

# Arizona

## **Introduction:**

Arizona's counties derive their authority from the state's constitution and Title 11 of the Arizona Revised Statutes. The constitution establishes three-member commissions, except in Maricopa and Pima counties which utilize five member commissions. In addition, three other counties (Coconino, Navajo, and Yuma) have adopted five-member commissions as the county's governing body. The commission has legislative and limited executive power, though it shares many functions with its row officers. The commission elects a chairman at its first meeting to sign all warrants and orders of the board.

## **County Finance:**

The county commission has the power to create a budget, levy taxes, issue bonds, and appropriate money for county programs. The authority to create a budget extends supervisory power to the county. The county commission has the authority levy taxes and may not delegate that authority to any other body. The county may not, however, levy ad valorem taxes in excess of one percent of the assessed valuation of the property. The county may levy additional special assessments to fund the construction public works and improvements and require that special districts reimburse the county for services rendered, as well as charge a flat fee for any transfer of real estate. If operating a service authority or public utility, the county may charge reasonable fees for the use of the utility.

The county commission is allowed to contract debt up to six percent of the assessed valuation of taxable property in the county; however, the commission may not contract debt without holding an election to do so and subsequently holding another election to levy a tax to discharge the debt. No county may extend its credit or money to a private corporation, public corporation, church, private school, or individual, nor may a county contract debt to exceed six percent of the assessed value of taxable property in the county. Whenever any claimant holds a charge against the county, the commission is the only body with the authority to discharge it.

## **Contracts:**

Counties may make and enter into contracts and other agreements for the lawful execution of county functions and exercise of county authority. The county commissions serve as the county's contract making body, with the authority to enter into interlocal agreements with other governmental entities for the sale, lease, purchase, or conveyance of land at a diminished price or for other joint exercises of power; however, the county must cooperate with other governmental units in the enforcement of immigration laws. The commission may also make an annual contract with a private corporation to advertise and otherwise promote the county's advantages and resources. The county commission must appropriate any funds necessary to discharge the duties and responsibilities laid out in any contract they may enter.

## **Zoning and Land Use:**

The county, as a body politic and corporate, may purchase and hold land for public purposes. The county commission may acquire additional land by purchase, lease, gift, bequest, or eminent domain and sell or lease any real or personal property which no longer serves the public interest. Whenever the county exercises eminent domain, it must provide relocation assistance, including monetary support; whenever the county commission purchases real property, it must pay off its debt on the land within five years. If the value of the property the county wishes to sell is less than \$1,000, it may do so through commercial and retail venues.

The county may convey, sell, or lease any property which is suitable for affordable housing to residents in need or to the United States government for the operation of public housing. If the county does not wish to pursue either of these avenues, then the commission may convey public land for a variety of public purposes, one of which includes the construction of affordable housing for low- and moderate-income residents. To fund a county housing program, the commission may establish a trust fund overseen by five trustees, who are charged with allocating the proceeds of the fund

to any public or nonprofit private entity engaged in providing housing to facilitate the construction and maintenance of affordable housing.

The county commission must maintain certain public buildings for county use, including suitable rooms for county officers, county jails, courthouses, hospitals, and other public buildings the commission may deem necessary. Because of the large size of some counties, commissions may operate branch jails at a point distant from the county seat. The county may issue bonds for public buildings and improvements only when the aggregate debt of the county does not exceed the constitutional limit of six percent of the value of taxable property in the county.

Arizona's zoning law will be repealed as of October 2011, with a new code to take its place on the day it is no longer effect. Counties may still establish planning and zoning commissions to assist the county commission to create such zones as will preserve public health and safety and foster growth, adopt a master plan and effectuate that plan by passing zoning ordinances, and regulate the type, size, height, bulk, and other characteristics of buildings through zoning ordinances. The new law allows for an advisory commission to give the county commission advice on the establishment and enforcement of building code. The county must require building permits for the construction of any building over \$1,000 in the unincorporated areas of the county and in those corporate municipalities which do not require building permits. Any building operating solar energy facilities must acquire an additional permit for it. The county may adopt building codes and ordinances to enforce certain restrictions on new buildings, including solar water heating for single-family homes, prohibiting wood burning in homes unless an exception applies, and adopt an ordinance requiring clean burning fireplaces.

Though the county may regulate many kinds of buildings, it is specifically allowed to regulate any bathhouse or manual massage parlor operating within the corporate bounds of the county. The commission may also create zoning ordinances which preserve land from erosion by grading, excavation, and landfill, as well as introduce plumbing codes to conserve water and environmental building codes to reduce carbon monoxide and ozone emissions. Such a zoning ordinance may not extend to vehicular emissions, however. If there is a large parcel of unused or underused land suitable for a renewable energy district, then the county may acquire land

therein, protect it from urban or developmental encroachment, and construct renewable energy equipment thereon.

The county commission may also exercise regulatory authority over proposed subdivision of the county, including enforcing zoning procedures. More importantly, the county may require adequate service delivery, specifically water service delivery, before approving a subdivision.

The county commission is authorized to acquire flood control waterworks whenever water threatens to destroy or damage a public road, public property, private property, or human life. Control facilities include dikes and levees, or other structures to abate flood waters. The county may levy a fifteen mill tax for the purpose of funding these operations.

Because the county commission is charged with overseeing the economic development of the county, it may appropriate up to 1.5 million dollars annually to grant to a governmental agency or nonprofit corporation which is engaged in fostering economic development. In addition, the county may establish infill incentive zones which demonstrate chronic crime, unemployment, or population decline, as well as blighted, vacant, or dilapidated areas. In such zones, the county may encourage the rehabilitation of buildings. A county with less than 400,000 residents living in unincorporated areas may establish a rural planning district to provide better services, promote better infrastructure, and promote economic development which does not impinge on the rural resident's livelihoods and farms.

The county may also construct industrial plants and acquire equipment thereof following approval of bond issuance by referendum in the county. The plant's products may provide materials for public improvements in the county or may be sold to neighboring counties at a charge designed to discharge public debt acquired by building the plant.

Conversely, the county may acquire land to curb or guide development by creating urban buffer zones, open spaces, and by protecting ranches from the encroachment of development. Such zones must adhere to federal regulations regarding endangered species.

### **Public Safety, Health, and Sanitation:**

The county commission may create and enforce ordinances related to public safety, including reasonable curfews for juveniles, regulations on the treatment of domestic animals, and fines for

violation of public safety ordinances. Other public safety ordinances include the regulation of alarm systems manufacturers and installers to foster public trust and inspire confidence in alarm systems' ability to protect residents. The county's sheriff may offer a reward of up to \$10,000 for information leading to the arrest and conviction of a criminal, with the amount of the reward to be established by the county commission.

Public health, as a legislative interest of the county commission, may be regulated by ordinance. Pursuant to the county's duty to reserve public health, county commissions may establish, erect, operate, and maintain public hospitals for the care of the sick, injured, and indigent in the county. In addition, the county may establish a facility which may be part of the hospital to provide outpatient care. Administrative and supervisory responsibility may be delegated to a hospital board; the property may be sold to a hospital district and maintenance thereof delegated to the district board. Alternately, the property may be sold or leased to a nonprofit corporation to operate. The county commission may also establish a county farm to be operated in conjunction with the hospital and adopt ordinances for the working of the farm.

County commissions may provide programs and resources to county residents aged sixty and older, including nursing care, sheltered care, day care, home maintenance, housekeeping, transportation, and nutrition services. The county commission may establish operate a home equity conversion program for residents aged sixty and older.

The county is charged with providing indigent services to homeless and poor in the county, including long-term medical care and foster care. Whenever any indigent residents die, the county may provide funds for a proper burial if no relative or friend of the deceased may be found or if no relative or friend has the funds to do so. If the indigent deceased served in the military, then the county may find a veteran to preside over a military funeral.

The commission must budget funds for the foster care of mentally handicapped or otherwise handicapped children who attend a county school which serves handicapped children.

To protect both public health and safety, the county may regulate, identify, abate, and remove public nuisances on both public and private land. Included in this authority is the power to appoint animal

control officers to enforce animal cruelty ordinances and abate any wild animal which poses a threat to public safety. Dogs that are domestic pets must be licensed and not allowed to roam free. The county may establish a pound to responsibly abate dangerous wild animals or strays. Other public nuisances include graffiti on buildings in public view, rubbish, trash, weeds, debris, and dilapidated buildings. The county may enter private property to abate any of the above nuisances and may charge the owner of the property for doing so.

The county must provide alternatives to solid waste disposal, which may include recycling and waste reduction programs.

Any county commission may create and enforce ordinances related to public sanitation; however, only counties with populations between one and two million may operate sewerage systems, sewage mains, and other treatment or collection facilities. The commission of a county which meets that requirement may levy taxes, issue bonds, and charge reasonable rates for the use of the system. A county authorized to create such a system may construct or improve a nonpoint source project wastewater treatment facility.

### **Roads, Bridges, and Transportation:**

The county commission is charged with laying out, constructing, maintaining, and vacating all county highways, bridges, easements, and public rights-of-way. In addition, the county may operate ferries for the public's use. To fund these activities, the county commission may levy any tax which may be authorized for the above stated purposes, as well as contract debt and borrow money. Any bond issuance must be approved by referendum. The commission may enter into agreements with the federal government or other government subdivisions to maintain public roads. The commission is charged with regulating county roads, but it may also regulate the use and operation of off-road vehicles and make an ordinance banning idling vehicles.

In addition to ground transportation, the commission may receive any land by purchase, lease, or gift for aviation fields. This power also authorizes the county to construct necessary buildings and facilities for the operation of an airport in the county, as well as to enter into agreements with municipalities and the state and federal government to operate airfields.

### **Recreation, Leisure, and Culture:**

The county commission may acquire land for the use of county fairs, as well as conduct and manage county fair operations. The county may also lease county lands and buildings to a county fair association or nonprofit corporation for the operation of fairgrounds, including such grounds in an incorporated municipality. The commission may appropriate money based on the county's population to fund county fairs.

County commissions may purchase, lease, or obtain by gift land for a public park within or without of its territorial boundaries and fund such acquisitions and the maintenance of them by tax levy. The county may delegate advisory and supervisory authority to a public park commission, which shall also have the authority to supervise recreational programs. The commission may charge reasonable fees for use of park facilities, preserve public health and safety within the park, and establish broad policies for the maintenance and acquisition of parkland.

By election, the county commission may create a sports authority with corporate status in both the unincorporated and incorporated areas of the county. Headed by a board of directors, the authority may contract debt and charge reasonable rates for admission, as well as receive appropriations from the county commission, to maintain property related to sporting events and put on sporting events for the county residents. In addition, the county park commission may acquire long-term interest in open spaces to preserve them against urban encroachment.

Counties may receive a proportion of funds from a statewide fund to provide summer camps and employment to the county's youth. Such programs

may be educational or experiential, and may be paid or provide transportation and nutritional programs. The commission shall establish such programs to assist youth who are at-risk, failing in school, or foster children in the care of the county.

Arizona has a unique office known as an immigration commissioner, which any county may create for the purpose of corresponding with federal immigration agencies and providing information to county residents who wish to immigrate to the county. The commissioner may additionally promote tourism, furnish maps, and assist nonprofit tourist attractions.

The county commission may acquire land by lease or purchase to protect historic property which has cultural or value in the county. The commission may also appropriate money to fund a nonprofit arts organization operating within the county's boundaries. To improve educational access, the county may establish a public library system free of charge to county residents. The commission may delegate administrative authority by contract to a town or city, or may operate the library itself by levying a tax and depositing the proceeds thereof into a county free library district fund.

Any game or entertainment business may be required to pay a license fee to operate.

### **Alternative Form of Government:**

Article 12 of the state constitution establishes the authority of counties with populations in excess of 500,000 people to call for the election of a charter commission. The elected commission may study the local government and author a charter conferring home rule power on the county. The constitution establishes the necessary provisions to be included in the charter, as well as delineates certain necessary governmental structures.