

FILED

**Jane Dee Hull
Secretary of State**

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CHAPTER 114

SENATE BILL 1095

AN ACT

AMENDING SECTIONS 11-214, 11-217 AND 48-261, ARIZONA REVISED STATUTES;
RELATING TO COUNTY BOARDS OF SUPERVISORS PROCEDURES.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-214, Arizona Revised Statutes, is amended to
3 read:

4 11-214. Regular and special meetings

5 Regular meetings of the board shall be held in the county on a working
6 day or days ~~in the first week~~ of each month designated by the board. The
7 board shall notify the public of the location and the day or days designated.
8 Special meetings may be called by a majority of the board, or by the
9 chairman. At least five days' notice of the special meeting shall be given
10 to any member not joining in the call.

11 Sec. 2. Section 11-217, Arizona Revised Statutes, is amended to read:

12 11-217. Minutes of proceedings

13 Each board shall cause to be recorded in full all proceedings had by
14 it in a book designated the minute book of the board. The full minutes of
15 proceedings, WHICH NEED NOT BE A VERBATIM TRANSCRIPT NOR INCLUDE EXHIBITS,
16 shall be published once not later than ~~one month~~ TWO MONTHS after each
17 meeting in the official newspaper of the county. The published minutes shall
18 include all demands and warrants approved by the board in excess of ~~two~~
19 ~~hundred~~ ONE THOUSAND dollars except that multiple demands and warrants from
20 a single supplier or individual under ~~two hundred~~ ONE THOUSAND dollars whose
21 cumulative total exceeds one thousand dollars in a single reporting period
22 shall also be published. Such reporting period shall not exceed thirty days.
23 ~~Each~~ newspaper that publishes the minutes of the board shall supply to the

1 public libraries in each city, town and county a copy of the published
2 minutes AND SHALL MAKE MINUTES FOR THE PRIOR THREE-MONTH PERIOD AVAILABLE FOR
3 USE BY THE PUBLIC ON AN ON-LINE COMPUTER INFORMATION SERVICE AT NO EXPENSE
4 TO THE COUNTY.

5 Sec. 3. Section 48-261, Arizona Revised Statutes, is amended to read:
6 48-261. District creation; procedures; notice; hearing;
7 determinations; petitions; definitions

8 A. A fire district, community park maintenance district, sanitary
9 district or hospital district for either a hospital or urgent care center
10 shall be created by the following procedures:

11 1. Any person desiring to propose creation of a district shall prepare
12 and submit a district impact statement to the board of supervisors of the
13 county in which the district is to be located. If a proposed district is
14 located in more than one county, the impact statement shall be submitted to
15 the board of supervisors of the county in which the majority of the assessed
16 valuation of the proposed district is located. The boards of supervisors of
17 any other counties in which a portion of the district is TO BE located shall
18 provide information and assistance to the responsible board of supervisors.
19 If the person desiring to create a district pursuant to this section is
20 unable to complete the district impact statement, the board of supervisors
21 may assist in the completion of the impact statement if requested to do so,
22 provided the bond required in subsection C of this section is in an amount
23 sufficient to cover any additional cost to the county. The district impact
24 statement shall contain at least the following information:

25 (a) A description of the boundaries of the proposed district and a
26 detailed, accurate map of the area to be included in the district.

27 (b) An estimate of the assessed valuation within the proposed
28 district.

29 (c) An estimate of the change in the property tax liability, as a
30 result of the proposed district, of a typical resident of the proposed
31 district.

32 (d) A list and explanation of benefits that will result from the
33 proposed district.

34 (e) A list and explanation of the injuries that will result from the
35 proposed district.

36 (f) The names, addresses and occupations of the proposed members of
37 the district's organizing board of directors.

38 2. On receipt of the district impact statement, the board of
39 supervisors shall set a day, not fewer than ~~ten~~ THIRTY nor more than ~~thirty~~
40 SIXTY days from that date, for a hearing on the impact statement. The board
41 of supervisors may, at any time prior to making a determination pursuant to
42 paragraph 4 of this subsection, require that the impact statement be amended
43 to include any information that the board of supervisors deems to be relevant
44 and necessary.

1 3. Upon receipt of the district impact statement, the clerk of the
2 board of supervisors shall mail, by first class mail, written notice of the
3 statement, its purpose and notice of the day, hour and place of the hearing
4 on the proposed district to each owner of taxable property and each qualified
5 elector within the boundaries of the proposed district. The clerk of the
6 board of supervisors shall post the notice in at least three conspicuous
7 public places in the area of the proposed district and shall publish twice
8 in a daily newspaper of general circulation in the area of the proposed
9 district, at least ten days before the hearing, or, if no daily newspaper of
10 general circulation exists in the area of the proposed district, then at
11 least twice at any time before the date of the hearing, a notice setting
12 forth the purpose of the impact statement, the description of the area of the
13 proposed district and the day, hour and place of the hearing.

14 4. At the hearing called pursuant to paragraph 2 of this subsection,
15 the board of supervisors shall hear those who appear for and against the
16 proposed district and shall determine whether the creation of the district
17 will promote public health, comfort, convenience, necessity or welfare. If
18 the board of supervisors determines that the public health, comfort,
19 convenience, necessity or welfare will be promoted, it shall approve the
20 district impact statement and authorize the persons proposing the district
21 to circulate petitions as provided in this subsection. The order of the
22 board of supervisors shall be final, but if the request to circulate
23 petitions is denied, a subsequent request for a similar district may be
24 refiled with the board of supervisors after six months from the date of such
25 denial.

26 5. After receiving the approval of the board of supervisors as
27 provided in paragraph 4 of this subsection, the person proposing the district
28 may circulate and present petitions to the board of supervisors of the county
29 in which the district is located.

30 6. The petitions presented pursuant to paragraph 5 of this subsection
31 shall:

32 (a) At all times, contain a description of the boundaries of the
33 proposed district and a detailed, accurate map of the proposed district and
34 the names, addresses and occupations of the proposed members of the
35 district's organizing board of directors. No alteration of the proposed
36 district shall be made after receiving the approval of the board of
37 supervisors as provided in paragraph 4 OF THIS SUBSECTION.

38 (b) Be signed by more than one-half of the property owners in the area
39 of the proposed district.

40 (c) Be signed by persons owning collectively more than one-half of the
41 assessed valuation of the property in the area of the proposed district.

42 (d) Be signed by more than one-half of the qualified electors within
43 the boundaries of the proposed district.

1 7. On receipt of the petitions, the board of supervisors shall set a
2 day, not fewer than ten nor more than thirty days from that date, for a
3 hearing on the petition.

4 8. Prior to the hearing called pursuant to paragraph 7 of this
5 subsection, the board of supervisors shall determine the validity of the
6 petitions presented.

7 9. At the hearing called pursuant to paragraph 7 OF THIS SUBSECTION,
8 the board of supervisors shall, if the petitions are valid, order the
9 creation of the district. The board of supervisors shall enter its order
10 setting forth its determination in the minutes of the meeting, not later than
11 ten days from the day of the hearing, and a copy of the order shall be filed
12 in the county recorder's office. The order of the board of supervisors shall
13 be final, and the proposed district shall be created thirty days after the
14 board of supervisors votes to create the district. A decision of the board
15 of supervisors under this subsection is subject to judicial review under
16 title 12, chapter 7, article 6.

17 B. For the purpose of determining the validity of the petitions
18 presented pursuant to subsection A, paragraph 5 of this section:

19 1. Qualified electors shall be those persons qualified to vote
20 pursuant to title 16.

21 2. For the purposes of fulfilling the requirements of subsection A,
22 paragraph 6, subdivisions (b) and (c) of this section, property held in joint
23 tenancy shall be treated as if it had only one property owner, so that the
24 signature of only one of the owners of property held in joint tenancy is
25 required on the formation petition.

26 3. The value of property shall be determined as follows:

27 (a) In the case of property assessed by the county assessor, values
28 shall be the same as those shown on the last assessment roll of the county
29 containing such property.

30 (b) In the case of property valued by the department of revenue, the
31 values shall be those determined by the department in the manner provided by
32 law, for municipal assessment purposes. The county assessor and the
33 department of revenue, respectively, shall furnish to the board of
34 supervisors, within twenty days after such a request, a statement in writing
35 showing the owner, the address of each owner and the appraisal or assessment
36 value of properties contained within the boundaries of the proposed district
37 as described in subsection A of this section.

38 C. The board of supervisors may require of the person desiring to
39 propose creation of a district pursuant to subsection A, paragraph 1 of this
40 section a reasonable bond to be filed with the board at the start of
41 proceedings under this section. The bond shall be in an amount sufficient
42 to cover costs incurred by the county if the district is not finally
43 organized. County costs covered by the bond include any expense incurred
44 from completion of the district impact statement, mailing of the notice of

1 hearing to district property owners and electors, publication of the notice
2 of hearing and other expenses reasonably incurred as a result of any
3 requirements of this section. The requirements of this subsection do not
4 apply to proposed districts having fewer than one hundred qualified electors.

5 D. If a district is created pursuant to this section, the cost of
6 publication of the notice of hearing, the mailing of notices to electors and
7 property owners and all other costs incurred by the county as a result of the
8 provisions of this section shall be a charge against the district.

9 E. If a proposed district would include property located within an
10 incorporated city or town, in addition to the other requirements of
11 subsection A of this section, the board shall approve the creation and
12 authorize the circulation of petitions only if the governing body of the city
13 or town has by ordinance or resolution endorsed such creation.

14 F. Except as provided in section 48-2001, subsection A, the area of
15 a district created pursuant to this section shall be contiguous.

16 G. A district organized pursuant to this section shall have an
17 organizing board of directors to administer the affairs of the district until
18 a duly constituted board of directors is elected as provided in this title.
19 The organizing board shall have all the powers, duties and responsibilities
20 of an elected board. The organizing board shall consist of the three
21 individuals named in the district impact statement and the petitions
22 presented pursuant to subsection A of this section. If a vacancy occurs on
23 the organizing board, the remaining board members shall fill the vacancy by
24 appointing an interim member. Members of the organizing board shall serve
25 without compensation but may be reimbursed for actual expenses incurred in
26 performing their duties. The organizing board shall elect from its members
27 a chairman and a clerk.

28 H. For purposes of this section:

29 1. "Assessed valuation" does not include the assessed valuation of
30 property that is owned by a county.

31 2. "Property owner" does not include a county.

APPROVED BY THE GOVERNOR APRIL 9, 1996.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 1996