

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

# HOUSE BILL 2780

AN ACT

AMENDING SECTIONS 9-500.23, 11-251.12, 11-495, 11-496, 48-261, 48-803, 48-805, 48-806, 48-807, 48-815, 48-820 AND 48-822, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; RELATING TO NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-500.23, Arizona Revised Statutes, is amended to  
3 read:

4 9-500.23. Authority to provide fire protection and emergency  
5 services outside corporate limits

6 In addition to the powers provided by section 9-500.20 if approved by a  
7 municipal resolution, a city or a town may provide fire and emergency medical  
8 services outside its corporate limits to a county island as provided by  
9 section 11-251.12 OR 48-853. A CITY OR TOWN THAT PROVIDES FIRE AND EMERGENCY  
10 MEDICAL SERVICES OUTSIDE ITS CORPORATE LIMITS PURSUANT TO SECTION 11-251.12  
11 OR 48-853 AND THE COUNTY TREASURER FOR THE COUNTY IN WHICH THE MUNICIPALITY  
12 IS LOCATED MAY ENTER INTO AN AGREEMENT FOR THE COUNTY TREASURER TO COLLECT  
13 MUNICIPAL FIRE AND EMERGENCY SERVICES FEES FROM OWNERS OF RECORD IN THAT AREA  
14 OF THE COUNTY. THE MUNICIPALITY AND THE COUNTY TREASURER MAY PROVIDE BY  
15 AGREEMENT FOR THE PAYMENT OF THE COUNTY TREASURER'S COLLECTION EXPENSES FROM  
16 THESE FEES, AND IF SO PROVIDED, THE FEES SHALL INCLUDE AN AMOUNT FOR  
17 COMPENSATION OF THE COUNTY TREASURER. ANY COMPENSATION RECEIVED BY THE  
18 COUNTY TREASURER PURSUANT TO THIS SECTION SHALL BE DEPOSITED PURSUANT TO  
19 SECTION 11-496.

20 Sec. 2. Section 11-251.12, Arizona Revised Statutes, is amended to  
21 read:

22 11-251.12. County islands; fire and emergency services  
23 protection; intergovernmental agreement with  
24 municipalities; definition

25 A. A county ~~with~~ THAT HAS a population of more than one million five  
26 hundred thousand persons and that has a county island that does not form a  
27 county island fire district ~~as prescribed by section 48-261, subsection H~~  
28 ~~shall~~ MAY enter into an intergovernmental agreement with a municipality or  
29 municipalities for fire protection and emergency medical services in that  
30 county island. Notwithstanding any other law, a county is liable if the  
31 county was negligent in enforcing building, zoning or other related codes in  
32 a county island and a municipality that has an intergovernmental agreement to  
33 provide fire and emergency medical services pursuant to this section is  
34 hindered in responding to an emergency because of a building, zoning or other  
35 related code issue.

36 B. If a municipality elects to provide fire and emergency medical  
37 services in a county island where a private provider of fire or emergency  
38 services already has facilities or provides service, the municipality and the  
39 private provider shall enter into an agreement covering the roles and  
40 relationships regarding mutual aid or backup agreements and any services for  
41 which the municipality wishes to contract and any reimbursement or billing  
42 and collection practices. The agreement shall be executed before the  
43 municipality commences providing service in the county island. No agreement  
44 is required if the private provider notifies the municipality that it will

1 cease service in the county island within one hundred eighty days after the  
2 date the municipality commences providing service.

3 C. ANY PRIVATE PROVIDER OF FIRE OR EMERGENCY MEDICAL SERVICES OR BOTH  
4 THAT IS PROVIDING SERVICES IN A COUNTY ISLAND SHALL PROVIDE NOTICE OF  
5 TERMINATION OF SERVICES TO THOSE RESIDENTS RECEIVING SERVICES. THE PRIVATE  
6 PROVIDER SHALL PROVIDE THAT NOTICE AT LEAST TWELVE MONTHS BEFORE TERMINATION  
7 OR WITHDRAWAL OF THOSE SERVICES.

8 ~~C.~~ D. For the purposes of this article, "county island" means  
9 unincorporated territory that is surrounded on all sides by a municipality or  
10 where the unincorporated territory THAT has borders that involve a  
11 combination of a municipality or municipalities and an Indian reservation.

12 Sec. 3. Section 11-495, Arizona Revised Statutes, is amended to read:  
13 11-495. Taxpayers' information fund

14 A. A taxpayers' information fund is established in each county  
15 treasury consisting of monies collected from the public records copy  
16 surcharge imposed pursuant to section 11-496, the tax lien processing fee  
17 imposed pursuant to section 42-18116, subsection C, fifteen dollars of each  
18 judgment deed fee collected pursuant to section 42-18205, subsection A,  
19 interest earned from the elderly assistance fund pursuant to section  
20 42-17401, ~~and~~ the community facilities district special assessment fee  
21 imposed pursuant to section 48-721 AND THE FEES AUTHORIZED FOR COLLECTING  
22 MUNICIPAL FIRE AND EMERGENCY SERVICES FEES IN CERTAIN AREAS OF THE COUNTY AS  
23 PRESCRIBED IN SECTION 9-500.23.

24 B. The county treasurer shall administer the fund and spend monies in  
25 the fund only to defray the cost of converting or upgrading an automated  
26 public information system as follows:

- 27 1. Purchasing computer hardware and software.
- 28 2. Training employees to operate the system.
- 29 3. Maintaining the system, including purchasing equipment maintenance  
30 agreements.
- 31 4. Updating the system hardware and software.

32 C. The county treasurer shall annually submit to the board of  
33 supervisors the amount of anticipated revenues under this section. If the  
34 projected revenues are considered to be insufficient to establish and  
35 maintain the fund at an adequate level, the monies may accumulate until  
36 sufficient monies are available in the fund.

37 Sec. 4. Section 11-496, Arizona Revised Statutes, is amended to read:  
38 11-496. Public records copy; proceeds of sale; agent duties;  
39 surcharge; special district assessments; deposit

40 A. In addition to the fee prescribed by section 39-121.01, subsection  
41 D, paragraph 1 or section 39-121.03, subsection A, the county treasurer may  
42 impose a surcharge of not more than twenty-five per cent of the fee charged  
43 for furnishing a copy, printout or photograph.

44 B. A county treasurer who is designated as a registrar pursuant to  
45 section 35-491 may impose a surcharge of not more than twenty-five per cent

1 of the average fee charged by commercial bank trust departments during the  
2 previous calendar year for discharging registrar, transfer and paying agent  
3 duties.

4 C. The county treasurer may impose and collect a fee for expenses  
5 directly related to the collection of special assessments for a community  
6 facilities district pursuant to section 48-721 **AND FOR COLLECTING MUNICIPAL  
7 FIRE AND EMERGENCY SERVICES FEES FROM OWNERS OF RECORD IN CERTAIN AREAS OF  
8 THE COUNTY AS PRESCRIBED IN SECTION 9-500.23.**

9 D. The county treasurer shall deposit monies collected pursuant to  
10 this section in the taxpayers' information fund established by section  
11 11-495.

12 Sec. 5. Section 48-261, Arizona Revised Statutes, is amended to read:  
13 48-261. District creation; procedures; notice; hearing;  
14 determinations; petitions

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

19 1. Any adult person desiring to propose creation of a district shall  
20 prepare and submit a district impact statement to the board of supervisors of  
21 the county in which the district is to be located. Except for a proposed  
22 community park maintenance district that is to be located in more than one  
23 county, if a proposed district is located in more than one county, the impact  
24 statement shall be submitted to the board of supervisors of the county in  
25 which the majority of the assessed valuation of the proposed district is  
26 located. The boards of supervisors of any other counties in which a portion  
27 of the district is to be located shall provide information and assistance to  
28 the responsible board of supervisors. For a community park maintenance  
29 district that is to be located in more than one county, the impact statement  
30 shall be submitted to the board of supervisors for each of the affected  
31 counties. If the person desiring to create a district pursuant to this  
32 section is unable to complete the district impact statement, the board of  
33 supervisors may assist in the completion of the impact statement if requested  
34 to do so, provided the bond required in subsection C of this section is in an  
35 amount sufficient to cover any additional cost to the county. The district  
36 impact statement shall contain at least the following information:

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

39 (b) An estimate of the assessed valuation within the proposed  
40 district.

41 (c) An estimate of the change in the property tax liability, as a  
42 result of the proposed district, of a typical resident of the proposed  
43 district.

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

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

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

5 (g) A description of the scope of services to be provided by the  
6 district during its first five years of operation. At a minimum this  
7 description shall include an estimate of anticipated capital expenditures,  
8 personnel growth and enhancements to service.

9 2. On receipt of the district impact statement, the board of  
10 supervisors shall set a day, not fewer than thirty nor more than sixty days  
11 from that date, for a hearing on the impact statement. The board of  
12 supervisors, at any time prior to making a determination pursuant to  
13 paragraph 4 of this subsection, may require that the impact statement be  
14 amended to include any information that the board of supervisors deems to be  
15 relevant and necessary.

16 3. ~~Upon~~ ON receipt of the district impact statement, the clerk of the  
17 board of supervisors shall mail, by first class mail, written notice of the  
18 statement, its purpose and notice of the day, hour and place of the hearing  
19 on the proposed district to each owner of taxable property and to each  
20 household in which a qualified elector resides within the boundaries of the  
21 proposed district. The clerk of the board of supervisors shall post the  
22 notice in at least three conspicuous public places in the area of the  
23 proposed district and shall publish twice in a daily newspaper of general  
24 circulation in the area of the proposed district, at least ten days before  
25 the hearing, or, if no daily newspaper of general circulation exists in the  
26 area of the proposed district, ~~then~~ at least twice at any time before the  
27 date of the hearing, a notice setting forth the purpose of the impact  
28 statement, the description of the area of the proposed district and the day,  
29 hour and place of the hearing.

30 4. At the hearing called pursuant to paragraph 2 of this subsection,  
31 the board of supervisors shall hear those who appear for and against the  
32 proposed district and shall determine whether the creation of the district  
33 will promote public health, comfort, convenience, necessity or welfare. If  
34 the board of supervisors determines that the public health, comfort,  
35 convenience, necessity or welfare will be promoted, it shall approve the  
36 district impact statement and authorize the persons proposing the district to  
37 circulate petitions as provided in this subsection. For a community park  
38 maintenance district that is required to obtain the approval of more than one  
39 county's board of supervisors, the petitions may only be circulated after  
40 approval of the board of supervisors from each affected county. The order of  
41 the board of supervisors shall be final, but if the request to circulate  
42 petitions is denied, a subsequent request for a similar district may be  
43 refiled with the board of supervisors after six months from the date of such  
44 denial.

1           5. Within fifteen days after receiving the approval of the board of  
2 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the  
3 board shall determine the minimum number of signatures required for  
4 compliance with paragraph 7, ~~subdivision~~ SUBDIVISIONS (b) and (c) of this  
5 subsection. After making that determination, that number of signatures shall  
6 remain fixed, notwithstanding any subsequent changes in voter registration  
7 records.

8           6. After receiving the approval of the board of supervisors as  
9 provided in paragraph 4 of this subsection, any adult person may circulate  
10 and present petitions to the board of supervisors of the county in which the  
11 district is located. All petitions circulated shall be returned to the board  
12 of supervisors within one year from the date of the approval of the board of  
13 supervisors pursuant to paragraph 4 of this subsection. Any petition that is  
14 returned more than one year from that date is void.

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

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

24           (b) Be signed by more than one-half of the property owners in the area  
25 of the proposed district and be signed by persons owning collectively more  
26 than one-half of the assessed valuation of the property in the area of the  
27 proposed district.

28           (c) If a petition of qualified electors, be signed by more than  
29 one-half of the qualified electors within the boundaries of the proposed  
30 district.

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

34           9. Prior to the hearing called pursuant to paragraph 8 of this  
35 subsection, the board of supervisors shall determine the validity of the  
36 petitions presented.

37           10. At the hearing called pursuant to paragraph 8 of this subsection,  
38 the board of supervisors, if the petitions are valid, shall order the  
39 creation of the district. The board of supervisors shall enter its order  
40 setting forth its determination in the minutes of the meeting, not later than  
41 ten days from the day of the hearing, and a copy of the order shall be filed  
42 in the county recorder's office. The order of the board of supervisors shall  
43 be final, and the proposed district shall be created thirty days after the  
44 board of supervisors votes to create the district, except that for a  
45 community park maintenance district that is proposed for more than one

1 county, the proposed district is created thirty days after the approval of  
2 the board of supervisors of the final county of the counties in which the  
3 district is to be located. A decision of the board of supervisors under this  
4 subsection is subject to judicial review under title 12, chapter 7,  
5 article 6.

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

8 1. Qualified electors shall be those persons qualified to vote  
9 pursuant to title 16.

10 2. Property held in multiple ownership shall be treated as if it had  
11 only one property owner, so that the signature of only one of the owners of  
12 property held in multiple ownership is required on the formation petition.

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

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

17 (b) In the case of property valued by the department of revenue, the  
18 values shall be those determined by the department in the manner provided by  
19 law, for municipal assessment purposes. The county assessor and the  
20 department of revenue, respectively, shall furnish to the board of  
21 supervisors, within twenty days after such a request, a statement in writing  
22 showing the owner, the address of each owner and the appraisal or assessment  
23 value of properties contained within the boundaries of the proposed district  
24 as described in subsection A of this section.

25 C. The board of supervisors may require of the person desiring to  
26 propose creation of a district pursuant to subsection A, paragraph 1 of this  
27 section a reasonable bond to be filed with the board at the start of  
28 proceedings under this section. The bond shall be in an amount sufficient to  
29 cover costs incurred by the county if the district is not finally organized.  
30 County costs covered by the bond include any expense incurred from completion  
31 of the district impact statement, mailing of the notice of hearing to  
32 district property owners and electors, publication of the notice of hearing  
33 and other expenses reasonably incurred as a result of any requirements of  
34 this section.

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

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

1 F. Except as provided in section 48-851 AND SECTION 48-2001,  
2 subsection A, the area of a district created pursuant to this section shall  
3 be contiguous.

4 G. A district organized pursuant to this section shall have an  
5 organizing board of directors to administer the affairs of the district until  
6 a duly constituted board of directors is elected as provided in this title.  
7 The organizing board shall have all the powers, duties and responsibilities  
8 of an elected board. The organizing board shall consist of the three  
9 individuals named in the district impact statement and the petitions  
10 presented pursuant to subsection A of this section. If a vacancy occurs on  
11 the organizing board, the remaining board members shall fill the vacancy by  
12 appointing an interim member. Members of the organizing board shall serve  
13 without compensation but may be reimbursed for actual expenses incurred in  
14 performing their duties. The organizing board shall elect from its members a  
15 chairman and a clerk.

16 ~~H. For a county island fire district only:~~

17 ~~1. Any person may petition the board of supervisors for the county in~~  
18 ~~which the county island fire district is proposed to be located. The~~  
19 ~~petitions shall comply with section 48-265 regarding petition form and shall~~  
20 ~~be verified as prescribed in section 48-266. If the petitions submitted are~~  
21 ~~verified as having the signatures of more than one-half of the aggregate~~  
22 ~~number of owners of all of the real property located in the county islands in~~  
23 ~~the proposed district as prescribed by section 48-805, subsection E,~~  
24 ~~paragraph 1, after a hearing, the board of supervisors may certify the~~  
25 ~~establishment of the county island fire district. The county island fire~~  
26 ~~district shall be governed by a five member elected district board pursuant~~  
27 ~~to section 48-803, but shall be governed initially by a board appointed by~~  
28 ~~the county board of supervisors from among qualified electors of the county.~~  
29 ~~On formation of the district, the surrounding city or town shall provide fire~~  
30 ~~protection services and emergency medical services to the district. The~~  
31 ~~initial appointed board shall schedule an election to be held on the next~~  
32 ~~consolidated election date as prescribed by section 16-204. That election~~  
33 ~~shall be held as otherwise provided by law. The county island fire district~~  
34 ~~board shall also notify the county board of supervisors of the cost of~~  
35 ~~providing fire protection services and emergency medical services for each~~  
36 ~~household or other structure in the district.~~

37 ~~2. In any legal action challenging the validity of this subsection or~~  
38 ~~seeking to oppose or enjoin the creation or formation of a district~~  
39 ~~contemplated by this subsection, the following apply:~~

40 ~~(a) The board of supervisors of the county that certified the~~  
41 ~~establishment of the district, after consultation with the district board,~~  
42 ~~may advance funds necessary for the representation of named parties and~~  
43 ~~defense of the action.~~

44 ~~(b) A defendant that is a prevailing party in a legal challenge~~  
45 ~~contemplated by this paragraph shall be awarded its costs and reasonable~~

1 ~~attorney fees against any party who challenged the validity of this~~  
2 ~~subsection or district formation.~~

3 ~~3. Where district formation is contemplated by this subsection, the~~  
4 ~~county in which the district or proposed district is located may enter into~~  
5 ~~an intergovernmental agreement pursuant to title 11, chapter 7, article 3,~~  
6 ~~with the district or proposed district for any purpose not inconsistent with~~  
7 ~~this subsection.~~

8 ~~I.~~ H. For the purposes of this section assessed valuation does not  
9 include the assessed valuation of property that is owned by a county, this  
10 state or the United States government and in the case of multiple ownership  
11 of a single parcel of property, any one property owner constitutes the entire  
12 ownership interest.

13 ~~J. For the purposes of this section, "county island fire district"~~  
14 ~~means a fire district that is formed or proposed to be formed only in those~~  
15 ~~unincorporated areas of a single county that are surrounded by a single city~~  
16 ~~or town or that are surrounded by a single city or town in combination with~~  
17 ~~other publicly owned or sovereign land, and in which the existing private~~  
18 ~~fire service provider has issued a notice to the residents of the county~~  
19 ~~island that it plans to discontinue or substantially reduce service.~~

20 Sec. 6. Section 48-803, Arizona Revised Statutes, is amended to read:

21 48-803. District administered by a district board

22 A. In a district ~~which~~ THAT the board of supervisors estimates has a  
23 population of fewer than four thousand inhabitants, the district board may  
24 consist of three or five members. In a district ~~which~~ THAT the board of  
25 supervisors estimates has a population of four thousand or more inhabitants,  
26 the district board shall consist of five members, and for a **NONCONTIGUOUS**  
27 county island fire district formed pursuant to section ~~48-261, subsection H~~  
28 **48-851**, the board shall consist of five members. The estimate of population  
29 by the board of supervisors is conclusive and shall be based on available  
30 census information, school attendance statistics, election or voter  
31 registration statistics, estimates provided by state agencies or the county  
32 assessor, or other information as deemed appropriate by the board of  
33 supervisors. If the board of supervisors determines, at any time prior to  
34 one hundred twenty days before the next regular scheduled election for  
35 members of a district board, that the population of a fire district  
36 administered by a district board consisting of three members exceeds four  
37 thousand inhabitants, estimated as provided in this section, the board of  
38 supervisors shall order an increase in the number of members of the district  
39 board. If the board of supervisors determines at any time prior to one  
40 hundred eighty days before the next regularly scheduled election for members  
41 of a district board that the population of a fire district administered by a  
42 district board that consists of five members exceeds fifty thousand  
43 inhabitants as prescribed in this section, the board of supervisors shall  
44 inform the district board that it may expand to seven members. Any expansion  
45 to seven members shall occur by majority vote of the district board. The

1 increase is effective for the election of the additional members at the next  
2 regular election of members of the district board.

3 B. If a vacancy occurs on the district board other than from  
4 expiration of a term, the remaining board members shall fill the vacancy by  
5 appointment of an interim member. If the entire board resigns or for any  
6 reason cannot fulfill its duties, the board of supervisors shall appoint an  
7 administrator to administer the district with the same duties and obligations  
8 of the elected board. If the board of supervisors fails to appoint an  
9 administrator within thirty days, a special election shall be held to fill  
10 the vacancies on the fire district board.

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

14 D. ~~Except for a county island~~ THE BOARD OF A fire district ~~formed~~  
15 ~~pursuant to section 48-261, subsection H, the board~~ shall appoint or hire a  
16 fire chief.

17 E. The DISTRICT board shall elect from its members a chairman and a  
18 clerk.

19 F. Of the members first elected to DISTRICT boards consisting of three  
20 members, the two people receiving the first and second highest number of  
21 votes shall be elected to four-year terms, and the person receiving the third  
22 highest number of votes shall be elected to a two-year term. Of the members  
23 first elected to DISTRICT boards consisting of five members, the three people  
24 receiving the first, second and third highest number of votes shall be  
25 elected to four-year terms, and the two people receiving the fourth and fifth  
26 highest number of votes shall be elected to two-year terms. Thereafter, the  
27 term of office of each DISTRICT board member shall be four years from the  
28 first day of the month next following such member's election. Of the members  
29 elected as additional members to a five member DISTRICT board, the person  
30 with the highest number of votes is elected to a four-year term and the  
31 person with the second highest number of votes is elected to a two-year term.  
32 If a district resolves to increase the governing board to seven members  
33 pursuant to subsection A, the governing board may appoint two additional  
34 members to serve until the next general election. After the general election  
35 at which the two additional members are elected, the newly elected member  
36 with the highest number of votes serves a four-year term and the other member  
37 serves a two-year term. Thereafter, the term of office for these two new  
38 members is four years.

39 Sec. 7. Section 48-805, Arizona Revised Statutes, is amended to read:

40 48-805. Fire district; powers and duties

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

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

44 2. Prepare an annual budget ~~containing~~ THAT CONTAINS detailed  
45 estimated expenditures for each fiscal year ~~which shall~~ AND THAT clearly show

1 ~~SHOWS~~ salaries payable to employees of the district, including the elected or  
2 appointed chief. The budget shall be posted in three public places and  
3 published in a newspaper of general circulation in the district thirty days  
4 ~~prior to~~ BEFORE a public hearing at a meeting called by the board or elected  
5 chief to adopt the budget. Copies of the budget shall also be available to  
6 members of the public ~~upon~~ ON written request to the district. Following the  
7 public hearing, the district board or elected chief and secretary-treasurer  
8 shall adopt a budget.

9 3. Determine the compensation payable to district personnel.

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

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

19 1. Employ any personnel and provide services deemed necessary for fire  
20 protection, for preservation of life and for carrying out its other powers  
21 and duties, including providing ambulance transportation services when  
22 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a  
23 member of a district board shall not be an employee of the district. The  
24 merger of two or more fire districts pursuant to section 48-820 or the  
25 consolidation with one or more fire districts pursuant to section 48-822  
26 shall not expand the boundaries of an existing certificate of necessity  
27 unless authorized pursuant to title 36, chapter 21.1, article 2.

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

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

34 (b) Land, buildings, equipment and furnishings to house equipment and  
35 personnel necessary or appropriate to carry out its purposes.

36 3. Finance the acquisition of property as provided in this section and  
37 costs incurred in connection with the issuance of bonds as provided in  
38 section 48-806. Bonds shall not be issued without the consent of a majority  
39 of the electors of the district voting at an election held for that purpose.  
40 For the purposes of an election held under this ~~paragraph~~ SUBSECTION, all  
41 persons who are eligible to vote in fire district elections under section  
42 48-802 are eligible to vote.

43 4. Enforce the fire code adopted by the district, if any, and assist  
44 the state fire marshal in the enforcement of fire protection standards of

1 this state within the fire district including enforcement of a nationally  
2 recognized fire code when expressly authorized by the state fire marshal.

3 5. After the approval of the qualified electors of the fire district  
4 voting at a regular district election or at a special election called for  
5 such purpose by the district board or the elected chief and  
6 secretary-treasurer, as appropriate, or at any election held in the county  
7 which encompasses the fire district, adopt the \_\_\_\_\_ fire code, which is  
8 a nationally recognized fire code approved by the state fire marshal. The  
9 words appearing ~~upon~~ ON the ballots shall be "Should \_\_\_\_\_ fire  
10 district adopt the \_\_\_\_\_ fire code, which is a nationally recognized  
11 fire code approved by the state fire marshal--yes", "Should \_\_\_\_\_  
12 fire district adopt the \_\_\_\_\_ fire code, which is a nationally  
13 recognized fire code approved by the state fire marshal--no". Such code  
14 shall be enforced by the county attorney in the same manner as any other law  
15 or ordinance of the county. Any inspection or enforcement costs are the  
16 responsibility of the fire district involved. The district shall keep on  
17 file such code which shall be open to public inspection for a period of  
18 thirty days prior to any election for the purpose of adopting a fire code.  
19 Copies of the order of election shall be posted in three public places in the  
20 district not less than twenty days before the date of the election, and if a  
21 newspaper is published in the county having a general circulation in the  
22 district, the order shall be published in the newspaper not less than once a  
23 week during each of the three calendar weeks preceding the calendar week of  
24 the election.

25 6. Amend or revise the adopted fire code, including replacement of the  
26 adopted fire code with an alternative nationally recognized fire code, with  
27 the approval of the state fire marshal and after a hearing held pursuant to  
28 posted and published notice as prescribed by subsection A, paragraph 2 of  
29 this section. The district shall keep three copies of the adopted code,  
30 amendments and revisions on file for public inspection.

31 7. Enter into an agreement procuring the services of an organized  
32 private fire protection company or a fire department of a neighboring city,  
33 town, district or settlement without impairing the fire district's powers.

34 8. Contract with a city or town for fire protection services for all  
35 or part of the city or town area until the city or town elects to provide  
36 regular fire department services to the area.

37 9. Retain a certified public accountant to perform an annual audit of  
38 district books.

39 10. Retain private legal counsel.

40 11. Accept gifts, contributions, bequests and grants and comply with  
41 any requirements of such gifts, contributions, bequests and grants not  
42 inconsistent with this article.

43 12. Appropriate and expend annually such monies as are necessary for  
44 the purpose of fire districts belonging to and paying dues in the Arizona  
45 fire district association and other professional affiliations or entities.

1           13. Adopt resolutions establishing fee schedules both within and  
2 outside of the jurisdictional boundaries of the district for providing fire  
3 protection services and services for the preservation of life, including  
4 emergency fire and emergency medical services, plan reviews, standby charges,  
5 fire cause determination, users' fees, facilities benefit assessments or any  
6 other fee schedule that may be required.

7           14. Adopt resolutions for a schedule for financial reimbursement to  
8 taxpayers for installation of certain fire protection systems such as  
9 sprinklers and monitored alarms. Any resolution to offer reimbursements  
10 shall include all of the following:

11           (a) A nationally recognized analysis of the cost savings to the  
12 district by using the fire protection systems.

13           (b) The specifications of all qualifying systems.

14           (c) The requirements for claiming reimbursement. The amount of  
15 reimbursement offered shall bear a reasonable relationship to the cost  
16 savings that accrue to the district as a result of the installation of  
17 qualifying systems.

18           (d) The requirement that the resolution to offer reimbursements  
19 expires one year after its adoption unless specifically readopted by the  
20 governing board. A resolution to readopt a schedule for financial  
21 reimbursement shall additionally include a statement as to the program's  
22 effectiveness. The statement shall include the amount of reimbursements paid  
23 to each taxpayer for the installation of the fire protection system.

24           15. The governing board of a fire district, with the approval of two of  
25 the three members of a three member board, four of the five members of a five  
26 member board or five of the seven members of a seven member board, may change  
27 the district's name and on so doing shall give written notice to the board of  
28 supervisors of the change.

29           16. Require all employees to submit a full set of fingerprints as  
30 prescribed by subsection A, paragraph 4 of this section.

31           17. Enter into intergovernmental agreements or contracts as follows:

32           (a) Enter into an intergovernmental agreement with another political  
33 subdivision for technical or administrative services or to provide fire  
34 services to the property owned by the political subdivision, including  
35 property that is outside the district boundary.

36           (b) Enter into a contract with individuals to ~~to~~

37           ~~(i)~~ provide technical or administrative services.

38           ~~(i)~~ (c) **ENTER INTO A CONTRACT WITH INDIVIDUALS TO** provide fire  
39 protection services **OR EMERGENCY MEDICAL SERVICES, OR BOTH, TO THE EXTENT NOT**  
40 **REGULATED BY TITLE 36, CHAPTER 21.1** to property owned by the individual  
41 located outside the district boundaries if the individual's property is not  
42 located in a county island as defined in section 11-251.12 and at least one  
43 of the following apply:

1           ~~(aa)~~ (i) The existing fire service provider where the individual's  
2 property is located has issued a notice to the individual that the provider  
3 plans to discontinue service.

4           ~~(bb)~~ (ii) Fire service is not available to the individual's property.

5           ~~(cc)~~ (iii) Fire service is offered pursuant to a contract or  
6 subscription and the individual has not obtained service for a period of  
7 twenty-four months before the date of the contract with the district.

8           ~~(c)~~ (d) Enter into a contract with individuals to provide fire  
9 services to property owned by the individual located outside the district  
10 boundaries, where the individual's property is located in a county island as  
11 defined in section 11-251.12, if both of the following apply:

12           (i) The existing fire service provider where the individual's property  
13 is located has issued a notice to the residents of the county island and the  
14 individual that the provider plans to discontinue or substantially reduce  
15 service.

16           (ii) The district offers contracts to all residents and property  
17 owners of the county island who will be affected by the discontinuance or  
18 substantial reduction in service by the current fire service provider.

19           ~~(d)~~ (e) For **THE** purposes of subdivision (a), (b), ~~or~~ (c) **OR** (d) of  
20 this paragraph, a district may contract with any public or private fire  
21 service provider to provide some or all of the contractual services the  
22 district is contracting to deliver.

23           ~~(e)~~ (f) Any contract entered into pursuant to subdivisions (b), ~~and~~  
24 (c) **AND** (d) of this paragraph shall include a provision setting forth the  
25 cost of service and performance criteria.

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

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

36           E. ~~For a county island fire district formed pursuant to section~~  
37 ~~48-261, subsection H, the following apply:~~

38           ~~1. The district may be formed only in county islands that are located~~  
39 ~~in an area that is within the 911 service provider district in which the~~  
40 ~~largest city has a population of more than three hundred ninety-five thousand~~  
41 ~~persons but less than five hundred thousand persons and that is located~~  
42 ~~within the municipal planning area of a town with a population of one hundred~~  
43 ~~thousand or more persons as designated in the land use map of the~~  
44 ~~municipality's general plan. The district may only be formed if the district~~  
45 ~~contains all of the county islands that are prescribed in this paragraph and~~

1 ~~after compliance with the petition requirements prescribed by section 48-261,~~  
2 ~~subsection H.~~

3 ~~2. The district is authorized only to receive fire protection services~~  
4 ~~and emergency medical services from the adjacent city or town government or~~  
5 ~~some other provider of fire protection and emergency medical services. A~~  
6 ~~county island fire district has no authority to provide fire protection~~  
7 ~~services or emergency medical services by any method other than as prescribed~~  
8 ~~by this subsection. The city or town shall charge a reasonable rate to the~~  
9 ~~county island fire district to recover the costs of the service and excluding~~  
10 ~~the costs of any awards made pursuant to section 48-261, subsection H,~~  
11 ~~paragraph 2, and~~ The district board may assess and levy a secondary property  
12 tax pursuant to this article to pay for the costs of ~~the service~~ FIRE  
13 PROTECTION SERVICES OR EMERGENCY MEDICAL SERVICES EXCEPT FOR SERVICES  
14 REGULATED PURSUANT TO TITLE 36, CHAPTER 21.1. ~~The amount charged by the city~~  
15 ~~or town is limited as follows:~~

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

21 (b) ~~If additional infrastructure is reasonably necessary to provide~~  
22 ~~service to the county island fire district, the city or town may charge a fee~~  
23 ~~of up to seventy five dollars per year for each household or other structure~~  
24 ~~for up to five years.~~

25 (c) ~~An operation and maintenance charge that is determined by~~  
26 ~~calculating the annual operation and maintenance charge for the city or town~~  
27 ~~and dividing that amount by the sum of the number of households and~~  
28 ~~commercial buildings located in the city or town and the number of households~~  
29 ~~and commercial buildings located in the county island fire district.~~

30 (d) ~~Administrative costs of up to five per cent of the annual~~  
31 ~~operating and maintenance costs per year but not more than twenty five~~  
32 ~~dollars per household or commercial building per year.~~

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

1 ~~days for the receipt of proposals from service providers. The request for~~  
2 ~~proposals shall include the following provisions:~~

3 ~~(a) A successful bidder shall post a ten million dollar performance~~  
4 ~~bond, which shall be forfeited if the successful bidder does not fully~~  
5 ~~perform the contract or terminates the contract with less than one year's~~  
6 ~~notice.~~

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

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

11 ~~(d) Nothing in the request for proposals shall preclude a private fire~~  
12 ~~service provider from submitting and being eligible for a bid for the~~  
13 ~~proposed services.~~

14 ~~F. Until formation of a county island fire district is certified by~~  
15 ~~the county board of supervisors, a city or town fire service provider is not~~  
16 ~~liable for any fire protection services for any areas outside of the city's~~  
17 ~~or town's jurisdiction and a city or town has no legal obligation to provide~~  
18 ~~fire protection services to residents of the county who are not located~~  
19 ~~within the boundaries of the city or town.~~

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

29 ~~H. Subsection E of this section does not apply to and a county island~~  
30 ~~fire district cannot be formed to include real property owned by a public~~  
31 ~~service corporation that is regulated by the corporation commission or real~~  
32 ~~property owned by a special taxing district organized pursuant to title 48,~~  
33 ~~chapter 17.~~

34 ~~I. F.~~ The county attorney may advise and represent the district when  
35 in the county attorney's judgment such advice and representation are  
36 appropriate and not in conflict with the county attorney's duties under  
37 section 11-532. If the county attorney is unable to advise and represent the  
38 district due to a conflict of interest, the district may retain private legal  
39 counsel or may request the attorney general to represent it, or both.

40 Sec. 8. Section 48-806, Arizona Revised Statutes, is amended to read:  
41 48-806. Bond election; issuance and sale of bonds

42 A. EXCEPT FOR A DISTRICT FORMED PURSUANT TO SECTION 48-851, the  
43 district board or the elected chief and secretary-treasurer may order an  
44 election by the qualified electors of the district to be held pursuant to  
45 title 16, chapter 2, article 1 to determine whether bonds shall be issued on

1 behalf of the district. The order shall specify the maximum principal amount  
2 of bonds to be issued, the maximum number of years bonds of any issue or  
3 series may run from their date not exceeding thirty years, the purpose for  
4 which the bonds are to be issued, the maximum rate of interest which the  
5 bonds are to bear, the date and hours of the election and the location of the  
6 polling places. Copies of the order shall be posted in three public places  
7 within the district not less than twenty days prior to the date of the  
8 election, and if a newspaper is published within the county having a general  
9 circulation within the district, the order shall be published in the  
10 newspaper not less than once a week during each of the three calendar weeks  
11 preceding the calendar week of the election.

12 ~~B.~~ B. A DISTRICT BOARD FORMED PURSUANT TO SECTION 48-851 SHALL NOT ORDER  
13 AN ELECTION FOR OR ISSUE BONDS UNDER THIS SECTION.

14 ~~B.~~ C. Instead of publishing the notice described in subsection A OF  
15 THIS SECTION, the board of directors may mail a notice of election to each  
16 household containing a qualified elector of the district. The notice shall  
17 contain the same information described in subsection A OF THIS SECTION except  
18 that the notice shall not contain the location of all the polling places for  
19 that election. The notice shall contain the location of the polling place  
20 for that household's qualified electors. The notice shall be mailed at least  
21 thirty-five days before the election.

22 ~~C.~~ D. At the election the ballot shall contain the phrases "for the  
23 bonds" and "against the bonds". There shall be placed a square or other  
24 designated marking space in the same manner as used for candidates on  
25 ballots. The voter shall indicate a vote "for the bonds" or "against the  
26 bonds". No other question, word or figure need be printed on the ballot.  
27 The ballot need not be any particular size, nor need sample ballots be  
28 printed, posted or distributed but ballots shall comply with standards  
29 otherwise provided by law including requirements for electronic voting, if  
30 applicable.

31 ~~D.~~ E. If a majority of the qualified electors of the district voting  
32 at the election approves the issuance of bonds, the district board or the  
33 elected chief and secretary-treasurer, as appropriate, may issue bonds in an  
34 aggregate principal amount not exceeding the lesser of six per cent of the  
35 value of the taxable property in the district as shown on the last property  
36 tax assessment roll before issuing the bonds or the maximum amount specified  
37 in the election order.

38 ~~E.~~ F. Bonds may be in such denominations, may be in registered or  
39 bearer form either as to principal or interest, or both, may mature at such  
40 times not exceeding the maximum maturity specified in the election order and  
41 may be subject to redemption prior to maturity, all as specified by the  
42 district board or elected chief and secretary-treasurer, as appropriate, as  
43 provided in subsection ~~D.~~ E OF THIS SECTION. The district may engage the  
44 services of a depository to administer a book entry system for the bonds.  
45 The costs and expenses of such depository and any registrar or paying agent

1 for the bonds shall be deemed to be interest expenses that may also be paid  
2 from the tax levy made pursuant to subsection ~~H~~ I OF THIS SECTION.

3 ~~F~~ G. Bonds shall be executed by the manual or facsimile signatures  
4 of the chairman and clerk of the district board or elected chief and  
5 secretary-treasurer of the district. Coupons attached to the bonds shall  
6 bear the facsimile signature of the chairman of the district board or the  
7 elected chief of the district, as appropriate.

8 ~~G~~ H. The district board may sell the bonds at public or private sale  
9 or through an on-line bidding process. In addition, the district board may  
10 negotiate loan agreements or loan repayment agreements with the greater  
11 Arizona development authority in lieu of selling bonds where authority to  
12 sell bonds has been granted by the district's voters. The proceeds of sale  
13 on the bonds shall be deposited in an account of the fire district fund to be  
14 known as the capital fund to be applied for the purpose for which the bonds  
15 were issued.

16 ~~H~~ I. After the bonds are issued, the district board or elected chief  
17 and secretary-treasurer, as appropriate, shall enter on the district's  
18 minutes a record of the bonds sold and shall annually determine the amount of  
19 the tax levy to pay the bonds and certify such amount to the board of  
20 supervisors of the county. The board of supervisors shall annually cause to  
21 be levied and collected a tax, at the same time and in the same manner as  
22 other taxes are levied and collected upon all taxable property in the  
23 district, sufficient to pay principal of and interest on the bonds as they  
24 become due and payable. Monies derived from the levy of the tax when  
25 collected shall be deposited in the debt service fund and shall be applied  
26 only to payment of the principal of and interest on the bonds. On payment of  
27 the outstanding bonded indebtedness of the district, any monies remaining in  
28 the debt service fund shall be used to reduce the district's property tax  
29 levy in the next fiscal year.

30 Sec. 9. Section 48-807, Arizona Revised Statutes, is amended to read:

31 ~~48-807.~~ County fire district assistance tax; annual budget

32 A. The board of supervisors of a county shall levy, at the time of  
33 levying other property taxes, a county fire district assistance tax on the  
34 taxable property in the county of not ~~to exceed~~ MORE THAN ten cents per one  
35 hundred dollars of assessed valuation. The tax levy provided for in this  
36 subsection shall be a levy of secondary property taxes and shall not be  
37 subject to title 42, chapter 17, article 2. The county treasurer shall pay  
38 to each FIRE district, INCLUDING A FIRE DISTRICT FORMED PURSUANT TO SECTION  
39 48-851, in the county from the proceeds of the tax an amount equal to twenty  
40 per cent of the property tax levy adopted by the district for the fiscal year  
41 in which the tax will be levied, except that:

42 1. The amount of assistance from the county to a fire district shall  
43 be reduced as follows:

1 (a) By the dollar amount that the fire district receives from the fire  
2 district assistance tax that exceeds three hundred thousand dollars from and  
3 after June 30 of each fiscal year.

4 (b) Except as provided in paragraph 2, if the total amount to be paid  
5 to all districts in the county under this paragraph exceeds the amount to be  
6 raised by the levy of ten cents per one hundred dollars assessed valuation,  
7 then the county treasurer shall pay an amount less than twenty per cent of  
8 the property tax levy of each district. The amount to be paid by the county  
9 treasurer to each district shall be determined by multiplying the proceeds of  
10 the county fire district assistance tax against the proportion that twenty  
11 per cent of the property tax levy of each district bears to the total of  
12 twenty per cent of the property tax levies of all fire districts in the  
13 county.

14 2. For fiscal years beginning from and after July 1, 1992, the amount  
15 of assistance from the county to a fire district shall not be less than the  
16 assistance provided from and after June 30, 1991 through June 30, 1992, if,  
17 for the fiscal year in which the tax will be levied, the district levies a  
18 tax, in addition to any tax levied under section 48-806, of three dollars per  
19 one hundred dollars of assessed valuation and the assessed valuation is at  
20 least ninety per cent of the assessed valuation for the 1991 tax year. This  
21 paragraph does not apply to fire districts subject to paragraph 1,  
22 subdivision (a).

23 B. For the purpose of subsection A of this section, the property tax  
24 levy of the fire district shall include in lieu contributions pursuant to  
25 chapter 1, article 8 of this title but shall not include property tax levies  
26 to be applied to the payment of principal and interest on bonds issued  
27 pursuant to section 48-806.

28 C. Notwithstanding subsection A of this section, if two or more fire  
29 districts merge to form a consolidated district, the last amount received by  
30 each fire district from the fire district assistance tax prior to the merger  
31 shall be combined and if the combined amount exceeds three hundred thousand  
32 dollars, the consolidated district may continue to receive that amount from  
33 the fire district assistance tax.

34 D. If two or more fire districts merge to form a consolidated district  
35 and the total of the amounts received by each fire district from the fire  
36 district assistance tax is less than three hundred thousand dollars, the  
37 consolidated district may continue to receive monies until its receipts total  
38 three hundred thousand dollars, as prescribed in subsection A of this  
39 section.

40 E. Not more than ten days after the perfection of the organization of  
41 a fire district, and thereafter not later than August 1 of each year, the  
42 chief and the secretary-treasurer of the district, or if there is a district  
43 board, the chairman of the board, shall submit to the board of supervisors an  
44 estimate, certified by items, of the amount of money required for the  
45 equipment and maintenance of the district for the ensuing year.

1 F. The board, based on the budget submitted by the district, shall  
2 levy, in addition to any tax levied as provided in section 48-806, a tax not  
3 to exceed three dollars twenty-five cents per one hundred dollars of assessed  
4 valuation against all property situated within the district boundaries and  
5 appearing ~~upon~~ ON the last assessment roll. The levy shall be made and the  
6 taxes collected in the manner, at the time and by the officers provided by  
7 law for the collection of general county taxes.

8 G. The county treasurer shall keep the money received from ~~such~~  
9 LEVIED PURSUANT TO SUBSECTION F OF THIS SECTION in a separate fund known as  
10 the "fire district fund" of the ~~town or settlement~~ DISTRICT for which  
11 collected. Any surplus remaining in the fund at the end of the fiscal year  
12 shall be credited to the fire district fund of the ~~town or settlement~~  
13 DISTRICT for which collected for the succeeding fiscal year.

14 H. When a fire district has adopted a budget and the board of  
15 supervisors has levied a fire district tax as provided in subsection F of  
16 this section and the district has insufficient money in its fund with the  
17 county treasurer to operate the district, the elected chief and the  
18 secretary-treasurer, or if there is a district board, the chairman of the  
19 board, on or after August 1 of each year, may draw warrants for the purposes  
20 prescribed in section 48-805 on the county treasurer, payable on November 1  
21 of that year or on April 1 of the succeeding year. The aggregate amounts of  
22 the warrants may not exceed ninety per cent of the taxes levied by the county  
23 for the district's current fiscal year. If the treasurer cannot pay a  
24 warrant for lack of funds in the fire district fund, the warrant shall be  
25 endorsed, be registered, bear interest and be redeemed as provided by law for  
26 county warrants, except that the warrants are payable only from the fire  
27 district fund.

28 Sec. 10. Section 48-815, Arizona Revised Statutes, is amended to read:  
29 48-815. Dissolution of fire district; disposition of claims and  
30 fund balance

31 A. If a petition is filed with the governing body of the fire district  
32 containing the signatures of at least ten per cent of the qualified electors  
33 of the district, which asks for dissolution of the district, the governing  
34 body of the district shall call an election as provided in section 48-802  
35 within the district to decide whether the district shall be dissolved. The  
36 words appearing upon the ballots shall be "dissolution of \_\_\_\_\_  
37 fire district -- yes", "dissolution of \_\_\_\_\_ fire district  
38 -- no".

39 B. The elected chief or the chairman of the district board shall  
40 execute a certificate, attested by the secretary-treasurer or the clerk of  
41 the district board, setting forth the results of the election of the district  
42 and within five days thereafter file it with the clerk of the board of  
43 supervisors. The board of supervisors at its next regular meeting shall make  
44 a written order reciting the facts of the certificate and if the district is  
45 dissolved list the unpaid valid claims against the district, which shall

1 thereupon be paid by the county treasurer upon warrants drawn from the money  
2 available in the fire district fund. The order shall be signed and attested  
3 and the original thereof filed in the office of the county recorder, and  
4 recorded in the miscellaneous records.

5 C. Upon the recording thereof the fire district shall be abolished,  
6 and all money remaining in such fire district fund, after the payment of all  
7 valid claims against the district, shall be transferred to the general fund  
8 of the county, but if all of the fire district has been included within the  
9 corporate limits of a city or town, then, upon disbanding as provided by this  
10 section, the equipment, assets and liabilities of the district shall be  
11 transferred to such city or town.

12 D. Taxes shall continue to be levied as provided in section 48-806,  
13 subsection ~~H~~ I on all the taxable property within the formal boundaries of  
14 the district to pay the principal or any interest on outstanding bonds of the  
15 district.

16 Sec. 11. Section 48-820, Arizona Revised Statutes, is amended to read:  
17 48-820. Election to merge fire districts; notice; hearing;  
18 approval; joint meeting; merged district board

19 A. Except as provided in subsection ~~I~~ J OF THIS SECTION, the board of  
20 supervisors shall make an order calling for an election to decide whether to  
21 merge fire districts when a resolution for merger from each district is  
22 submitted to the board. The board of supervisors shall not make an order  
23 calling for an election to merge fire districts more frequently than once  
24 every two years. Whether or not the districts are merged, the fire districts  
25 shall reimburse the counties for the expenses of the election, including the  
26 cost of mailing any notices required pursuant to this section. If the  
27 proposed district is located in more than one county, the resolutions shall  
28 be submitted to the board of supervisors of the county in which the majority  
29 of the assessed valuation of the proposed district is located. The words  
30 appearing on the ballot shall be "(insert fire districts' names) merge as a  
31 fire district--yes" and "(insert fire districts' names) merge as fire  
32 district--no."

33 B. Within fourteen days after the election, the board of supervisors  
34 shall meet and canvass the returns, and if it is determined that a majority  
35 of the votes cast at the election in each of the affected districts is in  
36 favor of merging the fire districts, the board shall enter that fact on its  
37 minutes.

38 C. EXCEPT AS PRESCRIBED IN SUBSECTION D OF THIS SECTION, two or more  
39 fire districts may merge if the governing body of each affected fire  
40 district, by a majority vote of the members of each governing body, adopts a  
41 resolution declaring that a merger be considered and a public hearing be held  
42 to determine if a merger would be in the best interests of the district and  
43 would promote public health, comfort, convenience, necessity or welfare.  
44 After each district adopts such a resolution, the governing body by first  
45 class mail shall send written notice of the resolution, its purpose and

1 notice of the day, hour and place of a hearing on the proposed merger to each  
2 owner of taxable property within the boundaries of the district. The notice  
3 shall contain the name and description of the boundaries of each district  
4 proposed to be merged and a detailed, accurate map of the area to be included  
5 in the merger. No new territory may be included as a result of the merger.

6 ~~D.~~ **A NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO**  
7 **SECTION 48-851 SHALL NOT MERGE WITH A FIRE DISTRICT FORMED PURSUANT TO**  
8 **SECTION 48-261.**

9 ~~E.~~ **E.** The clerk of the governing body shall post notice in at least  
10 three conspicuous public places in the district and shall also publish notice  
11 twice in a daily newspaper of general circulation in the county in which the  
12 district is located, at least ten days before the public hearing. The clerk  
13 of each governing body affected by the proposed merger shall also mail notice  
14 and a copy of the resolution in support of the merger to the chairman of the  
15 board of supervisors of the county or counties in which the affected  
16 districts are located. The chairman of the board of supervisors shall order  
17 a review of the proposed merger and shall submit written comments to the  
18 governing body of each fire district located in that county within ten days  
19 after receipt of the notice.

20 ~~F.~~ **F.** At the hearing, the governing body of the district shall  
21 consider the comments of the board of supervisors, hear those persons who  
22 appear for or against the proposed merger and determine whether the proposed  
23 merger will promote public health, comfort, convenience, necessity or  
24 welfare. If, after the public hearing each of the governing bodies of the  
25 districts affected by the proposed merger adopt a resolution by a  
26 three-fourths vote that the merger will promote public health, comfort,  
27 convenience, necessity or welfare, each of the governing bodies of the  
28 districts affected by the proposed merger shall submit the resolutions to the  
29 board of supervisors.

30 ~~G.~~ **G.** Before considering any resolution of merger pursuant to this  
31 section, a governing body shall obtain written consent to the merger from any  
32 single taxpayer residing within each of the affected districts who owns  
33 thirty per cent or more of the net assessed valuation of the total net  
34 assessed valuation of the district. If written consent contemplated by this  
35 subsection is not obtained, then the provisions of subsections A and B apply,  
36 and the merger may only be accomplished by election.

37 ~~H.~~ **H.** If the proposal for merger is approved as provided by  
38 subsection B **OF THIS SECTION**, the governing body of the affected district  
39 with the largest population within thirty days shall call a joint meeting of  
40 the governing bodies of all of the affected districts. At the joint meeting,  
41 a majority of the members of the governing body of each affected district  
42 constitutes a quorum for the purpose of transacting business. The members of  
43 the governing body shall appoint a total of five persons from those currently  
44 serving on the governing bodies who shall complete their regular terms of  
45 office, except that no more than three of the persons appointed may serve

1 terms that end in the same year. No more than three members shall be  
2 appointed from the same fire district board. Subsequent terms of office for  
3 district board members shall be filled by election of board members who shall  
4 be qualified electors of the merged district.

5 ~~H.~~ I. The appointed governing body shall immediately meet and  
6 organize itself and elect from its members a chairman and a clerk. The  
7 appointed board by resolution shall declare the districts merged and each  
8 affected district joined. The governing board by resolution shall declare  
9 the name of the newly merged fire district. The resolution and the names of  
10 the new board members for the newly organized district shall be sent to the  
11 board of supervisors, and the merger shall be deemed completed thirty days  
12 after the adoption of the resolution.

13 ~~I.~~ J. If the requirements of subsection ~~F~~ G OF THIS SECTION are met  
14 and each of the governing body votes required by subsections C and ~~E~~ F OF  
15 THIS SECTION are unanimous, ~~then~~ subsections A and B ~~shall~~ OF THIS SECTION DO  
16 not apply.

17 Sec. 12. Section 48-822, Arizona Revised Statutes, is amended to read:  
18 48-822. Election to consolidate fire districts; resolution;  
19 impact statement; hearing

20 A. Except as provided in subsection ~~D~~ E of this section, the board of  
21 supervisors shall make an order calling for an election to decide whether to  
22 consolidate fire districts when a resolution for consolidation of fire  
23 districts from the requesting district is submitted to the board. The board  
24 of supervisors shall not make an order calling for an election to consolidate  
25 fire districts more frequently than once every two years. Whether or not the  
26 districts are consolidated, the fire districts shall reimburse the counties  
27 for the expenses of the election, including the cost of mailing any notices.  
28 If the proposed district is located in more than one county, the resolutions  
29 shall be submitted to the board of supervisors of the county in which the  
30 majority of the assessed valuation of the proposed district is located. The  
31 words appearing on the ballot shall be "(insert fire districts' names)  
32 consolidate as a fire district--yes" and "(insert fire districts' names)  
33 consolidate as fire district--no."

34 B. Within fourteen days after the election, the board of supervisors  
35 shall meet and canvass the returns, and if it is determined that a majority  
36 of the votes cast at the election in each of the affected districts is in  
37 favor of consolidating the fire districts, the board shall enter that fact on  
38 its minutes.

39 C. EXCEPT AS PROSCRIBED BY SUBSECTION D OF THIS SECTION, a fire  
40 district may consolidate with one or more other fire districts formed  
41 pursuant to section 48-261 as follows:

42 1. A resolution requesting the consolidation of one fire district is  
43 passed by a majority vote of the governing body requesting consolidation into  
44 another fire district. The requesting district shall send by first class

1 mail the notice of request to consolidate districts to the fire district in  
2 which the consolidation is requested.

3 2. On receipt of the resolution requesting consolidation, and on  
4 approval by majority vote of the governing body receiving the request, the  
5 fire districts by mutual agreement shall prepare a consolidation impact  
6 statement that includes the following:

7 (a) A legal description of the boundaries of the proposed consolidated  
8 district and a detailed, accurate map of the area to be included in the  
9 consolidated district. No new territory may be included as a result of a  
10 district consolidation.

11 (b) An estimate of the assessed valuation in the proposed consolidated  
12 district.

13 (c) An estimate of the change in the property tax liability of a  
14 typical resident of the proposed consolidated district as a result of the  
15 proposed consolidated district.

16 (d) A list and explanation of benefits that will result from the  
17 proposed consolidated district.

18 (e) A list and explanation of the injuries that will result from the  
19 proposed consolidated district.

20 3. On completion of the consolidation impact statement, the governing  
21 body of each fire district shall set a day for a hearing on the impact  
22 statement that is not fewer than sixty nor more than ninety days after the  
23 date of the completion and approval of the consolidation impact statement.  
24 The district governing bodies at any time before making a determination  
25 pursuant to paragraph ~~4~~ 5 of this subsection may require that the impact  
26 statement be amended to include any information that the board deems to be  
27 relevant and necessary.

28 4. On setting the date for hearing on the consolidated district impact  
29 statement, the clerk of each governing body shall send by first class mail  
30 written notice of the statement, its purpose and notice of the day, hour and  
31 place of the hearing on the proposed consolidated district to each owner of  
32 taxable property within the boundaries of the respective fire districts. At  
33 least ten days before the hearing, the clerk of each governing body shall  
34 post the notice in at least three conspicuous public places in the respective  
35 districts and shall publish notice twice in a daily newspaper of general  
36 circulation in the area of the proposed consolidated district.

37 5. At the hearing called pursuant to paragraph 3 of this subsection,  
38 the governing body shall hear those persons who appear for and against the  
39 proposed consolidated district and shall determine whether the creation of  
40 the district will promote public health, comfort, convenience, necessity or  
41 welfare. If the governing body of each district determines that the public  
42 health, comfort, convenience, necessity or welfare will be promoted, it shall  
43 approve the consolidated district impact statement.

44 6. Within fifteen days after the approval of the board as prescribed  
45 by paragraph 5 of this subsection, the clerk of the board of the district

1 requesting consolidation shall send by first class mail notice of the  
2 approval to the fire district in which the consolidation is requested.

3 7. After receiving the approval of the requesting governing body to  
4 consolidate districts as provided in paragraph 6 of this subsection, the  
5 governing body of the district into which consolidation was requested shall  
6 set a day for a hearing on the consolidation of the districts. The hearing  
7 shall be held not fewer than thirty nor more than sixty days after the date  
8 of the approval by the requesting governing body.

9 8. At the hearing called pursuant to paragraph 7 of this subsection,  
10 the governing body shall determine if the creation of the consolidated  
11 district will promote public health, comfort, convenience, necessity or  
12 welfare. If the governing body of the district determines that the public  
13 health, comfort, convenience, necessity or welfare will be promoted, it shall  
14 by resolution declare the districts consolidated and each affected district  
15 joined.

16 9. The governing body shall submit the resolution of consolidation to  
17 the board of supervisors.

18 10. Those persons currently serving as the governing body of the  
19 district into which consolidation was requested shall serve as the governing  
20 body of the newly consolidated district and complete their regular terms of  
21 office. The newly consolidated district governing body shall consist of at  
22 least five members.

23 11. If the consolidation results in a new district population that is  
24 greater than fifty thousand persons, the new governing board may appoint an  
25 additional two members to serve until the next general election at which time  
26 the newly elected member with the highest number of votes serves a four year  
27 term and the other member serves a two year term. Thereafter, the term of  
28 office for these two new members is four years.

29 12. The governing body by resolution shall declare the name of the  
30 newly consolidated fire district.

31 13. If a newly consolidated fire district has a combined population  
32 that exceeds fifty thousand persons, the governing body of the newly  
33 consolidated fire district by resolution may declare the name of the newly  
34 consolidated fire district to include within the name the title of fire  
35 authority.

36 14. If a proposed consolidated district would include property located  
37 in an incorporated city or town, in addition to the other requirements of  
38 this section, the governing body of the district shall approve the creation  
39 of the consolidated district only if the governing body of the city or town  
40 endorses the creation by ordinance or resolution.

41 15. Before considering any resolution of consolidation pursuant to this  
42 section, a governing body shall obtain written consent to the consolidation  
43 from any single taxpayer residing within each of the affected districts who  
44 owns thirty per cent or more of the net assessed valuation of the total net  
45 assessed valuation of the district.

1 D. A NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO  
2 SECTION 48-851 SHALL NOT CONSOLIDATE WITH A FIRE DISTRICT FORMED PURSUANT TO  
3 SECTION 48-261.

4 ~~D.~~ E. If the requirements of subsection C, paragraph 15 of this  
5 section are met and each of the governing body votes required by this section  
6 are unanimous, ~~then~~ subsections A and B of this section ~~shall~~ DO not apply.

7 Sec. 13. Title 48, chapter 5, Arizona Revised Statutes, is amended by  
8 adding article 3, to read:

9 ARTICLE 3. NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICTS

10 48-851. Noncontiguous county island fire district; formation;  
11 definition

12 A. A NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICT SHALL BE FORMED BY THE  
13 FOLLOWING PROCEDURES:

14 1. ONE OR MORE PERSONS WHO WISH TO PETITION FOR A NONCONTIGUOUS COUNTY  
15 ISLAND FIRE DISTRICT SHALL REQUEST AND THE COUNTY ASSESSOR SHALL PROVIDE A  
16 MAP OF ALL OF THE COUNTY ISLAND AREAS THAT ARE CONTAINED WITHIN THE MUNICIPAL  
17 PLANNING AREA OF A CITY.

18 2. WITHIN THIRTY DAYS AFTER RECEIVING A MAP FROM THE COUNTY ASSESSOR,  
19 THE PERSON SHALL SUBMIT A REVISED MAP THAT INDICATES THOSE COUNTY ISLAND  
20 AREAS THAT ARE PROPOSED TO BE INCLUDED IN THE NONCONTIGUOUS COUNTY ISLAND  
21 FIRE DISTRICT AND SHALL SUBMIT THE NAMES AND ADDRESSES OF THREE PERSONS WHO  
22 ARE PROPOSED TO SERVE AS THE ORGANIZING BOARD OF THE DISTRICT.

23 3. ON RECEIPT OF THE REVISED MAP AND THE PROPOSED ORGANIZING BOARD'S  
24 MEMBERSHIP, THE BOARD OF SUPERVISORS SHALL SET A DAY FOR A HEARING ON THE  
25 PROPOSED DISTRICT FORMATION.

26 4. THE CLERK OF THE BOARD OF SUPERVISORS SHALL MAIL, BY FIRST CLASS  
27 MAIL, WRITTEN NOTICE OF THE STATEMENT, ITS PURPOSE AND NOTICE OF THE DAY,  
28 HOUR AND PLACE OF THE HEARING ON THE PROPOSED DISTRICT TO EACH OWNER OF  
29 TAXABLE PROPERTY AND TO EACH HOUSEHOLD IN WHICH A QUALIFIED ELECTOR RESIDES  
30 WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT. THE CLERK OF THE BOARD OF  
31 SUPERVISORS SHALL POST THE NOTICE IN AT LEAST THREE CONSPICUOUS PUBLIC PLACES  
32 IN THE AREA OF THE PROPOSED DISTRICT AND SHALL PUBLISH TWICE IN A DAILY  
33 NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OF THE PROPOSED DISTRICT, AT  
34 LEAST TEN DAYS BEFORE THE HEARING, OR, IF NO DAILY NEWSPAPER OF GENERAL  
35 CIRCULATION EXISTS IN THE AREA OF THE PROPOSED DISTRICT, AT LEAST TWICE AT  
36 ANY TIME BEFORE THE DATE OF THE HEARING, A NOTICE SETTING FORTH THE PURPOSE  
37 OF THE PROPOSED DISTRICT FORMATION, THE DESCRIPTION OF THE AREA OF THE  
38 PROPOSED DISTRICT AND THE DAY, HOUR AND PLACE OF THE HEARING.

39 5. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION,  
40 THE BOARD OF SUPERVISORS SHALL HEAR THOSE WHO APPEAR FOR AND AGAINST THE  
41 PROPOSED DISTRICT AND SHALL DETERMINE WHETHER THE CREATION OF THE DISTRICT  
42 WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE. IF  
43 THE BOARD OF SUPERVISORS DETERMINES THAT THE PUBLIC HEALTH, COMFORT,  
44 CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL AUTHORIZE THE  
45 PERSONS PROPOSING THE DISTRICT TO CIRCULATE PETITIONS AS PROVIDED IN THIS

1 SUBSECTION. THE ORDER OF THE BOARD OF SUPERVISORS SHALL BE FINAL, BUT IF THE  
2 REQUEST TO CIRCULATE PETITIONS IS DENIED, A SUBSEQUENT REQUEST FOR A SIMILAR  
3 DISTRICT MAY BE REFILED WITH THE BOARD OF SUPERVISORS AFTER SIX MONTHS FROM  
4 THE DATE OF THE DENIAL.

5 6. WITHIN FIFTEEN DAYS AFTER RECEIVING THE APPROVAL OF THE BOARD OF  
6 SUPERVISORS AS PRESCRIBED BY PARAGRAPH 5 OF THIS SUBSECTION, THE CLERK OF THE  
7 BOARD SHALL DETERMINE THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR  
8 COMPLIANCE WITH PARAGRAPH 8, SUBDIVISIONS (b) AND (c) OF THIS SUBSECTION.  
9 AFTER MAKING THAT DETERMINATION, THAT NUMBER OF SIGNATURES SHALL REMAIN  
10 FIXED, NOTWITHSTANDING ANY SUBSEQUENT CHANGES IN VOTER REGISTRATION RECORDS.

11 7. AFTER RECEIVING THE APPROVAL OF THE BOARD OF SUPERVISORS AS  
12 PROVIDED IN PARAGRAPH 5 OF THIS SUBSECTION, ANY ADULT PERSON MAY CIRCULATE  
13 AND PRESENT PETITIONS TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE  
14 DISTRICT IS LOCATED. ALL PETITIONS CIRCULATED SHALL BE RETURNED TO THE BOARD  
15 OF SUPERVISORS WITHIN ONE YEAR FROM THE DATE OF THE APPROVAL OF THE BOARD OF  
16 SUPERVISORS PURSUANT TO PARAGRAPH 5 OF THIS SUBSECTION. ANY PETITION THAT IS  
17 RETURNED MORE THAN ONE YEAR FROM THAT DATE IS VOID.

18 8. THE PETITIONS PRESENTED PURSUANT TO PARAGRAPH 7 OF THIS SUBSECTION  
19 SHALL COMPLY WITH THE PROVISIONS REGARDING PETITION FORM IN SECTION 48-265  
20 AND VERIFICATION IN SECTION 48-266 AND SHALL:

21 (a) AT ALL TIMES, CONTAIN A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE  
22 PROPOSED DISTRICT AND A DETAILED, ACCURATE MAP OF THE PROPOSED DISTRICT AND  
23 THE NAMES, ADDRESSES AND OCCUPATIONS OF THE PROPOSED MEMBERS OF THE  
24 DISTRICT'S ORGANIZING BOARD OF DIRECTORS. NO ALTERATION OF THE PROPOSED  
25 DISTRICT SHALL BE MADE AFTER RECEIVING THE APPROVAL OF THE BOARD OF  
26 SUPERVISORS AS PROVIDED IN PARAGRAPH 5 OF THIS SUBSECTION.

27 (b) BE SIGNED BY MORE THAN ONE-HALF OF THE AGGREGATE NUMBER OF  
28 PROPERTY OWNERS IN THE COUNTY ISLAND AREAS CONTAINED IN THE PROPOSED  
29 DISTRICT.

30 9. ON RECEIPT OF THE PETITIONS, THE BOARD OF SUPERVISORS SHALL SET A  
31 DAY, NOT MORE THAN THIRTY DAYS FROM THAT DATE, FOR A HEARING ON THE PETITION.

32 10. PRIOR TO THE HEARING CALLED PURSUANT TO PARAGRAPH 9 OF THIS  
33 SUBSECTION, THE BOARD OF SUPERVISORS SHALL DETERMINE THE VALIDITY OF THE  
34 PETITION SIGNATURES PRESENTED. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 9  
35 OF THIS SUBSECTION, THE BOARD OF SUPERVISORS, IF THE PETITIONS ARE VALID,  
36 SHALL ORDER THE FORMATION OF THE DISTRICT. THE BOARD OF SUPERVISORS SHALL  
37 ENTER ITS ORDER SETTING FORTH ITS DETERMINATION IN THE MINUTES OF THE  
38 MEETING, NOT LATER THAN TEN DAYS FROM THE DAY OF THE HEARING, AND A COPY OF  
39 THE ORDER SHALL BE FILED IN THE COUNTY RECORDER'S OFFICE. THE ORDER OF THE  
40 BOARD OF SUPERVISORS SHALL BE FINAL, AND THE PROPOSED DISTRICT IS FORMED  
41 THIRTY DAYS AFTER THE BOARD OF SUPERVISORS VOTES TO FORM THE DISTRICT. A  
42 DECISION OF THE BOARD OF SUPERVISORS UNDER THIS SUBSECTION IS SUBJECT TO  
43 JUDICIAL REVIEW UNDER TITLE 12, CHAPTER 7, ARTICLE 6.

44 B. FOR THE PURPOSE OF DETERMINING THE VALIDITY OF THE PETITIONS  
45 PRESENTED PURSUANT TO SUBSECTION A, PARAGRAPH 7 OF THIS SECTION:

1           1. QUALIFIED ELECTORS SHALL BE THOSE PERSONS QUALIFIED TO VOTE  
2 PURSUANT TO TITLE 16.  
3           2. PROPERTY HELD IN MULTIPLE OWNERSHIP SHALL BE TREATED AS IF IT HAD  
4 ONLY ONE PROPERTY OWNER, SO THAT THE SIGNATURE OF ONLY ONE OF THE OWNERS OF  
5 PROPERTY HELD IN MULTIPLE OWNERSHIP IS REQUIRED ON THE FORMATION PETITION.  
6           C. IF A DISTRICT IS FORMED PURSUANT TO THIS SECTION, THE COST OF  
7 PUBLICATION OF THE NOTICE OF HEARING, THE MAILING OF NOTICES TO ELECTORS AND  
8 PROPERTY OWNERS AND ALL OTHER COSTS INCURRED BY THE COUNTY AS A RESULT OF  
9 THIS SECTION SHALL BE A CHARGE AGAINST THE DISTRICT.  
10          D. A DISTRICT ORGANIZED PURSUANT TO THIS SECTION SHALL HAVE AN  
11 ORGANIZING BOARD OF DIRECTORS TO ADMINISTER THE AFFAIRS OF THE DISTRICT UNTIL  
12 A DULY CONSTITUTED BOARD OF DIRECTORS IS ELECTED AS PROVIDED IN THIS TITLE.  
13 THE ORGANIZING BOARD SHALL HAVE ALL THE POWERS, DUTIES AND RESPONSIBILITIES  
14 OF AN ELECTED BOARD. THE ORGANIZING BOARD SHALL CONSIST OF THE THREE  
15 INDIVIDUALS NAMED IN THE PETITIONS PRESENTED PURSUANT TO SUBSECTION A OF THIS  
16 SECTION. IF A VACANCY OCCURS ON THE ORGANIZING BOARD, THE REMAINING BOARD  
17 MEMBERS SHALL FILL THE VACANCY BY APPOINTING AN INTERIM MEMBER. MEMBERS OF  
18 THE ORGANIZING BOARD SHALL SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED  
19 FOR ACTUAL EXPENSES INCURRED IN PERFORMING THEIR DUTIES. THE ORGANIZING  
20 BOARD SHALL ELECT FROM ITS MEMBERS A CHAIRPERSON AND A CLERK. FOR ANY  
21 CHALLENGE TO THE FORMATION OF THE DISTRICT, THE DISTRICT BOARD IS A PROPER  
22 PARTY TO THE CHALLENGE AND ANY PETITION CIRCULATORS ARE NOT PROPER PARTIES.  
23          E. FOR THE PURPOSES OF THIS ARTICLE, "NONCONTIGUOUS COUNTY ISLAND FIRE  
24 DISTRICT" MEANS A DISTRICT THAT IS FORMED PURSUANT TO THIS SECTION IN A  
25 COUNTY THAT HAS A POPULATION OF AT LEAST ONE MILLION FIVE HUNDRED THOUSAND  
26 PERSONS AND FOR WHICH ALL OF THE FOLLOWING APPLY:  
27          1. THE DISTRICT CONSISTS OF ONLY NONCONTIGUOUS COUNTY ISLANDS IN A  
28 GEOGRAPHIC BOUNDARY AREA THAT IS CONTAINED IN A MUNICIPAL PLANNING AREA AND  
29 WITHIN THE BOUNDARIES OF AN AUTOMATIC AID CONSORTIUM WHERE THERE IS NO  
30 PRIVATE PROVIDER OF FIRE PROTECTION SERVICE AT THE TIME OF THE DISTRICT'S  
31 FORMATION.  
32          2. FIRE PROTECTION SERVICES ARE NOT FUNDED PURSUANT TO SECTION 48-807  
33 AT THE TIME OF THE DISTRICT'S FORMATION.  
34          3. THERE IS ONLY ONE FIRE DISTRICT WITHIN THE GEOGRAPHIC AREA OF THE  
35 MUNICIPAL PLANNING AREA FOR ANY ONE CITY OR TOWN.  
36          48-852. District board governance; elections  
37          A. A FIRE DISTRICT FORMED PURSUANT TO THIS ARTICLE SHALL BE GOVERNED  
38 BY A FIVE MEMBER ELECTED BOARD, BUT SHALL BE GOVERNED INITIALLY BY A BOARD  
39 APPOINTED BY THE COUNTY BOARD OF SUPERVISORS FROM AMONG QUALIFIED ELECTORS OF  
40 THE PROPOSED COUNTY ISLAND FIRE DISTRICT. THE INITIAL APPOINTED BOARD SHALL  
41 SCHEDULE AN ELECTION TO BE HELD ON THE NEXT GENERAL ELECTION DATE. THE  
42 ELECTION SHALL BE HELD AS OTHERWISE PROVIDED BY LAW.  
43          B. IF A VACANCY OCCURS ON THE DISTRICT BOARD OTHER THAN FROM  
44 EXPIRATION OF A TERM, THE REMAINING BOARD MEMBERS SHALL FILL THE VACANCY BY  
45 APPOINTMENT OF AN INTERIM MEMBER. IF THE ENTIRE BOARD RESIGNS OR FOR ANY

1 REASON CANNOT FULFILL ITS DUTIES, THE BOARD OF SUPERVISORS SHALL APPOINT AN  
2 ADMINISTRATOR TO ADMINISTER THE DISTRICT WITH THE SAME DUTIES AND OBLIGATIONS  
3 OF THE ELECTED BOARD. IF THE BOARD OF SUPERVISORS FAILS TO APPOINT AN  
4 ADMINISTRATOR WITHIN THIRTY DAYS, A SPECIAL ELECTION SHALL BE HELD TO FILL  
5 THE VACANCIES ON THE FIRE DISTRICT BOARD.

6 C. MEMBERS OF THE DISTRICT BOARD SHALL SERVE WITHOUT COMPENSATION, BUT  
7 MAY BE REIMBURSED FOR ACTUAL EXPENSES INCURRED IN PERFORMING DUTIES REQUIRED  
8 BY LAW.

9 D. THE DISTRICT BOARD SHALL ELECT FROM ITS MEMBERS A CHAIRPERSON AND A  
10 CLERK.

11 E. OF THE MEMBERS FIRST ELECTED TO THE DISTRICT BOARD, THE THREE  
12 PEOPLE RECEIVING THE FIRST, SECOND AND THIRD HIGHEST NUMBER OF VOTES SHALL BE  
13 ELECTED TO FOUR YEAR TERMS, AND THE TWO PEOPLE RECEIVING THE FOURTH AND FIFTH  
14 HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO TWO YEAR TERMS. THEREAFTER, THE  
15 TERM OF OFFICE OF EACH DISTRICT BOARD MEMBER SHALL BE FOUR YEARS FROM THE  
16 FIRST DAY OF THE MONTH NEXT FOLLOWING SUCH MEMBER'S ELECTION.

17 48-853. District board; powers and duties; intergovernmental  
18 agreements; contract; administration; definition

19 A. A FIRE DISTRICT FORMED PURSUANT TO THIS ARTICLE, THROUGH ITS BOARD  
20 SHALL:

21 1. HOLD PUBLIC MEETINGS AT LEAST ONCE EACH CALENDAR MONTH.

22 2. PREPARE AN ANNUAL BUDGET THAT CONTAINS DETAILED ESTIMATED  
23 EXPENDITURES FOR EACH FISCAL YEAR AND THAT CLEARLY SHOWS EXPENSES OF THE  
24 DISTRICT. THE BUDGET SHALL BE POSTED IN THREE PUBLIC PLACES AND PUBLISHED IN  
25 A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT THIRTY DAYS BEFORE A  
26 PUBLIC HEARING AT A MEETING CALLED BY THE BOARD OR FIRE CHIEF TO ADOPT THE  
27 BUDGET. COPIES OF THE BUDGET SHALL ALSO BE AVAILABLE TO MEMBERS OF THE  
28 PUBLIC ON WRITTEN REQUEST TO THE DISTRICT. FOLLOWING THE PUBLIC HEARING, THE  
29 DISTRICT BOARD OR APPOINTED CHIEF SHALL ADOPT A BUDGET.

30 3. REQUIRE PROBATIONARY EMPLOYEES IN A PAID SWORN FIREFIGHTER  
31 POSITION, A RESERVE FIREFIGHTER POSITION OR A VOLUNTEER FIREFIGHTER POSITION  
32 OF A PROVIDER OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES TO SUBMIT A  
33 FULL SET OF FINGERPRINTS TO THE FIRE DISTRICT. THE FIRE DISTRICT SHALL  
34 SUBMIT THE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF  
35 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION  
36 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE  
37 THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. THIS  
38 PARAGRAPH DOES NOT APPLY TO PERSONNEL THAT ARE PROVIDED TO A FIRE DISTRICT BY  
39 ANY PUBLIC OR PRIVATE ENTITY THAT PROVIDES FIRE PROTECTION AND EMERGENCY  
40 MEDICAL SERVICES TO THE FIRE DISTRICT AND THAT HAS ALREADY FULLY COMPLIED  
41 WITH FINGERPRINT SUBMITTAL REQUIREMENTS AS OTHERWISE PROVIDED BY LAW.

42 4. APPOINT THE FIRE CHIEF OF THE FIRE SERVICE PROVIDER SELECTED  
43 PURSUANT TO PARAGRAPH 8 OF THIS SUBSECTION, EITHER PUBLIC OR PRIVATE, AS THE  
44 FIRE CHIEF FOR THE DISTRICT.

1           5. ADOPT THE FIRE CODE OF THE MUNICIPALITY WHOSE MUNICIPAL PLANNING  
2 AREA INCLUDES THE DISTRICT EXCEPT THAT THE FIRE DISTRICT'S AUTHORITY TO  
3 CONDUCT INSPECTIONS SHALL APPLY ONLY TO COMMERCIAL AND INDUSTRIAL PROPERTIES  
4 AND SHALL NOT APPLY TO RESIDENTIAL PROPERTIES.

5           6. KEEP THREE COPIES OF THE APPLICABLE FIRE CODE, AMENDMENTS AND  
6 REVISIONS ON FILE FOR PUBLIC INSPECTION.

7           7. NOTIFY THE COUNTY BOARD OF SUPERVISORS OF THE COST OF PROVIDING  
8 FIRE PROTECTION SERVICE AND EMERGENCY MEDICAL SERVICE FOR EACH HOUSEHOLD OR  
9 OTHER STRUCTURE IN THE DISTRICT IF THE DISTRICT PROVIDES SERVICE PURSUANT TO  
10 PARAGRAPH 8, SUBDIVISION (a) OR (b) OF THIS SUBSECTION.

11           8. ACT WITHIN SIXTY DAYS AFTER THE FORMATION OF THE DISTRICT TO DO ANY  
12 OF THE FOLLOWING:

13           (a) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH A MUNICIPAL  
14 PROVIDER FOR FIRE PROTECTION SERVICES FOR THE DISTRICT. A MUNICIPAL PROVIDER  
15 SEEKING TO ENTER INTO AGREEMENT WITH THE DISTRICT SHALL MAKE A FORMAL  
16 EXPRESSION OF INTENT TO ENTER INTO AN AGREEMENT WITH THE DISTRICT WITHIN  
17 TWENTY-ONE DAYS OF DISTRICT FORMATION.

18           (b) ISSUE A REQUEST FOR PROPOSALS FOR NONMUNICIPAL PRIVATE PROVIDERS  
19 OF FIRE PROTECTION SERVICES FOR THE DISTRICT. A REQUEST FOR PROPOSALS MAY  
20 ONLY BE ISSUED IF NO MUNICIPAL PROVIDERS OF FIRE PROTECTION SERVICES HAVE  
21 MADE AN EXPRESSION OF INTENT SEEKING TO ENTER INTO A FIRE PROTECTION  
22 AGREEMENT WITH THE DISTRICT. NOTWITHSTANDING ANY OTHER LAW, MUNICIPAL  
23 ANNEXATION SHALL NOT BE UNDERTAKEN DURING THE TERM OF ANY CONTRACT ENTERED  
24 INTO BETWEEN THE DISTRICT AND A PRIVATE FIRE SERVICE PROVIDER, EXCEPT THAT IN  
25 THE ONE HUNDRED EIGHTY DAY PERIOD BEFORE THE END OF THE CONTRACT, THE  
26 MUNICIPALITY SHALL NOTIFY THE RESIDENTS OF THE OPPORTUNITY TO ANNEX INTO THE  
27 MUNICIPALITY. A RESIDENT SHALL NOTIFY THE DISTRICT AND THE MUNICIPALITY  
28 WITHIN NINETY DAYS BEFORE THE END OF THE CONTRACT THAT THE RESIDENT IS  
29 ANNEXING INTO THE MUNICIPALITY AND SHALL COMPLETE THE ANNEXATION WITHIN TEN  
30 DAYS AFTER THE COMPLETION OF THE CONTRACT. IF NO DISTRICT RESIDENTS NOTIFY  
31 THE MUNICIPALITY THAT THE RESIDENT IS ANNEXING, THE DISTRICT MAY RENEW THE  
32 CONTRACT AUTOMATICALLY. IF A RESIDENT PROPOSES TO ANNEX INTO THE  
33 MUNICIPALITY, THE DISTRICT SHALL ISSUE A REQUEST FOR PROPOSALS AGAIN AS  
34 PRESCRIBED IN THIS SUBDIVISION.

35           (c) BEFORE APPLYING THIS SUBDIVISION, THE DISTRICT SHALL REQUEST AN  
36 INDEPENDENT REVIEW BY THE COUNTY ATTORNEY OF THE NEGOTIATIONS, IF ANY, THAT  
37 WERE CONDUCTED AS PRESCRIBED IN SUBDIVISION (a) OF THIS PARAGRAPH AND THE  
38 REQUEST FOR PROPOSALS AND RESULTING BIDS. AFTER THE INDEPENDENT REVIEW, THE  
39 COUNTY ATTORNEY SHALL CERTIFY WHETHER THE NEGOTIATIONS AND PROPOSALS WERE  
40 BASED ON COMMERCIALLY REASONABLE ASSUMPTIONS. IF THE COUNTY ATTORNEY  
41 CERTIFIES THAT ANY ONE OR MORE OF THE PROVISIONS ARE NOT COMMERCIALY  
42 REASONABLE, THE DISTRICT AND THE OTHER PARTY TO THE NEGOTIATIONS HAVE TEN  
43 DAYS TO CURE AND CONTINUE NEGOTIATIONS BEFORE RESUBMITTING INFORMATION ON THE  
44 NEGOTIATIONS AND PROPOSALS TO THE COUNTY ATTORNEY FOR CERTIFICATION.  
45 NOTWITHSTANDING ANY OTHER LAW, THE COUNTY ATTORNEY SHALL HAVE ACCESS TO

1 SEALED BIDS FOR PURPOSES OF THIS SUBDIVISION. THE COUNTY ATTORNEY SHALL  
2 REVIEW AND ISSUE A CERTIFICATION PURSUANT TO THIS SUBDIVISION WITHIN THIRTY  
3 DAYS AFTER THE INFORMATION AND DOCUMENTS REGARDING NEGOTIATIONS AND PROPOSALS  
4 ARE SUBMITTED TO THE COUNTY ATTORNEY. IF A FIRE DISTRICT DOES NOT ENTER INTO  
5 AN INTERGOVERNMENTAL AGREEMENT PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH  
6 OR ENTER INTO A CONTRACT PURSUANT TO SUBDIVISION (b) OF THIS PARAGRAPH, THE  
7 SURROUNDING MUNICIPALITY SHALL PROVIDE FIRE PROTECTION AND EMERGENCY MEDICAL  
8 SERVICES EXCEPT FOR SERVICES REGULATED PURSUANT TO TITLE 36, CHAPTER 21.1 IN  
9 THE DISTRICT IMMEDIATELY ON REQUEST BY THE DISTRICT, FOLLOWING FINAL  
10 CERTIFICATION BY THE COUNTY ATTORNEY. THE MUNICIPALITY SHALL BE COMPENSATED  
11 BY THE DISTRICT AS FOLLOWS:

12 (i) A THREE PERSON BOARD SHALL SET THE SECONDARY PROPERTY TAX RATE FOR  
13 THE DISTRICT. THE DISTRICT SHALL APPOINT ONE PERSON TO THE BOARD, THE  
14 SURROUNDING MUNICIPALITY SHALL APPOINT ONE PERSON TO THE BOARD, AND THE TWO  
15 APPOINTEES SHALL AGREE ON A THIRD PERSON FOR THE BOARD. IF THE TWO  
16 APPOINTEES CANNOT AGREE ON A THIRD APPOINTEE WITHIN FIVE DAYS AFTER THE TWO  
17 PERSONS ARE APPOINTED, THE COUNTY BOARD OF SUPERVISORS SHALL APPOINT THE  
18 THIRD PERSON TO THE BOARD.

19 (ii) THE THREE PERSON BOARD SHALL MEET AND SET THE TAX RATE WITHIN  
20 THIRTY DAYS AFTER THE THIRD PERSON IS APPOINTED TO THE BOARD.

21 (iii) THE DISTRICT SHALL LEVY THE TAX AT THE RATE AS DETERMINED BY THE  
22 THREE PERSON BOARD AND THE TAX SHALL BE COLLECTED AS OTHER PROPERTY TAXES ARE  
23 COLLECTED. ON RECEIPT OF MONIES FROM THE PROPERTY TAX LEVIED, THE DISTRICT  
24 SHALL REIMBURSE THE COUNTY FOR THE COSTS ASSOCIATED WITH THE FORMATION OF THE  
25 DISTRICT, INCLUDING ADMINISTRATIVE EXPENSES, AND SHALL TRANSFER THE REMAINING  
26 MONIES TO THE SURROUNDING MUNICIPALITY.

27 9. REQUIRE THAT ANY INTERGOVERNMENTAL AGREEMENT OR CONTRACT BETWEEN  
28 THE DISTRICT AND A PROVIDER OF FIRE PROTECTION SERVICES TO INCLUDE:

29 (a) A TERM OF DURATION BETWEEN THREE AND FIVE YEARS.

30 (b) A PROVISION SETTING FORTH THE COST OF SERVICE AND PERFORMANCE  
31 CRITERIA.

32 (c) AN ACKNOWLEDGMENT OF THE RIGHT OF THE MUNICIPALITY TO DETERMINE  
33 THE LOCATION OF FUTURE INFRASTRUCTURE IF THE DISTRICT IS IN THE  
34 MUNICIPALITY'S PLANNING AREA AT THE TIME OF THE EXECUTION OF THE CONTRACT.

35 10. IF NECESSARY, ISSUE A REQUEST FOR PROPOSALS FOR PROVIDERS OF  
36 EMERGENCY MEDICAL SERVICES AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT OR  
37 CONTRACT WITH A PROVIDER OF EMERGENCY MEDICAL SERVICES EXCEPT FOR THOSE  
38 SERVICES REGULATED BY TITLE 36, CHAPTER 21.1.

39 11. ASSESS AND LEVY A SECONDARY PROPERTY TAX TO PAY FOR THE COSTS OF  
40 THE FIRE PROTECTION SERVICE OR EMERGENCY MEDICAL SERVICE EXCEPT FOR THOSE  
41 SERVICES REGULATED BY TITLE 36, CHAPTER 21.1. A SECONDARY PROPERTY TAX  
42 ASSESSED PURSUANT TO THIS SECTION IS NOT SUBJECT TO THE LEVY LIMITATION  
43 PRESCRIBED BY SECTION 48-807.

44 12. DEFEND, INDEMNIFY AND HOLD HARMLESS A MUNICIPAL PROVIDER OR ANY  
45 OTHER PROVIDER OF FIRE PROTECTION FROM AND AGAINST ANY CLAIMS OR EXPENSES TO

1 WHICH IT MAY BE SUBJECTED BY REASON OF INJURY OR DEATH OF ANY PERSON OR LOSS  
2 OR DAMAGE TO ANY PROPERTY DIRECTLY ATTRIBUTABLE TO THE PROVISION OF THE  
3 SERVICES UNLESS THE SERVICES WERE PROVIDED IN A GROSSLY NEGLIGENT MANNER.  
4 THE FIRE DISTRICT SHALL SECURE INSURANCE SUFFICIENT TO COVER LIABILITY  
5 EXPOSURE.

6 B. A FIRE DISTRICT FORMED PURSUANT TO THIS ARTICLE, THROUGH ITS BOARD,  
7 MAY:

8 1. CONTRACT FOR ADMINISTRATIVE STAFF SERVICES, IF ANY, DEEMED  
9 NECESSARY OR APPROPRIATE TO CARRY OUT ITS POWERS AND DUTIES, BUT A MEMBER OF  
10 A DISTRICT BOARD, SHALL NOT BE AN EMPLOYEE OF THE DISTRICT.

11 2. RETAIN A CERTIFIED PUBLIC ACCOUNTANT TO PERFORM AN ANNUAL AUDIT OF  
12 DISTRICT BOOKS.

13 3. RETAIN PRIVATE LEGAL COUNSEL.

14 4. SUE AND BE SUED.

15 5. ACCEPT GIFTS, CONTRIBUTIONS, BEQUESTS AND GRANTS AND COMPLY WITH  
16 ANY REQUIREMENTS OF SUCH GIFTS, CONTRIBUTIONS, BEQUESTS AND GRANTS NOT  
17 INCONSISTENT WITH THIS ARTICLE.

18 6. APPROPRIATE AND EXPEND ANNUALLY SUCH MONIES AS ARE NECESSARY FOR  
19 THE PURPOSE OF FIRE DISTRICTS BELONGING TO AND PAYING DUES IN THE ARIZONA  
20 FIRE DISTRICT ASSOCIATION AND OTHER PROFESSIONAL AFFILIATIONS OR ENTITIES.

21 C. THE COUNTY ATTORNEY MAY ADVISE AND REPRESENT THE DISTRICT WHEN IN  
22 THE COUNTY ATTORNEY'S JUDGMENT SUCH ADVICE AND REPRESENTATION ARE APPROPRIATE  
23 AND NOT IN CONFLICT WITH THE COUNTY ATTORNEY'S DUTIES UNDER SECTION 11-532.  
24 IF THE COUNTY ATTORNEY IS UNABLE TO ADVISE AND REPRESENT THE DISTRICT DUE TO  
25 A CONFLICT OF INTEREST, THE DISTRICT MAY RETAIN PRIVATE LEGAL COUNSEL OR MAY  
26 REQUEST THE ATTORNEY GENERAL TO REPRESENT IT, OR BOTH.

27 D. THE CHAIRPERSON AND CLERK OF THE DISTRICT BOARD OR THEIR RESPECTIVE  
28 DESIGNEES, AS APPLICABLE, SHALL DRAW WARRANTS ON THE COUNTY TREASURER FOR  
29 MONEY REQUIRED TO OPERATE THE DISTRICT IN ACCORDANCE WITH THE BUDGET AND, AS  
30 SO DRAWN, THE WARRANTS SHALL BE SUFFICIENT TO AUTHORIZE THE COUNTY TREASURER  
31 TO PAY FROM THE FIRE DISTRICT FUND.

32 E. THE DISTRICT SHALL NOT INCUR ANY DEBT OR LIABILITY IN EXCESS OF  
33 TAXES LEVIED AND TO BE COLLECTED AND THE MONEY ACTUALLY AVAILABLE AND  
34 UNENCUMBERED AT THE TIME IN THE FUND, EXCEPT AS PROVIDED IN SECTION 48-807.

35 F. IF A DISTRICT FORMED UNDER SECTION 48-851 AGREES TO PROVIDE FIRE  
36 AND EMERGENCY MEDICAL SERVICES IN A COUNTY ISLAND WHERE A PRIVATE PROVIDER OF  
37 FIRE OR EMERGENCY SERVICES ALREADY HAS FACILITIES OR PROVIDES SERVICE, THE  
38 DISTRICT AND THE PRIVATE PROVIDER SHALL ENTER INTO AN AGREEMENT COVERING THE  
39 ROLES AND RELATIONSHIPS REGARDING MUTUAL AID OR BACKUP AND ANY SERVICES FOR  
40 WHICH THE DISTRICT WISHES TO CONTRACT AND ANY REIMBURSEMENT OR BILLING AND  
41 COLLECTION PRACTICES. THE AGREEMENT SHALL BE EXECUTED BEFORE THE DISTRICT  
42 BEGINS PROVIDING SERVICE IN THE COUNTY ISLAND. A DISTRICT MAY ENTER INTO AN  
43 INTERGOVERNMENTAL AGREEMENT WITH APPROPRIATE REGIONAL AUTOMATIC AID DISPATCH  
44 SYSTEMS.

1 G. THIS SECTION DOES NOT REQUIRE A FIRE DISTRICT OR A CITY OR TOWN TO  
2 PROVIDE FIRE PROTECTION OR EMERGENCY MEDICAL SERVICES TO AN AREA OF THE  
3 COUNTY THAT IS RECEIVING SERVICES FROM A PRIVATE PROVIDER, EXCEPT AS PROVIDED  
4 BY A MUTUAL AID OR BACKUP AGREEMENT PURSUANT TO THIS SECTION.

5 H. FOR THE PURPOSES OF THIS ARTICLE, "FIRE SERVICE" AND "FIRE  
6 PROTECTION" INCLUDE FIRE PREVENTION, EMERGENCY MEDICAL SERVICES, INSPECTION  
7 OF COMMERCIAL OR INDUSTRIAL PROPERTY WHERE A KNOWN CODE VIOLATION EXISTS AND  
8 ENFORCEMENT.

9 48-854. Municipality as service provider; indemnity;  
10 intergovernmental agreement

11 A. IF A MUNICIPALITY OR ANY OTHER BIDDER INTENDS TO SUBMIT A RESPONSE  
12 TO THE REQUEST FOR PROPOSALS UNDER SECTION 48-853, THE MUNICIPALITY OR OTHER  
13 BIDDER MAY DO ANY OF THE FOLLOWING BEFORE SUBMITTING ITS RESPONSE:

14 1. INSPECT THE COUNTY ISLAND PROPERTY IN ITS MUNICIPAL PLANNING AREA,  
15 INCLUDING INSPECTIONS FOR HAZARDOUS MATERIALS.

16 2. OBTAIN REPORTS FROM THE UNITED STATES ENVIRONMENTAL PROTECTION  
17 AGENCY AND THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY.

18 3. OBTAIN REPORTS FROM ANY OTHER INDUSTRY THAT IDENTIFIES ANY  
19 HAZARDOUS MATERIALS OR CONDITIONS IN THE AREAS OF THE FIRE DISTRICT IN THE  
20 MUNICIPALITY'S PLANNING AREA.

21 B. THIS SECTION DOES NOT PROHIBIT A MUNICIPALITY FROM ENTERING INTO AN  
22 INTERGOVERNMENTAL AGREEMENT WITH ANOTHER MUNICIPALITY OR A PRIVATE PROVIDER  
23 TO PROVIDE FIRE AND EMERGENCY MEDICAL SERVICES TO A FIRE DISTRICT FORMED  
24 PURSUANT TO THIS ARTICLE.

25 C. A MUNICIPALITY THAT PROVIDES FIRE OR EMERGENCY MEDICAL SERVICES  
26 PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT WITH A FIRE DISTRICT FORMED  
27 PURSUANT TO SECTION 48-851 SHALL PROVIDE THE SERVICE PARTICULAR TO EACH  
28 COUNTY ISLAND CONSISTENT WITH THE GEOGRAPHY OF THE COUNTY ISLAND, LOCATION OF  
29 FIRE STATIONS, CURRENT INFRASTRUCTURE, WATER ACCESS, STREETS AND BUILDING  
30 CODES OF THE COUNTY ISLAND PROPERTY FOR WHICH SERVICE IS PROVIDED.

31 D. IF A MUNICIPALITY OR ANY OTHER PROVIDER CONTRACTS WITH A FIRE  
32 DISTRICT FORMED PURSUANT TO THIS ARTICLE, THE MUNICIPALITY OR OTHER PROVIDER  
33 IS LIABLE ONLY IF THE MUNICIPALITY OR OTHER PROVIDER IS GROSSLY NEGLIGENT IN  
34 PROVIDING FIRE OR EMERGENCY MEDICAL SERVICES TO THE FIRE DISTRICT.

35 Sec. 14. Legislative review of fire services

36 If fire protection and emergency medical services are required to be  
37 provided by a municipality after certification pursuant to section 48-853,  
38 subsection A, paragraph 8, subdivision (c), Arizona Revised Statutes, as  
39 added by this act, the legislature shall convene one or more hearings to  
40 review the provision of fire protection services and to consider other  
41 appropriate means to require services to reduce the risk of loss of life in  
42 noncontiguous county island fire districts.

1           Sec. 15. Emergency

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