

The elected political bureaucracy administers its public rights realm with the aid of inferior political subdivisions, such as Counties. A political subdivision is considered an inferior legislative board, which will engage appointed political (commissars) officers to administrator specific subject matter, such as Ordinance Violations. Ordinances are legislative enactments for the regulation of public (civil) rights. These statutory enactments of a legislative board, known as the Board of Supervisors, shall stand in compliance the constitutionally authority.

49-112. County regulation; standards

A. When authorized by law, a county may adopt a rule, ordinance or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.

2. There is credible evidence that the rule, ordinance or other regulation is either:

(a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.

(b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

B. When authorized by law, a county may adopt rules, ordinances or other regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar

permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or other regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

C. If a county has adopted rules, ordinances or other regulations pursuant to subsection B of this section and at any time cannot comply with subsection B of this section, the county shall give notice of noncompliance to the director. The county shall file that notice with the secretary of state for publication in the next issue of the Arizona administrative register at no cost to the county. If the county does not comply with subsection B of this section within one year after publication of the notice in the Arizona administrative register, the director shall provide written notice to and assert regulatory jurisdiction over those persons and entities subject to the affected county rules, ordinances or other regulations.

D. Except as provided in chapter 3, article 3 of this title, before adopting or enforcing any rule, ordinance or other regulation pursuant to subsection A or B of this section, the county shall comply with all of the following:

1. File with the secretary of state a written statement including a summary of the proposed rule, ordinance or other regulation and a demonstration of the grounds and evidence of compliance with subsection A or B of this section. The summary shall provide the name of the person with the county to contact with questions or comments. The secretary of state shall publish the written statement in the next issue of the Arizona administrative register at no cost to the county. The county shall publish notice of the availability of the complete summary and the demonstration in other newspapers as may be required by this title and shall make the text of any proposed environmental rule, ordinance or other regulation available to the public at the same time it files the written summary of the environmental rule, ordinance or other regulation with the secretary of state as provided in this paragraph.

2. Provide at least thirty days' opportunity for comment by the public after publication of the summary as prescribed by paragraph 1 of this subsection. The county shall accept written comments on the proposed rule, ordinance or regulation and the written demonstration.

3. Respond in writing and make available to the public for reasonable cost the county's responses to the written comments submitted by the public pursuant to paragraph 2 of this subsection.

4. Provide for a public hearing at the request of the authorized county officer or if there is sufficient public interest. The county shall publish the notice of any public hearing at least twenty days prior to the hearing. The county shall submit the notice of the public hearing to the secretary of state for publication in the next issue of the Arizona administrative register at no cost to the county. The county shall publish notice of any public hearing required pursuant to this paragraph in any newspaper as prescribed by this title or county ordinance. The county shall select a time and location for the public hearing that affords a reasonable opportunity for the public to participate.

E. A county is not required to comply with subsection D, paragraphs 2, 3 and 4 of this section before it adopts or enforces a rule, ordinance or other regulation if the rule, ordinance or other regulation only adopts by reference an existing state or federal rule or law that provides greater regulatory flexibility for regulated parties and otherwise satisfies the requirements prescribed in subsection B of this section.

F. Until June 30, 1995, a person may file with the clerk of the board of supervisors for that county a petition challenging a county rule, ordinance or other regulation adopted before July 15, 1994 for compliance with the criteria set forth in subsection A or B of this section. The petition shall contain the grounds for challenging the specific county rule, ordinance or other regulation. Within one year after the petition is filed, the board of supervisors shall review the challenged rule, ordinance or other regulation and make a written demonstration of compliance with the criteria set forth in subsection A or B of this section and challenged in the petition. Any rules, ordinances or other regulations that have been challenged and for which the board of supervisors has not made the written demonstration within one year of the filing of the petition required by this section become unenforceable as of that date. If a county has already made a written demonstration under section 49-479, subsection C, for a rule, ordinance or regulation, the person filing the petition shall state the specific grounds in the petition why that demonstration does not meet the requirements of this section.

G. A rule, ordinance or other regulation adopted pursuant to subsection A of this section may not be invalidated subsequent to its adoption on the grounds

that the economic feasibility analysis is insufficient or inaccurate if a county makes a good faith effort to comply with the economic feasibility requirement of subsection A, paragraph 2, subdivision (a), of this section and has explained in the written statement, made public pursuant to subsection D of this section, the methodology used to satisfy the economic feasibility requirement.

H. This section shall not apply to any rule, ordinance or other regulation adopted by a county pursuant to:

1. Title 36 for which the state has similar statutory or rule making authority in this title.
2. Section 49-391.
3. Chapter 3, article 8 of this title.
4. Chapter 4, article 3 of this title and section 49-765.
5. Nonsubstantive rules relating to the application process which have a de minimis economic effect on regulated parties.

Constitutional Authority enables a legislative assembly to minister its jurisdiction by adjudicating the administrative due process of law. When an American is confronted by the public documentation issued as an ordinance violation they have been invited to participate in the adjudication of a contested case.

Contrary to Bill Marsh's lack of knowledge, the Ordinance violation was served under the authority of an officer for the administrative regulation of a public right. Any and all political subdivisions of a State move in compliance to the will and whim of the State's Legislature. In this instant case the administrative enforcement officer document the public's business in compliance to public records management.

41-1346. State and local public records management; violation; classification; definition

A. The head of each state and local agency shall:

1. Establish and maintain an active, continuing program for the economical and efficient management of the public records of the agency.

2. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the rights of the state and of persons directly affected by the agency's activities.

3. Submit to the director, in accordance with established standards, schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the agency.

4. Submit a list of public records in the agency's custody that are not needed in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their inclusion in established disposal schedules.

5. Submit to the director lists of all essential public records in the custody of the agency.

6. Cooperate with the director in the conduct of surveys.

7. Designate an individual within the agency to manage the records management program of the agency. The designated individual:

(a) Must be at a level of management sufficient to direct the records management program in an efficient and effective manner.

(b) Shall act as coordinator and liaison for the agency with the state library.

8. Comply with rules, standards and procedures adopted by the director.

B. The governing body of each county, city, town or other political subdivision shall promote the principles of efficient record management for local public records. Such governing body shall, as far as practicable, follow the program established for the management of state records. The director shall, upon request of the governing body, provide advice and assistance in the establishment of a local public records management program.

C. A head of a state or local agency who violates this section is guilty of a class 2 misdemeanor.

D. For the purposes of this section, "records management" means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation.

The Political Subdivision (county) is not an agency. The administrative enforcement bureau that issues the public document is an agency as defined by statutory enactment. The public document, which is the administrative citation, is the initial act in the litigation of a contested case. Bill Marsh's lack of knowledge and comprehension of the statutory enactments of the State Legislature and its political subdivisions will be detrimental to his cause.

41-1001. Definitions

In this chapter, unless the context otherwise requires:

1. "Agency" means any board, commission, department, officer or other administrative unit of this state, including the agency head and one or more members of the agency head or agency employees or other persons directly or indirectly purporting to act on behalf or under the authority of the agency head, whether created under the Constitution of Arizona or by enactment of the legislature. Agency does not include the legislature, the courts or the governor. Agency does not include a political subdivision of this state or any of the administrative units of a political subdivision, but *does include any board, commission, department, officer or other administrative unit created or appointed by joint or concerted action of an agency and one or more political subdivisions of this state or any of their units. To the extent an administrative unit purports to exercise authority subject to this chapter, an administrative unit otherwise qualifying as an agency must be treated as a separate agency even if the administrative unit is located within or subordinate to another agency.*

The board of Supervisor enacts administrative rules, and regulation to minister a statutory authority commonly known as subject matter, which authenticates the documentation of the public record in the specific jurisdiction found within the exterior boundaries of a political (County) subdivision of the State for the regulation of civil (the statutorily imposed will and whim of the state legislature) rights.

11-1005. Powers and duties of board of supervisors

A. Each county board of supervisors may:

1. Designate or employ a county enforcement agent. If such designation or employment is not made, the county sheriff shall be the county enforcement agent, but nothing in this article shall be deemed to prevent the county board

of supervisors from designating or employing a county enforcement agent at any time it is deemed necessary or advisable.

2. Provide the county enforcement agent with such personnel and equipment as are necessary to enforce the provisions of this article and the rules adopted under this article.

3. Contract with any city or town to enforce the provisions of any ordinance enacted by such city or town for the control of dogs.

4. For the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the running at large of dogs, except dogs used for control of livestock or while being used or trained for hunting.

5. For the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the excessive and unrestrained barking of dogs.

6. Establish either:

(a) Criminal penalties not to exceed the penalties for a class 2 misdemeanor for violation of an ordinance adopted pursuant to paragraph 4 or 5.

(b) Civil penalties for violations of an ordinance adopted pursuant to paragraph 4 or 5, not to exceed five hundred dollars for each violation.

B. Fines received for violation of an ordinance adopted with a criminal penalty pursuant to subsection A, paragraph 6, subdivision (a) shall be deposited in a special, permanent, nonlapsing and nonreverting county fund to be used solely for the operation of the county enforcement agency.

C. Each county board of supervisors may establish pound fees for impounding and maintaining animals at the county pound or any pound used by the county.

D. The county board of supervisors shall be responsible for declaring a rabies quarantine area within its jurisdiction on a recommendation of the county board of health or the local health department. If a rabies quarantine area is declared, the county board of supervisors shall meet with the county board of health and the county enforcement agent and institute an emergency program for the control of rabies within that area provided that any

regulations restricting or involving the movement of livestock within that area shall be developed by the state veterinarian.

The regulatory oversight of the Political Subdivision's *Politburo* (commonly known by its statutory designation, Board of Supervisors) is ministered through a form driven operation of law, instituted as ORDINANCES. These ordinances are ministered by a form driven administrative enforcement bureau that shall move in compliance to the Administrative Procedures Act for the adjudication of public rights in action statutorily defined as the contested case.

11-251.05. Ordinances

A. The board of supervisors may:

1. In the conduct of county business, adopt, amend and repeal all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county which are not otherwise specifically limited by section 11-251 or any other law or in conflict with any rule or law of this state.
2. Prescribe punishment by fine or imprisonment, or both, for the violation of an ordinance adopted pursuant to paragraph 1 of this subsection. A fine or imprisonment shall not exceed the maximum limitations for a class 1 misdemeanor.

B. Ordinance authority under subsection A of this section shall be in addition to and preemptive of ordinance, rule making or regulatory authority of any other county board or county commission. A county may not impose taxes except as otherwise provided by law and as specified in section 11-251.

C. Prior to adoption, amendment or repeal of an ordinance under this section, the board of supervisors shall hold a public hearing thereon at least fifteen days' notice of which shall be given by one publication in a newspaper of general circulation in the county seat. After adopted or amended, the ordinance shall be published at least once in a newspaper of general circulation in the county seat.

D. An ordinance adopted under this section may apply to the unincorporated and incorporated areas in the county if the ordinance is not in conflict with an existing city or town ordinance or state law or otherwise regulated by the state. If the ordinance is intended to apply to any incorporated area of the county, prior to the ordinance becoming effective within the boundaries of a city or town, the city or town council shall consider the ordinance and, if the council finds that the subject matter of the ordinance is not either a matter of local concern or governed by an existing city or town ordinance, the council shall approve by resolution the application or enforcement of such ordinance within the boundaries of the city or town. Upon thirty days' notice to the county, a city or town council may rescind such approval by resolution if the subject matter of the ordinance is governed or to be governed by a city or town ordinance. An ordinance may apply to the unincorporated areas of the county, to part or parts of such areas or to a combination of incorporated and unincorporated areas of the county, as the board deems appropriate and subject to the approval of a city or town as specified in this subsection.

E. Nothing contained in this section shall be construed to prohibit a county from exercising such powers and authority as are granted under other provisions of state law.

The participants upon the forum may learn from others such as Bill Marsh whose singular failure to sit down and read the statutory texts written in black and white as enacted by the State Legislature will perfect in equity that which was never adjudicated in compliance to the administrative due process of agency law. Statutory codifications are not the law; they stand upon the docket as mere evidence of the law. If a respondent has no comprehension as to the statutory text itself, how will they be able to discern that the mere evidence of the law is the result of the legislative editorial committee's codification of statutory enactments? The codification of statutory enactments empowers the inequitable reach of the appointed political bureaucracy's public policy as funded by the elected political bureaucracy.

If this Bill Marsh does not awaken from his self indulgent lack of knowledge, he will soon discover the true meaning of suffering the insufferable.

The litigation of the contested case is routinely suborned under a color of law so transparent that the presiding black robed administrative officer will presume the State's documentation of the public record stands in compliance to administrative procedures for the adjudication of a civil right.

The judicial nature of a specialized legislative agency, or its appellate review board, the legislative agency is a form driven statutory operation of administrative law. When the singular targeted Arizonian, such this Bill Marsh fails to comprehend the nature of the administrative state's statutory responsibilities, they themselves will perfect in equity that which has neither form nor substance in law.

This Bill Marsh has one choice, learn to overcome error, or watch in amazement how said error will perfect the imperfect prosecution of the contested in equity under the presumptive nature of a specialized legislative agency (municipal/district court) that sits in appellate review of that which does not exist, which in this instant case, would be the findings of fact, conclusions of law and the final order, which is contained in the public records of a lawfully adjudicated contested case.

There within the complexity of the law will be found the simplicity of its form driven relief.