

REFERENCE TITLE: board of supervisors; seven members

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2078

Introduced by
Representatives Petersen, Lawrence, Mitchell

AN ACT

AMENDING SECTIONS 11-211, 11-212, 11-802 AND 48-5105, ARIZONA REVISED
STATUTES; RELATING TO COUNTY BOARD OF SUPERVISORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-211, Arizona Revised Statutes, is amended to
3 read:

4 11-211. Membership; qualifications; term

5 A. EACH COUNTY THAT HAS A POPULATION OF ONE MILLION OR MORE PERSONS
6 SHALL HAVE A BOARD OF SUPERVISORS CONSISTING OF SEVEN MEMBERS WHO SHALL BE
7 QUALIFIED ELECTORS OF THEIR SUPERVISORIAL DISTRICT.

8 ~~B. There shall be in~~ Each county ~~having~~ THAT HAS a population of one
9 hundred seventy-five thousand or more persons BUT LESS THAN ONE MILLION
10 PERSONS SHALL HAVE a board of supervisors consisting of five members who
11 shall be qualified electors of their supervisorial district. ~~, and who shall~~
12 ~~be elected at a general election at which the president of the United States~~
13 ~~is elected.~~ In Each county ~~having~~ THAT HAS a population of less than one
14 hundred seventy-five thousand persons, ~~SHALL HAVE~~ a board of supervisors
15 ~~shall consist~~ CONSISTING of three members, except as prescribed by subsection
16 ~~B- D~~ or ~~C- E~~ of this section, who shall be qualified electors of their
17 supervisorial district. ~~and who~~

18 C. MEMBERS OF A BOARD OF SUPERVISORS shall be elected at a general
19 election at which the president of the United States is elected. They shall
20 enter on their duties on January 1 subsequent to their election, ~~and shall~~
21 hold office for four years. No person holding any other county or precinct
22 office is eligible to the office of supervisor.

23 ~~B- D.~~ Any county having a population of less than one hundred fifty
24 thousand persons but more than one hundred thousand persons shall call an
25 election to change from a three-member to a five-member board of supervisors,
26 or from a five-member to a three-member board of supervisors, on receipt by
27 the board of supervisors of a petition containing signatures of qualified
28 electors equal to at least ten ~~per cent~~ PERCENT of the votes cast in the
29 county at the preceding general election at which a president of the United
30 States was elected. The board shall submit to the electors in the county, at
31 a special election called for that purpose, the question whether or not the
32 county shall elect five members or three members to the board of supervisors.
33 The election shall be held before the first Monday in January preceding the
34 next general election. The ballots shall contain the words: "Five
35 supervisors, yes. Five supervisors, no." or "Three supervisors, yes. Three
36 supervisors, no." If the majority of the qualified electors voting on the
37 question votes in the affirmative, the board of supervisors shall redistrict
38 the county in accordance with section 11-212. The county shall thereafter
39 elect the prescribed number of members to the board of supervisors who shall
40 be elected in the manner provided in subsection ~~A- C~~ of this section and have
41 the same qualifications as provided in subsection ~~A- B~~ of this section ~~for a~~
42 ~~board of supervisors with a population of one hundred seventy-five thousand~~
43 ~~or more persons,~~ and shall hold office for a term of four years to commence
44 on January 1.

1 ~~C~~ E. Any county having a population of at least one hundred fifty
2 thousand persons but not more than one hundred seventy-five thousand persons
3 and having a county board of supervisors that consists of three persons shall
4 submit to the electors in the county, at the next general election after the
5 release of the population estimate from the office of employment and
6 population statistics, the question of whether the county shall elect five
7 members to the board of supervisors. The ballots must contain the words:
8 "Five supervisors, yes. Five supervisors, no." If approved by a majority of
9 the qualified electors of that county who voted on the question, the board of
10 supervisors shall redistrict the county pursuant to section 11-212. The
11 county thereafter shall elect at the next general election immediately
12 following the election at which the question is approved the prescribed
13 number of members to the board of supervisors who shall have the same
14 qualifications as provided in subsection ~~A~~ B of this section. The following
15 apply to the election for the county board of supervisors prescribed in this
16 subsection:

17 1. If the next general election immediately following the election at
18 which the question is approved is held in a year that is the last year of the
19 four-year term of the three members of the county board of supervisors who
20 are already holding office, the five persons elected to the county board of
21 supervisors hold office for a term of four years to commence on January 1
22 immediately following their election.

23 2. If the next general election immediately following the election at
24 which the question is approved is held in a year that is not the last year of
25 the four-year term of the three members of the county board of supervisors
26 who are already holding office, the two additional persons elected to the
27 county board of supervisors hold office for a term of four years to commence
28 on January 1 immediately following their election. The three members of the
29 county board of supervisors who are already holding office continue to serve
30 their four-year terms of office without regard to whether they are residents
31 of the newly redrawn supervisorial districts for the remainder of those
32 four-year terms. Thereafter, members of the board of supervisors must be
33 residents of their supervisorial district and the term of office for members
34 of that county board of supervisors shall be staggered four-year terms.

35 3. For the election at which the question of whether the county shall
36 elect five members to the board of supervisors is on the ballot, the county
37 shall include in the publicity pamphlet an estimate of the cost to the county
38 for each additional member to the board of supervisors.

39 4. For the purposes of this subsection, "population" means the
40 population according to the annual population estimate provided by the office
41 of employment and population statistics.

42 Sec. 2. Section 11-212, Arizona Revised Statutes, is amended to read:

43 11-212. Supervisorial districts

44 The board of supervisors shall meet at the county seat on or before
45 December 1 following the release of the United States decennial census data

1 and divide the county into three, ~~or~~ five OR SEVEN supervisorial districts as
2 provided in this article, which shall be numbered, respectively, districts
3 one, two and three, ~~or~~ districts one, two, three, four and five OR DISTRICTS
4 ONE, TWO, THREE, FOUR, FIVE, SIX AND SEVEN. The board shall define the
5 boundaries and limits of each district and make the division equal or with
6 not more than ten ~~per-cent~~ PERCENT difference in population. The county may
7 redistrict as often as deemed necessary between each United States decennial
8 census.

9 Sec. 3. Section 11-802, Arizona Revised Statutes, is amended to read:

10 11-802. County planning and zoning commissions

11 A. The board of supervisors of a county, in order to conserve and
12 promote the public health, safety, convenience and general welfare and
13 pursuant to this chapter, shall plan and provide for the future growth and
14 improvement of its area of jurisdiction, coordinate all public improvements
15 pursuant to the plan, form a planning and zoning commission to consult with
16 and advise it regarding matters of planning, zoning and subdivision platting
17 and, in the manner provided in this chapter, adopt and enforce those rules,
18 regulations, ordinances and plans as may apply to the development of its area
19 of jurisdiction.

20 B. The commission shall act in an advisory capacity to the board and
21 may or, if requested by the board, shall make a report or recommendation in
22 connection with any matter relating to the development of the county under
23 the jurisdiction of the board. The commission shall make those
24 investigations, maps, reports and recommendations in connection with those
25 investigations, maps and reports as seem desirable within the limits of the
26 monies available.

27 C. In the counties ~~having~~ THAT HAVE three supervisorial districts,
28 each county planning and zoning commission shall consist of nine members who
29 shall be qualified electors of the county. Three members shall be appointed
30 from each supervisorial district by the supervisor from that district, and
31 not more than one of the three may be a resident of an incorporated
32 municipality. Members of the commission shall serve without compensation
33 except for reasonable travel expenses.

34 D. Except as provided in subsection ~~E~~ F of this section, in the
35 counties ~~having~~ THAT HAVE five supervisorial districts, each county planning
36 and zoning commission shall consist of ten members who shall be qualified
37 electors of the county. Two members shall be appointed from each
38 supervisorial district by the supervisor from that district. Members shall
39 be residents of the district from which they are appointed. Members of the
40 commission shall serve without compensation except for reasonable travel
41 expenses.

42 E. EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, IN THE COUNTIES
43 THAT HAVE SEVEN SUPERVISORIAL DISTRICTS, EACH COUNTY PLANNING AND ZONING
44 COMMISSION SHALL CONSIST OF FOURTEEN MEMBERS WHO SHALL BE QUALIFIED ELECTORS
45 OF THE COUNTY. TWO MEMBERS SHALL BE APPOINTED FROM EACH SUPERVISORIAL

1 DISTRICT BY THE SUPERVISOR FROM THAT DISTRICT. MEMBERS SHALL BE RESIDENTS OF
2 THE DISTRICT FROM WHICH THEY ARE APPOINTED. MEMBERS OF THE COMMISSION SHALL
3 SERVE WITHOUT COMPENSATION EXCEPT FOR REASONABLE TRAVEL EXPENSES.

4 ~~E.~~ F. If any supervisorial district is at least ninety ~~per-cent~~
5 PERCENT Indian reservation and at least ninety ~~per-cent~~ PERCENT of the
6 district is not subject to county zoning regulations, the supervisor from the
7 district may appoint some or all of the members to the commission from any
8 supervisorial district in the county if there is no appointee who is willing
9 to serve within the supervisorial district. These appointments are subject
10 to the limitations on residency required by subsections C, ~~and~~ D AND E of
11 this section. Members appointed to the commission pursuant to this
12 subsection require the approval of the board.

13 ~~F.~~ G. In counties with a population of less than one hundred
14 seventy-nine thousand persons, an alternate member may be appointed by the
15 appointing supervisor for each commission member appointed pursuant to
16 subsections C, D, ~~and~~ E AND F of this section to serve in the absence of that
17 member. Alternate members may be appointed from any supervisorial district
18 in the county. During any meeting of the commission, if the regularly
19 appointed member becomes available, the alternate member shall conclude any
20 action on the agenda item under consideration and the regularly appointed
21 member shall be seated for the remaining items.

22 ~~G.~~ H. The terms of the members of the commissions shall be for four
23 years except for those initially appointed. Of those members initially
24 appointed pursuant to subsection C of this section, five members shall be
25 appointed to a two-year term and four members shall be appointed to a
26 four-year term. Of those members initially appointed pursuant to subsection
27 D of this section, five members shall be appointed to a two-year term and
28 five members shall be appointed to a four-year term. OF THOSE MEMBERS
29 APPOINTED PURSUANT TO SUBSECTION E OF THIS SECTION, SEVEN MEMBERS SHALL BE
30 APPOINTED TO A TWO-YEAR TERM AND SEVEN MEMBERS SHALL BE APPOINTED TO A
31 FOUR-YEAR TERM. Thereafter, each term shall be four years. If a vacancy
32 occurs ~~otherwise~~ OTHER than by expiration of term, the vacancy shall be
33 filled by appointment for the unexpired portion of the term. The board may
34 remove members of the commission for cause.

35 ~~H.~~ I. On a conversion from three to five supervisorial districts OR
36 FIVE TO SEVEN SUPERVISORIAL DISTRICTS pursuant to section 11-212, the board
37 of supervisors, on expiration of the terms of members of the commission
38 serving on the date of the conversion, shall make those appointments to fill
39 the vacancies to conform to subsection D OR E of this section as soon as is
40 practicable.

41 ~~I.~~ J. The county assessor, county engineer, county health officer and
42 county attorney shall serve in an advisory capacity to the commission and to
43 the boards of adjustment.

44 ~~J.~~ K. The commission shall:

- 1 1. Elect a chairperson from among its members for a term of one year
2 and ~~those~~ ANY other officers as it determines.
- 3 2. By resolution fix the time and place within the district of regular
4 meetings, hold at least one regular meeting each month when there is new
5 official business to transact and hold additional meetings as the chairperson
6 or a majority of the commission deems necessary.
- 7 3. Adopt rules for the transaction of business and keep a record of
8 its resolutions, transactions, findings and determinations, which record
9 shall be a public record and be open to public inspection.
- 10 4. Transmit all of its recommendations, decisions, findings, reports
11 and official actions, regardless of vote, to the board of supervisors.
- 12 ~~K.~~ L. A majority of the commission constitutes a quorum for the
13 transaction of business and a majority vote of the quorum is required for any
14 official action.
- 15 Sec. 4. Section 48-5105, Arizona Revised Statutes, is amended to read:
16 48-5105. Board of directors
- 17 A. A board composed of the following members shall govern the
18 authority:
- 19 1. From each municipality that enters into the authority, one elected
20 official who is appointed by the respective governing body of the
21 municipality.
- 22 2. One county supervisor who is appointed by the county board of
23 supervisors, if the county enters into the authority.
- 24 B. The term of each member is two years unless the member is no longer
25 serving in the member's elected capacity, in which case the membership is
26 vacant. The respective governing body shall fill a vacancy under subsection
27 A of this section.
- 28 C. Each municipality or county may provide for an alternate board
29 member who is also an elected official. Section 11-211, subsection ~~A~~ C does
30 not apply to a county supervisor serving on the board. If an elected
31 official of a municipality is prohibited from serving on the board, the
32 governing body of the municipality shall appoint an official of the
33 municipality who is not prohibited from serving on the board.
- 34 D. The voting members of the authority are entitled to one vote for
35 each member unless a voting member requests a weighted vote. If a weighted
36 vote is requested, the following apply:
- 37 1. Each member of the board is entitled to a percentage vote based on
38 the proportion of the population the member represents to the total
39 population represented by all members of the board, except as provided in
40 paragraph 4 of this subsection.
- 41 2. If a municipality is a member of the board, its proportion of the
42 population shall be calculated on the basis of the population in the
43 incorporated area of the municipality.

1 3. If the county is a member of the board, its proportion of the
2 population shall be calculated on the basis of the population in the
3 unincorporated area of the county.

4 4. The weighted vote of any single member shall not exceed forty ~~per~~
5 ~~cent~~ PERCENT of the total weighted vote. If any member's proportion of the
6 population as calculated in this subsection entitles it to a weighted vote in
7 excess of forty ~~per-cent~~ PERCENT, the limitation on its percentage does not
8 affect the calculation of the weighted vote of each other member.

9 E. For the purpose of preliminary approval of a regional public
10 transportation system plan, the voting provisions of subsection D of this
11 section apply, except that if a weighted vote is requested, in addition to
12 the provisions provided in subsection D of this section relating to a
13 weighted vote, a minimum of one-third of the voting members is also required
14 for preliminary approval of the plan.

15 Sec. 5. Applicability

16 Notwithstanding any other law, on the effective date of this act, a
17 county, with an existing board of supervisors consisting of five members,
18 that has a population of one million or more persons according to the 2010
19 United States decennial census shall begin the process of electing two
20 additional supervisors at the 2018 general election. The board of
21 supervisors of these counties shall form seven supervisorial districts as
22 provided by section 11-212, Arizona Revised Statutes. The two additional
23 persons elected to the board of supervisors hold office for a term of two
24 years to begin on January 1 immediately following their election. The five
25 members of the board of supervisors who are already holding office continue
26 to serve their four-year terms of office for the remainder of those four-year
27 terms without regard to whether they are residents of the newly redrawn
28 supervisorial districts. Thereafter, members of the board of supervisors
29 must be residents of their supervisorial districts and shall be elected as
30 provided in section 11-211, subsection C, Arizona Revised Statutes.