

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 315

SENATE BILL 1454

AN ACT

AMENDING SECTION 48-261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 2, SECTION 2; REPEALING SECTION 48-261, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 44, SECTION 16; AMENDING SECTIONS 48-262, 48-263, 48-265, 48-266 AND 48-802, ARIZONA REVISED STATUTES; AMENDING SECTION 48-803, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 2, SECTION 3; AMENDING SECTION 48-805, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2006, CHAPTER 2, SECTION 4; AMENDING SECTIONS 48-806 AND 48-812, ARIZONA REVISED STATUTES; REPEALING SECTION 48-814, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 48-814; AMENDING SECTION 48-816, ARIZONA REVISED STATUTES; REPEALING SECTION 48-820, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 48-820 AND SECTION 48-822; AMENDING SECTION 48-2227, ARIZONA REVISED STATUTES; RELATING TO SPECIAL TAXING DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-261, Arizona Revised Statutes, as amended by
3 Laws 2006, chapter 2, section 2, is amended to read:

4 48-261. District creation; procedures; notice; hearing;
5 determinations; petitions; definition

6 A. Except for a county island fire district formed pursuant to
7 subsection H of this section, a fire district, community park maintenance
8 district, sanitary district or hospital district for either a hospital or an
9 urgent care center shall be created by the following procedures:

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

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

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

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

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

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

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

37 (g) A DESCRIPTION OF THE SCOPE OF SERVICES TO BE PROVIDED BY THE
38 DISTRICT DURING ITS FIRST FIVE YEARS OF OPERATION. AT A MINIMUM THIS
39 DESCRIPTION SHALL INCLUDE AN ESTIMATE OF ANTICIPATED CAPITAL EXPENDITURES,
40 PERSONNEL GROWTH AND ENHANCEMENTS TO SERVICE.

41 2. On receipt of the district impact statement, the board of
42 supervisors shall set a day, not fewer than thirty nor more than sixty days
43 from that date, for a hearing on the impact statement. The board of
44 supervisors, at any time prior to making a determination pursuant to
45 paragraph 4 of this subsection, may require that the impact statement be

1 amended to include any information that the board of supervisors deems to be
2 relevant and necessary.

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

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

28 5. Within fifteen days after receiving the approval of the board of
29 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
30 board shall determine the minimum number of signatures required for
31 compliance with paragraph 7, subdivision ~~(d)~~ (b) AND (c) of this subsection.
32 After making that determination, that number of signatures shall remain
33 fixed, notwithstanding any subsequent changes in voter registration records.

34 6. After receiving the approval of the board of supervisors as
35 provided in paragraph 4 of this subsection, ~~the~~ ANY ADULT person ~~proposing~~
36 ~~the district~~ may circulate and present petitions to the board of supervisors
37 of the county in which the district is located. All petitions circulated
38 shall be returned to the board of supervisors within one year from the date
39 of the approval of the board of supervisors pursuant to paragraph 4 of this
40 subsection. Any petition that is returned more than one year from that date
41 is void.

42 7. The petitions presented pursuant to paragraph 6 of this subsection
43 shall comply with the provisions regarding petition form in section 48-265
44 and verification in section 48-266 and shall:

1 (a) At all times, contain a legal description of the boundaries of the
2 proposed district and a detailed, accurate map of the proposed district and
3 the names, addresses and occupations of the proposed members of the
4 district's organizing board of directors. No alteration of the proposed
5 district shall be made after receiving the approval of the board of
6 supervisors as provided in paragraph 4 of this subsection.

7 ~~(b) If a petition of property owners,~~ Be signed by more than one-half
8 of the property owners in the area of the proposed district AND BE SIGNED BY
9 PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED VALUATION OF
10 THE PROPERTY IN THE AREA OF THE PROPOSED DISTRICT.

11 ~~(c) If a petition of property owners, be signed by persons owning~~
12 ~~collectively more than one-half of the assessed valuation of the property in~~
13 ~~the area of the proposed district.~~

14 ~~(d)~~ (c) If a petition of qualified electors, be signed by more than
15 one-half of the qualified electors within the boundaries of the proposed
16 district.

17 8. On receipt of the petitions, the board of supervisors shall set a
18 day, not fewer than ten nor more than thirty days from that date, for a
19 hearing on the petition.

20 9. Prior to the hearing called pursuant to paragraph 8 of this
21 subsection, the board of supervisors shall determine the validity of the
22 petitions presented.

23 10. At the hearing called pursuant to paragraph 8 of this subsection,
24 the board of supervisors, if the petitions are valid, shall order the
25 creation of the district. The board of supervisors shall enter its order
26 setting forth its determination in the minutes of the meeting, not later than
27 ten days from the day of the hearing, and a copy of the order shall be filed
28 in the county recorder's office. The order of the board of supervisors shall
29 be final, and the proposed district shall be created thirty days after the
30 board of supervisors votes to create the district. A decision of the board
31 of supervisors under this subsection is subject to judicial review under
32 title 12, chapter 7, article 6.

33 B. For the purpose of determining the validity of the petitions
34 presented pursuant to subsection A, paragraph 6 of this section:

35 1. Qualified electors shall be those persons qualified to vote
36 pursuant to title 16.

37 2. ~~For the purposes of fulfilling the requirements of subsection A,~~
38 ~~paragraph 7, subdivisions (b) and (c) of this section,~~ Property held in
39 multiple ownership shall be treated as if it had only one property owner, so
40 that the signature of only one of the owners of property held in multiple
41 ownership is required on the formation petition.

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

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

1 (b) In the case of property valued by the department of revenue, the
2 values shall be those determined by the department in the manner provided by
3 law, for municipal assessment purposes. The county assessor and the
4 department of revenue, respectively, shall furnish to the board of
5 supervisors, within twenty days after such a request, a statement in writing
6 showing the owner, the address of each owner and the appraisal or assessment
7 value of properties contained within the boundaries of the proposed district
8 as described in subsection A of this section.

9 C. The board of supervisors may require of the person desiring to
10 propose creation of a district pursuant to subsection A, paragraph 1 of this
11 section a reasonable bond to be filed with the board at the start of
12 proceedings under this section. The bond shall be in an amount sufficient to
13 cover costs incurred by the county if the district is not finally
14 organized. County costs covered by the bond include any expense incurred
15 from completion of the district impact statement, mailing of the notice of
16 hearing to district property owners and electors, publication of the notice
17 of hearing and other expenses reasonably incurred as a result of any
18 requirements of this section. ~~The requirements of this subsection do not~~
19 ~~apply to proposed districts having fewer than one hundred qualified electors.~~

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

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

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

31 G. A district organized pursuant to this section shall have an
32 organizing board of directors to administer the affairs of the district until
33 a duly constituted board of directors is elected as provided in this
34 title. The organizing board shall have all the powers, duties and
35 responsibilities of an elected board. The organizing board shall consist of
36 the three individuals named in the district impact statement and the
37 petitions presented pursuant to subsection A of this section. If a vacancy
38 occurs on the organizing board, the remaining board members shall fill the
39 vacancy by appointing an interim member. Members of the organizing board
40 shall serve without compensation but may be reimbursed for actual expenses
41 incurred in performing their duties. The organizing board shall elect from
42 its members a chairman and a clerk.

1 H. For a county island fire district only,—:

2 1. Any person may petition the board of supervisors for the county in
3 which the county island fire district is proposed to be located. The
4 petitions shall comply with section 48-265 regarding petition form and shall
5 be verified as prescribed in section 48-266. If the petitions submitted are
6 verified as having the signatures of more than one-half of the aggregate
7 number of owners of all of the real property located in the county islands in
8 the proposed district as prescribed by section 48-805, subsection E,
9 paragraph 1, after a hearing, the board of supervisors may certify the
10 establishment of the county island fire district. The county island fire
11 district shall be governed by a five member elected district board pursuant
12 to section 48-803, but shall be governed initially by a board appointed by
13 the county board of supervisors from among qualified electors of the county.
14 On formation of the district, the surrounding city or town shall provide fire
15 protection services and emergency medical services to the district. The
16 initial appointed board shall schedule an election to be held on the next
17 consolidated election date as prescribed by section 16-204. That election
18 shall be held as otherwise provided by law. The county island fire district
19 board shall also notify the county board of supervisors of the cost of
20 providing fire protection services and emergency medical services for each
21 household or other structure in the district.

22 2. IN ANY LEGAL ACTION CHALLENGING THE VALIDITY OF THIS SUBSECTION OR
23 SEEKING TO OPPOSE OR ENJOIN THE CREATION OR FORMATION OF A DISTRICT
24 CONTEMPLATED BY THIS SUBSECTION, THE FOLLOWING APPLY:

25 (a) THE BOARD OF SUPERVISORS OF THE COUNTY THAT CERTIFIED THE
26 ESTABLISHMENT OF THE DISTRICT, MAY AFTER CONSULTATION WITH THE DISTRICT
27 BOARD, ADVANCE FUNDS NECESSARY FOR THE REPRESENTATION OF NAMED PARTIES AND
28 DEFENSE OF THE ACTION.

29 (b) A DEFENDANT THAT IS A PREVAILING PARTY IN A LEGAL CHALLENGE
30 CONTEMPLATED BY THIS PARAGRAPH SHALL BE AWARDED ITS COSTS AND REASONABLE
31 ATTORNEY FEES AGAINST ANY PARTY WHO CHALLENGED THE VALIDITY OF THIS
32 SUBSECTION OR DISTRICT FORMATION.

33 3. WHERE DISTRICT FORMATION IS CONTEMPLATED BY THIS SUBSECTION, THE
34 COUNTY IN WHICH THE DISTRICT OR PROPOSED DISTRICT IS LOCATED MAY ENTER INTO
35 AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3,
36 WITH THE DISTRICT OR PROPOSED DISTRICT FOR ANY PURPOSE NOT INCONSISTENT WITH
37 THIS SUBSECTION.

38 I. For the purposes of this section—

39 ~~1.~~ assessed valuation does not include the assessed valuation of
40 property that is owned by a county,—, THIS STATE OR THE UNITED STATES
41 GOVERNMENT

42 ~~2.~~ Property owner does not include a county and in the case of
43 multiple ownership of a single parcel of property, any one property owner
44 constitutes the entire ownership interest.

1 J. For the purposes of this section, "county island fire district"
2 means a fire district that is formed or proposed to be formed only in those
3 unincorporated areas of a single county that are surrounded by a single city
4 or town or that are surrounded by a single city or town in combination with
5 other publicly owned or sovereign land, and in which the existing private
6 fire service provider has issued a notice to the residents of the county
7 island that it plans to discontinue or substantially reduce service.

8 Sec. 2. Repeal

9 Section 48-261, Arizona Revised Statutes, as amended by Laws 2006,
10 chapter 44, section 16, is repealed.

11 Sec. 3. Section 48-262, Arizona Revised Statutes, is amended to read:

12 48-262. District boundary changes; procedures; notice; hearing;
13 determinations; petitions

14 A. Except as prescribed by subsection H- I of this section, a fire
15 district, community park maintenance district or sanitary district shall
16 change its boundaries by the following procedures:

17 1. Any ADULT person desiring to propose any change to the boundaries
18 of a district shall prepare and submit a boundary change impact statement to
19 the governing body of the district. The boundary change impact statement
20 shall contain at least the following information:

21 (a) A legal description of the boundaries of the area to be included
22 within the proposed change and a detailed, accurate map of the area. The
23 boundaries of the proposed change shall not overlap with the boundaries of
24 any other proposed new district of the same type or any annexation by a
25 district of the same type for which petitions are being circulated on the
26 date that the boundary change impact statement is filed with the governing
27 body.

28 (b) An estimate of the assessed valuation within the boundaries of the
29 proposed change.

30 (c) An estimate of the change in the tax rate of the district if the
31 proposed change is made.

32 (d) An estimate of the change in the property tax liability, as a
33 result of the proposed change, of a typical resident of a portion of the
34 district, not in the area of the proposed change, before and after the
35 proposed change and of a typical resident of the area of the proposed change.

36 (e) A list and explanation of benefits that will result from the
37 proposed change to the residents of the area and of the remainder of the
38 district.

39 (f) A list and explanation of the injuries that will result from the
40 proposed change to residents of the area and of the remainder of the
41 district.

42 2. On receipt of the boundary change impact statement, the governing
43 body shall set a day, not fewer than twenty nor more than thirty days from
44 that date, for a hearing on the boundary change impact statement. The board
45 of supervisors may at any time prior to making a determination pursuant to

1 paragraph 5 of this subsection require that the impact statement be amended
2 to include any information that the board of supervisors deems to be relevant
3 and necessary.

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

17 4. Upon receipt of the boundary change impact statement the clerk
18 shall also mail notice, as provided in paragraph 3 of this subsection, to the
19 chairman of the board of supervisors of the county in which the district is
20 located. The chairman of the board of supervisors shall order a review of
21 the proposed change and may submit written comments to the governing body of
22 the district within ten days of receipt of the notice.

23 5. At the hearing called pursuant to paragraph 2 of this subsection,
24 the governing body shall consider the comments of the board of supervisors,
25 hear those who appear for and against the proposed change and determine
26 whether the proposed change will promote the public health, comfort,
27 convenience, necessity or welfare. If the governing body determines that the
28 public health, comfort, convenience, necessity or welfare will be promoted,
29 it shall approve the impact statement and authorize the persons proposing the
30 change to circulate petitions as provided in this subsection. The order of
31 the governing body shall be final, but if the request to circulate petitions
32 is denied, a subsequent request for a similar change may be refiled with the
33 governing body after six months from the date of such denial.

34 ~~6. A person aggrieved by a decision of the governing body under this~~
35 ~~section may appeal to the board of supervisors of the county in which the~~
36 ~~district, or a majority of the district, is located, and a person aggrieved~~
37 ~~by a decision of the board of supervisors may appeal to the superior court in~~
38 ~~the county in the manner prescribed by title 12, chapter 7, article 6 and by~~
39 ~~posting a bond equal to the probable costs conditioned that the appellant~~
40 ~~will prosecute his appeal and will pay all costs that accrue in the court if~~
41 ~~a judgment is rendered affirming the decision of the board of~~
42 ~~supervisors. The court shall require the district governing body to pay all~~
43 ~~costs that accrue in the court, including reasonable attorney fees, and the~~
44 ~~bond shall be returned to the appellant, if a judgment is rendered in favor~~
45 ~~of the appellant.~~

1 6. THE GOVERNING BODY SHALL NOT APPROVE A PROPOSED ANNEXATION IF THE
2 PROPERTY TO BE ANNEXED IS NOT CONTIGUOUS WITH THE DISTRICT'S EXISTING
3 BOUNDARY. FOR PURPOSES OF DETERMINING WHETHER OR NOT THE PROPOSED ADDITION
4 IS CONTIGUOUS, THE ADDITION IS DEEMED CONTIGUOUS IF LAND THAT IS OWNED BY OR
5 UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT, THIS STATE OR ANY
6 POLITICAL SUBDIVISION OF THIS STATE, OTHER THAN AN INCORPORATED CITY OR TOWN,
7 INTERVENES BETWEEN THE PROPOSED ADDITION AND THE CURRENT DISTRICT BOUNDARY.

8 7. THE GOVERNING BODY SHALL NOT APPROVE A PROPOSED ANNEXATION IF THE
9 AREA PROPOSED TO BE ANNEXED SURROUNDS ANY UNINCORPORATED TERRITORY AND THAT
10 UNINCORPORATED TERRITORY IS NOT ALSO INCLUDED IN THE DISTRICT.

11 ~~7-~~ 8. After receiving the approval of the governing body as provided
12 in paragraph 5 of this subsection and provided no appeal filed pursuant to
13 paragraph ~~6-~~ 14 of this subsection remains unresolved, ~~the~~ ANY ADULT person
14 ~~proposing the change~~ may circulate and present petitions to the governing
15 body of the district.

16 ~~8-~~ 9. Within fifteen days after receiving the approval of the
17 governing body as prescribed by paragraph 5 of this subsection ~~and after any~~
18 ~~appeal filed pursuant to paragraph 6 of this subsection has been resolved,~~
19 the clerk of the board shall determine the minimum number of signatures
20 required to comply with paragraph ~~9-~~ 10, subdivision ~~(d)~~ (b) of this
21 subsection. After making that determination, that number of signatures shall
22 remain fixed, notwithstanding any subsequent changes in the ~~voter~~
23 ~~registration records~~ OWNERSHIP OF THE PROPERTY WITHIN THE BOUNDARIES OF THE
24 PROPOSED CHANGE.

25 ~~9-~~ 10. The petitions presented pursuant to paragraph ~~7-~~ 8 of this
26 subsection shall comply with the provisions regarding petition form in
27 ~~section 48-265 and verification in section 48-266 and shall:~~

28 (a) At all times, contain a legal description of the boundaries of the
29 area to be included within the proposed change and a detailed, accurate map
30 of the area included within the proposed change. No alteration of the
31 described area shall be made after receiving the approval of the governing
32 body as provided in paragraph 5 of this subsection.

33 (b) ~~If a petition of property owners,~~ Be signed by more than one-half
34 of the property owners within the boundaries of the proposed change AND BE
35 SIGNED BY PERSONS OWNING COLLECTIVELY MORE THAN ONE-HALF OF THE ASSESSED
36 VALUATION OF THE PROPERTY WITHIN THE BOUNDARIES OF THE PROPOSED CHANGE.

37 (c) ~~If a petition of property owners, be signed by persons owning~~
38 ~~collectively more than one-half of the assessed valuation of the property~~
39 ~~within the boundaries of the proposed change.~~

40 (d) ~~If a petition of qualified electors, be signed by more than~~
41 ~~one-half of the qualified electors within the boundaries of the proposed~~
42 ~~change.~~

43 ~~10-~~ 11. On receipt of the petitions, the governing body shall set a
44 day, not fewer than ten nor more than thirty days from that date, for a
45 hearing on the request.

1 ~~11-~~ 12. Prior to the hearing called pursuant to paragraph ~~10~~ 11 of
2 this subsection, the board of supervisors shall determine the validity of the
3 petitions presented pursuant to subsection B of this section.

4 ~~12-~~ 13. At the hearing called pursuant to paragraph ~~10~~ 11 of this
5 subsection, the governing body ~~shall~~, if the petitions are valid, SHALL order
6 the change to the boundaries. The governing body shall enter its order
7 setting forth its determination in the minutes of the meeting, not later than
8 ten days from the day of the hearing, and a copy of the order shall be sent
9 to the officer in charge of elections and a copy shall be recorded in the
10 county recorder's office. The order of the governing body shall be final,
11 and the proposed change shall be made to the district boundaries thirty days
12 after the governing body votes. ~~An appeal of the order to change the~~
13 ~~boundaries to the board of supervisors pursuant to paragraph 6 of this~~
14 ~~subsection must be filed with the board of supervisors during such thirty day~~
15 ~~period.~~

16 14. ON FILING A VERIFIED COMPLAINT WITH THE SUPERIOR COURT, THE
17 ATTORNEY GENERAL, THE COUNTY ATTORNEY OR ANY OTHER INTERESTED PARTY MAY
18 QUESTION THE VALIDITY OF THE ANNEXATION FOR FAILURE TO COMPLY WITH THIS
19 SECTION. THE COMPLAINT SHALL INCLUDE A DESCRIPTION OF THE ALLEGED
20 NONCOMPLIANCE AND SHALL BE FILED WITHIN THIRTY DAYS AFTER THE GOVERNING BODY
21 OF THE DISTRICT ADOPTS A RESOLUTION THAT ANNEXES THE TERRITORY OF THE
22 DISTRICT. THE BURDEN OF PROOF IS ON THE PLAINTIFF TO PROVE THE MATERIAL
23 ALLEGATIONS OF THE VERIFIED COMPLAINT. AN ACTION SHALL NOT BE BROUGHT TO
24 QUESTION THE VALIDITY OF AN ANNEXATION RESOLUTION UNLESS IT IS FILED WITHIN
25 THE TIME AND FOR THE REASONS PRESCRIBED IN THIS SUBSECTION. ALL HEARINGS
26 THAT ARE HELD PURSUANT TO THIS PARAGRAPH AND ALL APPEALS OF ANY ORDERS SHALL
27 BE PREFERRED AND SHALL BE HEARD AND DETERMINED IN PREFERENCE TO ALL OTHER
28 CIVIL MATTERS, EXCEPT ELECTION ACTIONS. IF MORE THAN ONE COMPLAINT
29 QUESTIONING THE VALIDITY OF AN ANNEXATION RESOLUTION IS FILED, ALL SUCH
30 COMPLAINTS SHALL BE CONSOLIDATED FOR THE HEARING.

31 B. For the purpose of determining the validity of the petitions
32 presented pursuant to subsection A, paragraph ~~7-~~ 8 of this section:
33

34 ~~1. Qualified electors shall be those persons qualified to vote~~
35 ~~pursuant to title 16.~~

36 ~~2. 1. For the purposes of fulfilling the requirements of subsection~~
37 ~~A, paragraph 9, subdivisions (b) and (c) of this section, Property held in~~
38 ~~multiple ownership shall be treated as if it had only one property owner, so~~
39 ~~that the signature of only one of the owners of property held in multiple~~
40 ~~ownership is required on the boundary change petition.~~

41 ~~3-~~ 2. The value of property shall be determined as follows:

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

1 (b) In the case of property valued by the department of revenue, the
2 values shall be those determined by the department in the manner provided by
3 law, for municipal assessment purposes. The county assessor and the
4 department of revenue, respectively, shall furnish to the governing body,
5 within twenty days after such a request, a statement in writing showing the
6 owner, the address of each owner and the appraisal or assessment value of
7 properties contained within the area of a proposed change as described in
8 subsection A of this section.

9 ~~4-~~ 3. All petitions circulated shall be returned to the governing
10 body of the district within one year from the date of the approval given by
11 the governing body pursuant to subsection A, paragraph 5 of this section.
12 Any petition returned more than one year from that date is void. If an
13 appeal is filed pursuant to subsection A, paragraph ~~6-~~ 14 of this section,
14 this time period for gathering signatures is tolled beginning on the date an
15 action is filed in superior court and continuing until the expiration of the
16 time period for any further appeal.

17 C. FOR THE PURPOSES OF DETERMINING WHETHER OR NOT THE PROPOSED
18 ADDITION IS CONTIGUOUS, THE ADDITION IS DEEMED CONTIGUOUS IF LAND THAT IS
19 OWNED BY OR UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT, THIS
20 STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE, OTHER THAN AN INCORPORATED
21 CITY OR TOWN, INTERVENES BETWEEN THE PROPOSED ADDITION AND THE CURRENT
22 DISTRICT BOUNDARY. PROPERTY SHALL NOT BE APPROVED FOR ANNEXATION IF THE AREA
23 PROPOSED TO BE ANNEXED SURROUNDS ANY UNINCORPORATED TERRITORY AND THAT
24 UNINCORPORATED TERRITORY IS NOT ALSO INCLUDED IN THE DISTRICT.

25 ~~6-~~ D. If the change in the boundaries proposed pursuant to subsection
26 A of this section would result in a withdrawal of territory from an existing
27 district, the petitions shall be approved by the governing body only if the
28 proposed withdrawal would not result in a noncontiguous portion of the
29 district that is less than one square mile in size. ~~If the changes proposed~~
30 ~~would result in an increase in the territory of the district, the petitions~~
31 ~~shall be approved by the governing body only if the proposed additions would~~
32 ~~be contiguous to the existing district as prescribed by section 9-471,~~
33 ~~subsection H and if the increase in territory does not result in a district~~
34 ~~that completely surrounds a territory that is in an unincorporated area of~~
35 ~~the county and that is not included in the district. For purposes of~~
36 ~~determining whether the addition proposed to be incorporated into the~~
37 ~~district is contiguous, the addition is deemed contiguous notwithstanding~~
38 ~~that land owned by or under the jurisdiction of the government of the United~~
39 ~~States, this state or any political subdivision, other than an incorporated~~
40 ~~city, intervenes between the proposed addition and the district~~
41 ~~boundary. Any whole parcel may be added to the district notwithstanding the~~
42 ~~provisions of section 9-471 regarding minimum size limitations.~~

43 ~~7-~~ E. If the impact statement described in subsection A of this
44 section relates to the withdrawal of property from a district, in addition to

1 the other requirements of subsection A of this section, the governing body
2 shall also determine:

3 1. If the district has any existing outstanding bonds or other
4 evidences of indebtedness.

5 2. If those bonds were authorized by an election and issued during the
6 time the property to be withdrawn was lawfully included within the district.

7 ~~E~~. F. If the conditions of subsection ~~D~~ E of this section are met:

8 1. The property withdrawn from the district shall remain subject to
9 taxes, special assessments or fees levied or collected to meet the contracts
10 and covenants of the bonds. The board of supervisors shall provide for the
11 levy and collection of such taxes, special assessments or fees.

12 2. The governing body shall:

13 (a) Annually determine the amount of special property taxes, special
14 assessments or fees that must be levied and collected from property withdrawn
15 from the district and the mechanism by which such amount is to be collected.

16 (b) Notify the board of supervisors on or before the third Monday in
17 July of the amount determined in subdivision (a) of this paragraph.

18 3. Property withdrawn from an existing district shall not be subject
19 to any further taxes, special assessments or fees arising from the
20 indebtedness of such district except as provided in this subsection.

21 ~~F~~. G. If the statement described in subsection A, paragraph 1 of this
22 section requests the annexation of property located within an incorporated
23 city or town, in addition to the other requirements of subsection A of this
24 section, the governing body shall approve the district boundary change impact
25 statement and authorize the circulation of petitions only if the governing
26 body of the city or town has by ordinance or resolution endorsed such
27 annexation and such annexation is authorized pursuant to this title.

28 ~~G~~. H. Except as provided in subsection ~~E~~ D of this section and
29 section 48-2002, no change in the boundaries of a district pursuant to this
30 section shall result in a district which contains area that is not
31 contiguous.

32 ~~H~~. I. Notwithstanding subsection A of this section, any property
33 owner, INCLUDING A COUNTY, THIS STATE OR THE UNITED STATES GOVERNMENT, whose
34 land is within a county that contains a sanitary district or fire district
35 and whose land is ~~adjacent~~ CONTIGUOUS to the boundaries of the sanitary
36 district or fire district may request in writing that the governing body of
37 the district amend the district boundaries to include that property owner's
38 land. A request made pursuant to this subsection shall be made before the
39 county board of supervisors orders the creation of a proposed new district of
40 the same type or the district governing body orders the annexation by a
41 district of the same type in which the property owner's land is proposed for
42 inclusion and for which petitions are being circulated. If the governing
43 body determines that the inclusion of that property will benefit the district
44 and the property owner, the boundary change may be made by order of the
45 governing body and is final on the recording of the governing body's order

1 that includes a legal description of the property that is added to the
2 district. If the governing body does not order the boundary change, the land
3 shall be included in the boundaries of the proposed new district of the same
4 type or annexation by a district of the same type in which the property
5 owner's land is proposed for inclusion and for which petitions are being
6 circulated. A petition and impact statement are not required for an
7 amendment to a sanitary district's or fire district's boundaries made
8 pursuant to this subsection.

9 ~~I~~ J. A fire district shall not annex or otherwise add territory that
10 is already included in another existing fire district, unless deannexed
11 pursuant to subsections ~~C~~, D, and E AND F of this section.

12 K. A FIRE DISTRICT, COMMUNITY PARK MAINTENANCE DISTRICT OR SANITARY
13 DISTRICT MAY APPROPRIATE AND SPEND MONIES AS NECESSARY OR REASONABLY REQUIRED
14 TO ASSIST ONE OR MORE INDIVIDUALS OR ENTITIES TO CHANGE THE DISTRICT'S
15 BOUNDARIES PURSUANT TO THIS SECTION.

16 L. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF AN INCORPORATED
17 CITY OR TOWN HAS PREVIOUSLY ADOPTED A RESOLUTION DESIGNATING A FIRE DISTRICT
18 AS THE FIRE SERVICE AGENCY FOR THE CITY OR TOWN, THE JURISDICTIONAL
19 BOUNDARIES OF THE FIRE DISTRICT WITHOUT FURTHER NOTICE OR ELECTION SHALL BE
20 CHANGED TO INCLUDE ANY PROPERTY ANNEXED INTO THE CITY OR TOWN. IF THE
21 ANNEXATION OCCURS PURSUANT TO A JOINT PETITION FOR ANNEXATION, ANY JOINT
22 PETITION FOR ANNEXATION SHALL CLEARLY INDICATE IN ITS TITLE AND IN THE NOTICE
23 REQUIRED IN PETITION THAT THE PROPERTY TO BE ANNEXED WILL BE SUBJECT TO THE
24 JURISDICTION OF BOTH THE CITY OR TOWN AND THE FIRE DISTRICT. A JOINT
25 PETITION FOR ANNEXATION SHALL COMPLY WITH BOTH SECTION 9-471 AND THIS
26 SECTION. ANY FIRE DISTRICT BOUNDARY CHANGE THAT OCCURS THROUGH CITY OR TOWN
27 ANNEXATION PURSUANT TO THIS SUBSECTION IS EFFECTIVE ON THE EFFECTIVE DATE OF
28 THE ANNEXATION BY THE INCORPORATED CITY OR TOWN. IF AN INCORPORATED CITY OR
29 TOWN THAT HAS DESIGNATED A FIRE DISTRICT AS THE FIRE SERVICE AGENCY FOR THAT
30 CITY OR TOWN ANNEXES PROPERTY THAT IS ALREADY PART OF ANOTHER FIRE DISTRICT,
31 THE ANNEXED PROPERTY SHALL REMAIN PART OF THE FIRE DISTRICT IN WHICH IT WAS
32 LOCATED BEFORE THE CITY OR TOWN'S ANNEXATION.

33 ~~J~~ M. For the purposes of this section--
34 ~~I~~ assessed valuation does not include the assessed valuation of
35 property that is owned by a county, THIS STATE OR THE UNITED STATES
36 GOVERNMENT.

37 ~~2. Property owner does not include a county.~~

38 Sec. 4. Section 48-263, Arizona Revised Statutes, is amended to read:
39 48-263. Special taxing district impact statement; district
40 creation; district boundary change; bond requirement

41 A. Notwithstanding any other special taxing district organization or
42 boundary change requirements, a special taxing district impact statement is
43 required for each antinoxious weed district, pest control district,
44 recreation center district, special road district, pest abatement district
45 and irrigation water delivery district, as follows:

1 1. In the case of a special taxing district formation proposal and
2 before the circulation of organization petitions otherwise required, the
3 special taxing district impact statement and hearing requirements pursuant to
4 section 48-261, subsection A, paragraphs 1 through 5 and subsections C, D and
5 E shall first be complied with.

6 2. In the case of a proposed special taxing district boundary change
7 to an existing district and before the circulation of any boundary change
8 petitions otherwise required, the boundary change impact statement and
9 hearing requirements pursuant to section 48-262, subsection A, paragraphs 1
10 through 5 and subsections ~~D~~ E and ~~F~~ G shall first be complied with.

11 B. The board of supervisors may require the person desiring to propose
12 creation of a special taxing district in subsection A of this section to post
13 a reasonable bond to be filed with the board, in accordance with section
14 48-261, subsection C.

15 Sec. 5. Section 48-265, Arizona Revised Statutes, is amended to read:

16 48-265. Petitions of registered voters; form; verification of
17 signatures

18 A. A petition of registered voters that is submitted to comply with
19 section 48-261, subsection A, paragraph 7, subdivision ~~(d)~~ (c) ~~or section~~
20 ~~48-262, subsection A, paragraph 8 shall be in a form substantially similar to~~
21 ~~the form required by sections 19-101, 19-112 and 19-121 and shall be revised~~
22 ~~to apply to a petition regarding a district that is governed by this~~
23 ~~article. The petition shall contain a heading that clearly identifies the~~
24 ~~type of petition circulated and a statement that clearly describes the type~~
25 ~~of action being proposed. A petition form that is approved by the secretary~~
26 ~~of state satisfies the form requirements of this section. THE PETITION SHALL~~
27 BE IN A FORM THAT IS SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

28 SPECIAL TAXING DISTRICT CREATION PETITION

29 TO THE BOARD OF SUPERVISORS OF (INSERT NAME) COUNTY:

30 WE THE UNDERSIGNED, QUALIFIED ELECTORS OF (INSERT NAME OF
31 COUNTY), STATE OF ARIZONA, RESIDING WITHIN THE BOUNDARIES AS
32 ILLUSTRATED AND DEFINED ON THE ATTACHED EXHIBIT(S), LEGAL
33 DESCRIPTION AND MAP OF THE PROPOSED BOUNDARIES, PETITION THE
34 COUNTY BOARD OF SUPERVISORS TO CREATE A (INSERT DESCRIPTION OF
35 DISTRICT) AS DESCRIBED IN THE ATTACHED EXHIBIT(S). I HAVE
36 PERSONALLY SIGNED THIS PETITION WITH MY FIRST AND LAST NAMES. I
37 HAVE NOT SIGNED ANY OTHER PETITION FOR THE SAME MEASURE. I AM A
38 QUALIFIED ELECTOR OF THE STATE OF ARIZONA, COUNTY OF
39 _____, AND RESIDE WITHIN THE BOUNDARIES OF THE PROPOSED
40 DISTRICT.

41 NOTICE: THIS IS ONLY A DESCRIPTION OF THE DISTRICT SOUGHT
42 TO BE CREATED BY THE SPONSOR OF THE MEASURE. IT MAY NOT INCLUDE
43 EVERY PROVISION CONTAINED IN THE MEASURE. BEFORE SIGNING, MAKE
44 SURE THE EXHIBITS ARE ATTACHED. YOU HAVE THE RIGHT TO READ OR
45 EXAMINE THE DISTRICT IMPACT STATEMENT BEFORE SIGNING.

WARNING

IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY DO ANY OF THE FOLLOWING:

1. SIGN A DISTRICT CREATION PETITION WITH A NAME OTHER THAN THE PERSON'S OWN NAME, EXCEPT IN A CIRCUMSTANCE WHERE THE PERSON SIGNS FOR ANOTHER PERSON, IN THE PRESENCE OF AND AT THE SPECIFIC REQUEST OF THAT PERSON, WHO IS INCAPABLE OF SIGNING THAT PERSON'S OWN NAME BECAUSE OF PHYSICAL INFIRMITY.

2. SIGN THE PERSON'S NAME MORE THAN ONCE FOR THE SAME MEASURE.

3. SIGN A DISTRICT CREATION PETITION IF THE PERSON IS NOT A QUALIFIED ELECTOR OF THE STATE OF ARIZONA RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT.

SIGNATURE	NAME	ACTUAL	ARIZONA	CITY OR	DATE
	(FIRST AND	ADDRESS	POST OFFICE	TOWN	
	LAST NAME	(STREET &	ADDRESS	(IF ANY)	
	PRINTED)	NO. AND IF	& ZIP		
		NO STREET	CODE		
		ADDRESS,			
		DESCRIBE			
		RESIDENCE			
		LOCATION)			

(FIFTEEN NUMBERED LINES FOR SIGNATURES)

THE VALIDITY OF SIGNATURES ON THIS SHEET MUST BE SWORN TO BY THE CIRCULATOR BEFORE A NOTARY PUBLIC ON THE FORM APPEARING ON THE BACK OF THE SHEET.

B. EACH PETITION SHEET SHALL HAVE PRINTED IN CAPITAL LETTERS IN NO LESS THAN TWELVE POINT BOLD-FACED TYPE IN THE UPPER RIGHT-HAND CORNER OF THE FACE OF THE PETITION SHEET THE FOLLOWING:

"_____ PAID CIRCULATOR" "_____ VOLUNTEER"

C. A CIRCULATOR OF PETITIONS SHALL STATE WHETHER THE CIRCULATOR IS A PAID CIRCULATOR OR VOLUNTEER BY CHECKING THE APPROPRIATE LINE ON THE PETITION FORM BEFORE CIRCULATING THE PETITION FOR SIGNATURES.

D. SIGNATURES OBTAINED ON PETITIONS IN VIOLATION OF SUBSECTION B OF THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

E. EVERY QUALIFIED ELECTOR SIGNING A PETITION SHALL DO SO IN THE PRESENCE OF THE PERSON WHO IS CIRCULATING THE PETITION AND WHO IS TO EXECUTE THE AFFIDAVIT OF VERIFICATION. AT THE TIME OF SIGNING, THE QUALIFIED ELECTOR SHALL SIGN HIS FIRST AND LAST NAMES IN THE SPACES PROVIDED AND SHALL PRINT THE FIRST AND LAST NAMES AND SHALL WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE SIGNATURE, THE SIGNER'S RESIDENCE ADDRESS, GIVING STREET AND NUMBER, AND IF THE QUALIFIED ELECTOR HAS NO STREET ADDRESS, A DESCRIPTION OF THE

1 RESIDENCE LOCATION. THE QUALIFIED ELECTOR SO SIGNING OR THE PERSON
2 CIRCULATING THE PETITION SHALL WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE
3 QUALIFIED ELECTOR'S ADDRESS, THE DATE ON WHICH THE QUALIFIED ELECTOR SIGNED
4 THE PETITION.

5 F. THE TITLE AND TEXT OF PETITIONS SHALL BE IN AT LEAST EIGHT POINT
6 TYPE.

7 G. ON THE AFFIDAVIT FORM PURSUANT TO THIS SECTION, THE PERSON BEFORE
8 WHOM THE SIGNATURES AND ADDRESSES WERE WRITTEN ON THE SIGNATURE SHEET SHALL
9 SUBSCRIBE AND SWEAR BEFORE A NOTARY PUBLIC THAT EACH OF THE NAMES ON THE
10 SHEET WAS SIGNED AND THE NAME AND ADDRESS WERE PRINTED IN THE PRESENCE OF THE
11 CIRCULATOR ON THE DATE INDICATED, AND THAT IN THE CIRCULATOR'S BELIEF EACH
12 SIGNER WAS A QUALIFIED ELECTOR ELIGIBLE TO SIGN THE PETITION AND THAT AT ALL
13 TIMES DURING CIRCULATION OF THE SIGNATURE SHEET COPIES OF ANY REQUIRED
14 EXHIBITS WERE ATTACHED. ALL SIGNATURES OF PETITIONERS ON A SIGNATURE SHEET
15 SHALL BE THOSE OF QUALIFIED ELECTORS. SIGNATURE AND HANDWRITING COMPARISONS
16 MAY BE MADE.

17 H. THE AFFIDAVIT SHALL BE IN THE FOLLOWING FORM PRINTED ON THE REVERSE
18 SIDE OF EACH SIGNATURE SHEET:

19 AFFIDAVIT OF CIRCULATOR
20 STATE OF ARIZONA)
21) SS.:
22 COUNTY OF _____)
23 (WHERE NOTARIZED)

24 I, (PRINT NAME), A PERSON WHO IS QUALIFIED TO REGISTER TO VOTE IN THE
25 COUNTY OF _____, IN THE STATE OF ARIZONA AT ALL TIMES DURING MY CIRCULATION
26 OF THIS PETITION SHEET, AND UNDER THE PENALTY OF A CLASS 1 MISDEMEANOR,
27 DEPOSE AND SAY THAT EACH INDIVIDUAL SIGNED THIS SHEET OF THE FOREGOING
28 PETITION IN MY PRESENCE ON THE DATE INDICATED, AND I BELIEVE THAT EACH
29 SIGNER'S NAME AND RESIDENCE ADDRESS OR POST OFFICE ADDRESS ARE CORRECTLY
30 STATED AND THAT EACH SIGNER IS A QUALIFIED ELECTOR RESIDING WITHIN THE
31 BOUNDARIES OF THE PROPOSED DISTRICT AND THAT AT ALL TIMES DURING CIRCULATION
32 OF THIS SIGNATURE SHEET, A COPY OF THE REQUIRED EXHIBITS WAS ATTACHED TO THE
33 SIGNATURE SHEET.

34 (SIGNATURE OF AFFIANT) _____
35 (RESIDENCE ADDRESS, STREET
36 AND NUMBER OF AFFIANT, OR
37 IF NO STREET ADDRESS, A
38 DESCRIPTION OF RESIDENCE
39 LOCATION)

40 _____
41 SUBSCRIBED AND SWORN TO BEFORE ME ON _____.
42 (DATE)

43 _____
44 NOTARY PUBLIC
45 _____, ARIZONA.

1 MY COMMISSION EXPIRES ON _____.
2 (DATE)

3 I. THE EIGHT POINT TYPE REQUIRED BY SUBSECTION F OF THIS SECTION DOES
4 NOT APPLY TO MAPS, CHARTS OR OTHER GRAPHICS.

5 ~~B.~~ J. The board of supervisors or other governing body of a political
6 subdivision that receives a petition of registered voters pursuant to this
7 section shall submit a facsimile copy of the signature sheets to the county
8 recorder for verification. The county recorder shall conduct a signature
9 verification that is substantially similar to the verification required by
10 title 19, chapter 1. If the minimum number of signatures required is fewer
11 than two hundred, the county recorder may follow either a verification
12 procedure that is substantially similar to the verification procedure
13 prescribed by title 19, chapter 1 or a verification procedure that is
14 substantially similar to the verification procedure prescribed by section
15 19-208.02. The county recorder shall report the result of the verification
16 to the board of supervisors or other governing body within ten days,
17 excluding Saturdays, Sundays and other legal holidays, after receiving the
18 copy of the signature sheets.

19 Sec. 6. Section 48-266, Arizona Revised Statutes, is amended to read:
20 48-266. Petitions of property owners; form; verification

21 A. A petition of property owners that is submitted to comply with
22 section 48-261, subsection A, paragraph 7, ~~subdivisions (b) and (c) or~~
23 ~~section 48-262, subsection A, paragraph 8~~ shall contain a heading that
24 clearly identifies the type of petition circulated and a statement that
25 clearly describes the type of action being proposed. ~~The petition shall be~~
26 ~~in a form similar to the form required by sections 19-101, 19-112 and 19-121~~
27 ~~except that the petition shall not refer to a circulator and it shall not~~
28 ~~require an affidavit of circulator.~~ THE PETITION SHALL BE IN A FORM THAT IS
29 SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

30 SPECIAL TAXING DISTRICT CREATION PETITION
31 TO THE BOARD OF SUPERVISORS OF (INSERT NAME) COUNTY:
32 WE THE UNDERSIGNED, PROPERTY OWNERS OF (INSERT NAME OF
33 COUNTY), STATE OF ARIZONA AND OWNING PROPERTY WITHIN THE
34 BOUNDARIES AS ILLUSTRATED AND DEFINED ON THE ATTACHED
35 EXHIBIT(S), LEGAL DESCRIPTION AND MAP OF THE PROPOSED
36 BOUNDARIES, PETITION THE COUNTY BOARD OF SUPERVISORS TO CREATE A
37 (INSERT DESCRIPTION OF DISTRICT) AS DESCRIBED IN THE ATTACHED
38 EXHIBIT(S). I HAVE PERSONALLY SIGNED THIS PETITION WITH MY
39 FIRST AND LAST NAMES. I HAVE NOT SIGNED ANY OTHER PETITION FOR
40 THE SAME MEASURE. I AM A PROPERTY OWNER OF THE STATE OF ARIZONA,
41 COUNTY OF _____.

42 NOTICE: THIS IS ONLY A DESCRIPTION OF THE DISTRICT SOUGHT
43 TO BE CREATED BY THE SPONSOR OF THE MEASURE. IT MAY NOT INCLUDE
44 EVERY PROVISION CONTAINED IN THE MEASURE. BEFORE SIGNING, MAKE

1 SURE THE EXHIBITS ARE ATTACHED. YOU HAVE THE RIGHT TO READ OR
2 EXAMINE THE DISTRICT IMPACT STATEMENT BEFORE SIGNING.

3 WARNING

4 IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY DO
5 ANY OF THE FOLLOWING:

6 1. SIGN A DISTRICT CREATION PETITION WITH A NAME OTHER
7 THAN THE PERSON'S OWN NAME, EXCEPT IN A CIRCUMSTANCE WHERE THE
8 PERSON SIGNS FOR ANOTHER PERSON, IN THE PRESENCE OF AND AT THE
9 SPECIFIC REQUEST OF THAT PERSON, WHO IS INCAPABLE OF SIGNING
10 THAT PERSON'S OWN NAME BECAUSE OF PHYSICAL INFIRMITY.

11 2. SIGN THE PERSON'S NAME MORE THAN ONCE FOR THE SAME
12 MEASURE.

13 3. SIGN A DISTRICT CREATION PETITION IF THE PERSON IS NOT
14 A PROPERTY OWNER.

15	SIGNATURE	NAME	ACTUAL	ARIZONA	CITY OR	DATE
16		(FIRST AND	ADDRESS	POST OFFICE	TOWN	
17		LAST NAME	(STREET &	ADDRESS	(IF ANY)	
18		PRINTED)	NO. AND IF	& ZIP		
19			NO STREET	CODE		
20			ADDRESS,			
21			DESCRIBE			
22			RESIDENCE			
23			LOCATION)			

24 (FIFTEEN NUMBERED LINES FOR SIGNATURES)

25 B. A PETITION OF PROPERTY OWNERS THAT IS SUBMITTED TO COMPLY WITH
26 SECTION 48-262, SUBSECTION A, PARAGRAPH 10 SHALL CONTAIN A HEADING THAT
27 CLEARLY IDENTIFIES THE TYPE OF PETITION CIRCULATED AND A STATEMENT THAT
28 CLEARLY DESCRIBES THE TYPE OF ACTION BEING PROPOSED. THE PETITION SHALL BE
29 IN A FORM SUBSTANTIALLY SIMILAR TO THE FOLLOWING:

30 SPECIAL TAXING DISTRICT ANNEXATION PETITION
31 TO THE GOVERNING BODY OF THE (INSERT NAME) DISTRICT:
32 WE THE UNDERSIGNED, PROPERTY OWNERS OF (INSERT NAME OF
33 COUNTY), STATE OF ARIZONA AND OWNING PROPERTY WITHIN THE
34 BOUNDARIES AS ILLUSTRATED AND DEFINED ON THE ATTACHED
35 EXHIBIT(S), LEGAL DESCRIPTION AND MAP OF THE PROPOSED
36 BOUNDARIES, PETITION THE DISTRICT TO ANNEX THE TERRITORY AS
37 DESCRIBED IN THE ATTACHED EXHIBIT(S). THE AREA PETITIONING FOR
38 ANNEXATION, IF APPROVED BY THE GOVERNING BODY OF THE DISTRICT,
39 SHALL BECOME PART OF THE ANNEXING DISTRICT AND SUBJECT TO ALL
40 RELEVANT PROVISIONS OF THE ARIZONA REVISED STATUTES. I HAVE
41 PERSONALLY SIGNED THIS PETITION WITH MY FIRST AND LAST NAMES. I
42 HAVE NOT SIGNED ANY OTHER PETITION FOR THE SAME MEASURE. I AM A
43 PROPERTY OWNER OF THE STATE OF ARIZONA, COUNTY OF _____.

1 NOTICE: THIS IS ONLY A DESCRIPTION OF THE TERRITORY
2 SOUGHT TO BE ANNEXED BY THE SPONSOR OF THE MEASURE. IT MAY NOT
3 INCLUDE EVERY PROVISION CONTAINED IN THE MEASURE. BEFORE
4 SIGNING, MAKE SURE THE EXHIBITS ARE ATTACHED. YOU HAVE THE
5 RIGHT TO READ OR EXAMINE THE BOUNDARY CHANGE IMPACT STATEMENT
6 BEFORE SIGNING.

7 WARNING

8 IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY DO
9 ANY OF THE FOLLOWING:

10 1. SIGN A DISTRICT ANNEXATION PETITION WITH A NAME OTHER
11 THAN THE PERSON'S OWN NAME, EXCEPT IN A CIRCUMSTANCE WHERE THE
12 PERSON SIGNS FOR ANOTHER PERSON, IN THE PRESENCE OF AND AT THE
13 SPECIFIC REQUEST OF THAT PERSON, WHO IS INCAPABLE OF SIGNING
14 THAT PERSON'S OWN NAME BECAUSE OF PHYSICAL INFIRMITY.

15 2. SIGN THE PERSON'S NAME MORE THAN ONCE FOR THE SAME
16 MEASURE.

17 3. SIGN A DISTRICT ANNEXATION PETITION IF THE PERSON IS
18 NOT A PROPERTY OWNER.

19	SIGNATURE	NAME	ACTUAL	ARIZONA	CITY OR	DATE
20		(FIRST AND	ADDRESS	POST OFFICE	TOWN	
21		LAST NAME	(STREET &	ADDRESS	(IF ANY)	
22		PRINTED)	NO. AND IF	& ZIP		
23			NO STREET	CODE		
24			ADDRESS,			
25			DESCRIBE			
26			RESIDENCE			
27			LOCATION)			

28 (FIFTEEN NUMBERED LINES FOR SIGNATURES)

29 C. EACH PETITION SHEET SHALL HAVE PRINTED IN CAPITAL LETTERS IN NO
30 LESS THAN TWELVE POINT BOLD-FACED TYPE IN THE UPPER RIGHT-HAND CORNER OF THE
31 FACE OF THE PETITION SHEET THE FOLLOWING:

32 " _____ PAID CIRCULATOR" " _____ VOLUNTEER"

33 D. A CIRCULATOR OF PETITIONS SHALL STATE WHETHER THE CIRCULATOR IS A
34 PAID CIRCULATOR OR VOLUNTEER BY CHECKING THE APPROPRIATE LINE ON THE PETITION
35 FORM BEFORE CIRCULATING THE PETITION FOR SIGNATURES

36 E. SIGNATURES OBTAINED ON PETITIONS IN VIOLATION OF SUBSECTION C OF
37 THIS SECTION ARE VOID AND SHALL NOT BE COUNTED IN DETERMINING THE LEGAL
38 SUFFICIENCY OF THE PETITION. THE PRESENCE OF SIGNATURES THAT ARE INVALIDATED
39 UNDER THIS SUBSECTION ON A PETITION DOES NOT INVALIDATE OTHER SIGNATURES ON
40 THE PETITION THAT WERE OBTAINED AS PRESCRIBED BY THIS SECTION.

41 F. AT THE TIME OF SIGNING, THE PROPERTY OWNER SHALL SIGN THE PROPERTY
42 OWNER'S FIRST AND LAST NAMES IN THE SPACES PROVIDED AND THE PROPERTY OWNER SO
43 SIGNING FOR THE PERSON CIRCULATING THE PETITION SHALL PRINT THE FIRST AND
44 LAST NAMES AND WRITE, IN THE APPROPRIATE SPACES FOLLOWING THE SIGNATURE, THE
45 SIGNER'S RESIDENCE ADDRESS, GIVING STREET AND NUMBER, AND IF PROPERTY OWNER

1 HAS NO STREET ADDRESS, A DESCRIPTION OF THE RESIDENCE LOCATION. THE PROPERTY
2 OWNER SO SIGNING OR THE PERSON CIRCULATING THE PETITION SHALL WRITE, IN THE
3 APPROPRIATE SPACES FOLLOWING THE PROPERTY OWNER'S ADDRESS, THE DATE ON WHICH
4 THE PROPERTY OWNER SIGNED THE PETITION.

5 G. THE TITLE AND TEXT OF PETITIONS SHALL BE IN AT LEAST EIGHT POINT
6 TYPE.

7 H. THE EIGHT POINT TYPE REQUIRED BY SUBSECTION G OF THIS SECTION DOES
8 NOT APPLY TO MAPS, CHARTS OR OTHER GRAPHICS.

9 ~~B.~~ I. The board of supervisors or other governing body of a political
10 subdivision that receives a petition pursuant to this section shall submit a
11 copy of the signature sheets to the county assessor for verification. The
12 county assessor shall:

13 1. Verify that the petition contains the names of more than one-half
14 of the property owners in the area of the proposed district.

15 2. Determine the total assessed valuation of the property owned by the
16 persons whose names are signed on the petition.

17 ~~G.~~ J. The county assessor shall report the results of the
18 verification to the board of supervisors or other governing body within ten
19 days after receiving the copy of the signature sheets, not including
20 Saturdays, Sundays and other legal holidays.

21 Sec. 7. Section 48-802, Arizona Revised Statutes, is amended to read:

22 48-802. Election procedures

23 A. All elections held pursuant to this article shall conform to the
24 requirements of this section.

25 B. Except as otherwise provided in this article, the manner of
26 conducting and voting at an election, contesting an election, keeping poll
27 lists, canvassing votes and certifying returns shall be the same, as nearly
28 as practicable, as in elections for county officers. If the fire district is
29 administered by a board, after consultation with the officer in charge of
30 elections, a fire district may divide itself into precincts. To the extent
31 practicable, the precincts shall be equal or as nearly equal in population
32 and shall conform to the boundaries of precincts adopted by the board of
33 supervisors of the county. The fire district shall thereafter conduct its
34 elections using those precincts.

35 C. No person may vote at the election other than a qualified elector
36 of this state who has registered to vote at least twenty-nine days before the
37 election ~~at~~ AS a ~~residence~~ RESIDENT within the district boundaries ~~or~~,
38 proposed district boundaries created by the merger of fire districts OR THE
39 PROPOSED DISTRICT BOUNDARIES CREATED BY A CONSOLIDATED DISTRICT. A person
40 offering to vote at a fire district election for which no fire district
41 register has been supplied shall sign an affidavit stating ~~his~~ THE PERSON'S
42 address and the fire district in which ~~he~~ THE PERSON resides and swearing ~~he~~
43 THE PERSON is qualified to vote and has not voted at the fire district
44 election being held. A person offering to vote at a fire district election

1 for which a fire district register has been supplied shall proceed as
2 required for voting at any election at which precinct registers are used.

3 D. In elections for an elected chief and secretary-treasurer or
4 district board members:

5 1. The person or persons within the district or precinct, as
6 applicable, receiving the highest number of votes shall be declared elected.

7 2. Candidates must be, and during incumbency must remain, qualified
8 electors of the fire district, ~~or in an election to merge fire districts, the~~
9 ~~proposed fire district~~. In a fire district that is divided into precincts as
10 prescribed by subsection B of this section, candidates shall be qualified
11 electors of the precinct in which they are candidates and during incumbency
12 must remain qualified electors of that precinct.

13 3. Elections, other than special elections to fill a vacancy or
14 elections to merge or dissolve fire districts, shall be held on the first
15 Tuesday after the first Monday in November of the first even numbered year
16 following the year the district is declared organized by the board of
17 supervisors and, in the case of a fire district administered by a district
18 board, every two years thereafter on the first Tuesday after the first Monday
19 in November. Elections shall be held every four years thereafter in
20 districts administered by an elected chief.

21 4. Except for an election to reorganize a fire district, nominating
22 petitions shall be filed with the board of supervisors as prescribed by title
23 16, chapter 3. If only one person files or no person files a nominating
24 petition for an election to fill a position on the district board or the
25 position of elected fire chief or elected secretary-treasurer for which the
26 term of office is to expire, the board of supervisors may cancel the election
27 for that position and appoint the person who filed the nominating petition to
28 fill the position. If no person files a nominating petition for an election
29 to fill a district office, the board of supervisors may cancel the election
30 for those offices and those offices are deemed vacant and shall be filled as
31 otherwise provided by law. A person who is appointed pursuant to this
32 paragraph is fully vested with the powers and duties of the office as if
33 elected to that office.

34 5. The names of all nominated persons for office within the district
35 or precinct, as applicable, shall appear on the ballot without partisan
36 designation.

37 E. In an election to reorganize or dissolve a fire district, notice of
38 the appropriate order of the board of supervisors or governing body of the
39 district shall be given as prescribed by title 16. An order to hold an
40 election shall be issued not more than thirty days from the receipt of
41 petitions pursuant to section 48-815.

42 F. In an election to merge fire districts, notice of the appropriate
43 order of the board of supervisors shall be given as prescribed by title
44 16. In addition, notice of the election with an accurate map of the
45 territory proposed to be merged shall be sent by first class mail to each

1 owner of property that would be subject to taxation by the merged district at
2 least sixty days before the election. An order to hold an election shall be
3 issued not more than thirty days after the receipt of petitions THE
4 RESOLUTION to merge fire districts pursuant to section 48-820.

5 G. IN AN ELECTION TO CONSOLIDATE FIRE DISTRICTS, NOTICE OF THE
6 APPROPRIATE ORDER OF THE BOARD OF SUPERVISORS SHALL BE GIVEN AS PRESCRIBED BY
7 TITLE 16. IN ADDITION, NOTICE OF THE ELECTION WITH AN ACCURATE MAP OF THE
8 TERRITORY PROPOSED TO BE CONSOLIDATED SHALL BE SENT BY FIRST CLASS MAIL TO
9 EACH OWNER OF PROPERTY THAT WOULD BE SUBJECT TO TAXATION BY THE CONSOLIDATED
10 DISTRICT AT LEAST SIXTY DAYS BEFORE THE ELECTION. AN ORDER TO HOLD AN
11 ELECTION SHALL BE ISSUED NOT MORE THAN THIRTY DAYS AFTER THE RECEIPT OF THE
12 RESOLUTION TO CONSOLIDATE FIRE DISTRICTS PURSUANT TO SECTION 48-822.

13 Sec. 8. Section 48-803, Arizona Revised Statutes, as amended by Laws
14 2006, chapter 2, section 3, is amended to read:

15 48-803. District administered by a district board

16 A. In a district which the board of supervisors estimates has a
17 population of fewer than four thousand inhabitants, the district board may
18 consist of three or five members. In a district which the board of
19 supervisors estimates has a population of four thousand or more inhabitants,
20 the district board shall consist of five members, and for a county island
21 fire district formed pursuant to section 48-261, subsection H, the board
22 shall consist of five members. The estimate of population by the board of
23 supervisors is conclusive and shall be based on available census information,
24 school attendance statistics, election or voter registration statistics,
25 estimates provided by state agencies or the county assessor, or other
26 information as deemed appropriate by the board of supervisors. If the board
27 of supervisors determines, at any time prior to one hundred twenty days
28 before the next regular scheduled election for members of a district board,
29 that the population of a fire district administered by a district board
30 consisting of three members exceeds four thousand inhabitants, estimated as
31 provided in this section, the board of supervisors shall order an increase in
32 the number of members of the district board. IF THE BOARD OF SUPERVISORS
33 DETERMINES AT ANY TIME PRIOR TO ONE HUNDRED EIGHTY DAYS BEFORE THE NEXT
34 REGULARLY SCHEDULED ELECTION FOR MEMBERS OF A DISTRICT BOARD THAT THE
35 POPULATION OF A FIRE DISTRICT ADMINISTERED BY A DISTRICT BOARD THAT CONSISTS
36 OF FIVE MEMBERS EXCEEDS FIFTY THOUSAND INHABITANTS AS PRESCRIBED IN THIS
37 SECTION, THE BOARD OF SUPERVISORS SHALL INFORM THE DISTRICT BOARD THAT IT MAY
38 EXPAND TO SEVEN MEMBERS. ANY EXPANSION TO SEVEN MEMBERS SHALL OCCUR BY
39 MAJORITY VOTE OF THE DISTRICT BOARD. The increase is effective for the
40 election of ~~two~~ THE additional members at the next regular election of
41 members of the district board.

42 B. If a vacancy occurs on the district board other than from
43 expiration of a term, the remaining board members shall fill the vacancy by
44 appointment of an interim member. If the entire board resigns or for any
45 reason cannot fulfill its duties, the board of supervisors shall appoint an

1 administrator to administer the district with the same duties and obligations
2 of the elected board. If the board of supervisors fails to appoint an
3 administrator within thirty days, a special election shall be held to fill
4 the vacancies on the fire district board.

5 C. Members of the district board shall serve without compensation, but
6 may be reimbursed for actual expenses incurred in performing duties required
7 by law.

8 D. Except for a county island fire district formed pursuant to section
9 48-261, subsection H, the board shall appoint or hire a fire chief.

10 E. The board shall elect from its members a chairman and a clerk.

11 F. Of the members first elected to boards consisting of three members,
12 the two people receiving the first and second highest number of votes shall
13 be elected to four-year terms, and the person receiving the third highest
14 number of votes shall be elected to a two-year term. Of the members first
15 elected to boards consisting of five members, the three people receiving the
16 first, second and third highest number of votes shall be elected to four-year
17 terms, and the two people receiving the fourth and fifth highest number of
18 votes shall be elected to two-year terms. Thereafter, the term of office of
19 each board member shall be four years from the first day of the month next
20 following such member's election. OF THE MEMBERS ELECTED AS ADDITIONAL
21 MEMBERS TO A FIVE MEMBER BOARD, THE PERSON WITH THE HIGHEST NUMBER OF VOTES
22 IS ELECTED TO A FOUR-YEAR TERM AND THE PERSON WITH THE SECOND-HIGHEST NUMBER
23 OF VOTES IS ELECTED TO A TWO-YEAR TERM. IF A DISTRICT RESOLVES TO INCREASE
24 THE GOVERNING BOARD TO SEVEN MEMBERS PURSUANT TO SUBSECTION A, THE GOVERNING
25 BOARD MAY APPOINT TWO ADDITIONAL MEMBERS TO SERVE UNTIL THE NEXT GENERAL
26 ELECTION. AFTER THE GENERAL ELECTION AT WHICH THE TWO ADDITIONAL MEMBERS ARE
27 ELECTED, THE NEWLY ELECTED MEMBER WITH THE HIGHEST NUMBER OF VOTES SERVES A
28 FOUR-YEAR TERM AND THE OTHER MEMBER SERVES A TWO-YEAR TERM. THEREAFTER, THE
29 TERM OF OFFICE FOR THESE TWO NEW MEMBERS IS FOUR YEARS.

30 Sec. 9. Section 48-805, Arizona Revised Statutes, as amended by Laws
31 2006, chapter 2, section 4, is amended to read:

32 48-805. Fire district; powers and duties

33 A. A fire district, through its board or elected chief and
34 secretary-treasurer, shall:

35 1. Hold public meetings at least once each calendar month.

36 2. Prepare an annual budget containing detailed estimated expenditures
37 for each fiscal year which shall clearly show salaries payable to employees
38 of the district, including the elected or appointed chief. The budget shall
39 be posted in three public places and published in a newspaper of general
40 circulation in the district thirty days prior to a public hearing at a
41 meeting called by the board or elected chief to adopt the budget. Copies of
42 the budget shall also be available to members of the public upon written
43 request to the district. Following the public hearing, the district board or
44 elected chief and secretary-treasurer shall adopt a budget.

45 3. Determine the compensation payable to district personnel.

1 4. Require probationary employees in a paid sworn firefighter
2 position, a reserve firefighter position or a volunteer firefighter position
3 to submit a full set of fingerprints to the fire district. The fire district
4 shall submit the fingerprints to the department of public safety for the
5 purpose of obtaining a state and federal criminal records check pursuant to
6 section 41-1750 and Public Law 92-544. The department of public safety may
7 exchange this fingerprint data with the federal bureau of investigation.

8 B. A fire district, through its board or elected fire chief and
9 secretary-treasurer, may:

10 1. Employ any personnel and provide services deemed necessary for fire
11 protection, for preservation of life and for carrying out its other powers
12 and duties, including providing ambulance transportation services when
13 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a
14 member of a district board shall not be an employee of the district. THE
15 MERGER OF TWO OR MORE FIRE DISTRICTS PURSUANT TO SECTION 48-820 OR THE
16 CONSOLIDATION WITH ONE OR MORE FIRE DISTRICTS PURSUANT TO SECTION 48-822
17 SHALL NOT EXPAND THE BOUNDARIES OF AN EXISTING CERTIFICATE OF NECESSITY
18 UNLESS AUTHORIZED PURSUANT TO TITLE 36, CHAPTER 21.1, ARTICLE 2.

19 2. Construct, purchase, lease, lease-purchase or otherwise acquire the
20 following or any interest therein and, in connection with such construction
21 or other acquisition, purchase, lease, lease-purchase or grant a lien on any
22 or all of its present or future property, including:

23 (a) Apparatus, water and rescue equipment, including ambulances and
24 equipment related to any of the foregoing.

25 (b) Land, and buildings, with equipment and furnishings to house
26 equipment and personnel necessary for fire protection and preservation of
27 life OR APPROPRIATE TO CARRY OUT ITS PURPOSES.

28 3. Finance the acquisition of property as provided in this section and
29 costs incurred in connection with the issuance of bonds as provided in
30 section 48-806. Bonds shall not be issued without the consent of a majority
31 of the electors of the district voting at an election held for that
32 purpose. For the purposes of an election held under this paragraph, all
33 persons who are eligible to vote in fire district elections under section
34 48-802 are eligible to vote.

35 4. ENFORCE THE FIRE CODE ADOPTED BY THE DISTRICT, IF ANY, AND assist
36 the state fire marshal in the enforcement of fire protection standards of
37 this state within the fire district including enforcement of a nationally
38 recognized fire code when expressly authorized by the state fire marshal.

39 5. After the approval of the qualified electors of the fire district
40 voting at a regular district election or at a special election called for
41 such purpose by the district board or the elected chief and
42 secretary-treasurer, as appropriate, or at any election held in the county
43 which encompasses the fire district, adopt the _____ fire code, which is
44 a nationally recognized fire code approved by the state fire marshal. The
45 words appearing upon the ballots shall be "Should _____ fire

1 district adopt the _____ fire code, which is a nationally recognized
2 fire code approved by the state fire marshal--yes", "Should _____
3 fire district adopt the _____ fire code, which is a nationally
4 recognized fire code approved by the state fire marshal--no". Such code
5 shall be enforced by the county attorney in the same manner as any other law
6 or ordinance of the county. Any inspection or enforcement costs are the
7 responsibility of the fire district involved. The district shall keep on
8 file such code which shall be open to public inspection for a period of
9 thirty days prior to any election for the purpose of adopting a fire code.
10 COPIES OF THE ORDER OF ELECTION SHALL BE POSTED IN THREE PUBLIC PLACES IN THE
11 DISTRICT NOT LESS THAN TWENTY DAYS BEFORE THE DATE OF THE ELECTION, AND IF A
12 NEWSPAPER IS PUBLISHED IN THE COUNTY HAVING A GENERAL CIRCULATION IN THE
13 DISTRICT, THE ORDER SHALL BE PUBLISHED IN THE NEWSPAPER NOT LESS THAN ONCE A
14 WEEK DURING EACH OF THE THREE CALENDAR WEEKS PRECEDING THE CALENDAR WEEK OF
15 THE ELECTION.

16 6. Amend or revise the adopted fire code, INCLUDING REPLACEMENT OF THE
17 ADOPTED FIRE CODE WITH AN ALTERNATIVE NATIONALLY RECOGNIZED FIRE CODE, with
18 the approval of the state fire marshal and after a hearing held pursuant to
19 posted and published notice as prescribed by subsection A, paragraph 2 of
20 this section. The district shall keep three copies of the adopted code,
21 amendments and revisions on file for public inspection.

22 7. Enter into an agreement procuring the services of an organized
23 private fire protection company or a fire department of a neighboring city,
24 town, district or settlement without impairing the FIRE DISTRICT'S powers
25 granted to it.

26 8. Contract with a city or town for fire protection services for all
27 or part of the city or town area until the city or town elects to provide
28 regular fire department services to the area.

29 9. Retain a certified public accountant to perform an annual audit of
30 district books.

31 10. Retain private legal counsel.

32 11. Accept gifts, contributions, bequests and grants and comply with
33 any requirements of such gifts, contributions, bequests and grants not
34 inconsistent with this article.

35 ~~12. Enter into contracts and execute any agreements or instruments and~~
36 ~~do any other act necessary or appropriate to carry out its purposes.~~

37 ~~13.~~ 12. Appropriate and expend annually such monies as are necessary
38 for the purpose of fire districts belonging to and paying dues in the Arizona
39 fire district association AND OTHER PROFESSIONAL AFFILIATIONS OR ENTITIES.

40 ~~14.~~ 13. Adopt resolutions establishing fee schedules BOTH WITHIN AND
41 OUTSIDE OF THE JURISDICTIONAL BOUNDARIES OF THE DISTRICT for providing fire
42 protection services and services for the preservation of life, including
43 emergency fire and emergency medical services, plan reviews, standby charges,
44 fire cause determination, users' fees, facilities benefit assessments or any
45 other fee schedule that may be required.

1 14. ADOPT RESOLUTIONS FOR A SCHEDULE FOR FINANCIAL REIMBURSEMENT TO
2 TAXPAYERS FOR INSTALLATION OF CERTAIN FIRE PROTECTION SYSTEMS SUCH AS
3 SPRINKLERS AND MONITORED ALARMS. ANY RESOLUTION TO OFFER REIMBURSEMENTS
4 SHALL INCLUDE ALL OF THE FOLLOWING:

5 (a) A NATIONALLY RECOGNIZED ANALYSIS OF THE COST SAVINGS TO THE
6 DISTRICT BY USING THE FIRE PROTECTION SYSTEMS.

7 (b) THE SPECIFICATIONS OF ALL QUALIFYING SYSTEMS.

8 (c) THE REQUIREMENTS FOR CLAIMING REIMBURSEMENT. THE AMOUNT OF
9 REIMBURSEMENT OFFERED SHALL BEAR A REASONABLE RELATIONSHIP TO THE COST
10 SAVINGS THAT ACCRUE TO THE DISTRICT AS A RESULT OF THE INSTALLATION OF
11 QUALIFYING SYSTEMS.

12 (d) THE REQUIREMENT THAT THE RESOLUTION TO OFFER REIMBURSEMENTS
13 EXPIRES ONE YEAR AFTER ITS ADOPTION UNLESS SPECIFICALLY READOPTED BY THE
14 GOVERNING BOARD. A RESOLUTION TO READOPT A SCHEDULE FOR FINANCIAL
15 REIMBURSEMENT SHALL ADDITIONALLY INCLUDE A STATEMENT AS TO THE PROGRAM'S
16 EFFECTIVENESS. THE STATEMENT SHALL INCLUDE THE AMOUNT OF REIMBURSEMENTS PAID
17 TO EACH TAXPAYER FOR THE INSTALLATION OF THE FIRE PROTECTION SYSTEM.

18 ~~15. After the approval of the qualified electors of the fire district
19 voting at a regular district election or at a special election called for
20 such purpose by the board of supervisors or at any election held in the
21 county which encompasses the fire district, change its name.~~

22 15. THE GOVERNING BOARD OF A FIRE DISTRICT, WITH THE APPROVAL OF TWO OF
23 THE THREE MEMBERS OF A THREE MEMBER BOARD, FOUR OF THE FIVE MEMBERS OF A FIVE
24 MEMBER BOARD OR FIVE OF THE SEVEN MEMBERS OF A SEVEN MEMBER BOARD, MAY CHANGE
25 THE DISTRICT'S NAME AND ON SO DOING SHALL GIVE WRITTEN NOTICE TO THE BOARD OF
26 SUPERVISORS OF THE CHANGE.

27 16. REQUIRE ALL EMPLOYEES TO SUBMIT A FULL SET OF FINGERPRINTS AS
28 PRESCRIBED BY SUBSECTION A, PARAGRAPH 4 OF THIS SECTION.

29 17. ENTER INTO INTERGOVERNMENTAL AGREEMENTS OR CONTRACTS AS FOLLOWS:

30 (a) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ANOTHER POLITICAL
31 SUBDIVISION FOR TECHNICAL OR ADMINISTRATIVE SERVICES OR TO PROVIDE FIRE
32 SERVICES TO THE PROPERTY OWNED BY THE POLITICAL SUBDIVISION, INCLUDING
33 PROPERTY THAT IS OUTSIDE THE DISTRICT BOUNDARY.

34 (b) ENTER INTO A CONTRACT WITH INDIVIDUALS TO:

35 (i) PROVIDE TECHNICAL OR ADMINISTRATIVE SERVICES.

36 (ii) PROVIDE FIRE PROTECTION SERVICES TO PROPERTY OWNED BY THE
37 INDIVIDUAL LOCATED OUTSIDE THE DISTRICT BOUNDARIES IF THE INDIVIDUAL'S
38 PROPERTY IS NOT LOCATED IN A COUNTY ISLAND AS DEFINED IN SECTION 11-251.12
39 AND AT LEAST ONE OF THE FOLLOWING APPLY:

40 (aa) THE EXISTING FIRE SERVICE PROVIDER WHERE THE INDIVIDUAL'S
41 PROPERTY IS LOCATED HAS ISSUED A NOTICE TO THE INDIVIDUAL THAT THE PROVIDER
42 PLANS TO DISCONTINUE SERVICE.

43 (bb) FIRE SERVICE IS NOT AVAILABLE TO THE INDIVIDUAL'S PROPERTY.

1 (cc) FIRE SERVICE IS OFFERED PURSUANT TO A CONTRACT OR SUBSCRIPTION
2 AND THE INDIVIDUAL HAS NOT OBTAINED SERVICE FOR A PERIOD OF TWENTY-FOUR
3 MONTHS BEFORE THE DATE OF THE CONTRACT WITH THE DISTRICT.

4 (c) ENTER INTO A CONTRACT WITH INDIVIDUALS TO PROVIDE FIRE SERVICES TO
5 PROPERTY OWNED BY THE INDIVIDUAL LOCATED OUTSIDE THE DISTRICT BOUNDARIES,
6 WHERE THE INDIVIDUAL'S PROPERTY IS LOCATED IN A COUNTY ISLAND AS DEFINED IN
7 SECTION 11-251.12, IF BOTH OF THE FOLLOWING APPLY:

8 (i) THE EXISTING FIRE SERVICE PROVIDER WHERE THE INDIVIDUAL'S PROPERTY
9 IS LOCATED HAS ISSUED A NOTICE TO THE RESIDENTS OF THE COUNTY ISLAND AND THE
10 INDIVIDUAL THAT THE PROVIDER PLANS TO DISCONTINUE OR SUBSTANTIALLY REDUCE
11 SERVICE.

12 (ii) THE DISTRICT OFFERS CONTRACTS TO ALL RESIDENTS AND PROPERTY
13 OWNERS OF THE COUNTY ISLAND WHO WILL BE AFFECTED BY THE DISCONTINUANCE OR
14 SUBSTANTIAL REDUCTION IN SERVICE BY THE CURRENT FIRE SERVICE PROVIDER.

15 (d) FOR PURPOSES OF SUBDIVISION (a), (b) OR (c) OF THIS PARAGRAPH, A
16 DISTRICT MAY CONTRACT WITH ANY PUBLIC OR PRIVATE FIRE SERVICE PROVIDER TO
17 PROVIDE SOME OR ALL OF THE CONTRACTUAL SERVICES THE DISTRICT IS CONTRACTING
18 TO DELIVER.

19 (e) ANY CONTRACT ENTERED INTO PURSUANT TO SUBDIVISIONS (b) AND (c) OF
20 THIS PARAGRAPH SHALL INCLUDE A PROVISION SETTING FORTH THE COST OF SERVICE
21 AND PERFORMANCE CRITERIA.

22 C. The chairman and clerk of the district board or their respective
23 designees or the elected chief and secretary-treasurer, as applicable, shall
24 draw warrants on the county treasurer for money required to operate the
25 district in accordance with the budget and, as so drawn, the warrants shall
26 be sufficient to authorize the county treasurer to pay from the fire district
27 fund.

28 D. The district shall not incur any debt or liability in excess of
29 taxes levied and to be collected and the money actually available and
30 unencumbered at the time in the fund, except as provided in subsection B,
31 paragraph 2 of this section and in sections 48-806 and 48-807.

32 E. For a county island fire district formed pursuant to section
33 48-261, subsection H, the following apply:

34 1. The district may be formed only in county islands that are located
35 in an area that is within the 911 service provider district in which the
36 largest city has a population of more than three hundred ninety-five thousand
37 persons but less than five hundred thousand persons and that is located
38 within the municipal planning area of a town with a population of one hundred
39 thousand or more persons as designated in the land use map of the
40 municipality's general plan. The district may only be formed if the district
41 contains all of the county islands that are prescribed in this paragraph and
42 after compliance with the petition requirements prescribed by section 48-261,
43 subsection H.

44 2. The district is authorized only to receive fire protection services
45 and emergency medical services from the adjacent city or town government or

1 some other provider of fire protection and emergency medical services. A
2 county island fire district has no authority to provide fire protection
3 services or emergency medical services by any method other than as prescribed
4 by this subsection. The city or town shall charge a reasonable rate to the
5 county island fire district to recover the costs of the service AND EXCLUDING
6 THE COSTS OF ANY AWARDS MADE PURSUANT TO SECTION 48-261, SUBSECTION H,
7 PARAGRAPH 2, and the district board may assess and levy a secondary property
8 tax pursuant to this article to pay for the costs of the service. The amount
9 charged by the city or town is limited as follows:

10 (a) For each residence or commercial building, an amount to buy into
11 service from the city or town. The amount chargeable pursuant to this
12 paragraph is limited to the portion of any new home impact fee being charged
13 by that city or town that is designated for fire protection, and that amount
14 shall be deferred and payable over a three year period.

15 (b) If additional infrastructure is reasonably necessary to provide
16 service to the county island fire district, the city or town may charge a fee
17 of up to seventy-five dollars per year for each household or other structure
18 for up to five years.

19 (c) An operation and maintenance charge that is determined by
20 calculating the annual operation and maintenance charge for the city or town
21 and dividing that amount by the sum of the number of households and
22 commercial buildings located in the city or town and the number of households
23 and commercial buildings located in the county island fire district.

24 (d) Administrative costs of up to five per cent of the annual
25 operating and maintenance costs per year but not more than twenty-five
26 dollars per household or commercial building per year.

27 3. Within ten business days after the appointment of the board of
28 directors for the district, the district shall issue a request for proposals
29 for providers of fire protection and emergency medical services for the
30 county island fire district. Notwithstanding any other law, the request for
31 proposals is deemed a lawful procurement if the district provides for
32 expedited public notice of the request for proposals, the due date and the
33 terms of the request for proposals. If there are no responsive and qualified
34 bidders on the request for proposals or if the service provider withdraws
35 from its contract, the fire protection and emergency medical services shall
36 be provided by the adjacent city or town. The request for proposals shall
37 provide that the service provider shall be paid not more than the monies
38 prescribed by this subsection and shall also provide for a maximum of thirty
39 days for the receipt of proposals from service providers. The request for
40 proposals shall include the following provisions:

41 (a) A successful bidder shall post a ten million dollar performance
42 bond, which shall be forfeited if the successful bidder does not fully
43 perform the contract or terminates the contract with less than one year's
44 notice.

1 (b) The performance standards for fire protection and emergency
2 services shall conform to those of surrounding municipalities.

3 (c) Any municipality that bids to provide services is exempt from the
4 performance bond prescribed by subdivision (a) of this paragraph.

5 (d) Nothing in the request for proposals shall preclude a private fire
6 service provider from submitting and being eligible for a bid for the
7 proposed services.

8 F. Until formation of a county island fire district is certified by
9 the county board of supervisors, a city or town fire service provider is not
10 liable for any fire protection services for any areas outside of the city's
11 or town's jurisdiction and a city or town has no legal obligation to provide
12 fire protection services to residents of the county who are not located
13 within the boundaries of the city or town.

14 G. Notwithstanding any other law, a city or town is liable if the city
15 or town is grossly negligent in providing fire or emergency medical services
16 to a county island fire district formed pursuant to this section. For
17 purposes of title 23, chapter 6, for a city or town that provides fire or
18 emergency medical services to a county island fire district pursuant to this
19 section, the providers of those services are acting within the scope of their
20 duties to the city or town while providing those services to a county island
21 fire district and the city or town shall provide workers' compensation
22 coverage to those providers.

23 H. Subsection E of this section does not apply to and a county island
24 fire district cannot be formed to include real property owned by a public
25 service corporation that is regulated by the corporation commission or real
26 property owned by a special taxing district organized pursuant to title 48,
27 chapter 17.

28 I. The county attorney may advise and represent the district when in
29 the county attorney's judgment such advice and representation are appropriate
30 and not in conflict with the county attorney's duties under section 11-532.
31 If the county attorney is unable to advise and represent the district due to
32 a conflict of interest, the district may retain private legal counsel or may
33 request the attorney general to represent it, or both.

34 Sec. 10. Section 48-806, Arizona Revised Statutes, is amended to read:

35 48-806. Bond election; issuance and sale of bonds

36 A. The district board or the elected chief and secretary-treasurer may
37 order an election by the qualified electors of the district to be held
38 pursuant to title 16, chapter 2, article 1 to determine whether bonds shall
39 be issued on behalf of the district. The order shall specify the maximum
40 principal amount of bonds to be issued, the maximum number of years bonds of
41 any issue or series may run from their date not exceeding thirty years, the
42 purpose for which the bonds are to be issued, the maximum rate of interest
43 which the bonds are to bear, the date and hours of the election and the
44 location of the polling places. Copies of the order shall be posted in three
45 public places within the district not less than twenty days prior to the date

1 of the election, and if a newspaper is published within the county having a
2 general circulation within the district, the order shall be published in the
3 newspaper not less than once a week during each of the three calendar weeks
4 preceding the calendar week of the election.

5 B. At the election the ballot shall contain the phrases "for the
6 bonds" and "against the bonds". There shall be placed a square or other
7 designated marking space in the same manner as used for candidates on
8 ballots. The voter shall indicate a vote "for the bonds" or "against the
9 bonds". No other question, word or figure need be printed on the
10 ballot. The ballot need not be any particular size, nor need sample ballots
11 be printed, posted or distributed BUT BALLOTS SHALL COMPLY WITH STANDARDS
12 OTHERWISE PROVIDED BY LAW INCLUDING REQUIREMENTS FOR ELECTRONIC VOTING, IF
13 APPLICABLE.

14 C. If a majority of the qualified electors of the district voting at
15 the election approves the issuance of bonds, the district board or the
16 elected chief and secretary-treasurer, as appropriate, may issue bonds in an
17 aggregate principal amount not exceeding the lesser of five SIX per cent of
18 the value of the taxable property in the district as shown on the last
19 property tax assessment roll before issuing the bonds or the maximum amount
20 specified in the election order.

21 D. Bonds may be in such denominations, may be in registered or bearer
22 form either as to principal or interest, or both, may mature at such times
23 not exceeding the maximum maturity specified in the election order and may be
24 subject to redemption prior to maturity, all as specified by the district
25 board or elected chief and secretary-treasurer, as appropriate, as provided
26 in subsection C. The district may engage the services of a depository to
27 administer a book entry system for the bonds. The costs and expenses of such
28 depository and any registrar or paying agent for the bonds shall be deemed to
29 be interest expenses that may also be paid from the tax levy made pursuant to
30 subsection G of this section.

31 E. Bonds shall be executed by the manual or facsimile signatures of
32 the chairman and clerk of the district board or elected chief and
33 secretary-treasurer of the district. Coupons attached to the bonds shall
34 bear the facsimile signature of the chairman of the district board or the
35 elected chief of the district, as appropriate.

36 F. The district board may sell the bonds at public or private sale or
37 through an on-line bidding process. In addition, the district board may
38 negotiate loan agreements or loan repayment agreements with the greater
39 Arizona development authority in lieu of selling bonds where authority to
40 sell bonds has been granted by the district's voters. The proceeds of sale
41 on the bonds shall be deposited in an account of the fire district fund to be
42 known as the capital fund to be applied for the purpose for which the bonds
43 were issued.

44 G. After the bonds are issued, the district board or elected chief and
45 secretary-treasurer, as appropriate, shall enter on ~~the~~ THE DISTRICT'S

1 minutes a record of the bonds sold and shall annually determine the amount of
2 the tax levy to pay the bonds and certify such amount to the board of
3 supervisors of the county. The board of supervisors shall annually cause to
4 be levied and collected a tax, at the same time and in the same manner as
5 other taxes are levied and collected upon all taxable property in the
6 district, sufficient to pay principal of and interest on the bonds as they
7 become due and payable. Monies derived from the levy of the tax when
8 collected shall be deposited in the debt service fund and shall be applied
9 only to payment of the principal of and interest on the bonds. On payment of
10 the outstanding bonded indebtedness of the district, any monies remaining in
11 the debt service fund shall be used to reduce the district's property tax
12 levy in the next fiscal year.

13 Sec. 11. Section 48-812, Arizona Revised Statutes, is amended to read:

14 48-812. Disposition of fire district assets and relief and
15 pension fund assets on annexation by or inclusion in
16 a city or town

17 A. When any area having a fire district established under this article
18 is entirely annexed to a city or town or entirely included within a newly
19 organized city or town, the fire district of the area annexed and all its
20 assets, INCLUDING PERSONNEL, and liabilities of whatever description shall be
21 merged and become a part of the fire department of the annexing city or town
22 upon the date the city or town elects to provide fire protection services to
23 such area.

24 B. All assets and liabilities of whatever description and all books
25 and records belonging to a ~~firemen's~~ FIRE FIGHTERS' relief and pension fund
26 of an area annexed or newly organized shall be transferred to and shall
27 become the property of the ~~firemen's~~ FIRE FIGHTERS' relief and pension fund
28 of the annexing or newly organized city or town upon the date the city or
29 town elects to provide fire protection services to such area.

30 C. Any ~~fireman~~, FIREFIGHTER WHO IS employed on a full-time basis by a
31 fire district AND who becomes employed as a ~~fireman~~ FIREFIGHTER by an
32 annexing or newly organized city or town within sixty days from and after the
33 date the city or town elects to provide fire protection services to such
34 area, shall become a member of the annexing or newly organized city or town's
35 ~~firemen's~~ FIRE FIGHTERS' relief and pension fund, and ~~he~~ THAT FIREFIGHTER
36 shall be granted service credit by the annexing or newly organized city or
37 town in the same manner and in all respects as if the service had been
38 rendered as a ~~fireman~~ FIREFIGHTER in the employment of the annexing or newly
39 organized city or town, provided that the funds contributed by the ~~fireman~~
40 FIREFIGHTER to the fire district's ~~firemen's~~ FIRE FIGHTERS' relief and
41 pension fund are transferred to the annexing or newly organized city or
42 town's ~~firemen's~~ FIRE FIGHTERS' relief and pension fund, or if not so
43 transferred, provided that the ~~fireman~~ FIREFIGHTER pay to the annexing or
44 newly organized city or town's ~~firemen's~~ FIRE FIGHTERS' relief and pension

1 fund the amount withdrawn, including the interest received at time of
2 withdrawal.

3 D. All pensions being paid on the effective date of annexation or
4 organization from funds of the ~~firemen's~~ FIRE FIGHTERS' relief and pension
5 fund of an area annexed by a city or town or newly organized city or town
6 shall continue to be paid in accordance with ~~the provisions of~~ section 9-967
7 by the ~~firemen's~~ FIRE FIGHTERS' relief and pension fund of the annexing or
8 newly organized city or town.

9 Sec. 12. Repeal

10 Section 48-814, Arizona Revised Statutes, is repealed.

11 Sec. 13. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
12 amended by adding a new section 48-814, to read:

13 48-814. Property located outside of fire district territory;
14 reimbursement to fire district for cost of fire and
15 emergency medical services

16 A FIRE DISTRICT MAY PROVIDE OR ASSIST IN PROVIDING EMERGENCY FIRE OR
17 EMERGENCY MEDICAL SERVICES OUTSIDE OF ITS OWN DISTRICT BOUNDARIES IF THOSE
18 SERVICES ARE OTHERWISE UNAVAILABLE AND IF THOSE SERVICES ARE PROVIDED AT THE
19 REQUEST OF ANY LAW ENFORCEMENT AGENCY, FIRE DISTRICT, FIRE DEPARTMENT OR
20 PRIVATE PERSON, AND MAY RECEIVE REIMBURSEMENT FOR THE COSTS OF PROVIDING THE
21 EMERGENCY SERVICES. A FIRE DISTRICT MAY PROVIDE AMBULANCE TRANSPORTATION
22 SERVICE OUTSIDE OF ITS OWN DISTRICT BOUNDARIES ONLY WHEN AUTHORIZED TO DO SO
23 PURSUANT TO TITLE 36, CHAPTER 21.1, ARTICLE 2. THE PERSON RECEIVING THE
24 SERVICES, OR ON WHOSE BEHALF THE SERVICES ARE PROVIDED, IS LIABLE TO THE FIRE
25 DISTRICT FOR THE COSTS AND THESE COSTS CONSTITUTE A DEBT OF THAT PERSON AND
26 MAY BE COLLECTED BY THE FIRE DISTRICT. FOR THE PURPOSES OF THIS SECTION, THE
27 COSTS OF PROVIDING EMERGENCY FIRE OR MEDICAL SERVICES ARE THOSE COSTS SET
28 FORTH IN RESOLUTIONS ADOPTED BY THE FIRE DISTRICT THAT ESTABLISH FEE
29 SCHEDULES FOR EMERGENCY RESPONSE, STANDBY CHARGES, FEES FOR FIRE CAUSE
30 DETERMINATION OR ANY OTHER FEES THAT MAY BE REQUIRED OR APPROPRIATE TO
31 PROVIDE EMERGENCY FIRE AND MEDICAL SERVICES OUTSIDE OF ITS BOUNDARIES.

32 Sec. 14. Section 48-816, Arizona Revised Statutes, is amended to read:

33 48-816. Election to reorganize district

34 A. The board of supervisors shall make an order calling an election to
35 decide whether to reorganize a fire district administered by an elected chief
36 as a district administered by a district board, pursuant to section 48-803,
37 or to reorganize a fire district administered by a district board as a
38 district administered by an elected chief, pursuant to section 48-804, when a
39 petition containing signatures of twenty-five per cent of the qualified
40 electors residing within the district and praying that the district be
41 reorganized is filed with the board except the board of supervisors shall not
42 make an order calling for a reorganization election more frequently than once
43 every two years. THE ELECTION MAY BE HELD ON ANY CONSOLIDATED ELECTION DATE
44 AS PRESCRIBED IN SECTION 16-204. THE BOARD OF SUPERVISORS SHALL GIVE NOTICE

1 OF THE ELECTION IN THE SAME MANNER PROVIDED FOR IN SECTION 48-806 FOR BOND
2 ELECTIONS.

3 B. The words appearing on the ballot shall be "reorganize as a fire
4 district administered by (insert elected chief or district board, as
5 specified)--yes", "reorganize as fire district administered by (insert
6 elected chief or district board, as specified)--no". The ballots shall also
7 allow each elector to indicate the elector's choice for elected chief and
8 secretary-treasurer or board members, as appropriate, in the event of
9 reorganization.

10 C. Within fourteen days after the election, the board of supervisors
11 shall meet and canvass the returns and if it is determined that a majority of
12 the votes cast at the election was in favor of reorganizing the fire
13 district, the board shall enter that fact on its minutes, declare the
14 district duly reorganized and announce the names of those elected to the
15 district board or as chief and secretary-treasurer.

16 D. The board of supervisors shall make an order calling an election to
17 decide whether to reorganize a fire district that has a board consisting of
18 three members as a fire district that has a board consisting of five members
19 when a petition containing the signatures of twenty-five per cent of the
20 qualified electors residing within the district and praying that the district
21 be reorganized is filed with the board except the board of supervisors shall
22 not make an order calling for a reorganization election to expand the number
23 of directors on the district board more frequently than once every two years.

24 E. The words appearing on the ballot shall be "reorganize as a fire
25 district administered by a five member board--yes", "reorganize as a fire
26 district administered by a five member board--no". The ballots shall also
27 allow each elector to indicate the elector's choices for two additional board
28 members in the event of reorganization.

29 F. Within fourteen days after the election, the board of supervisors
30 shall meet and canvass the returns, and if it is determined that a majority
31 of the votes cast at the election was in favor of reorganizing the fire
32 district as a district with a five member board, the board shall enter that
33 fact on its minutes, declare the district duly reorganized and announce the
34 names of those elected to the district board.

35 Sec. 15. Repeal

36 Section 48-820, Arizona Revised Statutes, is repealed.

37 Sec. 16. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
38 amended by adding a new section 48-820 and section 48-822, to read:

39 48-820. Election to merge fire districts; notice; hearing;
40 approval; joint meeting; merged district board

41 A. EXCEPT AS PROVIDED IN SUBSECTION I, THE BOARD OF SUPERVISORS SHALL
42 MAKE AN ORDER CALLING FOR AN ELECTION TO DECIDE WHETHER TO MERGE FIRE
43 DISTRICTS WHEN A RESOLUTION FOR MERGER FROM EACH DISTRICT IS SUBMITTED TO THE
44 BOARD. THE BOARD OF SUPERVISORS SHALL NOT MAKE AN ORDER CALLING FOR AN
45 ELECTION TO MERGE FIRE DISTRICTS MORE FREQUENTLY THAN ONCE EVERY TWO YEARS.

1 WHETHER OR NOT THE DISTRICTS ARE MERGED, THE FIRE DISTRICTS SHALL REIMBURSE
2 THE COUNTIES FOR THE EXPENSES OF THE ELECTION, INCLUDING THE COST OF MAILING
3 ANY NOTICES REQUIRED PURSUANT TO THIS SECTION. IF THE PROPOSED DISTRICT IS
4 LOCATED IN MORE THAN ONE COUNTY, THE RESOLUTIONS SHALL BE SUBMITTED TO THE
5 BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE MAJORITY OF THE ASSESSED
6 VALUATION OF THE PROPOSED DISTRICT IS LOCATED. THE WORDS APPEARING ON THE
7 BALLOT SHALL BE "(INSERT FIRE DISTRICTS' NAMES) MERGE AS A FIRE
8 DISTRICT--YES" AND "(INSERT FIRE DISTRICTS' NAMES) MERGE AS FIRE
9 DISTRICT--NO."

10 B. WITHIN FOURTEEN DAYS AFTER THE ELECTION, THE BOARD OF SUPERVISORS
11 SHALL MEET AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY
12 OF THE VOTES CAST AT THE ELECTION IN EACH OF THE AFFECTED DISTRICTS IS IN
13 FAVOR OF MERGING THE FIRE DISTRICTS, THE BOARD SHALL ENTER THAT FACT ON ITS
14 MINUTES.

15 C. TWO OR MORE FIRE DISTRICTS MAY MERGE IF THE GOVERNING BODY OF EACH
16 AFFECTED FIRE DISTRICT, BY A MAJORITY VOTE OF THE MEMBERS OF EACH GOVERNING
17 BODY, ADOPTS A RESOLUTION DECLARING THAT A MERGER BE CONSIDERED AND A PUBLIC
18 HEARING BE HELD TO DETERMINE IF A MERGER WOULD BE IN THE BEST INTERESTS OF
19 THE DISTRICT AND WOULD PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY
20 OR WELFARE. AFTER EACH DISTRICT ADOPTS SUCH A RESOLUTION, THE GOVERNING BODY
21 BY FIRST CLASS MAIL SHALL SEND WRITTEN NOTICE OF THE RESOLUTION, ITS PURPOSE
22 AND NOTICE OF THE DAY, HOUR AND PLACE OF A HEARING ON THE PROPOSED MERGER TO
23 EACH OWNER OF TAXABLE PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT. THE
24 NOTICE SHALL CONTAIN THE NAME AND DESCRIPTION OF THE BOUNDARIES OF EACH
25 DISTRICT PROPOSED TO BE MERGED AND A DETAILED, ACCURATE MAP OF THE AREA TO BE
26 INCLUDED IN THE MERGER. NO NEW TERRITORY MAY BE INCLUDED AS A RESULT OF THE
27 MERGER.

28 D. THE CLERK OF THE GOVERNING BODY SHALL POST NOTICE IN AT LEAST THREE
29 CONSPICUOUS PUBLIC PLACES IN THE DISTRICT AND SHALL ALSO PUBLISH NOTICE TWICE
30 IN A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE
31 DISTRICT IS LOCATED, AT LEAST TEN DAYS BEFORE THE PUBLIC HEARING. THE CLERK
32 OF EACH GOVERNING BODY AFFECTED BY THE PROPOSED MERGER SHALL ALSO MAIL NOTICE
33 AND A COPY OF THE RESOLUTION IN SUPPORT OF THE MERGER TO THE CHAIRMAN OF THE
34 BOARD OF SUPERVISORS OF THE COUNTY OR COUNTIES IN WHICH THE AFFECTED
35 DISTRICTS ARE LOCATED. THE CHAIRMAN OF THE BOARD OF SUPERVISORS SHALL ORDER
36 A REVIEW OF THE PROPOSED MERGER AND SHALL SUBMIT WRITTEN COMMENTS TO THE
37 GOVERNING BODY OF EACH FIRE DISTRICT LOCATED IN THAT COUNTY WITHIN TEN DAYS
38 AFTER RECEIPT OF THE NOTICE.

39 E. AT THE HEARING, THE GOVERNING BODY OF THE DISTRICT SHALL CONSIDER
40 THE COMMENTS OF THE BOARD OF SUPERVISORS, HEAR THOSE PERSONS WHO APPEAR FOR
41 OR AGAINST THE PROPOSED MERGER AND DETERMINE WHETHER THE PROPOSED MERGER WILL
42 PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE. IF, AFTER
43 THE PUBLIC HEARING EACH OF THE GOVERNING BODIES OF THE DISTRICTS AFFECTED BY
44 THE PROPOSED MERGER ADOPT A RESOLUTION BY A THREE-FOURTHS VOTE THAT THE
45 MERGER WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR

1 WELFARE, EACH OF THE GOVERNING BODIES OF THE DISTRICTS AFFECTED BY THE
2 PROPOSED MERGER SHALL SUBMIT THE RESOLUTIONS TO THE BOARD OF SUPERVISORS.

3 F. BEFORE CONSIDERING ANY RESOLUTION OF MERGER PURSUANT TO THIS
4 SECTION, A GOVERNING BODY SHALL OBTAIN WRITTEN CONSENT TO THE MERGER FROM ANY
5 SINGLE TAXPAYER RESIDING WITHIN EACH OF THE AFFECTED DISTRICTS WHO OWNS
6 THIRTY PER CENT OR MORE OF THE NET ASSESSED VALUATION OF THE TOTAL NET
7 ASSESSED VALUATION OF THE DISTRICT. IF WRITTEN CONSENT CONTEMPLATED BY THIS
8 SUBSECTION IS NOT OBTAINED, THEN THE PROVISIONS OF SUBSECTIONS A AND B APPLY,
9 AND THE MERGER MAY ONLY BE ACCOMPLISHED BY ELECTION.

10 G. IF THE PROPOSAL FOR MERGER IS APPROVED AS PROVIDED BY SUBSECTION B,
11 THE GOVERNING BODY OF THE AFFECTED DISTRICT WITH THE LARGEST POPULATION SHALL
12 WITHIN THIRTY DAYS CALL A JOINT MEETING OF THE GOVERNING BODIES OF ALL OF THE
13 AFFECTED DISTRICTS. AT THE JOINT MEETING, A MAJORITY OF THE MEMBERS OF THE
14 GOVERNING BODY OF EACH AFFECTED DISTRICT CONSTITUTES A QUORUM FOR THE PURPOSE
15 OF TRANSACTING BUSINESS. THE MEMBERS OF THE GOVERNING BODY SHALL APPOINT A
16 TOTAL OF FIVE PERSONS FROM THOSE CURRENTLY SERVING ON THE GOVERNING BODIES
17 WHO SHALL COMPLETE THEIR REGULAR TERMS OF OFFICE, EXCEPT THAT NO MORE THAN
18 THREE OF THE PERSONS APPOINTED MAY SERVE TERMS THAT END IN THE SAME YEAR. NO
19 MORE THAN THREE MEMBERS SHALL BE APPOINTED FROM THE SAME FIRE DISTRICT BOARD.
20 SUBSEQUENT TERMS OF OFFICE FOR DISTRICT BOARD MEMBERS SHALL BE FILLED BY
21 ELECTION OF BOARD MEMBERS WHO SHALL BE QUALIFIED ELECTORS OF THE MERGED
22 DISTRICT.

23 H. THE APPOINTED GOVERNING BODY SHALL IMMEDIATELY MEET AND ORGANIZE
24 ITSELF AND ELECT FROM ITS MEMBERS A CHAIRMAN AND A CLERK. THE APPOINTED
25 BOARD BY RESOLUTION SHALL DECLARE THE DISTRICTS MERGED AND EACH AFFECTED
26 DISTRICT JOINED. THE GOVERNING BOARD BY RESOLUTION SHALL DECLARE THE NAME OF
27 THE NEWLY MERGED FIRE DISTRICT. THE RESOLUTION AND THE NAMES OF THE NEW
28 BOARD MEMBERS FOR THE NEWLY ORGANIZED DISTRICT SHALL BE SENT TO THE BOARD OF
29 SUPERVISORS, AND THE MERGER SHALL BE DEEMED COMPLETED THIRTY DAYS AFTER THE
30 ADOPTION OF THE RESOLUTION.

31 I. IF THE REQUIREMENTS OF SUBSECTION F ARE MET AND EACH OF THE
32 GOVERNING BODY VOTES REQUIRED BY SUBSECTIONS C AND E ARE UNANIMOUS, THEN
33 SUBSECTIONS A AND B SHALL NOT APPLY.

34 48-822. Election to consolidate fire districts; resolution;
35 impact statement; hearing

36 A. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE BOARD OF
37 SUPERVISORS SHALL MAKE AN ORDER CALLING FOR AN ELECTION TO DECIDE WHETHER TO
38 CONSOLIDATE FIRE DISTRICTS WHEN A RESOLUTION FOR CONSOLIDATION OF FIRE
39 DISTRICTS FROM THE REQUESTING DISTRICT IS SUBMITTED TO THE BOARD. THE BOARD
40 OF SUPERVISORS SHALL NOT MAKE AN ORDER CALLING FOR AN ELECTION TO CONSOLIDATE
41 FIRE DISTRICTS MORE FREQUENTLY THAN ONCE EVERY TWO YEARS. WHETHER OR NOT THE
42 DISTRICTS ARE CONSOLIDATED, THE FIRE DISTRICTS SHALL REIMBURSE THE COUNTIES
43 FOR THE EXPENSES OF THE ELECTION, INCLUDING THE COST OF MAILING ANY NOTICES.
44 IF THE PROPOSED DISTRICT IS LOCATED IN MORE THAN ONE COUNTY, THE RESOLUTIONS
45 SHALL BE SUBMITTED TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE

1 MAJORITY OF THE ASSESSED VALUATION OF THE PROPOSED DISTRICT IS LOCATED. THE
2 WORDS APPEARING ON THE BALLOT SHALL BE "(INSERT FIRE DISTRICTS' NAMES)
3 CONSOLIDATE AS A FIRE DISTRICT--YES" AND "(INSERT FIRE DISTRICTS' NAMES)
4 CONSOLIDATE AS FIRE DISTRICT--NO."

5 B. WITHIN FOURTEEN DAYS AFTER THE ELECTION, THE BOARD OF SUPERVISORS
6 SHALL MEET AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY
7 OF THE VOTES CAST AT THE ELECTION IN EACH OF THE AFFECTED DISTRICTS IS IN
8 FAVOR OF CONSOLIDATING THE FIRE DISTRICTS, THE BOARD SHALL ENTER THAT FACT ON
9 ITS MINUTES.

10 C. A FIRE DISTRICT MAY CONSOLIDATE WITH ONE OR MORE OTHER FIRE
11 DISTRICTS FORMED PURSUANT TO SECTION 48-261 AS FOLLOWS:

12 1. A RESOLUTION REQUESTING THE CONSOLIDATION OF ONE FIRE DISTRICT IS
13 PASSED BY A MAJORITY VOTE OF THE GOVERNING BODY REQUESTING CONSOLIDATION INTO
14 ANOTHER FIRE DISTRICT. THE REQUESTING DISTRICT SHALL SEND BY FIRST CLASS
15 MAIL THE NOTICE OF REQUEST TO CONSOLIDATE DISTRICTS TO THE FIRE DISTRICT IN
16 WHICH THE CONSOLIDATION IS REQUESTED.

17 2. ON RECEIPT OF THE RESOLUTION REQUESTING CONSOLIDATION, AND ON
18 APPROVAL BY MAJORITY VOTE OF THE GOVERNING BODY RECEIVING THE REQUEST, THE
19 FIRE DISTRICTS BY MUTUAL AGREEMENT SHALL PREPARE A CONSOLIDATION IMPACT
20 STATEMENT THAT INCLUDES THE FOLLOWING:

21 (a) A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED CONSOLIDATED
22 DISTRICT AND A DETAILED, ACCURATE MAP OF THE AREA TO BE INCLUDED IN THE
23 CONSOLIDATED DISTRICT. NO NEW TERRITORY MAY BE INCLUDED AS A RESULT OF A
24 DISTRICT CONSOLIDATION.

25 (b) AN ESTIMATE OF THE ASSESSED VALUATION IN THE PROPOSED CONSOLIDATED
26 DISTRICT.

27 (c) AN ESTIMATE OF THE CHANGE IN THE PROPERTY TAX LIABILITY OF A
28 TYPICAL RESIDENT OF THE PROPOSED CONSOLIDATED DISTRICT AS A RESULT OF THE
29 PROPOSED CONSOLIDATED DISTRICT.

30 (d) A LIST AND EXPLANATION OF BENEFITS THAT WILL RESULT FROM THE
31 PROPOSED CONSOLIDATED DISTRICT.

32 (e) A LIST AND EXPLANATION OF THE INJURIES THAT WILL RESULT FROM THE
33 PROPOSED CONSOLIDATED DISTRICT.

34 3. ON COMPLETION OF THE CONSOLIDATION IMPACT STATEMENT, THE GOVERNING
35 BODY OF EACH FIRE DISTRICT SHALL SET A DAY FOR A HEARING ON THE IMPACT
36 STATEMENT THAT IS NOT FEWER THAN SIXTY NOR MORE THAN NINETY DAYS AFTER THE
37 DATE OF THE COMPLETION AND APPROVAL OF THE CONSOLIDATION IMPACT STATEMENT.
38 THE DISTRICT GOVERNING BODIES MAY AT ANY TIME BEFORE MAKING A DETERMINATION
39 PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION REQUIRE THAT THE IMPACT STATEMENT
40 BE AMENDED TO INCLUDE ANY INFORMATION THAT THE BOARD DEEMS TO BE RELEVANT AND
41 NECESSARY.

42 4. ON SETTING THE DATE FOR HEARING ON THE CONSOLIDATED DISTRICT IMPACT
43 STATEMENT, THE CLERK OF EACH GOVERNING BODY SHALL SEND BY FIRST CLASS MAIL
44 WRITTEN NOTICE OF THE STATEMENT, ITS PURPOSE AND NOTICE OF THE DAY, HOUR AND
45 PLACE OF THE HEARING ON THE PROPOSED CONSOLIDATED DISTRICT TO EACH OWNER OF

1 TAXABLE PROPERTY WITHIN THE BOUNDARIES OF THE RESPECTIVE FIRE DISTRICTS. THE
2 CLERK OF EACH GOVERNING BODY SHALL POST THE NOTICE IN AT LEAST THREE
3 CONSPICUOUS PUBLIC PLACES IN THE RESPECTIVE DISTRICTS AND SHALL PUBLISH
4 NOTICE TWICE IN A DAILY NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OF THE
5 PROPOSED CONSOLIDATED DISTRICT, AT LEAST TEN DAYS BEFORE THE HEARING.

6 5. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION,
7 THE GOVERNING BODY SHALL HEAR THOSE PERSONS WHO APPEAR FOR AND AGAINST THE
8 PROPOSED CONSOLIDATED DISTRICT AND SHALL DETERMINE WHETHER THE CREATION OF
9 THE DISTRICT WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR
10 WELFARE. IF THE GOVERNING BODY OF EACH DISTRICT DETERMINES THAT THE PUBLIC
11 HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL
12 APPROVE THE CONSOLIDATED DISTRICT IMPACT STATEMENT.

13 6. WITHIN FIFTEEN DAYS AFTER THE APPROVAL OF THE BOARD AS PRESCRIBED
14 BY PARAGRAPH 5 OF THIS SUBSECTION, THE CLERK OF THE BOARD OF THE DISTRICT
15 REQUESTING CONSOLIDATION SHALL SEND BY FIRST CLASS MAIL NOTICE OF THE
16 APPROVAL TO THE FIRE DISTRICT IN WHICH THE CONSOLIDATION IS REQUESTED.

17 7. AFTER RECEIVING THE APPROVAL OF THE REQUESTING GOVERNING BODY TO
18 CONSOLIDATE DISTRICTS AS PROVIDED IN PARAGRAPH 6 OF THIS SUBSECTION, THE
19 GOVERNING BODY OF THE DISTRICT INTO WHICH CONSOLIDATION WAS REQUESTED SHALL
20 SET A DAY FOR A HEARING ON THE CONSOLIDATION OF THE DISTRICTS. THE HEARING
21 SHALL BE HELD NOT FEWER THAN THIRTY NOR MORE THAN SIXTY DAYS AFTER THE DATE
22 OF THE APPROVAL BY THE REQUESTING GOVERNING BODY.

23 8. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION,
24 THE GOVERNING BODY SHALL DETERMINE IF THE CREATION OF THE CONSOLIDATED
25 DISTRICT WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR
26 WELFARE. IF THE GOVERNING BODY OF THE DISTRICT DETERMINES THAT THE PUBLIC
27 HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL
28 BY RESOLUTION DECLARE THE DISTRICTS CONSOLIDATED AND EACH AFFECTED DISTRICT
29 JOINED.

30 9. THE GOVERNING BODY SHALL SUBMIT THE RESOLUTION OF CONSOLIDATION TO
31 THE BOARD OF SUPERVISORS.

32 10. THOSE PERSONS CURRENTLY SERVING AS THE GOVERNING BODY OF THE
33 DISTRICT INTO WHICH CONSOLIDATION WAS REQUESTED SHALL SERVE AS THE GOVERNING
34 BODY OF THE NEWLY CONSOLIDATED DISTRICT AND COMPLETE THEIR REGULAR TERMS OF
35 OFFICE. THE NEWLY CONSOLIDATED DISTRICT GOVERNING BODY SHALL CONSIST OF AT
36 LEAST FIVE MEMBERS.

37 11. IF THE CONSOLIDATION RESULTS IN A NEW DISTRICT POPULATION THAT IS
38 GREATER THAN FIFTY THOUSAND PERSONS, THE NEW GOVERNING BOARD MAY APPOINT AN
39 ADDITIONAL TWO MEMBERS TO SERVE UNTIL THE NEXT GENERAL ELECTION AT WHICH TIME
40 THE NEWLY ELECTED MEMBER WITH THE HIGHEST NUMBER OF VOTES SERVES A FOUR YEAR
41 TERM AND THE OTHER MEMBER SERVES A TWO YEAR TERM. THEREAFTER, THE TERM OF
42 OFFICE FOR THESE TWO NEW MEMBERS IS FOUR YEARS.

43 12. THE GOVERNING BODY BY RESOLUTION SHALL DECLARE THE NAME OF THE
44 NEWLY CONSOLIDATED FIRE DISTRICT.

1 13. IF A NEWLY CONSOLIDATED FIRE DISTRICT HAS A COMBINED POPULATION
2 THAT EXCEEDS FIFTY THOUSAND PERSONS, THE GOVERNING BODY OF THE NEWLY
3 CONSOLIDATED FIRE DISTRICT MAY BY RESOLUTION DECLARE THE NAME OF THE NEWLY
4 CONSOLIDATED FIRE DISTRICT TO INCLUDE WITHIN THE NAME THE TITLE OF FIRE
5 AUTHORITY.

6 14. IF A PROPOSED CONSOLIDATED DISTRICT WOULD INCLUDE PROPERTY LOCATED
7 IN AN INCORPORATED CITY OR TOWN, IN ADDITION TO THE OTHER REQUIREMENTS OF
8 THIS SECTION, THE GOVERNING BODY OF THE DISTRICT SHALL APPROVE THE CREATION
9 OF THE CONSOLIDATED DISTRICT ONLY IF THE GOVERNING BODY OF THE CITY OR TOWN
10 ENDORSES THE CREATION BY ORDINANCE OR RESOLUTION.

11 15. BEFORE CONSIDERING ANY RESOLUTION OF CONSOLIDATION PURSUANT TO THIS
12 SECTION, A GOVERNING BODY SHALL OBTAIN WRITTEN CONSENT TO THE CONSOLIDATION
13 FROM ANY SINGLE TAXPAYER RESIDING WITHIN EACH OF THE AFFECTED DISTRICTS WHO
14 OWNS THIRTY PER CENT OR MORE OF THE NET ASSESSED VALUATION OF THE TOTAL NET
15 ASSESSED VALUATION OF THE DISTRICT.

16 D. IF THE REQUIREMENTS OF SUBSECTION C, PARAGRAPH 15 OF THIS SECTION
17 ARE MET AND EACH OF THE GOVERNING BODY VOTES REQUIRED BY THIS SECTION ARE
18 UNANIMOUS THEN SUBSECTIONS A AND B OF THIS SECTION SHALL NOT APPLY.

19 Sec. 17. Section 48-2227, Arizona Revised Statutes, is amended to
20 read:

21 48-2227. Incorporated area in the district; withdrawal

22 A. The district may be established or the boundaries changed pursuant
23 to section 48-262 to include incorporated cities or towns as well as
24 unincorporated areas.

25 B. Notwithstanding section 48-262, the governing body of an
26 incorporated city or town that desires to withdraw from the district shall
27 notify the board of directors and publish a notice once each week for three
28 consecutive weeks in a newspaper of general circulation in the district. The
29 municipal governing body shall hold at least one hearing on the issue of
30 withdrawing from the district and shall receive all written and oral comments
31 presented at the hearing. The municipal governing body shall vote on the
32 issue at the conclusion of the hearing, and if the vote is to withdraw from
33 the district, the withdrawal is effective ninety days after the hearing.

34 C. On withdrawal, property located in the city or town is subject to
35 ~~the provisions of~~ section 48-262, subsection E- F and the incorporated area
36 of the city or town is not entitled to health service district services.

37 Sec. 18. Emergency

38 This act is an emergency measure that is necessary to preserve the
39 public peace, health or safety and is operative immediately as provided by
40 law.

APPROVED BY THE GOVERNOR JUNE 6, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 6, 2006.