

REFERENCE TITLE: board of supervisors; membership

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1277

Introduced by
Senator Mesnard

AN ACT

AMENDING SECTIONS 11-211, 11-212, 11-802 AND 48-5105, ARIZONA REVISED STATUTES; RELATING TO COUNTY BOARDS 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. There shall be in each county having a population of one hundred~~
6 ~~seventy-five thousand or more persons a board of supervisors consisting of~~
7 ~~five members who shall be qualified electors of their supervisorial~~
8 ~~district, and who shall be elected at a general election at which the~~
9 ~~president of the United States is elected. In each county having a~~
10 ~~population of less than one hundred seventy-five thousand persons, a board~~
11 ~~of supervisors shall consist of three members, except as prescribed by~~
12 ~~subsection B or C of this section, who~~

13 A. IN EACH COUNTY THERE SHALL BE A BOARD OF SUPERVISORS CONSISTING
14 OF A NUMBER OF MEMBERS BASED ON THE COUNTY POPULATION AS FOLLOWS:

15 1. FOR COUNTIES WITH A POPULATION OF LESS THAN ONE HUNDRED
16 SEVENTY-FIVE THOUSAND PERSONS, THREE MEMBERS, EXCEPT AS PRESCRIBED IN
17 SUBSECTION C OR D OF THIS SECTION.

18 2. FOR COUNTIES WITH A POPULATION OF ONE HUNDRED SEVENTY-FIVE
19 THOUSAND OR MORE PERSONS BUT LESS THAN ONE MILLION PERSONS, FIVE MEMBERS.

20 3. FOR COUNTIES WITH A POPULATION OF ONE MILLION OR MORE PERSONS
21 BUT LESS THAN THREE MILLION PERSONS, SEVEN MEMBERS.

22 4. FOR COUNTIES WITH A POPULATION OF THREE MILLION OR MORE PERSONS,
23 NINE MEMBERS.

24 B. EACH MEMBER OF THE BOARD shall be A qualified ~~electors~~ ELECTOR
25 of ~~their~~ THE MEMBER'S supervisorial district and ~~who~~ shall be elected at a
26 general election at which the president of the United States is elected.
27 ~~They~~ MEMBERS shall enter on their duties on January 1 subsequent to their
28 election, and shall hold office for four years. ~~No~~ A person holding any
29 other county or precinct office is ~~eligible to~~ INELIGIBLE FOR the office
30 of supervisor.

31 ~~B.~~ C. Any county ~~having~~ WITH a population of less than one hundred
32 fifty thousand persons but more than one hundred thousand persons shall
33 call an election to change from a three-member to a five-member board of
34 supervisors, or from a five-member to a three-member board of supervisors,
35 on receipt by the board of supervisors of a petition containing signatures
36 of qualified electors equal to at least ten percent of the votes cast in
37 the county at the preceding general election at which a president of the
38 United States was elected. The board shall submit to the electors in the
39 county, at a special election called for that purpose, the question OF
40 whether ~~or not~~ the county shall elect five members or three members to the
41 board of supervisors. The election shall be held before the first Monday
42 in January preceding the next general election. The ballots shall contain
43 the words: "Five supervisors, yes. Five supervisors, no." or "Three
44 supervisors, yes. Three supervisors, no." If the majority of the
45 qualified electors voting on the question votes in the affirmative, the

1 board of supervisors shall redistrict the county in accordance with
2 section 11-212. The county shall thereafter elect the prescribed number
3 of members to the board of supervisors who shall be elected in the manner
4 provided in subsection ~~A~~ B of this section and have the same
5 qualifications as provided in subsection ~~A~~ B of this section for a board
6 of supervisors with a population of one hundred seventy-five thousand or
7 more persons, and shall hold office for a term of four years to commence
8 on January 1.

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

25 1. If the next general election immediately following the election
26 at which the question is approved is held in a year that is the last year
27 of the four-year term of the three members of the county board of
28 supervisors who are already holding office, the five persons elected to
29 the county board of supervisors hold office for a term of four years to
30 commence on January 1 immediately following their election.

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

44 3. For the election at which the question of whether the county
45 shall elect five members to the board of supervisors is on the ballot, the

1 county shall include in the publicity pamphlet an estimate of the cost to
2 the county for each additional member to the board of supervisors.

3 4. For the purposes of this subsection, "population" means the
4 population according to the annual population estimate provided by the
5 office of economic opportunity.

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

8 11-212. Supervisorial districts

9 A. The board of supervisors shall meet at the county seat on or
10 before December 1 following the release of the United States decennial
11 census data and divide the county into three, ~~or~~ five, SEVEN OR NINE
12 supervisorial districts as provided in this article, which shall be
13 numbered, respectively: ~~,~~

- 14 1. Districts one, two and three. ~~or~~
- 15 2. Districts one, two, three, four and five.
- 16 3. DISTRICTS ONE, TWO, THREE, FOUR, FIVE, SIX AND SEVEN.
- 17 4. DISTRICTS ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND
18 NINE.

19 B. The board shall define the boundaries and limits of each
20 district and make the division equal or with not more than ten ~~per cent~~
21 PERCENT difference in population. The county may redistrict as often as
22 deemed necessary between each United States decennial census.

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

25 11-802. County planning and zoning commissions

26 A. The board of supervisors of a county, in order to conserve and
27 promote the public health, safety, convenience and general welfare and
28 pursuant to this chapter, shall plan and provide for the future growth and
29 improvement of its area of jurisdiction, coordinate all public
30 improvements pursuant to the plan, form a planning and zoning commission
31 to consult with and advise it regarding matters of planning, zoning and
32 subdivision platting and, in the manner provided in this chapter, adopt
33 and enforce those rules, regulations, ordinances and plans as may apply to
34 the development of its area of jurisdiction.

35 B. The commission shall act in an advisory capacity to the board
36 and may or, if requested by the board, shall make a report or
37 recommendation in connection with any matter relating to the development
38 of the county under the jurisdiction of the board. The commission shall
39 make those investigations, maps, reports and recommendations in connection
40 with those investigations, maps and reports as seem desirable within the
41 limits of the monies available.

42 C. In the counties having three supervisorial districts, each
43 county planning and zoning commission shall consist of nine members who
44 shall be qualified electors of the county. Three members shall be
45 appointed from each supervisorial district by the supervisor from that

1 district, and not more than one of the three may be a resident of an
 2 incorporated municipality. Members of the commission shall serve without
 3 compensation except for reasonable travel expenses.

4 D. Except as provided in subsection E of this section, in the
 5 counties having five supervisorial districts, each county planning and
 6 zoning commission shall consist of ten members who shall be qualified
 7 electors of the county. Two members shall be appointed from each
 8 supervisorial district by the supervisor from that district. Members
 9 shall be residents of the district from which they are appointed. Members
 10 of the commission shall serve without compensation except for reasonable
 11 travel expenses.

12 E. If any supervisorial district is at least ninety ~~per cent~~
 13 PERCENT Indian reservation and at least ninety ~~per cent~~ PERCENT of the
 14 district is not subject to county zoning regulations, the supervisor from
 15 the district may appoint some or all of the members to the commission from
 16 any supervisorial district in the county if there is no appointee who is
 17 willing to serve within the supervisorial district. These appointments
 18 are subject to the limitations on residency required by subsections C and
 19 D of this section. Members appointed to the commission pursuant to this
 20 subsection require the approval of the board.

21 F. In counties with a population of less than one hundred
 22 seventy-nine thousand persons, an alternate member may be appointed by the
 23 appointing supervisor for each commission member appointed pursuant to
 24 subsections C, D and E of this section to serve in the absence of that
 25 member. Alternate members may be appointed from any supervisorial
 26 district in the county. During any meeting of the commission, if the
 27 regularly appointed member becomes available, the alternate member shall
 28 conclude any action on the agenda item under consideration and the
 29 regularly appointed member shall be seated for the remaining items.

30 G. The terms of the members of the commissions shall be for four
 31 years except for those initially appointed. Of those members initially
 32 appointed pursuant to subsection C of this section, five members shall be
 33 appointed to a ~~two-year~~ TWO-YEAR term and four members shall be appointed
 34 to a ~~four-year~~ FOUR-YEAR term. Of those members initially appointed
 35 pursuant to subsection D of this section, five members shall be appointed
 36 to a ~~two-year~~ TWO-YEAR term and five members shall be appointed to a ~~four~~
 37 ~~year~~ FOUR-YEAR term. Thereafter, each term shall be four years. If a
 38 vacancy occurs otherwise than by expiration of term, the vacancy shall be
 39 filled by appointment for the unexpired portion of the term. The board
 40 may remove members of the commission for cause.

41 H. On a conversion from ~~three to five~~ OF supervisorial districts
 42 pursuant to section 11-212, the board of supervisors, on expiration of the
 43 terms of members of the commission serving on the date of the conversion,
 44 shall make those appointments to fill the vacancies to conform to
 45 subsection D of this section as soon as is practicable.

1 I. The county assessor, county engineer, county health officer and
2 county attorney shall serve in an advisory capacity to the commission and
3 to the boards of adjustment.

4 J. The commission shall:

5 1. Elect a chairperson from among its members for a term of one
6 year and those other officers as it determines.

7 2. By resolution fix the time and place within the district of
8 regular meetings, hold at least one regular meeting each month when there
9 is new official business to transact and hold additional meetings as the
10 chairperson or a majority of the commission deems necessary.

11 3. Adopt rules for the transaction of business and keep a record of
12 its resolutions, transactions, findings and determinations, which record
13 shall be a public record and be open to public inspection.

14 4. Transmit all of its recommendations, decisions, findings,
15 reports and official actions, regardless of vote, to the board of
16 supervisors.

17 K. A majority of the commission constitutes a quorum for the
18 transaction of business and a majority vote of the quorum is required for
19 any official action.

20 Sec. 4. Section 48-5105, Arizona Revised Statutes, is amended to
21 read:

22 48-5105. Board of directors

23 A. A board composed of the following members shall govern the
24 authority:

25 1. From each municipality that enters into the authority, one
26 elected official who is appointed by the respective governing body of the
27 municipality.

28 2. One county supervisor who is appointed by the county board of
29 supervisors, if the county enters into the authority.

30 B. The term of each member is two years unless the member is no
31 longer serving in the member's elected capacity, in which case the
32 membership is vacant. The respective governing body shall fill a vacancy
33 under subsection A of this section.

34 C. Each municipality or county may provide for an alternate board
35 member who is also an elected official. Section 11-211, subsection ~~A~~ B
36 does not apply to a county supervisor serving on the board. If an elected
37 official of a municipality is prohibited from serving on the board, the
38 governing body of the municipality shall appoint an official of the
39 municipality who is not prohibited from serving on the board.

40 D. The voting members of the authority are entitled to one vote for
41 each member unless a voting member requests a weighted vote. If a
42 weighted vote is requested, the following apply:

43 1. Each member of the board is entitled to a percentage vote based
44 on the proportion of the population the member represents to the total

1 population represented by all members of the board, except as provided in
2 paragraph 4 of this subsection.

3 2. If a municipality is a member of the board, its proportion of
4 the population shall be calculated on the basis of the population in the
5 incorporated area of the municipality.

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

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

15 E. For the purpose of preliminary approval of a regional public
16 transportation system plan, the voting provisions of subsection D of this
17 section apply, except that if a weighted vote is requested, in addition to
18 the provisions provided in subsection D of this section relating to a
19 weighted vote, a minimum of one-third of the voting members is also
20 required for preliminary approval of the plan.