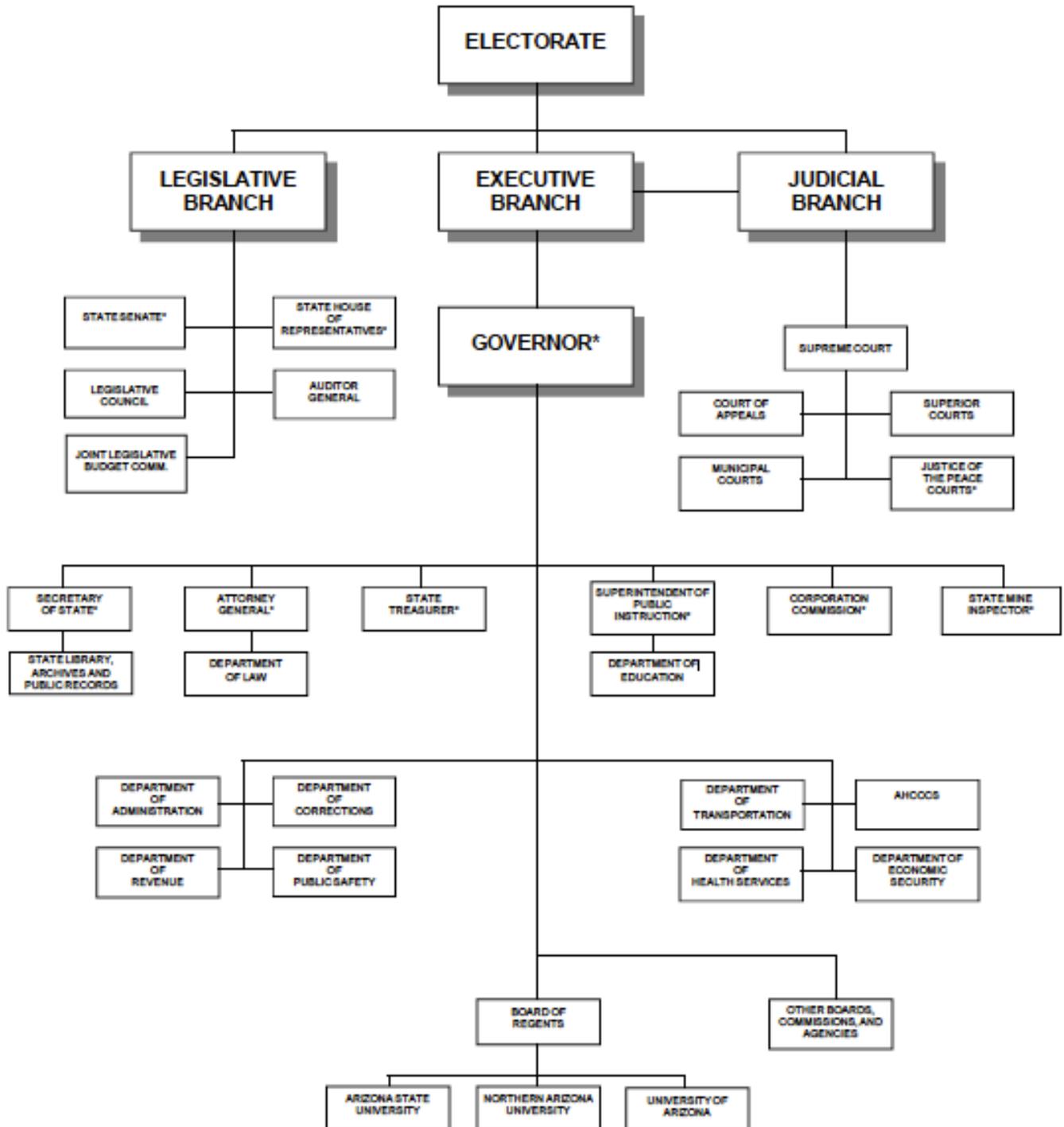


## ARIZONA STATE GOVERNMENT ORGANIZATION



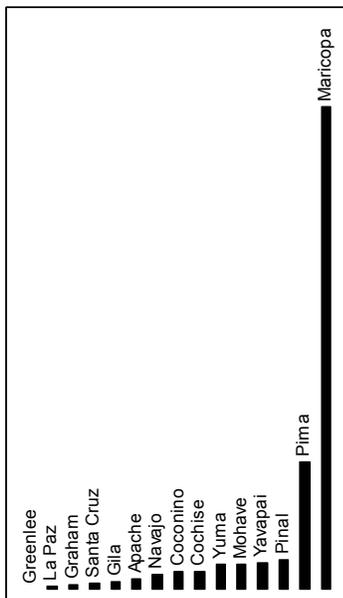
\* ELECTED OFFICIALS

# ARIZONA LOCAL GOVERNMENT FACTSHEET

## Arizona local governments

Counties:	15
Municipalities:	89
Towns:	44
Cities:	45
Districts	16,000+
School dist.	231

## Counties by population



## Population facts:

- **Maricopa County** is the nation's 4<sup>th</sup> largest county
- **Phoenix** is the nation's 5<sup>th</sup> largest city
- **Phoenix, Tucson, Mesa, Scottsdale, Chandler, Glendale, Tempe, Gilbert,** and **Peoria** are Arizona's largest cities (in descending order); all have over 100,000 people.
- **Gilbert** grew by a record 265% from 1990 to 2000—the fastest growth of any American city

**Arizona's local governments** Roughly 17,000 local governments operate within Arizona's borders. These include **counties**, **municipalities** (cities and towns), and **districts**. There are also 21 tribal governments in Arizona. However, the latter derive their authority from the national government and are largely beyond the state's control. Local governments are not sovereign governments. Rather, they are "creatures of the state." According to a principle known as **Dillon's rule**, local governments can exercise only the powers expressly granted to them by the state's constitution and laws. Some local governments enjoy greater autonomy through **home rule**. They achieve home rule by adopting a **charter** (similar to a constitution). A charter lets them operate under their own governing structure in lieu of the generic structure dictated by state law. It also gives these governments more power to independently tax and regulate. None of Arizona's 15 counties enjoy home rule, but 20 of its cities have charters.

**County governments** County governments developed at a time when cities were small and far flung. The state could not efficiently perform core functions such as law enforcement and tax assessment from the state capital. And it would have been wasteful for every small community to assume these responsibilities on its own. Accordingly, counties were established as **administrative arms of the state**—i.e., to provide state services on a more efficient regional basis. Arizona's counties still perform a variety of important state services for all residents (see sidebar "What counties do.") In addition, counties now furnish "city-type" services for those living in **unincorporated areas**—county land that is not within the boundaries of any city or town.

Arizona's counties have a **traditional county commission** structure. Power is divided between an elected **board of supervisors** and separately elected officials (sheriff, county attorney, assessor, recorder, treasurer, superintendent of schools, and clerk of the superior court). Larger counties have five-member boards, while the smaller counties have three-member boards. Supervisors are elected from separate districts within the county. All county officials have four-year terms that coincide with the presidential election cycle. The board of supervisors determines the county's annual budget, sets the county's tax rates, enacts ordinances, hires and oversees other county employees, and adjudicates zoning and other appeals.

In modern times, counties have struggled to fulfill their responsibilities. A common criticism of Arizona's county government is that it is "headless." There is no single county leader comparable to a governor, mayor, or strong city manager. The sheriff, county attorney, and other elected officials sometimes run their departments like independent fiefdoms, overspending their budgets, and pursuing their own agendas. Arizona's counties also have chronic fiscal problems. They are saddled with very costly functions such as operating jails and hospitals, and providing indigent healthcare. County property taxes (which are now subject to voter-imposed limits) are inadequate to cover these costs, and counties are typically less successful than cities in attracting state and federal funding. Counties are also hamstrung by Dillon's rule. Finally, the qualifications for most county offices are low, and the voters do not always choose officials with sufficient expertise. In 1992, after Maricopa County teetered on the verge of bankruptcy and was labeled the "worst government in America," the state allowed counties to adopt home rule. However, the voters in both Maricopa and Pima county rejected the proposed reforms, fearing that home rule would lead to higher taxes and less accountable officials.

**What counties do:**

- Assess & collect property taxes
- Conduct elections & maintain voter registration records
- Operate jails
- Prosecute state crimes (county attorney)
- Operate superior & justice (JP) courts
- Administer welfare & social programs
- Operate county hospitals & provide indigent health care
- Administer public health programs & inspections
- Administer air pollution & environmental programs
- Maintain property records
- Build and maintain bridges & roads
- Operate county fairs, parks, libraries, & agricultural extension services

*“City” services provided to unincorporated areas:*

- Law enforcement (sheriff)
- Provide utilities (e.g., water, sewer, trash collection, electricity, gas, irrigation, land-fill)
- Fire protection
- Provide public housing
- Make and enforce zoning, subdivision & subdivision regulations
- Regulate traffic, public nuisances, building safety

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**Municipalities** Cities and towns provide indispensable modern services such as police and fire protection, water and sewer, trash collection, street maintenance, traffic control, public transportation, zoning regulation, etc. (One important function that Arizona municipalities do not control is the operation of public schools—schools are run by independent district governments). Although Arizona has always been urban, one-third of its present-day municipalities did not legally exist prior to 1960.

Cities and towns are technically called **municipal corporations**. In Arizona, the difference between a city and town is the complexity of government and size: towns require a minimum population of 1,500; cities need 3,000 people. In contrast to counties, most Arizona cities use the **council-manager** form of government that is preferred by urban experts. It originated in the early twentieth century as a Progressive alternative to the traditional mayor-centered government. In fact, Phoenix was one of the first cities in the nation to embrace this reform. The council-manager form of government emphasizes professional management over electoral politics. Power is divided between an elected city council and a powerful, professional city manager appointed by the council. The council’s job is to set broad policies. The city manager actually runs the city by hiring and supervising city personnel, preparing the budget, and recommending policies to the council. Although Arizona’s council-manager governments have mayors, the mayor typically has no greater voting power than other council members. In some cities the mayor is chosen by the members of the council themselves, although many charter cities have mayors who are directly elected by the voters. With the exception of Tucson and South Tucson, city elections are **nonpartisan** to reduce the politics in local governance. Finally, in most Arizona cities the mayor and council are elected on an **at-large** (citywide basis) to control **NIMBY** behavior (“not in my backyard”). However, in recent years Phoenix, Glendale, Mesa, and other larger charter cities have returned to the district (“ward”) system for electing council members.

**Districts** Unlike counties and municipalities, districts exist to perform a single function for the residents and businesses located within the district’s boundaries. Arizona has **special districts, school districts, and community college districts**. Fire districts are the most common special districts, followed by water improvement districts and irrigation districts. Special districts are also formed to run hospitals, libraries, stadiums, or to provide electricity, flood control, and numerous other services. These governments typically have the power to tax property owners and borrow funds through the sale of bonds. Most special districts are governed by elected boards. (Counties and municipalities govern thousands more special districts which provide neighborhood improvements such as street lighting.) Special districts can be any size, and their boundaries can cross city and county lines. There are several reasons why this form of government is popular: Districts don’t burden all the taxpayers for services benefiting a limited area. Districts promote local control. Districts can more efficiently address regional problems that extend beyond city and county boundaries. And districts provide a way to evade the constitutional debt restrictions that apply to counties and municipalities.

Arizona currently has 231 elementary, high school and unified (combined) school districts. Each district is governed by a three- or five-member elected board consisting of unpaid citizen volunteers. School board members are chosen in nonpartisan elections and serve staggered four-year terms. The actual day-to-day management of the school district rests with a full-time appointed superintendent who serves at the board’s pleasure. Finally, Arizona also has ten community college districts whose boundaries largely coincide with county lines. Each district is governed by a five-person board elected in nonpartisan elections from individual precincts within the district.

# **INCORPORATION, FORM OF GOVERNMENT, POWERS, CORPORATE SEAL**

## **Section 1—INCORPORATION**

The inhabitants of the City of Flagstaff, within the corporate limits as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal body politic, and corporate in perpetuity, under the name of "City of Flagstaff."

## **Section 2—FORM OF GOVERNMENT**

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the laws of the State of Arizona, and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this Charter, or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance or the laws of the State of Arizona.

## **Section 3—POWERS OF THE CITY**

The City shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of this State, together with all the implied powers necessary to carry into execution all the powers granted.

The City may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation, and may sell, lease, exchange, mortgage, hold, manage, and control such property as its interests may require; and, except as prohibited by the Constitution of this State, or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, and especially to enter into contracts, cooperative and otherwise, with the Government of the United States, the State of Arizona, Coconino County, or any other political subdivision of this State for the construction, maintenance and operation of roads, highways, parks, sewers, waterworks, water conservancy districts, public utilities, and public buildings, all when deemed for the best interest of the City. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and, in addition to the powers enumerated herein, or implied hereby, or appropriate to the exercise of such powers, it is intended that the City shall have and may exercise all powers which, under the Constitution or laws of this State, it would be competent for this Charter specifically to enumerate.

## **Section 4—CORPORATE SEAL**

service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilmember violating the provisions of this Section, or voting for a resolution or ordinance in violation of this Section, shall be subject to expulsion by the unanimous vote of the remaining Councilmembers. Nothing in this Section shall be construed, however, as prohibiting the Council while in open or executive sessions from fully and freely discussing with or suggesting to the City Manager anything pertaining to City affairs or the interests of the City.

### **Section 19—CONDUCT OF COUNCIL AS TO POWERS AUTHORIZED BY CHARTER WHEN NO PROCEDURE HAS BEEN ESTABLISHED BY STATE LAW**

Whenever, by any provision of this Charter, it is prescribed that any power, duty, or procedure shall or may be exercised, performed, or adopted in the manner established by any law of this State, and there be no procedure established by law therefor, then the Council shall by ordinance prescribe the procedure.

## **ARTICLE III THE CITY MANAGER**

### **Section 1—APPOINTMENT OF THE CITY MANAGER**

The Council shall appoint an officer of the City who shall have the title of City Manager, and shall have the powers and perform the duties in this Charter provided. No Councilmember shall receive such appointment during the term for which elected, nor within one year after the expiration of the term.

### **Section 2—THE CITY MANAGER; QUALIFICATIONS**

The City Manager shall be chosen by the Council solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the City Manager's office, as hereinafter set forth. At the time of appointment, the City Manager need not be a resident of the City or State, but during the tenure of office, shall reside within the city.

### **Section 3—POWERS AND DUTIES**

The City Manager shall:

- (a) Devote entire time to the discharge of official duties, prepare the agenda for, and attend, all meetings of the Council, unless excused therefrom by the Council or the Mayor;
- (b) See that all ordinances are enforced, and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed;

- (c) Appoint and, when necessary for the good of the service, lay off, suspend, transfer, demote, or remove all officers and employees of the City, except as otherwise provided by this Charter, and except as the Manager may authorize the head of a department or office to appoint and remove subordinates in such department or office, subject to such merit system regulations as the Council may adopt;
- (d) Prepare the annual budget estimates and submit them to the Council, and be responsible for the administration of the budget after adoption;
- (e) Keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently, if requested by the Council, of all affairs of the City;
- (f) Act as purchasing agent for all departments of the City, giving due consideration to the recommendations and counsel of department heads;
- (g) Have such other powers, duties, and functions as this Charter may prescribe, and such powers, duties, and functions consistent with this Charter that the Council may prescribe.

#### **Section 4—RIGHT OF THE CITY MANAGER TO A SEAT IN THE COUNCIL**

The City Manager shall be entitled to a seat in the Council, except in matters involving the conduct or the performance of the City Manager's duties, but shall have no vote therein. The City Manager shall have the right to take part in the discussion of all other matters coming before the Council.

#### **Section 5—THE ACTING CITY MANAGER**

- (a) The City Manager shall designate, with the approval of the Council, a qualified administrative officer of the City to perform duties during the City Manager's temporary absence or disability.
- (b) If the City Manager is suspended by the Council, or if there is a vacancy in the office of the City Manager, the Council shall appoint an Acting City Manager to serve until the suspension ceases, or until another City Manager is appointed and qualified, as the case may be. No Acting City Manager shall hold the position as such for more than eight (8) months, and no appointment of an Acting City Manager shall be renewed. When there is a vacancy in the office, the Council shall fill the position within eight (8) months of the creation of the vacancy.

#### **Section 6—REMOVAL OF THE CITY MANAGER**

The Council shall appoint the City Manager for an indefinite term and may remove the Manager by an affirmative vote of five (5) members of the Council. The City Manager may, within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the Council. The action of the Council in suspending or removing the Manager shall be final and conclusive on everyone, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension and removal in the Council.

## **ARTICLE IV ADMINISTRATIVE DEPARTMENTS, OFFICES, AND EMPLOYEES**

### **Section 1—ADMINISTRATIVE DEPARTMENTS AND OFFICES**

- (a) The Council, by ordinance not inconsistent with this Charter, shall provide for the organization, conduct, and operation of the several offices and departments of the City as established by this Charter, for the creation of additional departments, divisions, offices, and agencies, and for their consolidation, alteration, or abolition.
- (b) The Council, by ordinance not inconsistent with this Charter, may assign additional functions or duties to offices, departments, divisions, or agencies. Where the positions are not incompatible, the Council may combine in one person the powers and duties of two or more offices created or authorized by this Charter.
- (c) The Council shall provide for the number, titles, qualifications, powers, duties, and compensation of all appointive officers of the City.
- (d) City officials, as designated by this Article, and all heads of departments shall be residents of the City during their tenure of office.

### **Section 2—THE CITY CLERK**

The City Manager shall, with approval of the Council, appoint an officer of the City, who shall have the title of City Clerk, and who shall give notice of all Council meetings, keep the journal of the Council's proceedings, authenticate by signature, and record in full in books kept for the purpose, all ordinances and resolutions, and perform such other duties as shall be required by this Charter, or by ordinance. The City Clerk will serve at the pleasure of the City Manager.

### **Section 3—THE CITY TREASURER**

The City Manager shall, with approval of the Council, appoint an officer of the City, who shall have the title of City Treasurer, and who shall receive and have custody of all the money of the City, and shall keep and save said money, and dispense the same only as provided by ordinance, and who shall always be bound by the Constitution, laws of the