

COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2037
(Reference to printed 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
8 officers of all districts and other subdivisions of the county charged with
9 assessing, collecting, safekeeping, managing or disbursing the public
10 revenues, see that the officers faithfully perform their duties and direct
11 prosecutions for delinquencies, and, when necessary, require the officers
12 to renew their official bonds, make reports and present their books and
13 accounts for inspection.

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

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

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

1 5. Provide for the care and maintenance of the sick of the county,
2 erect and maintain hospitals for that purpose and, in its discretion,
3 provide a farm in connection with the county hospital and adopt ordinances
4 for working the farm.

5 6. Provide suitable rooms for county purposes.

6 7. Purchase, receive by donation or lease real or personal property
7 necessary for the use of the county prison and take care of, manage and
8 control the property, but a purchase of real property shall not be made
9 unless the value has been previously estimated by three disinterested
10 citizens of the county, appointed by the board for that purpose, and not
11 more than the appraised value shall be paid for the property.

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

15 9. Sell at public auction, after thirty days' previous notice given
16 by publication in a newspaper of the county, stating the time and place of
17 the auction, and convey to the highest bidder, for cash or contract of
18 purchase extending not more than ten years after the date of sale and on
19 such terms and for such consideration as the board shall prescribe, any
20 property belonging to the county that the board deems advantageous for the
21 county to sell, or that the board deems unnecessary for use by the county,
22 and shall pay the proceeds of the sale into the county treasury for use of
23 the county, except that personal property need not be sold but may be used
24 as a trade-in on the purchase of personal property when the board deems
25 this disposition of the personal property to be in the best interests of
26 the county. If the property for sale is real property, the board shall
27 have the property appraised by an appraiser who is licensed or certified
28 pursuant to title 32, chapter 36. The appraiser shall establish a market
29 value as defined in section 28-7091 for the property. The minimum
30 acceptable bid for the purchase of the property shall be at least ninety
31 percent of the market value, except that if the property has no market
32 value or a net value as defined in section 28-7095, subsection F of \$10,000
33 or less, the value of the property may be justified by a market analysis

1 that is based on comparable sales. The notice regarding the sale of real
2 property shall be published in the county where the property is situated
3 and may be published in one or more other counties, and shall contain,
4 among other things, the appraised value, the minimum acceptable sale price,
5 and the common and legal description of the real property. Notwithstanding
6 the requirement for a sale at public auction prescribed in this paragraph,
7 a county, with unanimous consent of the board and without a public auction,
8 may sell or lease any county property to any other duly constituted
9 governmental entity, including the state, cities, towns and other
10 counties. A county, with unanimous consent of the board and without public
11 auction, may grant an easement on county property for public purposes to a
12 utility as defined in section 40-491. A county, with unanimous consent of
13 the board and without public auction, may sell or lease any county property
14 for a specific use to any solely charitable, social or benevolent nonprofit
15 organization incorporated or operating in this state. A county may dispose
16 of surplus equipment and materials that have little or no value or that are
17 unauctionable in any manner authorized by the board.

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

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

31 12. Levy such tax annually on the taxable property of the county as
32 may be necessary to defray the general current expenses thereof, including

1 salaries otherwise unprovided for, and levy such other taxes as are
2 required to be levied by law.

3 13. Equalize assessments.

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

6 15. Insure the county buildings in the name of and for the benefit
7 of the county.

8 16. Fill by appointment all vacancies occurring in county or
9 precinct offices.

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

12 18. With the approval of the department of health services, contract
13 with any qualified person to provide all or part of the health services,
14 funded through the department of health services with federal or state
15 monies, that the board in its discretion extends to residents of the
16 county.

17 19. Contract for county printing and advertising, and provide books
18 and stationery for county officers.

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

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

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

27 23. Establish, maintain and conduct or aid in establishing,
28 maintaining and conducting public aviation fields, purchase, receive by
29 donation or lease any property necessary for that purpose, lease, at a
30 nominal rental if desired, sell such aviation fields or property to the
31 United States or any department, or sell or lease such aviation fields to a
32 city, exchange lands acquired pursuant to this section for other lands, or
33 act in conjunction with the United States in maintaining, managing and

1 conducting all such property. If any such property or part of that
2 property is not needed for these purposes, it shall be sold by the board
3 and the proceeds shall be paid into the general fund of the county.

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

6 25. Authorize the sheriff to offer a reward, not exceeding \$10,000
7 in one case, for information leading to the arrest and conviction of
8 persons charged with crime.

9 26. Contract for the transportation of insane persons to the state
10 hospital or direct the sheriff to transport such persons. The county is
11 responsible for such expense to the extent the expense is not covered by
12 any third-party payor.

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

18 28. Sell or grant to the United States the title or interest of the
19 county in any toll road or toll train in or partly within a national park,
20 on such terms as may be agreed on by the board and the secretary of the
21 interior of the United States.

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

30 30. Do and perform all other acts and things necessary to the full
31 discharge of its duties as the legislative authority of the county
32 government, including receiving and accepting payment of monies by credit
33 card or debit card, or both. Any fees or costs incurred by the use of the

1 credit or debit card shall be paid by the person tendering payment unless
2 the charging entity determines that the financial benefits of accepting
3 credit cards or debit cards exceeds the additional processing fees.

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

6 32. Budget for funds for foster home care during the school week for
7 children with intellectual disabilities and children with other
8 disabilities who reside within the county and attend a school for students
9 with disabilities in a city or town within the county.

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

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

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

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

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

31 38. Provide pecuniary compensation as salary or wages for overtime
32 work performed by county employees, including those employees covered by
33 title 23, chapter 2, article 9. In so providing, the board may establish

1 salary and wage plans incorporating classifications and conditions
2 prescribed by the federal fair labor standards act.

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

7 40. Enact ordinances under its police authority prescribing
8 reasonable curfews in the entire unincorporated area or any area less than
9 the entire unincorporated area of the county for minors and fines not to
10 exceed the fine for a petty offense for violation of such ordinances. This
11 paragraph does not require a request from an association or a majority of
12 the residents of an area before the board may enact an ordinance applicable
13 to the entire or any portion of the unincorporated area. An ordinance
14 enacted pursuant to this paragraph shall provide that a minor is not
15 violating a curfew if the minor is accompanied by a parent, a guardian or
16 an adult having supervisory custody, is on an emergency errand or has
17 been specifically directed to the location on reasonable, legitimate
18 business or some other activity by the parent, guardian or adult having
19 supervisory custody. If no curfew ordinance is applicable to a
20 particular unincorporated area of the county, the board may adopt a curfew
21 ordinance on the request or petition of either:

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

25 (b) A majority of the residents of the area to which the curfew
26 would apply.

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

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

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

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

12 45. Purchase real property for public purposes, provided that final
13 payment is made not later than five years after the date of purchase.

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

19 47. Make and enforce ordinances for the protection and disposition
20 of domestic animals subject to inhumane, unhealthful or dangerous
21 conditions or circumstances. An ordinance enacted pursuant to this
22 paragraph shall not restrict or limit the authority of the game and fish
23 commission to regulate the taking of wildlife. This paragraph does not
24 limit or restrict the authority granted to cities, towns or counties
25 pursuant to section 13-2910. For the purposes of this paragraph, "domestic
26 animal" means an animal kept as a pet and not primarily for economic
27 purposes.

28 48. If a part of a parcel of land is to be taken for roads,
29 drainage, flood control or other public purposes and the board and the
30 affected property owner determine that the remainder will be left in such a
31 condition as to give rise to a claim or litigation concerning severance or
32 other damage, acquire the whole parcel by purchase, donation, dedication,

1 exchange, condemnation or other lawful means, and the remainder may be sold
2 or exchanged for other properties needed for any public purpose.

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

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

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

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

21 53. Make and enforce ordinances to provide for the reimbursement of
22 up to one hundred percent of the cost to county employees of public bus or
23 van pool transportation to and from their place of employment.

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

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

32 56. In addition to paragraph 9 of this section, and notwithstanding
33 section 23-504, sell or dispose of, at no less than market value, county

1 personal property that the board deems no longer useful or necessary
2 through a retail outlet or to another government entity if the personal
3 property has a market value of not more than \$1,000, or by retail sale or
4 private bid, if the personal property has a market value of not more than
5 \$15,000. Notice of sales in excess of \$1,000 shall include a description
6 and sale price of each item and shall be published in a newspaper of
7 general circulation in the county, and for thirty days after notice other
8 bids may be submitted that exceed the sale price by at least five percent.
9 The county shall select the highest bid received at the end of the
10 thirty-day period.

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

16 58. On unanimous consent of the board of supervisors, license, lease
17 or sell any county property pursuant to paragraphs 56 and 57 of this
18 section at less than market value to any other governmental entity,
19 including this state, cities, towns, public improvement districts or other
20 counties within or outside of this state, or for a specific purpose to any
21 charitable, social or benevolent nonprofit organization incorporated or
22 operating in this state.

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

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

31 61. Enter into an intergovernmental agreement pursuant to chapter 7,
32 article 3 of this title for a city or town to provide emergency fire or
33 emergency medical services pursuant to section 9-500.23 to a county island

1 as defined in section 11-251.12. The board may charge the owners of record
2 in the county island a fee to cover the cost of an intergovernmental
3 agreement that provides fire and emergency medical services.

4 62. In counties that employ or have designated an animal control
5 county enforcement agent pursuant to section 11-1005, enter into agreements
6 with foundations or charitable organizations to solicit donations, property
7 or services, excluding enforcement or inspection services, for use by the
8 county enforcement agent solely to perform nonmandated services and to fund
9 capital improvements for county animal control, subject to annual financial
10 and performance audits by an independent party as designated by the county
11 board of supervisors. For the purposes of this paragraph, nonmandated
12 services are limited to low cost spay and neuter services, public education
13 and outreach efforts, pet adoption efforts, care for pets that are victims
14 of cruelty or neglect and support for volunteer programs.

15 63. Adopt and provide for the enforcement of ordinances prohibiting
16 open fires and campfires on designated lands in the unincorporated areas of
17 the county when a determination of emergency is issued by the county
18 emergency management officer and the board deems it necessary to protect
19 public health and safety on those lands.

20 64. Fix the amount of license fees to be paid by any person, firm,
21 corporation or association for carrying on any game or amusement business
22 in unincorporated areas of the county and prescribe the method of
23 collection or payment of those fees, for a stated period in advance, and
24 fix penalties for failure to comply by fine. This article does not
25 authorize any county to require an occupational license or fee for any
26 activity if state law precludes requiring such a license or fee.

27 65. Adopt and enforce ordinances for the prevention, abatement and
28 removal of graffiti, providing that any restrictions on the retail display
29 of potential graffiti tools be limited to any of the following, as
30 determined by the retail business:

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

1 (b) In a manner that makes the product accessible to a patron of the
2 business establishment only with the assistance of an employee of the
3 establishment.

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

6 66. Adopt ordinances and fees related to the implementation of a
7 local stormwater quality program pursuant to title 49, chapter 2,
8 article 11.

9 67. ENTER INTO AGREEMENTS WITH FEDERAL, STATE AND LOCAL
10 GOVERNMENTS, INCLUDING SPECIAL TAXING DISTRICTS, FOR THE ACCEPTANCE,
11 MANAGEMENT AND DISTRIBUTION OF FEDERAL FUNDS RELATED TO PROJECTS TO
12 INCREASE WATER SUPPLY AND AVAILABILITY."

13 Amend title to conform

And, as so amended, it do pass

GAIL GRIFFIN
CHAIRMAN

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