county officers.
- 9 20. Provide for rebinding county records, or, if necessary, the
10 transcribing of county records.
- 11 21. Make and enforce necessary rules and regulations for the government
12 of its body, the preservation of order and the transaction of business.
- 13 22. Adopt a seal for the board, a description and impression of which
14 shall be filed by the clerk in the office of the county recorder and the
15 secretary of state.
- 16 23. Establish, maintain and conduct or aid in establishing, maintaining
17 and conducting public aviation fields, purchase, receive by donation or lease
18 any property necessary for that purpose, lease, at a nominal rental if
19 desired, sell such aviation fields or property to the United States or any
20 department, or sell or lease such aviation fields to a city, exchange lands
21 acquired pursuant to this section for other lands, or act in conjunction with
22 the United States in maintaining, managing and conducting all such property.
23 If any such property or part of that property is not needed for these
24 purposes, it shall be sold by the board and the proceeds shall be paid into
25 the general fund of the county.
- 26 24. Acquire and hold property for the use of county fairs, and conduct,
27 take care of and manage them.
- 28 25. Authorize the sheriff to offer a reward, not exceeding ten thousand
29 dollars in one case, for information leading to the arrest and conviction of
30 persons charged with crime.
- 31 26. Contract for the transportation of insane persons to the state
32 hospital or direct the sheriff to transport such persons. The county is
33 responsible for such expense to the extent the expense is not covered by any
34 third party payor.
- 35 27. Provide for the reasonable expenses of burial for deceased
36 indigents as provided in section 36-831 and maintain a permanent register of
37 deceased indigents, including name, age and date of death, and when burial
38 occurs, the board shall mark the grave with a permanent marker giving the
39 name, age, and date of birth, if known.
- 40 28. Sell or grant to the United States the title or interest of the
41 county in any toll road or toll train in or partly within a national park, on
42 such terms as may be agreed on by the board and the secretary of the interior
43 of the United States.
- 44 29. Enter into agreements for acquiring rights-of-way, construction,
45 reconstruction or maintenance of highways in their respective counties,

1 including highways that pass through Indian reservations, with the government
2 of the United States, acting through its duly authorized officers or agents
3 pursuant to any act of Congress, except that the governing body of any Indian
4 tribe whose lands are affected must consent to the use of its land, and any
5 such agreements entered into before June 26, 1952 are validated and
6 confirmed.

7 30. Do and perform all other acts and things necessary to the full
8 discharge of its duties as the legislative authority of the county
9 government, including receiving and accepting payment of monies by credit
10 card or debit card, or both. Any fees or costs incurred by the use of the
11 credit or debit card shall be paid by the person tendering payment unless the
12 charging entity determines that the financial benefits of accepting credit
13 cards or debit cards exceeds the additional processing fees.

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 children with intellectual disabilities and otherwise handicapped children
18 who reside within the county and attend a school for the handicapped in a
19 city or town within such 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.

32 36. Subject to the prohibitions, restrictions and limitations as set
33 forth in section 11-812, adopt and enforce standards for excavation, landfill
34 and grading to prevent unnecessary loss from erosion, flooding and
35 landslides.

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

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

1 39. Establish, maintain and operate facilities that provide for
2 physical evaluation, diagnosis and treatment of patients and that do not keep
3 patients overnight as bed patients or treat patients under general
4 anesthesia.

5 40. Enact ordinances under its police authority prescribing reasonable
6 curfews in the entire unincorporated area or any area less than the entire
7 unincorporated area of the county for minors and fines not to exceed the fine
8 for a petty offense for violation of such ordinances. Nothing in this
9 paragraph shall be construed to require a request from an association or a
10 majority of the residents of an area before the board may enact an ordinance
11 applicable to the entire or any portion of the unincorporated area. An
12 ordinance enacted pursuant to this paragraph shall provide that a minor is
13 not violating a curfew if the minor is accompanied by a parent, a guardian or
14 an adult having supervisory custody, is on an emergency errand or has been
15 specifically directed to the location on reasonable, legitimate business or
16 some other activity by the parent, guardian or adult having supervisory
17 custody. If no curfew ordinance is applicable to a particular unincorporated
18 area of the county, the board may adopt a curfew ordinance on the request or
19 petition of either:

20 (a) A homeowners' association that represents a majority of the
21 homeowners in the area covered by the association and to which the curfew
22 would apply.

23 (b) A majority of the residents of the area to which the curfew would
24 apply.

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

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

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

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

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

44 ~~46. Lease-purchase real property and improvements for real property for~~
45 ~~public purposes, provided that final payment shall be made not later than~~

~~twenty five years after the date of purchase. Any increase in the final payment date from fifteen years up to the maximum of twenty five years shall be made only on unanimous approval by the board of supervisors.~~

~~47.~~ 46. Make and enforce ordinances for the protection and disposition of domestic animals subject to inhumane, unhealthful or dangerous conditions or circumstances provided that nothing in this paragraph limits or restricts the authority granted to incorporated cities and towns or counties pursuant to section 13-2910. An ordinance enacted pursuant to this paragraph shall not restrict or limit the authority of the game and fish commission to regulate the taking of wildlife. For the purposes of this paragraph, "domestic animal" means an animal kept as a pet and not primarily for economic purposes.

~~48.~~ 47. If a part of a parcel of land is to be taken for roads, drainage, flood control or other public purposes and the board and the affected property owner determine that the remainder will be left in such a condition as to give rise to a claim or litigation concerning severance or other damage, acquire the whole parcel by purchase, donation, dedication, exchange, condemnation or other lawful means, and the remainder may be sold or exchanged for other properties needed for any public purpose.

~~49.~~ 48. Make and enforce necessary rules providing for the reimbursement of travel and subsistence expenses of members of county boards, commissions and advisory committees when acting in the performance of their duties, if the board, commission or advisory committee is authorized or required by federal or state law or county ordinance, and the members serve without compensation.

~~50.~~ 49. Provide a plan or plans for county employee benefits that allow for participation in a cafeteria plan that meets the requirements of the United States internal revenue code of 1986.

~~51.~~ 50. Provide for fringe benefits for county employees, including sick leave, personal leave, vacation and holiday pay and jury duty pay.

~~52.~~ 51. Make and enforce ordinances that are more restrictive than state requirements to reduce or encourage the reduction of carbon monoxide and ozone levels, provided an ordinance does not establish a standard for vehicular emissions, including ordinances to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the county and employees whose place of employment is in unincorporated areas of the county.

~~53.~~ 52. Make and enforce ordinances to provide for the reimbursement of up to one hundred per cent of the cost to county employees of public bus or van pool transportation to and from their place of employment.

~~54.~~ 53. Lease for public purposes any real property, improvements for real property and personal property under the same terms and conditions, to the extent applicable, as are specified in sections 11-651 and 11-653 for lease-purchases.

1 ~~55.~~ 54. Enact ordinances prescribing regulation of alarm systems and
2 providing for civil penalties to reduce the incidence of false alarms at
3 business and residential structures relating to burglary, robbery, fire and
4 other emergencies not within the limits of an incorporated city or town.

5 ~~56.~~ 55. In addition to paragraph 9 of this section, and
6 notwithstanding section 23-504, sell or dispose of, at no less than fair
7 market value, county personal property that the board deems no longer useful
8 or necessary through a retail outlet or to another government entity if the
9 personal property has a fair market value of no more than one thousand
10 dollars, or by retail sale or private bid, if the personal property has a
11 fair market value of no more than fifteen thousand dollars. Notice of sales
12 in excess of one thousand dollars shall include a description and sale price
13 of each item and shall be published in a newspaper of general circulation in
14 the county, and for thirty days after notice other bids may be submitted that
15 exceed the sale price by at least five per cent. The county shall select the
16 highest bid received at the end of the thirty day period.

17 ~~57.~~ 56. Sell services, souvenirs, sundry items or informational
18 publications that are uniquely prepared for use by the public and by
19 employees and license and sell information systems and intellectual property
20 developed from county resources that the county is not obligated to provide
21 as a public record.

22 ~~58.~~ 57. On unanimous consent of the board of supervisors, license,
23 lease or sell any county property pursuant to paragraphs 55 AND 56 ~~and 57~~ of
24 this section at less than fair market value to any other governmental entity,
25 including this state, cities, towns, public improvement districts or other
26 counties within or outside of this state, or for a specific purpose to any
27 charitable, social or benevolent nonprofit organization incorporated or
28 operating in this state.

29 ~~59.~~ 58. On unanimous consent of the board of supervisors, provide
30 technical assistance and related services to a fire district pursuant to an
31 intergovernmental agreement.

32 ~~60.~~ 59. Adopt contracting procedures for the operation of a county
33 health system pursuant to section 11-291. Before the adoption of contracting
34 procedures the board shall hold a public hearing. The board shall publish
35 one notification in a newspaper of general circulation in the county seat at
36 least fifteen days before the hearing.

37 ~~61.~~ 60. Enter into an intergovernmental agreement pursuant to chapter
38 7, article 3 of this title for a city or town to provide emergency fire or
39 emergency medical services pursuant to section 9-500.23 to a county island as
40 defined in section 11-251.12. The board may charge the owners of record in
41 the county island a fee to cover the cost of an intergovernmental agreement
42 that provides fire and emergency medical services.

43 ~~62.~~ 61. In counties that employ or have designated an animal control
44 county enforcement agent pursuant to section 11-1005, enter into agreements
45 with foundations or charitable organizations to solicit donations, property

1 or services, excluding enforcement or inspection services, for use by the
2 county enforcement agent solely to perform nonmandated services and to fund
3 capital improvements for county animal control, subject to annual financial
4 and performance audits by an independent party as designated by the county
5 board of supervisors. For the purposes of this paragraph, nonmandated
6 services are limited to low cost spay and neuter services, public education
7 and outreach efforts, pet adoption efforts, care for pets that are victims of
8 cruelty or neglect and support for volunteer programs.

9 ~~63-~~ 62. Adopt and provide for the enforcement of ordinances
10 prohibiting open fires and campfires on designated lands in the
11 unincorporated areas of the county when a determination of emergency is
12 issued by the county emergency management officer and the board deems it
13 necessary to protect public health and safety on those lands.

14 ~~64-~~ 63. Fix the amount of license fees to be paid by any person, firm,
15 corporation or association for carrying on any game or amusement business in
16 unincorporated areas of the county and prescribe the method of collection or
17 payment of those fees, for a stated period in advance, and fix penalties for
18 failure to comply by fine. Nothing in this article shall be construed as
19 authorizing any county to require an occupational license or fee for any
20 activity if state law precludes requiring such a license or fee.

21 ~~65-~~ 64. Adopt and enforce ordinances for the prevention, abatement and
22 removal of graffiti, providing that any restrictions on the retail display of
23 potential graffiti tools be limited to any of the following, as determined by
24 the retail business:

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

28 (b) In a manner that makes the product accessible to a patron of the
29 business establishment only with the assistance of an employee of the
30 establishment.

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

33 ~~66-~~ 65. Adopt ordinances and fees related to the implementation of a
34 local stormwater quality program pursuant to title 49, chapter 2, article 11.

35 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is
36 amended by adding section 11-251.16, to read:

37 11-251.16. Lease-purchase of real property and improvements;
38 certificates of participation

39 A. THE BOARD OF SUPERVISORS MAY ENTER INTO AGREEMENTS FOR THE
40 LEASE-PURCHASE OF REAL PROPERTY AND IMPROVEMENTS ON THE REAL PROPERTY SUBJECT
41 TO THE FOLLOWING:

42 1. THE FINAL PAYMENT DATE SHALL NOT BE MADE LATER THAN TWENTY-FIVE
43 YEARS FROM THE DATE OF PURCHASE. ANY INCREASE IN THE PAYMENT DATE FROM
44 FIFTEEN YEARS UP TO THE MAXIMUM OF TWENTY-FIVE YEARS SHALL BE MADE ONLY ON
45 UNANIMOUS APPROVAL OF THE BOARD OF SUPERVISORS.

1 2. OPERATING COSTS OF ANY PROJECT FOR WHICH A LEASE-PURCHASE AGREEMENT
2 HAS BEEN ENTERED INTO MAY NOT BE INCLUDED IN THE COST OF THE PROPERTY.

3 3. BEFORE ENTERING INTO ANY LEASE-PURCHASE AGREEMENT OF REAL PROPERTY
4 AND IMPROVEMENTS ON THE REAL PROPERTY, THE BOARD OF SUPERVISORS SHALL HOLD A
5 PUBLIC HEARING. THE COUNTY SHALL PRESENT DETAILS OF THE PROPOSED
6 LEASE-PURCHASE OF REAL PROPERTY. THE DETAILS SHALL INCLUDE THE NATURE OF THE
7 PROJECT, THE PROPOSED FUNDING STREAM, THE CURRENT OUTSTANDING INDEBTEDNESS OF
8 THE COUNTY AND THE STATUS OF ALL CURRENT LEASE-PURCHASES AND CURRENTLY ISSUED
9 CERTIFICATES OF PARTICIPATION.

10 B. THE BOARD OF SUPERVISORS IN A COUNTY WITH A POPULATION OF AT LEAST
11 NINE HUNDRED THOUSAND PERSONS BUT NOT MORE THAN ONE MILLION FIVE HUNDRED
12 THOUSAND PERSONS MAY ENTER INTO LEASE AGREEMENTS INCORPORATING CERTIFICATES
13 OF PARTICIPATION SUBJECT TO THE FOLLOWING:

14 1. BEFORE ISSUING ANY CERTIFICATE OF PARTICIPATION, THE DETAILS OF THE
15 PROPOSAL SHALL BE PRESENTED TO THE BOARD OF SUPERVISORS. THE INFORMATION
16 SHALL INCLUDE THE AMOUNT BEING FINANCED, THE NATURE OF THE PROJECT BEING
17 FINANCED, THE PROPOSED FUNDING STREAM AND REVENUE SOURCES TO PAY FOR THE
18 CERTIFICATE ISSUANCE, THE CURRENT OUTSTANDING INDEBTEDNESS OF THE COUNTY AND
19 THE STATUS OF ALL CURRENTLY ISSUED CERTIFICATES OF PARTICIPATION.

20 2. ON RECEIPT OF A REQUEST FOR A CERTIFICATE OF PARTICIPATION
21 PRESENTATION, THE BOARD SHALL HOLD A PUBLIC HEARING AND, ON ADOPTION BY A
22 VOTE OF THE MAJORITY OF THE BOARD, ISSUE A RECORD OF FINDINGS IN REGARDS TO
23 THE ISSUANCE OF THE CERTIFICATE WITHIN SIXTY DAYS AFTER THE REQUEST.

24 3. AS PART OF THE BOARD'S CONSIDERATIONS AND FINDINGS, THE BOARD SHALL
25 CONSIDER THE EFFECT THE ISSUANCE OF A CERTIFICATE OF PARTICIPATION HAS ON THE
26 COUNTY'S ANNUAL DEBT SERVICE AND OVERALL FISCAL CONDITION. THE BOARD SHALL
27 NOT ISSUE A CERTIFICATE OF PARTICIPATION UNLESS THE BOARD DETERMINES THAT THE
28 ISSUANCE WILL NOT NEGATIVELY IMPACT THE COUNTY'S OVERALL FISCAL CONDITION.
29 THE BOARD SHALL NOT ISSUE A CERTIFICATE OF PARTICIPATION UNLESS THE DEBT OF
30 PREVIOUSLY ISSUED CERTIFICATES OF PARTICIPATION HAS BEEN REDUCED BY AT LEAST
31 FIFTY PER CENT.

32 4. THE BOARD SHALL ONLY ISSUE CERTIFICATES OF PARTICIPATION FOR
33 CAPITAL IMPROVEMENTS AND SHALL NOT ISSUE CERTIFICATES OF PARTICIPATION FOR
34 OPERATING EXPENSES.

35 5. THE BOARD SHALL NOT USE THE PROCEEDS OF PREVIOUSLY APPROVED GENERAL
36 OBLIGATION BOND FUNDS AS A SOURCE OF REVENUE FOR REPAYMENT OF CERTIFICATES OF
37 PARTICIPATION UNLESS THE BOND QUESTION SPECIFICALLY REQUESTED VOTER
38 AUTHORIZATION TO DO SO, IN WHICH CASE THE QUESTION OF ISSUANCE NEED NOT BE
39 SUBMITTED TO THE QUALIFIED ELECTORS OF THE COUNTY.

40 6. ON A DETERMINATION BY THE BOARD THAT THE ISSUANCE OF A CERTIFICATE
41 OF PARTICIPATION IS IN THE BEST INTEREST OF THE COUNTY AND UNLESS APPROVED BY
42 A UNANIMOUS VOTE OF THE BOARD, THE QUESTION OF ISSUANCE SHALL BE SUBMITTED TO
43 THE QUALIFIED ELECTORS OF THE COUNTY AT A REGULAR OR SPECIAL ELECTION. THE
44 CERTIFICATE OF PARTICIPATION MAY NOT BE ENTERED INTO UNLESS THERE IS A

1 UNANIMOUS VOTE OF THE BOARD OR APPROVAL OF THE QUESTION BY A MAJORITY OF THE
2 QUALIFIED ELECTORS VOTING IN SUCH ELECTION.

3 7. AS PART OF THE PRELIMINARY BUDGET REQUIRED BY TITLE 42, THE BOARD
4 SHALL PUBLISH A LIST OF ALL OUTSTANDING CERTIFICATES OF PARTICIPATION ISSUED,
5 WITH THE AMOUNT OF DEBT REMAINING, THE INTEREST RATE, THE TOTAL AMOUNT
6 REMAINING TO BE PAID AND THE REVENUE SOURCES FOR PAYMENT OF THE CERTIFICATE.
7 THE BOARD SHALL FILE A COPY OF THE LIST WITH THE GOVERNOR, THE PRESIDENT OF
8 THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

9 8. THE BOARD SHALL ONLY ISSUE LONG-TERM PURCHASE OBLIGATIONS FOR
10 CAPITAL IMPROVEMENTS AND SHALL NOT ISSUE LONG-TERM PURCHASE OBLIGATIONS FOR
11 OPERATING EXPENSES.

12 9. AS PART OF THE PRELIMINARY BUDGET REQUIRED BY TITLE 42, THE BOARD
13 SHALL PUBLISH A LIST OF ALL OUTSTANDING LONG-TERM PURCHASE OBLIGATIONS
14 ENTERED INTO BY THE COUNTY WITH THE AMOUNT OF DEBT REMAINING, THE INTEREST
15 RATE, THE TOTAL AMOUNT REMAINING TO BE PAID AND THE REVENUE SOURCES FOR
16 PAYMENT OF THE LONG-TERM PAYMENT OBLIGATION.

17 Sec. 3. Title 11, chapter 4, Arizona Revised Statutes, is amended by
18 adding article 6, to read:

19 ARTICLE 6. REGIONAL BOND ACCOUNTABILITY COMMITTEE

20 11-691. Regional bond accountability committee; membership;
21 duties

22 A. A COUNTY SHALL ESTABLISH A REGIONAL BOND ACCOUNTABILITY COMMITTEE
23 CONSISTING OF THE FOLLOWING MEMBERS:

24 1. ONE MEMBER APPOINTED BY THE COUNTY BOARD OF SUPERVISORS, WHO MAY BE
25 A MEMBER OF THE BOARD OF SUPERVISORS.

26 2. ONE MEMBER APPOINTED BY THE CITY COUNCIL OF EACH INCORPORATED CITY
27 IN THE COUNTY, WHO MAY BE A MEMBER OF THE CITY COUNCIL.

28 3. ONE MEMBER APPOINTED BY THE TOWN COUNCIL OF EACH INCORPORATED TOWN
29 IN THE COUNTY, WHO MAY BE A MEMBER OF THE TOWN COUNCIL.

30 B. MEMBERS OF THE REGIONAL BOND ACCOUNTABILITY COMMITTEE SERVE AT THE
31 PLEASURE OF THE GOVERNING BODY THAT APPOINTED THE MEMBER.

32 C. THE REGIONAL BOND ACCOUNTABILITY COMMITTEE SHALL SELECT FROM THE
33 COMMITTEE MEMBERSHIP A CHAIRPERSON AND MAY ADOPT ALL RULES AND PROCEDURES
34 NECESSARY OR CONVENIENT FOR THE CONDUCT OF THE COMMITTEE'S BUSINESS.

35 D. ALL MEETINGS OF THE REGIONAL BOND ACCOUNTABILITY COMMITTEE ARE
36 SUBJECT TO TITLE 38, CHAPTER 3, ARTICLE 3.1.

37 E. ALL WORKING PAPERS AND RECORDS OF THE REGIONAL BOND ACCOUNTABILITY
38 COMMITTEE ARE PUBLIC RECORDS AND SUBJECT TO TITLE 39, CHAPTER 1.

39 F. THE CLERK OF THE COUNTY BOARD OF SUPERVISORS SHALL ACT AS THE CLERK
40 OF THE REGIONAL BOND ACCOUNTABILITY COMMITTEE, AND IS RESPONSIBLE FOR
41 MAINTAINING THE RECORDS OF THE REGIONAL BOND ACCOUNTABILITY COMMITTEE AND
42 PERFORMING ALL REASONABLE ADMINISTRATIVE FUNCTIONS SUPPORTING THE REGIONAL
43 BOND ACCOUNTABILITY COMMITTEE.

44 G. THE REGIONAL BOND ACCOUNTABILITY COMMITTEE SHALL REVIEW AND COMMENT
45 ON ANY PROPOSED LEASE-PURCHASE OF REAL PROPERTY AND IMPROVEMENTS ON THE REAL

1 PROPERTY AND LEASE AGREEMENTS INCORPORATING CERTIFICATES OF PARTICIPATION
2 AUTHORIZED BY SECTION 11-251.16. THE COMMITTEE SHALL MAKE ANY
3 RECOMMENDATIONS DEEMED NECESSARY BY THE COMMITTEE.

4 Sec. 4. Section 11-1435, Arizona Revised Statutes, is amended to read:
5 11-1435. Power to perform operating agreement

6 A. The board of directors of the nonprofit corporation has all of the
7 powers that are necessary to perform or comply with the obligations of the
8 board of supervisors or the sponsoring county under an operating agreement
9 under this chapter.

10 B. The operating agreement, and all amendments, renewals or
11 extensions, are exempt from the requirements of section 11-251, paragraphs 9,
12 18 and ~~58~~ 57 and sections 11-256, 11-256.01, 11-256.03 and 11-291.

13 C. For the purposes of any covenant, condition or restriction that may
14 apply to any real property or health system assets that are leased or
15 transferred to a nonprofit corporation under a lease agreement, the real
16 property and health system assets:

17 1. Shall be used in a manner that is consistent and complies with the
18 applicable covenants, conditions and restrictions.

19 2. Are presumed to be used for county hospital purposes consistent
20 with deed restrictions attached to the land that was conveyed to the county.