

Arizona County Clerks Association
Winter Conference, February 27&28, 1998
Jerome Grand Hotel
Jerome, Arizona

Present

Yavapai -- Bev Staddon, Caroline Dicus
Navajo -- Judy Jones, Sandal Richard
Pinal -- Cheri Cluff, Karen Simmons
Gila -- Marian Shepherd, Teresa Ortega

Coconino -- Steve Peru, Andrea Paul
Cochise -- Nadine Parkhurst
Maricopa -- Fran McCarroll

Nadine Parkhurst, President, Arizona County Clerks Association welcomed the members and guests to the Winter conference.

February 27, 1998 sessions

Announcements

Nadine shared information about the Star-tac phone, a compact mobile phone, approximately the size of a pager. The phone is produced by Motorola and is rechargeable. The price is about \$200 plus airtime.

AACO has requested that the Clerk's Association make a donation to AACO for the new Internet service which is free to counties. The service will be explained and demonstrated at a session later in our conference. Discussion on this issue led to the following points:

- The current balance in our account is approximately \$500.00.
- We need to pay the expenses of this retreat from that amount.
- One suggestion is to renew the paying of dues to the Clerk's Association

The consensus was to reestablish dues to the Association in an annual amount of \$75.00. Later we will determine the amount, if any, that we wish to donate to AACO for the Internet service.

Election of Officers

Nadine announced that this was the time set for the election of officers for the ACCA. Bev Staddon nominated Judy Jones for the position of ACCA President. The motion was seconded by Nadine Parkhurst and approved by acclamation.

Other officers: Fran McCarroll, Vice-President/Secretary and Sheri Cluff, Treasurer, were asked to continue in their positions. With their consent the nominations were approved by acclamation.

Related ACCA Business

Motion was made by Judy Jones to reestablish dues for the Clerk's Association at \$75.00. The motion was second by Steve Peru and unanimously approved.

Summer Conference

The dates for the ACCA Summer Conference are August 27, 28, and 29 in Pinetop.

A suggestion was made to have the food catered instead of our own cooking because of the time involved.

Suggestions for the agenda for this conference:

- Put together a consolidated effort for proposed legislation for the next legislative year.

- Maybe involve CSA more in writing the legislation.

- Cochise County may be able to involve CSA and AACO more as the presidents of both organizations are from Cochise.

- Establish our legislative priorities at this (winter) meeting, then have the proposed legislation ready for review at the summer meeting.

- Have one or more legislators come to explain the process of a bill becoming law.

- Have someone from Maricopa County MIS department come and explain AGENDA CENTRAL. Records Automation Search and Retrieval with a review of a programs like Laserfiche or Minutes Plus or Zyindex.

- Invite someone from Department of Library Archives and Public Records to speak on what constitutes a public record and explain what does not need to be kept. Also, review the new rules regarding e-mail as a public record. Jessica Funkhouser, Elections Director, Secretary of State's office, indicated that the industry standard for retention of e-mail is 30 days. She also suggested Shawn Nau at Maricopa County as a possible speaker on this issue. She may be able to suggest someone from the state on this issue.

- Review BOE policies, various county policies on land sales, etc. Also, maybe contracting with the state for BOE hearings.

- Judy Jones suggested that we list these and then she would send out a memo before the retreat to request additional topics.

Lunch break -- Resume 1:30pm.

Special Speaker

Jessica Funkhouser, State Election Director, Office of the Secretary of State

Ms. Funkhouser provided information about the Secretary of State's office including the three main divisions: Election Services, Business Services, and Public Services divisions. She proceeded to focus her remarks on services of the Election Services Division.

It is possible to review these services via the Internet. All lobbyists are registered including who their clients are. All campaign finance committees and candidates must file with the Secretary of State. There are fines for late filings, and a number of fines are being assessed this year. The filing status may be viewed via the Internet.

Ms. Funkhouser announced that a special statewide election is possible this year on the school financing issue.

Some legislative issues related to the Secretary of State currently being considered are:

Ballot publicity pamphlets -- including reviews of the judges would be mailed by the Secretary of State to all households. This would relieve counties of the responsibility of printing these pamphlets. The bill is proceeding well.

Voter fraud -- what are the safeguards against voter fraud at the polls? ...against walking in to the polls and signing in under another name and voting more than once? The bill may require some form of ID at the polls. It is very controversial because the Hispanics feel that it is directed at them. It may end up with a requirement for some form of ID which could be issued to all for voting purposes.

4 Referenda have already qualified for the ballot including:

Legalized marijuana

Tobacco tax issue about the legislature appropriating some of that money for the lab.

Initiatives currently being circulated include:

Limiting powers: three very similar issues all dealing with ideas similar to:

Prohibiting the governor from vetoing anything

Prohibiting the legislature from amending actions without a 3/4th majority

Legislative actions must further the intent of the people.

Open primaries: Anyone running for a particular office will be on the ballot. Voters can vote for any of the candidates. This would include independents. The legislature has a similar item going through which would open the primary to independents who could vote for candidates of non-recognized parties.

"Clean elections bill": In order to be on the ballot you must get a certain number of \$5.00 contributions in order to get on the ballot. Lobbyists would also have to contribute to this fund. And there is some provision for some moneys from some criminal convictions. The money would go to a new committee called the Clean Elections Committee. Then there is a maximum amount of money you can spend on a race. You can get money from the fund for your campaign and you are denoted on the ballot as a clean election candidate.

The Elections office is planning to prepare a chart on the funding of the campaign committees. Ms. Funkhouser will provide this to all of the Clerks if we give her a list.

Presentation by Dean Wolcott, Deputy County Attorney, Maricopa County

Topic: Constitutional and statutory duties of the Clerk of the Board of Supervisors.

Mr. Wolcott provided a list of constitutional and statutory references which mention the Clerk of the Board and duties or responsibilities. Mr. Wolcott selected specific references which may be of special interest to the group. Some of the references may be considered as topics for the ACCA legislative agenda. (These references are denoted by an asterisk (*).) References to numbered items refer to the entire citation list attached.

The Clerk of the Board is a constitutional officer, mentioned 4 times in the constitution.

8-106.01 -- Putative fathers registry, claim of paternity. Nadine has the form and will fax to all.

*11-213 -- the Clerk votes when there is a vacancy being filled on the Board of Supervisors.

11-242 -- statement from County Treasurer forwarded to the State Treasurer.

*11-272 -- Clerk must attest to bonds -- (may not be needed anymore with new bond legislation)

11-356 -- Disciplinary actions filed Clerk's office. -- may be a duplication of effort as the same information is in the merit commission records and probably in Human Resources.

11-422 -- Clerk's salary set by BOS -- any desire to have it set by statute?

No, the BOS knows their clerk and their duties. The BOS should continue to set salary.

11-493 -- Also allows finance director to sign warrants -- this is a duplication of effort and probably should be eliminated -- the clerk is otherwise directed to sign the checks.

*11-721 -- bonds -- should delete the reference to the COB

*11-864 -- publication of ordinance -- reference to keeping 3 copies -- bring it down to one

*11-1608 -- Clerk receives a report from the sheriff re: itinerant vendors -- why????

items 43 thru 48 -- fairly routine items; 49 thru 70 -- regarding elections

23-962 -- report to the state compensation fund. Check to see if your office is doing this.

32-128 -- revocation of certificate, notice of findings and related information

Why should this come to the clerk's office?

36-309 -- compensation of local registrars for birth and death certificates

Check to see if this is being done.

36-333 -- Burial record book -- check to see if this is being done.

Filing of financial disclosures. Not listed: it should fall between 93 and 94. The citation is found somewhere in title 38. Has your board adopted a resolution saying who has to file and where?

101 thru 110 -- duties regarding the property tax role and BOE.

41-835.04 -- renaming of historical site. --is a notification to the BOS only. Renaming goes through the state office.

*16-647 -- regarding the COB signing the elections certificates -- this could be changed to say "officer in charge of elections" or "COB or officer in charge of elections"

Presentation by Randy Shurr, Deputy County Attorney, Yavapai County

Topic: Current legislation.

Mr. Shurr presented a packet of information which included many of the bills currently in the legislature which appear to be moving through the process and may make it through the session.

HB 2042 -- Constable salaries

HB 2159 -- Auction of Unmarketable tax liens -- amended in House Ways and Means

HB 2172 -- Voter Identification Card -- maybe have a picture ID to vote or sign an affidavit

HB 2190 -- Cable television systems -- re: issuance of franchises for cable television -- seems to be stuck in the house.

HB 2285 -- Condemnation cases, interest rate -- every month you must calculate the prime rate in order to determine the interest rate.

HB 2307 -- county improvement districts -- also addresses alterations to district boundaries, and refunding bond issues

HB 2463 -- property tax appeals, corrections -- re: new construction on the roll and adoption of the roll date change to on or before December 20, also changes the date the BOS levies school district taxes

SB 1018 -- title 42 recodification

HB 2621 -- county zoning, down zoning -- must have consent of the property owner before the zoning is more restrictive or the value goes down

SB1110 -- election law revisions including info on use of power of attorney, limiting # of voter registration forms given to groups, order of precinct committeemen names on the ballot, etc. A recorder's bill

SB 1219 -- municipalities counties: initiative and referendum -- if it is an administrative issue, the BOS can call a special election, also the issue must be controversial. It may be difficult to determine what is an administrative issue. (An administrative issue is not subject to a referendum.) Legislative issues would not be subject to this law.

SB 1139 -- County Zoning commissioners; appointment -- no longer have terms but serve at the pleasure of the appointing supervisor. (What if the supervisor leaves?)

SB 1143 -- state allocation to fire districts -- repeal the fire dist assistance tax.

SB 1322 -- Community Park districts; alternative form -- joint tenancy issue, form of petition, the circulator's affidavit

SB 1343 -- Sanitary district reorganization -- converting to a local board instead of BOS supervision.

SB 1344 -- Public meetings, notice, exemption -- exempts social gatherings -- opposed by AG

SB 1116 -- recreational immunity -- if a nominal fee you are still immune.

SB 1095 -- county treasurers; administration -- voided checks, "shall be deemed to have been paid" but they put back in that the person or vendor can come back to the BOS within a year.

Break for free time in the town of Jerome

DINNER

February 28, 1998 Sessions

Round Table Discussion

Clerk voting to fill vacancy: Discussion on the statutory provision in ARS 11-213 which provides for the Clerk to vote when there is a vacancy on the Board of Supervisors. Suggestion was made to poll the Boards of Supervisors to see if there could be an different designee for this duty. Suggested alternates were:

- Chief Justice of the Supreme Court
- Presiding Judge
- A representative of the Precinct Committeemen in the district
- Another county elected official, i.e. Recorder
- The Governor

Each suggestion seemed to have pros and cons. There was no consensus on this issue.

Bev Staddon, Steve Peru and Fran McCarroll were selected to serve on a legislative committee. The committee will prepare a list of legislative issues to be discussed at the Summer Conference.

Special Districts There was a discussion on special districts and how they are handled in the various counties. Discussion topics included:

- which department handles special districts
- what are the conflicting rolls
- are there special problems with clarity in the statutes on who performs which tasks
- who handles the mailing requirements and notices

Financial statement from Treasurer ARS 11-242. Maybe this procedure could be changed to allow the County Treasurer to file directly with the State Treasurer and also file a copy of the report with the Clerk of the Board.

Constables Various counties apparently use Constables in very different ways.

- Yavapai – has 3 paid – and additional 3 who are not paid
- Coconino – has 1 constable – other three positions are vacant
- Cochise – has one working constable – others receive \$1.00/month plus medical benefits
- Navajo – pays \$5,000/year plus medical benefits
- Maricopa – has 21 paid various amounts depending on numbers of registered voters
all receive medical benefits in addition to salary

Publication of Minutes Some possible suggestions for changes to these statutes were to change the language so that only a summary of the warrants needed to be published, or that a statement saying that the warrant list is available in the Clerk of the Board's office be included. To gain public support for eliminating this mandatory provision a statement could be added to the minutes which would state, "This set of minutes cost the taxpayers \$_____." Another possible change to the statute could be to eliminate the provision that the newspaper of record must be "printed" in the county. This change could provide more competition and therefore lower rates.

Other topics briefly discussed:

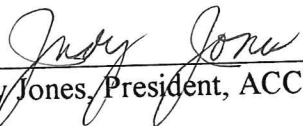
- Liquor license resolution allowing Clerk to administratively handle routine applications.
- Adult Business License Ordinance
- Form for Executive Session Request (Maricopa County uses this)
- Ethics policies
- Conflict of Interest – should have one central file for this – employees must be notified

Lunch – Resumed session at 1:30 p.m.

Presentation by Barry Gartell, Executive Assistant, AACO

Mr. Gartell explained the special agreement with Governet to set up a home page for each county in Arizona. AACO is coordinating this project and introducing the idea to various subgroups within each county. Sections of each home page can be devoted to specific services or information available at county offices.

Mr. Gartell introduced Nancy Howard from Governet who proceeded with a demonstration of the functions and capabilities of the service. Ms. Howard used samples from other states and counties which are already functioning on the Governet network. Both Ms. Howard and Mr. Gartell volunteered to meet with any group within the counties to demonstrate this service. They will also work with the county to develop their home page and the connecting links to information and/or services within the county.



Judy Jones, President, ACCA



Fran McCarroll, Vice President/Secretary