

REFERENCE TITLE: sanitary district; conversion; reorganization

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2482

Introduced by
Representatives Mason, Brown, Senator O'Halleran: Representatives Burns J,
Konopnicki, Tobin

AN ACT

AMENDING SECTION 48-2010, ARIZONA REVISED STATUTES; RELATING TO SANITARY DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-2010, Arizona Revised Statutes, is amended to
3 read:

4 48-2010. Board of directors; qualifications; term; appointment;
5 election; conversion; reorganization; compensation;
6 expenses

7 A. A sanitary district having an area of one hundred sixty acres or
8 more shall be governed by a board of directors with not less than three
9 members. Members of the board of directors shall be qualified electors of
10 the district. Immediately after the first regular election held subsequent
11 to the enactment of this section by a sanitary district organized and
12 existing prior to such enactment, the directors shall meet and divide
13 themselves by lot into two classes as nearly equal in number as possible.
14 Directors of the first class shall serve for a term of four years, and
15 directors of the second class for a term of two years, and until the
16 directors' successors are elected and qualified. Thereafter at each regular
17 election one director for each expired term shall be elected, and shall hold
18 office for a term of four years, and until the director's successor is
19 elected and qualified. The dates of elections and of expiration of terms of
20 the initial directors shall be specified in the petition for establishment of
21 the district. Except for an election to reorganize a sanitary district,
22 candidates for directors shall file nominating petitions with the board of
23 supervisors as prescribed by title 16, chapter 3. If only one person files
24 or no person files a nominating petition for an election to fill a district
25 office, the board of supervisors may cancel the election for the position and
26 appoint the person who filed the nominating petition to fill the position.
27 If no person files a nominating petition for an election to fill a district
28 office, the board of supervisors may cancel the election for that office and
29 that office is deemed vacant and shall be filled as otherwise provided by
30 law. A person who is appointed pursuant to this section is fully vested with
31 the powers and duties of the office as if elected to that office.

32 B. A director who resides in an area which is deleted from the
33 sanitary district during the director's term of office shall continue to
34 serve until the next regular election, and until the director's successor is
35 elected and qualified. If the director's term does not expire at that time,
36 a new qualified director shall be elected to serve out the unexpired portion.

37 C. A sanitary district having an area of less than one hundred sixty
38 acres shall be governed by the board of supervisors of the county in which
39 the district is located, and the board of supervisors shall be the board of
40 directors of the district. On receipt of a petition that contains the
41 signatures of twenty-five per cent or more of the qualified electors residing
42 in the district that are verified by the county recorder and that requests
43 that the district be ~~reorganized~~ CONVERTED and administered by its own board
44 of directors, the board of supervisors shall call an election on the
45 ~~reorganization~~ CONVERSION of the sanitary district, ~~except that the board of~~

1 ~~supervisors shall not call an election to reorganize a sanitary district more~~
 2 ~~frequently than once every two years.~~ THE ELECTION MAY BE HELD ON ANY
 3 CONSOLIDATED ELECTION DATE AS PRESCRIBED IN SECTION 16-204. THE SANITARY
 4 DISTRICT SHALL REIMBURSE THE COUNTY FOR THE EXPENSES OF THE SANITARY DISTRICT
 5 ELECTION. The petition for the ~~reorganization~~ CONVERSION of the district
 6 shall specify either three or five as the number of directors for the
 7 ~~reorganized~~ CONVERTED sanitary district. THE BOARD OF SUPERVISORS SHALL GIVE
 8 NOTICE OF THE ELECTION BY POSTING COPIES OF THE ORDER OF ELECTION IN THREE
 9 PUBLIC PLACES WITHIN THE DISTRICT NOT LESS THAN TWENTY DAYS PRIOR TO THE DATE
 10 OF THE ELECTION AND IF A NEWSPAPER IS PUBLISHED WITHIN THE COUNTY HAVING A
 11 GENERAL CIRCULATION WITHIN THE DISTRICT, THE ORDER SHALL BE PUBLISHED IN THE
 12 NEWSPAPER NOT LESS THAN ONCE A WEEK DURING EACH OF THE THREE CALENDAR WEEKS
 13 PRECEDING THE CALENDAR WEEK OF THE ELECTION. The ballot for the
 14 ~~reorganization~~ election shall state "~~reorganize as~~ CONVERT FROM A SANITARY
 15 DISTRICT ADMINISTERED BY THE COUNTY BOARD OF SUPERVISORS TO a sanitary
 16 district administered by a LOCAL board of directors consisting of (insert
 17 three members or five members, as appropriate) - yes", "~~reorganize as~~ CONVERT
 18 FROM A SANITARY DISTRICT ADMINISTERED BY THE COUNTY BOARD OF SUPERVISORS TO a
 19 sanitary district administered by a LOCAL board of directors consisting of
 20 (insert three or five members, as appropriate) - no". The ballot shall also
 21 allow each elector to indicate the elector's choice for board members in the
 22 event of ~~reorganization~~ CONVERSION. Within ~~fourteen~~ TWENTY days after the
 23 election, the board of supervisors shall meet and canvass the returns, and if
 24 it is determined that a majority of the votes cast at the election ~~was~~ WERE
 25 in favor of ~~reorganizing~~ CONVERTING the sanitary district, the board shall
 26 enter that fact on its minutes, declare the district duly ~~reorganized~~
 27 CONVERTED and announce the names of those elected to the district board.

28 D. THE BOARD OF SUPERVISORS SHALL MAKE AN ORDER CALLING AN ELECTION TO
 29 DECIDE WHETHER TO REORGANIZE A SANITARY DISTRICT THAT HAS A BOARD CONSISTING
 30 OF THREE MEMBERS AS A SANITARY DISTRICT THAT HAS A BOARD CONSISTING OF FIVE
 31 MEMBERS WHEN A PETITION CONTAINING THE SIGNATURES OF TWENTY-FIVE PER CENT OF
 32 THE QUALIFIED ELECTORS RESIDING WITHIN THE DISTRICT AND REQUESTING THAT THE
 33 DISTRICT BE REORGANIZED IS FILED WITH THE BOARD EXCEPT THE BOARD OF
 34 SUPERVISORS SHALL NOT CALL FOR A REORGANIZATION ELECTION TO EXPAND THE NUMBER
 35 OF DIRECTORS ON THE DISTRICT BOARD MORE FREQUENTLY THAN ONCE EVERY TWO YEARS.
 36 THE ELECTION MAY BE HELD ON ANY CONSOLIDATED ELECTION DATE AS PRESCRIBED IN
 37 SECTION 16-204. THE SANITARY DISTRICT SHALL REIMBURSE THE COUNTY FOR THE
 38 EXPENSES OF THE SANITARY DISTRICT ELECTION. THE BOARD OF SUPERVISORS SHALL
 39 GIVE NOTICE OF THE ELECTION BY POSTING COPIES OF THE ORDER OF ELECTION IN
 40 THREE PUBLIC PLACES WITHIN THE DISTRICT NOT LESS THAN TWENTY DAYS PRIOR TO
 41 THE DATE OF THE ELECTION AND IF A NEWSPAPER IS PUBLISHED WITHIN THE COUNTY
 42 HAVING A GENERAL CIRCULATION WITHIN THE DISTRICT, THE ORDER SHALL BE
 43 PUBLISHED IN THE NEWSPAPER NOT LESS THAN ONCE A WEEK DURING EACH OF THE THREE
 44 CALENDAR WEEKS PRECEDING THE CALENDAR WEEK OF THE ELECTION. THE BALLOT FOR
 45 THE ELECTION SHALL STATE "REORGANIZE AS A SANITARY DISTRICT ADMINISTERED BY A

1 FIVE MEMBER BOARD - YES", "REORGANIZE AS A SANITARY DISTRICT ADMINISTERED BY
2 A FIVE MEMBER BOARD - NO". THE BALLOT SHALL ALSO ALLOW EACH ELECTOR TO
3 INDICATE THE ELECTOR'S CHOICE FOR TWO ADDITIONAL BOARD MEMBERS IN THE EVENT
4 OF REORGANIZATION. WITHIN TWENTY DAYS AFTER THE ELECTION, THE BOARD OF
5 SUPERVISORS SHALL MEET AND CANVASS THE RETURNS, AND IF IT IS DETERMINED THAT
6 A MAJORITY OF THE VOTES CAST AT THE ELECTION WERE IN FAVOR OF REORGANIZING
7 THE SANITARY DISTRICT AS A DISTRICT WITH A FIVE MEMBER BOARD, THE BOARD SHALL
8 ENTER THAT FACT ON ITS MINUTES, DECLARE THE DISTRICT DULY REORGANIZED AND
9 ANNOUNCE THE NAMES OF THOSE ELECTED TO THE DISTRICT BOARD.

10 ~~D.~~ E. Each director of a sanitary district shall receive not more
11 than one hundred fifty dollars per month or a lesser amount as set by the
12 board of directors of the district plus necessary traveling expenses, but
13 members of the board of supervisors when serving as directors of a sanitary
14 district shall receive no compensation for attending meetings but shall be
15 reimbursed for their necessary expenses. No director shall receive
16 compensation, other than expenses, for attending more than four meetings of
17 the board during a calendar month.

18 ~~E.~~ F. For a district that is not governed by the board of
19 supervisors, if a vacancy occurs on the district board due to death,
20 disability, resignation or any other cause, the board of directors of the
21 sanitary district shall appoint a qualified elector of the district to fill
22 the office for the remaining portion of that term, except that if the
23 remaining directors do not constitute a quorum, the county board of
24 supervisors shall make the appointment to fill the vacancy.