



HOUSE OF REPRESENTATIVES

SB 1047

county attorney; powers and duties

Prime Sponsor: Senator Kavanagh, LD 23

DP Committee on Judiciary

X Caucus and COW

House Engrossed

OVERVIEW

SB 1047 allows a county attorney to provide civil legal services to another city, town or county at the request of that county, city or town's *general counsel*.

PROVISIONS

1. Permits a county attorney to provide civil legal services to another county or political subdivision or to an officer, employee or agency of a political subdivision at the request of the entity's *general counsel*.
2. Defines *general counsel* as an elected or appointed county attorney, city attorney or town attorney.
3. Makes technical changes.

CURRENT LAW

[A.R.S. § 11-532](#) outlines the powers and duties of the county attorney, who is the public prosecutor for the county. [Laws 2010, Ch. 319, § 1](#) added Subsection E, which allows any county attorney to provide civil legal services for another county or political subdivision pursuant to an intergovernmental agreement (IGA) entered into by the county and the other entity. The IGA must include any payment that will be made and the scope of representation. This section also permits a county attorney to obtain civil legal services for the county or for any officer, employee or agency of the county from another county or political subdivision, pursuant to an IGA.

A.R.S. Title 11, Chapter 7, Article 3 governs the joint exercise of powers for counties. [A.R.S. § 11-952](#) grants the authority for public agencies to enter into IGAs, includes the information that must be included in IGAs and outlines the process for adopting an IGA. All IGAs must be submitted to the entity's attorney to determine whether the agreement is in proper form and within the powers and authority granted to the entity. Prior to being effective, an IGA must be adopted through ordinance or resolution by the governing body of each participating agency.