

**Arizona County Clerks Association (ACCA)**  
**1999 Winter Retreat**  
**Hassayampa Inn. Prescott, AZ**  
**February 4, 5 and 6**

**Counties Represented:**

Gila	Marion Shepherd & Theresa Ortega
Greenlee	Kaye Gale
LaPaz	Donna Hale
Maricopa	Fran McCarroll
Navajo	Judy Jones & Sandal Richard
Pinal	Sheri Cluff
Santa Cruz	Melinda Meeks
Yavapai	Bev Staddon & Carolyn Dicus

Coconino had to cancel because of snow and Cochise had to cancel because of a personnel shortage.

**Welcome**

Mr. Gerald Brownlow, Yavapai County Supervisor, welcomed the Association to Yavapai County. Mr. Brownlow is known as "Mr. Christmas" because of his leadership in the Prescott Courthouse Plaza decorations each Christmas. Mr. Brownlow is an avid runner and the founder of the "Man vs. Horse" event held each October, drawing approximately 150 entrants.

Mr. Brownlow complimented the Clerks on their knowledge of the statutes and statutory duties of not only their offices, but of counties in general. He felt that Clerks provide this valuable asset of historical knowledge as well as the stability and continuity they provide in the constantly changing world of elected officials.

**Report/Discussion regarding legislative plans and minutes legislation**

Bev Staddon, Yavapai, presented the proposal regarding minutes legislation which included suggested changes. The members agreed with the bill as presented. This bill seems to be the most inclusive, least offensive version to date. It seeks to show the desire of all counties to be informative to the public in the most cost effective manner. Although there was agreement on the proposed language of this bill, it should not be considered a final draft at this point. The language may need to be modified or expanded as ACCA meets with other organizations to gain their support.

The legislative committee plans to work with the County Supervisors Association (CSA) prior to the next legislative session. ACCA will work with CSA to introduce the bill and solicit support for the bill.

Additional points regarding proceeding with this legislative effort:

Counties could offer to place all warrants on the internet as well as the minutes.

ACCA will probably be invited to have a joint meeting with the County Managers Association in May. The meeting will be at the CSA building in Phoenix. A further caution was added here that ACCA members should not seek to promote this bill until after the meeting with the County Managers. The meeting may not produce changes to the legislation, but may provide some additional strategies.

Bev Staddon provided members with a booklet by Randall Gnant entitled "From Idea...To Bill...To Law." The booklet explains the process a bill must follow in the Arizona Senate. The information will be very helpful to members not only for promoting our own legislation, but also in understanding the process as we track other legislation.

The legislative committee could develop a sample letter or letters for use by clerks as the need arises during the legislative session.

There was some discussion regarding contacting the Municipal Clerks Association on an FYI basis regarding this minutes legislation. ACCA might want to solicit their support for our bill realizing that they could be subject to the same requirement to publish meeting minutes.

ACCA may want to meet with the Arizona Newspaper Association (ANA) and ATRA before presentation of the legislation.

ACCA wants to clearly convey that the intent of this bill is to "look at legislation to see how to update using technology for public information."

ACCA wants to move forward cautiously in order to have time to receive input from interested parties or those effected by this legislation. Additionally, we want to have strong and united support within our own organization.

The counties represented were polled regarding their current status on the internet.

Navajo	agenda now: minutes will be on in April
Greenlee	has a Web page; minutes should be on in 2 months
LaPaz	plans to be up soon
Gila	minutes should be on in approximately 1 month
Santa Cruz	plans are for May
Yavapai	agenda; results; and now have minutes available
Maricopa	agenda now; minutes should be by April or May
Pinal	minutes are on now

## **Legislative Update**

### **Randy Shurr, Deputy County Attorney, Yavapai County**

There was some discussion of SB1143 which amends the Open Meeting Law statute, specifically the provisions regarding executive session attendees. Also, SB1286 requires executive session to be taped. We should watch these bills as they progress for possible comment.

Mr. Shurr quickly reviewed a number of bills as listed:

HB2007 – Sick leave payout, effective only if the county has a policy to forfeit sick leave upon retirement

HB2028 – endangered species; legislature and governor must be consulted and concur with any agreement regarding any endangered species acts

HB2044 – BOS must approve all positions, salaries etc. for courts.

HB2050 – reuse of gray water

HCR2005 – this would go on the ballot as an amendment to the constitution: proposes that “any elected person must be a resident of the state at least 10 years and of the county from which elected.”

HCR2011 – staggered terms for supervisors; the transition may be difficult

HCR 2016 – changing legislative terms from 2 to 4 years

HB2082 – regarding businesses like a sand and gravel pit; new residents can oppose a business as a nuisance. If the business has been established for 2 years, then the people have “moved to the nuisance.”

HB2091 – prohibits polygraphs

HB2100 – changes time frame for filing nomination petitions

HB2101 – process for challenging petitions – must specify signatures to be challenged

HB2102 – amends the district boundary procedure changes regarding improvement district formation

HB2160 – establishes the AZ Elections commission to enforce campaign laws

HB2167 – assisted suicide bill

HB2253 – county subdivision rule (it appears this bill will not survive)

HB2321 – constables must attend a training class provided by POST and shall be peace officers

HB2322 – salary bill for county elected officials; provides for raises with an escalator (the escalator has been removed)

HB2325 – allow ADOT to enter into indemnification agreements

HB2327 – indigent health care coverage; especially regarding Native Americans

HB2328 – amends the plumbing code commission; especially regarding regulation of septic tanks

HB2329 – state mandates; if mandates are proposed, then certain provisions must be reviewed

HB2330 – mental health evaluation process; attempts to limit county liability for pre-petition evaluation and screening

HB2367 – lobbying bill; counties cannot pay dues to an organization not composed of mainly governmental entities

HB2367 – regarding planning and zoning issues; if a P & Z action causes reduction of value, it constitutes a taking

HB 2373 – P & Z action; prohibits counties from action against properties with multiple owners

HB2441 – tire bill; takes out the tire fee and the new number is not defined

HB2476 – local health boards; (most counties have health departments) these provisions change; probably takes away county ability to charge cities for health services

HB2502 – indigent health care; provides for additional notification requirements not significant increase in protection

HB2551 – “qualified immunity” better definitions and clarifies terms

HB2558 – public employee union law; process for collective bargaining

HB2602 – BOS travel policy

HB2610 – adds to powers of counties; have verbage about power being derived from the consent of the people...

SB1031 – If county acquires property through condemnation or otherwise, it must pay the taxes

SB1057 – Y2K liabilities issues; especially processing mortgage payment

SB1058 – collection of solid waste in smaller counties

SB1136 – public records regarding commercial purposes

SB1142 – clarifies oath of office provisions

SB1143 – open meeting law; executive session, who can be present

SB1148 – Big Park Board; domestic wastewater improvement district and water improvement district

SB1161 – weed and trash abatement ordinance; requires adoption; this is trying to clarify part of the ordinance

SB1178 – freeze election precinct boundaries

SB1202 – prohibit city, town, or counties from spending HURF funds on sheriffs

SB1208 – mandate that counties adopt noise limits for shooting ranges of 70decibels or less.

SB1218 – city annexation; must take interior roads

SB1219 – authority to do design-build projects

SB1230 – domestic water improvement districts; only qualified electors can vote

SB1286 – open meeting law; defines meeting as a gathering or a communication; executive sessions must be taped; there can be no polling or any way to try to get a collective “read” from the BOS

SB1288 – county recorder can accept digitized documents for recording

SB1330 – public employee bargaining

SB1338 – allows counties with less than 2 million people to go to election for capital projects tax

## **BUSINESS MEETING**

### **Minutes Reviewed – Approved**

The minutes of the 12/2/98 ACCA meeting in Mesa, AZ were reviewed. Motion to approve minutes as submitted made by Donna Hale, seconded by Kaye Gale and unanimously approved.

### **Treasurer's Report**

Sheri Cluff provided the Treasurer's report. The current balance is \$4,084.65. There will be approximately \$150 in expenses for this retreat. The downpayment for the summer retreat has been made.

### **By-laws Review and Revision**

The by-laws were reviewed and several amendments were suggested. Amendments included the addition of section V. Dues, (which had been left off of the previously amended version in error), section VII. Legislative Committee, composition and responsibilities, and the ability to have proxy votes. Other amendments provided for the clarification of the duties of the officers. Motion was made by Bev Staddon, seconded by Kaye Gale and unanimously carried to approve the by-laws as amended. (Revised copy attached. See additional copy with suggestions of counsel, Dean Wolcott, deputy county attorney, Maricopa County.)

### **Roundtable/Discussion items**

Q: When are minutes placed on the internet? Before or after approval?

A: Ok to put on the internet quickly if clearly marked draft.

Q: Precinct committeemen – do they all need to have an oath of office? If so, how to administer and get all those copies back? Recorded?

A: No definitive answer given here. We need to research the statute and/or check with county attorney.

Q: Financial disclosure statements? What is the law? What is required? and Who is required to fill them out?

A: There are two financial disclosures. One is filed as part of the election/campaign process; the other is an annual requirement to be filed with the Clerk. This also needs statutory research.

Q: How is information from retreats disseminated after a meeting or retreat?

A: ACCA will be mailing minutes and handout to members who were unable to attend. Also most Clerks talk with County Manager and/or BOS members about the information received at an ACCA meeting.

Q: How to handle some statutes dealing with reports etc. that are supposed to be generated or filed by Clerks?

A: Fran McCarroll suggested that certain employees in other departments could be deputized clerks for specific purposes, i.e. filing a certain reports. One example is ARS 23-962.

## **Other Business**

Newsletter: Consensus was to develop a newsletter for ACCA. Judy Jones will begin working on this. There will be further discussion on the types of items to include.

T-Shirts: Judy Jones will order ACCA shirts to have for the summer retreat. The shirts will be \$12.00; colors, teal on white. (The ACCA "logo" is a map of Arizona with each county defined.)

AACo: Midyear conference will be **June 16, 1999** in Scottsdale. ACCA will meet from 1-4pm. Possible speakers or topics for this meeting include, Jessica Hurley from Maricopa County on records Management; update on recently passed legislation; newsletter components, scholarship(s) to the Southwest Leadership Conference (see next item).

Southwest Leadership Conference: Bev Staddon provided brochures about this conference which she has attended and highly recommends. She suggested that ACCA consider providing a scholarship each year (or two partial scholarships). Motion was made by Bev Staddon, seconded by Fran McCarroll and unanimously carried to provide \$1200 in scholarship money for a clerk(s) to attend this conference. This summer the conference conflicts with our summer retreat (August 25 thru 27 and October 27 thru 29) Bev Staddon will speak to Tanis Salant (organizer of the conference) to see if the 1<sup>st</sup> session dates could be held in June so as not to conflict with possible election schedules. It was suggested that Clerks be given 1<sup>st</sup> access to the scholarships, then deputy clerks, etc. Expressions of interest regarding attendance at this conference should be directed to Judy Jones.

Summer Retreat: Mark your calendars now for **August 26, 27 & 28, 1999**. The retreat will be at Sierra Springs in Pinetop. Please begin to make reservations with Judy Jones or Sandal Richards of Navajo County.

Winter Retreat 2000: Judy Jones will contact Yuma county regarding the possibility of holding the 2000 retreat there.

Encouraging Attendance at ACCA meetings: Attendance at ACCA has grown considerably over the past 2 years. Current active members are encouraged to contact other nearby Clerks to encourage their attendance and participation. Also encourage counties to send a representative if the Clerk is unable to attend.