

REFERENCE TITLE: noncontiguous county island fire districts

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

HB 2780

Introduced by
Representatives McComish: Biggs, Murphy, Robson, Senator Tibshraeny (with
permission of committee on Rules)

AN ACT

AMENDING SECTIONS 11-251.12, 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; PROVIDING FOR THE DELAYED REPEAL OF TITLE 48, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, AS ADDED BY THIS ACT; 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 11-251.12, Arizona Revised Statutes, is amended to
3 read:

4 11-251.12. Noncontiguous county islands; fire and emergency
5 services protection; intergovernmental agreement
6 with municipalities; definitions

7 A. A county ~~with~~ THAT HAS a population of more than one million five
8 hundred thousand persons and that has a county island that does not form a
9 NONCONTIGUOUS county island fire district ~~as prescribed by section 48-261,~~
10 ~~subsection H shall~~ MAY enter into an intergovernmental agreement with a
11 municipality or municipalities for fire protection and emergency medical
12 services in that county island.

13 B. Notwithstanding any other law, a county is liable if the county was
14 negligent in enforcing building, zoning or other related codes in a county
15 island and a municipality that has an intergovernmental agreement to provide
16 fire and emergency medical services pursuant to this section is hindered in
17 responding to an emergency because of a building, zoning or other related
18 code issue.

19 ~~B. If a municipality elects to provide fire and emergency medical~~
20 ~~services in a county island where a private provider of fire or emergency~~
21 ~~services already has facilities or provides service, the municipality and the~~
22 ~~private provider shall enter into an agreement covering the roles and~~
23 ~~relationships regarding mutual aid or backup agreements and any services for~~
24 ~~which the municipality wishes to contract and any reimbursement or billing~~
25 ~~and collection practices. The agreement shall be executed before the~~
26 ~~municipality commences providing service in the county island. No agreement~~
27 ~~is required if the private provider notifies the municipality that it will~~
28 ~~cease service in the county island within one hundred eighty days after the~~
29 ~~date the municipality commences providing service.~~

30 C. For the purposes of this article:

31 1. "County island" means EITHER OF THE FOLLOWING:

32 (a) Unincorporated territory that is surrounded on all sides by a
33 municipality. ~~or where the~~

34 (b) Unincorporated territory THAT has borders that involve ~~a~~ ANY
35 combination of THE FOLLOWING:

36 (i) A municipality or municipalities. ~~and~~

37 (ii) An Indian reservation.

38 (iii) PUBLICLY OWNED LAND.

39 2. "NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICT" MEANS A DISTRICT THAT
40 IS FORMED PURSUANT TO SECTION 48-851 IN A COUNTY THAT HAS A POPULATION OF AT
41 LEAST ONE MILLION FIVE HUNDRED THOUSAND PERSONS AND FOR WHICH BOTH OF THE
42 FOLLOWING APPLY:

43 (a) THE DISTRICT CONSISTS OF ONLY NONCONTIGUOUS COUNTY ISLANDS IN A
44 GEOGRAPHIC BOUNDARY AREA THAT IS CONTAINED IN A MUNICIPAL PLANNING AREA AND
45 WITHIN THE BOUNDARIES OF AN AUTOMATIC AID CONSORTIUM WHERE THERE IS NO

1 PRIVATE PROVIDER OF FIRE PROTECTION SERVICE AT THE TIME OF THE DISTRICT'S
2 FORMATION.

3 (b) FIRE PROTECTION SERVICES ARE NOT FUNDED PURSUANT TO SECTION 48-807
4 AS OF JANUARY 1, 2007.

5 Sec. 2. Section 48-261, Arizona Revised Statutes, is amended to read:
6 48-261. District creation; procedures; notice; hearing;
7 determinations; petitions

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

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

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

32 (b) An estimate of the assessed valuation within the proposed
33 district.

34 (c) An estimate of the change in the property tax liability, as a
35 result of the proposed district, of a typical resident of the proposed
36 district.

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

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

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

43 (g) A description of the scope of services to be provided by the
44 district during its first five years of operation. At a minimum this

1 description shall include an estimate of anticipated capital expenditures,
2 personnel growth and enhancements to service.

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

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

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

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

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

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

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

17 (b) Be signed by more than one-half of the property owners in the area
18 of the proposed district and be signed by persons owning collectively more
19 than one-half of the assessed valuation of the property in the area of the
20 proposed district.

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

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

27 9. Prior to the hearing called pursuant to paragraph 8 of this
28 subsection, the board of supervisors shall determine the validity of the
29 petitions presented.

30 10. At the hearing called pursuant to paragraph 8 of this subsection,
31 the board of supervisors, if the petitions are valid, shall order the
32 creation of the district. The board of supervisors shall enter its order
33 setting forth its determination in the minutes of the meeting, not later than
34 ten days from the day of the hearing, and a copy of the order shall be filed
35 in the county recorder's office. The order of the board of supervisors shall
36 be final, and the proposed district shall be created thirty days after the
37 board of supervisors votes to create the district, except that for a
38 community park maintenance district that is proposed for more than one
39 county, the proposed district is created thirty days after the approval of
40 the board of supervisors of the final county of the counties in which the
41 district is to be located. A decision of the board of supervisors under this
42 subsection is subject to judicial review under title 12, chapter 7,
43 article 6.

44 B. For the purpose of determining the validity of the petitions
45 presented pursuant to subsection A, paragraph 6 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 3. The value of property shall be determined as follows:

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

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

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

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

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

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

40 G. A district organized pursuant to this section shall have an
41 organizing board of directors to administer the affairs of the district until
42 a duly constituted board of directors is elected as provided in this title.
43 The organizing board shall have all the powers, duties and responsibilities
44 of an elected board. The organizing board shall consist of the three
45 individuals named in the district impact statement and the petitions

1 presented pursuant to subsection A of this section. If a vacancy occurs on
2 the organizing board, the remaining board members shall fill the vacancy by
3 appointing an interim member. Members of the organizing board shall serve
4 without compensation but may be reimbursed for actual expenses incurred in
5 performing their duties. The organizing board shall elect from its members a
6 chairman and a clerk.

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

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

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

31 ~~(a) The board of supervisors of the county that certified the~~
32 ~~establishment of the district, after consultation with the district board,~~
33 ~~may advance funds necessary for the representation of named parties and~~
34 ~~defense of the action.~~

35 ~~(b) A defendant that is a prevailing party in a legal challenge~~
36 ~~contemplated by this paragraph shall be awarded its costs and reasonable~~
37 ~~attorney fees against any party who challenged the validity of this~~
38 ~~subsection or district formation.~~

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

44 ~~I. H.~~ For the purposes of this section assessed valuation does not
45 include the assessed valuation of property that is owned by a county, this

1 state or the United States government and in the case of multiple ownership
2 of a single parcel of property, any one property owner constitutes the entire
3 ownership interest.

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

11 Sec. 3. Section 48-803, Arizona Revised Statutes, is amended to read:
12 48-803. District administered by a district board

13 A. In a district ~~which~~ THAT the board of supervisors estimates has a
14 population of fewer than four thousand inhabitants, the district board may
15 consist of three or five members. In a district ~~which~~ THAT the board of
16 supervisors estimates has a population of four thousand or more inhabitants,
17 the district board shall consist of five members, and for a **NONCONTIGUOUS**
18 county island fire district formed pursuant to section ~~48-261, subsection H~~
19 **48-851**, the board shall consist of five members. The estimate of population
20 by the board of supervisors is conclusive and shall be based on available
21 census information, school attendance statistics, election or voter
22 registration statistics, estimates provided by state agencies or the county
23 assessor, or other information as deemed appropriate by the board of
24 supervisors. If the board of supervisors determines, at any time prior to
25 one hundred twenty days before the next regular scheduled election for
26 members of a district board, that the population of a fire district
27 administered by a district board consisting of three members exceeds four
28 thousand inhabitants, estimated as provided in this section, the board of
29 supervisors shall order an increase in the number of members of the district
30 board. If the board of supervisors determines at any time prior to one
31 hundred eighty days before the next regularly scheduled election for members
32 of a district board that the population of a fire district administered by a
33 district board that consists of five members exceeds fifty thousand
34 inhabitants as prescribed in this section, the board of supervisors shall
35 inform the district board that it may expand to seven members. Any expansion
36 to seven members shall occur by majority vote of the district board. The
37 increase is effective for the election of the additional members at the next
38 regular election of members of the district board.

39 B. If a vacancy occurs on the district board other than from
40 expiration of a term, the remaining board members shall fill the vacancy by
41 appointment of an interim member. If the entire board resigns or for any
42 reason cannot fulfill its duties, the board of supervisors shall appoint an
43 administrator to administer the district with the same duties and obligations
44 of the elected board. If the board of supervisors fails to appoint an

1 administrator within thirty days, a special election shall be held to fill
2 the vacancies on the fire district board.

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

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

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

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

31 Sec. 4. Section 48-805, Arizona Revised Statutes, is amended to read:

32 48-805. Fire district; powers and duties

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

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

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

1 3. Determine the compensation payable to district personnel.

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

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

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

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

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

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

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

35 4. Enforce the fire code adopted by the district, if any, and assist
36 the state fire marshal in the enforcement of fire protection standards of
37 this state within the fire district including enforcement of a nationally
38 recognized fire code when expressly authorized by the state fire marshal.

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

1 district adopt the _____ fire code, which is a nationally recognized
2 fire code approved by the state fire marshal--yes", "Should _____
3 fire district adopt the _____ fire code, which is a nationally
4 recognized fire code approved by the state fire marshal--no". Such code
5 shall be enforced by the county attorney in the same manner as any other law
6 or ordinance of the county. Any inspection or enforcement costs are the
7 responsibility of the fire district involved. The district shall keep on
8 file such code which shall be open to public inspection for a period of
9 thirty days prior to any election for the purpose of adopting a fire code.
10 Copies of the order of election shall be posted in three public places in the
11 district not less than twenty days before the date of the election, and if a
12 newspaper is published in the county having a general circulation in the
13 district, the order shall be published in the newspaper not less than once a
14 week during each of the three calendar weeks preceding the calendar week of
15 the election.

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

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

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

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

30 10. Retain private legal counsel.

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

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

37 13. Adopt resolutions establishing fee schedules both within and
38 outside of the jurisdictional boundaries of the district for providing fire
39 protection services and services for the preservation of life, including
40 emergency fire and emergency medical services, plan reviews, standby charges,
41 fire cause determination, users' fees, facilities benefit assessments or any
42 other fee schedule that may be required.

43 14. Adopt resolutions for a schedule for financial reimbursement to
44 taxpayers for installation of certain fire protection systems such as

1 sprinklers and monitored alarms. Any resolution to offer reimbursements
2 shall include all of the following:

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

5 (b) The specifications of all qualifying systems.

6 (c) The requirements for claiming reimbursement. The amount of
7 reimbursement offered shall bear a reasonable relationship to the cost
8 savings that accrue to the district as a result of the installation of
9 qualifying systems.

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

16 15. The governing board of a fire district, with the approval of two of
17 the three members of a three member board, four of the five members of a five
18 member board or five of the seven members of a seven member board, may change
19 the district's name and on so doing shall give written notice to the board of
20 supervisors of the change.

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

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

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

28 (b) Enter into a contract with individuals to:

29 (i) Provide technical or administrative services.

30 (ii) Provide fire protection services **OR EMERGENCY MEDICAL SERVICES** to
31 property owned by the individual located outside the district boundaries if
32 the individual's property is not located in a county island as defined in
33 section 11-251.12. ~~and at least one of the following apply:~~

34 ~~(aa) The existing fire service provider where the individual's~~
35 ~~property is located has issued a notice to the individual that the provider~~
36 ~~plans to discontinue service.~~

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

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

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

1 ~~(i) The existing fire service provider where the individual's property~~
2 ~~is located has issued a notice to the residents of the county island and the~~
3 ~~individual that the provider plans to discontinue or substantially reduce~~
4 ~~service.~~

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

8 ~~(d)~~ (c) For THE purposes of subdivision (a), ~~OR~~ (b) ~~or (c)~~ of this
9 paragraph, a district may contract with any public or private fire service
10 provider to provide some or all of the contractual services the district is
11 contracting to deliver.

12 ~~(e)~~ (d) Any contract entered into pursuant to ~~subdivisions~~
13 ~~SUBDIVISION~~ (b) ~~and (c)~~ of this paragraph shall include a provision setting
14 forth the cost of service and performance criteria.

15 C. The chairman and clerk of the district board or their respective
16 designees or the elected chief and secretary-treasurer, as applicable, shall
17 draw warrants on the county treasurer for money required to operate the
18 district in accordance with the budget and, as so drawn, the warrants shall
19 be sufficient to authorize the county treasurer to pay from the fire district
20 fund.

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

25 E. ~~For a county island fire district formed pursuant to section~~
26 ~~48-261, subsection H, the following apply:~~

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

37 ~~2. The district is authorized only to receive fire protection services~~
38 ~~and emergency medical services from the adjacent city or town government or~~
39 ~~some other provider of fire protection and emergency medical services. A~~
40 ~~county island fire district has no authority to provide fire protection~~
41 ~~services or emergency medical services by any method other than as prescribed~~
42 ~~by this subsection. The city or town shall charge a reasonable rate to the~~
43 ~~county island fire district to recover the costs of the service and excluding~~
44 ~~the costs of any awards made pursuant to section 48-261, subsection H,~~
45 ~~paragraph 2, and~~ The district board may assess and levy a secondary property

1 tax pursuant to this article to pay for the costs of ~~the service~~ FIRE
2 PROTECTION SERVICES OR EMERGENCY MEDICAL SERVICES. ~~The amount charged by the~~
3 ~~city or town is limited as follows:~~

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

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

13 ~~(c) An operation and maintenance charge that is determined by~~
14 ~~calculating the annual operation and maintenance charge for the city or town~~
15 ~~and dividing that amount by the sum of the number of households and~~
16 ~~commercial buildings located in the city or town and the number of households~~
17 ~~and commercial buildings located in the county island fire district.~~

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

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

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

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

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

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

1 ~~F. Until formation of a county island fire district is certified by~~
2 ~~the county board of supervisors, a city or town fire service provider is not~~
3 ~~liable for any fire protection services for any areas outside of the city's~~
4 ~~or town's jurisdiction and a city or town has no legal obligation to provide~~
5 ~~fire protection services to residents of the county who are not located~~
6 ~~within the boundaries of the city or town.~~

7 ~~G. Notwithstanding any other law, a city or town is liable if the city~~
8 ~~or town is grossly negligent in providing fire or emergency medical services~~
9 ~~to a county island fire district formed pursuant to this section. For~~
10 ~~purposes of title 23, chapter 6, for a city or town that provides fire or~~
11 ~~emergency medical services to a county island fire district pursuant to this~~
12 ~~section, the providers of those services are acting within the scope of their~~
13 ~~duties to the city or town while providing those services to a county island~~
14 ~~fire district and the city or town shall provide workers' compensation~~
15 ~~coverage to those providers.~~

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

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

27 Sec. 5. Section 48-806, Arizona Revised Statutes, is amended to read:

28 48-806. Bond election; issuance and sale of bonds

29 A. **EXCEPT FOR A DISTRICT FORMED PURSUANT TO SECTION 48-851**, the
30 district board or the elected chief and secretary-treasurer may order an
31 election by the qualified electors of the district to be held pursuant to
32 title 16, chapter 2, article 1 to determine whether bonds shall be issued on
33 behalf of the district. The order shall specify the maximum principal amount
34 of bonds to be issued, the maximum number of years bonds of any issue or
35 series may run from their date not exceeding thirty years, the purpose for
36 which the bonds are to be issued, the maximum rate of interest which the
37 bonds are to bear, the date and hours of the election and the location of the
38 polling places. Copies of the order shall be posted in three public places
39 within the district not less than twenty days prior to the date of the
40 election, and if a newspaper is published within the county having a general
41 circulation within the district, the order shall be published in the
42 newspaper not less than once a week during each of the three calendar weeks
43 preceding the calendar week of the election.

44 B. **A DISTRICT BOARD FORMED PURSUANT TO SECTION 48-851 SHALL NOT ORDER**
45 **AN ELECTION FOR OR ISSUE BONDS UNDER THIS SECTION.**

1 ~~B-~~ C. Instead of publishing the notice described in subsection A ~~OF~~
2 THIS SECTION, the board of directors may mail a notice of election to each
3 household containing a qualified elector of the district. The notice shall
4 contain the same information described in subsection A ~~OF THIS SECTION~~ except
5 that the notice shall not contain the location of all the polling places for
6 that election. The notice shall contain the location of the polling place
7 for that household's qualified electors. The notice shall be mailed at least
8 thirty-five days before the election.

9 ~~G-~~ D. At the election the ballot shall contain the phrases "for the
10 bonds" and "against the bonds". There shall be placed a square or other
11 designated marking space in the same manner as used for candidates on
12 ballots. The voter shall indicate a vote "for the bonds" or "against the
13 bonds". No other question, word or figure need be printed on the ballot.
14 The ballot need not be any particular size, nor need sample ballots be
15 printed, posted or distributed but ballots shall comply with standards
16 otherwise provided by law including requirements for electronic voting, if
17 applicable.

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

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

35 ~~F-~~ G. Bonds shall be executed by the manual or facsimile signatures
36 of the chairman and clerk of the district board or elected chief and
37 secretary-treasurer of the district. Coupons attached to the bonds shall
38 bear the facsimile signature of the chairman of the district board or the
39 elected chief of the district, as appropriate.

40 ~~G-~~ H. The district board may sell the bonds at public or private sale
41 or through an on-line bidding process. In addition, the district board may
42 negotiate loan agreements or loan repayment agreements with the greater
43 Arizona development authority in lieu of selling bonds where authority to
44 sell bonds has been granted by the district's voters. The proceeds of sale
45 on the bonds shall be deposited in an account of the fire district fund to be

1 known as the capital fund to be applied for the purpose for which the bonds
2 were issued.

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

17 Sec. 6. Section 48-807, Arizona Revised Statutes, is amended to read:

18 48-807. County fire district assistance tax; annual budget

19 A. The board of supervisors of a county shall levy, at the time of
20 levying other property taxes, a county fire district assistance tax on the
21 taxable property in the county of not ~~to exceed~~ MORE THAN ten cents per one
22 hundred dollars of assessed valuation. The tax levy provided for in this
23 subsection shall be a levy of secondary property taxes and shall not be
24 subject to title 42, chapter 17, article 2. The county treasurer shall pay
25 to each FIRE district, INCLUDING A FIRE DISTRICT FORMED PURSUANT TO SECTION
26 48-851, in the county from the proceeds of the tax an amount equal to twenty
27 per cent of the property tax levy adopted by the district for the fiscal year
28 in which the tax will be levied, except that:

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

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

34 (b) Except as provided in paragraph 2, if the total amount to be paid
35 to all districts in the county under this paragraph exceeds the amount to be
36 raised by the levy of ten cents per one hundred dollars assessed valuation,
37 then the county treasurer shall pay an amount less than twenty per cent of
38 the property tax levy of each district. The amount to be paid by the county
39 treasurer to each district shall be determined by multiplying the proceeds of
40 the county fire district assistance tax against the proportion that twenty
41 per cent of the property tax levy of each district bears to the total of
42 twenty per cent of the property tax levies of all fire districts in the
43 county.

44 2. For fiscal years beginning from and after July 1, 1992, the amount
45 of assistance from the county to a fire district shall not be less than the

1 assistance provided from and after June 30, 1991 through June 30, 1992, if,
2 for the fiscal year in which the tax will be levied, the district levies a
3 tax, in addition to any tax levied under section 48-806, of three dollars per
4 one hundred dollars of assessed valuation and the assessed valuation is at
5 least ninety per cent of the assessed valuation for the 1991 tax year. This
6 paragraph does not apply to fire districts subject to paragraph 1,
7 subdivision (a).

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

13 C. Notwithstanding subsection A of this section, if two or more fire
14 districts merge to form a consolidated district, the last amount received by
15 each fire district from the fire district assistance tax prior to the merger
16 shall be combined and if the combined amount exceeds three hundred thousand
17 dollars, the consolidated district may continue to receive that amount from
18 the fire district assistance tax.

19 D. If two or more fire districts merge to form a consolidated district
20 and the total of the amounts received by each fire district from the fire
21 district assistance tax is less than three hundred thousand dollars, the
22 consolidated district may continue to receive monies until its receipts total
23 three hundred thousand dollars, as prescribed in subsection A of this
24 section.

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

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

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

44 H. When a fire district has adopted a budget and the board of
45 supervisors has levied a fire district tax as provided in subsection F of

1 this section and the district has insufficient money in its fund with the
2 county treasurer to operate the district, the elected chief and the
3 secretary-treasurer, or if there is a district board, the chairman of the
4 board, on or after August 1 of each year, may draw warrants for the purposes
5 prescribed in section 48-805 on the county treasurer, payable on November 1
6 of that year or on April 1 of the succeeding year. The aggregate amounts of
7 the warrants may not exceed ninety per cent of the taxes levied by the county
8 for the district's current fiscal year. If the treasurer cannot pay a
9 warrant for lack of funds in the fire district fund, the warrant shall be
10 endorsed, be registered, bear interest and be redeemed as provided by law for
11 county warrants, except that the warrants are payable only from the fire
12 district fund.

13 Sec. 7. Section 48-815, Arizona Revised Statutes, is amended to read:
14 48-815. Dissolution of fire district; disposition of claims and
15 fund balance

16 A. If a petition is filed with the governing body of the fire district
17 containing the signatures of at least ten per cent of the qualified electors
18 of the district, which asks for dissolution of the district, the governing
19 body of the district shall call an election as provided in section 48-802
20 within the district to decide whether the district shall be dissolved. The
21 words appearing upon the ballots shall be "dissolution of _____
22 fire district -- yes", "dissolution of _____ fire district
23 -- no".

24 B. The elected chief or the chairman of the district board shall
25 execute a certificate, attested by the secretary-treasurer or the clerk of
26 the district board, setting forth the results of the election of the district
27 and within five days thereafter file it with the clerk of the board of
28 supervisors. The board of supervisors at its next regular meeting shall make
29 a written order reciting the facts of the certificate and if the district is
30 dissolved list the unpaid valid claims against the district, which shall
31 thereupon be paid by the county treasurer upon warrants drawn from the money
32 available in the fire district fund. The order shall be signed and attested
33 and the original thereof filed in the office of the county recorder, and
34 recorded in the miscellaneous records.

35 C. Upon the recording thereof the fire district shall be abolished,
36 and all money remaining in such fire district fund, after the payment of all
37 valid claims against the district, shall be transferred to the general fund
38 of the county, but if all of the fire district has been included within the
39 corporate limits of a city or town, then, upon disbanding as provided by this
40 section, the equipment, assets and liabilities of the district shall be
41 transferred to such city or town.

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

1 Sec. 8. Section 48-820, Arizona Revised Statutes, is amended to read:
2 48-820. Election to merge fire districts; notice; hearing;
3 approval; joint meeting; merged district board

4 A. Except as provided in subsection ~~J~~ **J OF THIS SECTION**, the board of
5 supervisors shall make an order calling for an election to decide whether to
6 merge fire districts when a resolution for merger from each district is
7 submitted to the board. The board of supervisors shall not make an order
8 calling for an election to merge fire districts more frequently than once
9 every two years. Whether or not the districts are merged, the fire districts
10 shall reimburse the counties for the expenses of the election, including the
11 cost of mailing any notices required pursuant to this section. If the
12 proposed district is located in more than one county, the resolutions shall
13 be submitted to the board of supervisors of the county in which the majority
14 of the assessed valuation of the proposed district is located. The words
15 appearing on the ballot shall be "(insert fire districts' names) merge as a
16 fire district--yes" and "(insert fire districts' names) merge as fire
17 district--no."

18 B. Within fourteen days after the election, the board of supervisors
19 shall meet and canvass the returns, and if it is determined that a majority
20 of the votes cast at the election in each of the affected districts is in
21 favor of merging the fire districts, the board shall enter that fact on its
22 minutes.

23 C. **EXCEPT AS PRESCRIBED IN SUBSECTION D OF THIS SECTION**, two or more
24 fire districts may merge if the governing body of each affected fire
25 district, by a majority vote of the members of each governing body, adopts a
26 resolution declaring that a merger be considered and a public hearing be held
27 to determine if a merger would be in the best interests of the district and
28 would promote public health, comfort, convenience, necessity or welfare.
29 After each district adopts such a resolution, the governing body by first
30 class mail shall send written notice of the resolution, its purpose and
31 notice of the day, hour and place of a hearing on the proposed merger to each
32 owner of taxable property within the boundaries of the district. The notice
33 shall contain the name and description of the boundaries of each district
34 proposed to be merged and a detailed, accurate map of the area to be included
35 in the merger. No new territory may be included as a result of the merger.

36 D. **A NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO**
37 **SECTION 48-851 SHALL NOT MERGE WITH A FIRE DISTRICT FORMED PURSUANT TO**
38 **SECTION 48-261.**

39 ~~D.~~ E. The clerk of the governing body shall post notice in at least
40 three conspicuous public places in the district and shall also publish notice
41 twice in a daily newspaper of general circulation in the county in which the
42 district is located, at least ten days before the public hearing. The clerk
43 of each governing body affected by the proposed merger shall also mail notice
44 and a copy of the resolution in support of the merger to the chairman of the
45 board of supervisors of the county or counties in which the affected

1 districts are located. The chairman of the board of supervisors shall order
2 a review of the proposed merger and shall submit written comments to the
3 governing body of each fire district located in that county within ten days
4 after receipt of the notice.

5 ~~E~~ F. At the hearing, the governing body of the district shall
6 consider the comments of the board of supervisors, hear those persons who
7 appear for or against the proposed merger and determine whether the proposed
8 merger will promote public health, comfort, convenience, necessity or
9 welfare. If, after the public hearing each of the governing bodies of the
10 districts affected by the proposed merger adopt a resolution by a
11 three-fourths vote that the merger will promote public health, comfort,
12 convenience, necessity or welfare, each of the governing bodies of the
13 districts affected by the proposed merger shall submit the resolutions to the
14 board of supervisors.

15 ~~F~~ G. Before considering any resolution of merger pursuant to this
16 section, a governing body shall obtain written consent to the merger from any
17 single taxpayer residing within each of the affected districts who owns
18 thirty per cent or more of the net assessed valuation of the total net
19 assessed valuation of the district. If written consent contemplated by this
20 subsection is not obtained, then the provisions of subsections A and B apply,
21 and the merger may only be accomplished by election.

22 ~~G~~ H. If the proposal for merger is approved as provided by
23 subsection B **OF THIS SECTION**, the governing body of the affected district
24 with the largest population within thirty days shall call a joint meeting of
25 the governing bodies of all of the affected districts. At the joint meeting,
26 a majority of the members of the governing body of each affected district
27 constitutes a quorum for the purpose of transacting business. The members of
28 the governing body shall appoint a total of five persons from those currently
29 serving on the governing bodies who shall complete their regular terms of
30 office, except that no more than three of the persons appointed may serve
31 terms that end in the same year. No more than three members shall be
32 appointed from the same fire district board. Subsequent terms of office for
33 district board members shall be filled by election of board members who shall
34 be qualified electors of the merged district.

35 ~~H~~ I. The appointed governing body shall immediately meet and
36 organize itself and elect from its members a chairman and a clerk. The
37 appointed board by resolution shall declare the districts merged and each
38 affected district joined. The governing board by resolution shall declare
39 the name of the newly merged fire district. The resolution and the names of
40 the new board members for the newly organized district shall be sent to the
41 board of supervisors, and the merger shall be deemed completed thirty days
42 after the adoption of the resolution.

43 ~~I~~ J. If the requirements of subsection ~~F~~ **G OF THIS SECTION** are met
44 and each of the governing body votes required by subsections C and ~~E~~ **F OF**

1 THIS SECTION are unanimous, ~~then~~ subsections A and B ~~shall~~ OF THIS SECTION DO
2 not apply.

3 Sec. 9. Section 48-822, Arizona Revised Statutes, is amended to read:
4 48-822. Election to consolidate fire districts; resolution;
5 impact statement; hearing

6 A. Except as provided in subsection ~~D~~ E of this section, the board of
7 supervisors shall make an order calling for an election to decide whether to
8 consolidate fire districts when a resolution for consolidation of fire
9 districts from the requesting district is submitted to the board. The board
10 of supervisors shall not make an order calling for an election to consolidate
11 fire districts more frequently than once every two years. Whether or not the
12 districts are consolidated, the fire districts shall reimburse the counties
13 for the expenses of the election, including the cost of mailing any notices.
14 If the proposed district is located in more than one county, the resolutions
15 shall be submitted to the board of supervisors of the county in which the
16 majority of the assessed valuation of the proposed district is located. The
17 words appearing on the ballot shall be "(insert fire districts' names)
18 consolidate as a fire district--yes" and "(insert fire districts' names)
19 consolidate as fire district--no."

20 B. Within fourteen days after the election, the board of supervisors
21 shall meet and canvass the returns, and if it is determined that a majority
22 of the votes cast at the election in each of the affected districts is in
23 favor of consolidating the fire districts, the board shall enter that fact on
24 its minutes.

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

28 1. A resolution requesting the consolidation of one fire district is
29 passed by a majority vote of the governing body requesting consolidation into
30 another fire district. The requesting district shall send by first class
31 mail the notice of request to consolidate districts to the fire district in
32 which the consolidation is requested.

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

37 (a) A legal description of the boundaries of the proposed consolidated
38 district and a detailed, accurate map of the area to be included in the
39 consolidated district. No new territory may be included as a result of a
40 district consolidation.

41 (b) An estimate of the assessed valuation in the proposed consolidated
42 district.

43 (c) An estimate of the change in the property tax liability of a
44 typical resident of the proposed consolidated district as a result of the
45 proposed consolidated district.

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

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

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

13 4. On setting the date for hearing on the consolidated district impact
14 statement, the clerk of each governing body shall send by first class mail
15 written notice of the statement, its purpose and notice of the day, hour and
16 place of the hearing on the proposed consolidated district to each owner of
17 taxable property within the boundaries of the respective fire districts. At
18 least ten days before the hearing, the clerk of each governing body shall
19 post the notice in at least three conspicuous public places in the respective
20 districts and shall publish notice twice in a daily newspaper of general
21 circulation in the area of the proposed consolidated district.

22 5. At the hearing called pursuant to paragraph 3 of this subsection,
23 the governing body shall hear those persons who appear for and against the
24 proposed consolidated district and shall determine whether the creation of
25 the district will promote public health, comfort, convenience, necessity or
26 welfare. If the governing body of each district determines that the public
27 health, comfort, convenience, necessity or welfare will be promoted, it shall
28 approve the consolidated district impact statement.

29 6. Within fifteen days after the approval of the board as prescribed
30 by paragraph 5 of this subsection, the clerk of the board of the district
31 requesting consolidation shall send by first class mail notice of the
32 approval to the fire district in which the consolidation is requested.

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

39 8. At the hearing called pursuant to paragraph 7 of this subsection,
40 the governing body shall determine if the creation of the consolidated
41 district will promote public health, comfort, convenience, necessity or
42 welfare. If the governing body of the district determines that the public
43 health, comfort, convenience, necessity or welfare will be promoted, it shall
44 by resolution declare the districts consolidated and each affected district
45 joined.

1 9. The governing body shall submit the resolution of consolidation to
2 the board of supervisors.

3 10. Those persons currently serving as the governing body of the
4 district into which consolidation was requested shall serve as the governing
5 body of the newly consolidated district and complete their regular terms of
6 office. The newly consolidated district governing body shall consist of at
7 least five members.

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

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

16 13. If a newly consolidated fire district has a combined population
17 that exceeds fifty thousand persons, the governing body of the newly
18 consolidated fire district by resolution may declare the name of the newly
19 consolidated fire district to include within the name the title of fire
20 authority.

21 14. If a proposed consolidated district would include property located
22 in an incorporated city or town, in addition to the other requirements of
23 this section, the governing body of the district shall approve the creation
24 of the consolidated district only if the governing body of the city or town
25 endorses the creation by ordinance or resolution.

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

31 D. A NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICT FORMED PURSUANT TO
32 SECTION 48-851 SHALL NOT CONSOLIDATE WITH A FIRE DISTRICT FORMED PURSUANT TO
33 SECTION 48-261.

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

37 Sec. 10. Title 48, chapter 5, Arizona Revised Statutes, is amended by
38 adding article 3, to read:

39 ARTICLE 3. NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICTS

40 48-851. Noncontiguous county island fire district; formation

41 A. A NONCONTIGUOUS COUNTY ISLAND FIRE DISTRICT AS DEFINED IN SECTION
42 11-251.12 SHALL BE FORMED BY THE FOLLOWING PROCEDURES:

43 1. THE BOARD OF SUPERVISORS SHALL SET A DAY FOR A HEARING ON THE
44 PROPOSED DISTRICT FORMATION.

1 2. THE CLERK OF THE BOARD OF SUPERVISORS SHALL MAIL, BY FIRST CLASS
2 MAIL, WRITTEN NOTICE OF THE STATEMENT, ITS PURPOSE AND NOTICE OF THE DAY,
3 HOUR AND PLACE OF THE HEARING ON THE PROPOSED DISTRICT TO EACH OWNER OF
4 TAXABLE PROPERTY AND TO EACH HOUSEHOLD IN WHICH A QUALIFIED ELECTOR RESIDES
5 WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT. THE CLERK OF THE BOARD OF
6 SUPERVISORS SHALL POST THE NOTICE IN AT LEAST THREE CONSPICUOUS PUBLIC PLACES
7 IN THE AREA OF THE PROPOSED DISTRICT AND SHALL PUBLISH TWICE IN A DAILY
8 NEWSPAPER OF GENERAL CIRCULATION IN THE AREA OF THE PROPOSED DISTRICT, AT
9 LEAST TEN DAYS BEFORE THE HEARING, OR, IF NO DAILY NEWSPAPER OF GENERAL
10 CIRCULATION EXISTS IN THE AREA OF THE PROPOSED DISTRICT, AT LEAST TWICE AT
11 ANY TIME BEFORE THE DATE OF THE HEARING, A NOTICE SETTING FORTH THE PURPOSE
12 OF THE PROPOSED DISTRICT FORMATION, THE DESCRIPTION OF THE AREA OF THE
13 PROPOSED DISTRICT AND THE DAY, HOUR AND PLACE OF THE HEARING.

14 3. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION,
15 THE BOARD OF SUPERVISORS SHALL HEAR THOSE WHO APPEAR FOR AND AGAINST THE
16 PROPOSED DISTRICT AND SHALL DETERMINE WHETHER THE CREATION OF THE DISTRICT
17 WILL PROMOTE PUBLIC HEALTH, COMFORT, CONVENIENCE, NECESSITY OR WELFARE. IF
18 THE BOARD OF SUPERVISORS DETERMINES THAT THE PUBLIC HEALTH, COMFORT,
19 CONVENIENCE, NECESSITY OR WELFARE WILL BE PROMOTED, IT SHALL AUTHORIZE THE
20 PERSONS PROPOSING THE DISTRICT TO CIRCULATE PETITIONS AS PROVIDED IN THIS
21 SUBSECTION. THE ORDER OF THE BOARD OF SUPERVISORS SHALL BE FINAL, BUT IF THE
22 REQUEST TO CIRCULATE PETITIONS IS DENIED, A SUBSEQUENT REQUEST FOR A SIMILAR
23 DISTRICT MAY BE REFILED WITH THE BOARD OF SUPERVISORS AFTER SIX MONTHS FROM
24 THE DATE OF THE DENIAL.

25 4. WITHIN FIFTEEN DAYS AFTER RECEIVING THE APPROVAL OF THE BOARD OF
26 SUPERVISORS AS PRESCRIBED BY PARAGRAPH 3 OF THIS SUBSECTION, THE CLERK OF THE
27 BOARD SHALL DETERMINE THE MINIMUM NUMBER OF SIGNATURES REQUIRED FOR
28 COMPLIANCE WITH PARAGRAPH 6, SUBDIVISIONS (b) AND (c) OF THIS SUBSECTION.
29 AFTER MAKING THAT DETERMINATION, THAT NUMBER OF SIGNATURES SHALL REMAIN
30 FIXED, NOTWITHSTANDING ANY SUBSEQUENT CHANGES IN VOTER REGISTRATION RECORDS.

31 5. AFTER RECEIVING THE APPROVAL OF THE BOARD OF SUPERVISORS AS
32 PROVIDED IN PARAGRAPH 3 OF THIS SUBSECTION, ANY ADULT PERSON MAY CIRCULATE
33 AND PRESENT PETITIONS TO THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE
34 DISTRICT IS LOCATED. ALL PETITIONS CIRCULATED SHALL BE RETURNED TO THE BOARD
35 OF SUPERVISORS WITHIN ONE YEAR FROM THE DATE OF THE APPROVAL OF THE BOARD OF
36 SUPERVISORS PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION. ANY PETITION THAT IS
37 RETURNED MORE THAN ONE YEAR FROM THAT DATE IS VOID.

38 6. THE PETITIONS PRESENTED PURSUANT TO PARAGRAPH 5 OF THIS SUBSECTION
39 SHALL COMPLY WITH THE PROVISIONS REGARDING PETITION FORM IN SECTION 48-265
40 AND VERIFICATION IN SECTION 48-266 AND SHALL:

41 (a) AT ALL TIMES, CONTAIN A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE
42 PROPOSED DISTRICT AND A DETAILED, ACCURATE MAP OF THE PROPOSED DISTRICT AND
43 THE NAMES, ADDRESSES AND OCCUPATIONS OF THE PROPOSED MEMBERS OF THE
44 DISTRICT'S ORGANIZING BOARD OF DIRECTORS. NO ALTERATION OF THE PROPOSED

1 DISTRICT SHALL BE MADE AFTER RECEIVING THE APPROVAL OF THE BOARD OF
2 SUPERVISORS AS PROVIDED IN PARAGRAPH 3 OF THIS SUBSECTION.

3 (b) BE SIGNED BY MORE THAN ONE-HALF OF THE PROPERTY OWNERS IN EACH OF
4 THE COUNTY ISLANDS IN THE PROPOSED DISTRICT.

5 (c) IF A PETITION OF QUALIFIED ELECTORS, BE SIGNED BY MORE THAN
6 ONE-HALF OF THE QUALIFIED ELECTORS WITHIN THE BOUNDARIES OF THE PROPOSED
7 DISTRICT.

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

10 8. PRIOR TO THE HEARING CALLED PURSUANT TO PARAGRAPH 7 OF THIS
11 SUBSECTION, THE BOARD OF SUPERVISORS SHALL DETERMINE THE VALIDITY OF THE
12 PETITIONS PRESENTED. AT THE HEARING CALLED PURSUANT TO PARAGRAPH 7 OF THIS
13 SUBSECTION, THE BOARD OF SUPERVISORS, IF THE PETITIONS ARE VALID, SHALL ORDER
14 THE FORMATION OF THE DISTRICT. THE BOARD OF SUPERVISORS SHALL ENTER ITS
15 ORDER SETTING FORTH ITS DETERMINATION IN THE MINUTES OF THE MEETING, NOT
16 LATER THAN TEN DAYS FROM THE DAY OF THE HEARING, AND A COPY OF THE ORDER
17 SHALL BE FILED IN THE COUNTY RECORDER'S OFFICE. THE ORDER OF THE BOARD OF
18 SUPERVISORS SHALL BE FINAL, AND THE PROPOSED DISTRICT IS FORMED THIRTY DAYS
19 AFTER THE BOARD OF SUPERVISORS VOTES TO FORM THE DISTRICT. A DECISION OF THE
20 BOARD OF SUPERVISORS UNDER THIS SUBSECTION IS SUBJECT TO JUDICIAL REVIEW
21 UNDER TITLE 12, CHAPTER 7, ARTICLE 6.

22 B. FOR THE PURPOSE OF DETERMINING THE VALIDITY OF THE PETITIONS
23 PRESENTED PURSUANT TO SUBSECTION A, PARAGRAPH 5 OF THIS SECTION:

24 1. QUALIFIED ELECTORS SHALL BE THOSE PERSONS QUALIFIED TO VOTE
25 PURSUANT TO TITLE 16.

26 2. PROPERTY HELD IN MULTIPLE OWNERSHIP SHALL BE TREATED AS IF IT HAD
27 ONLY ONE PROPERTY OWNER, SO THAT THE SIGNATURE OF ONLY ONE OF THE OWNERS OF
28 PROPERTY HELD IN MULTIPLE OWNERSHIP IS REQUIRED ON THE FORMATION PETITION.

29 C. IF A DISTRICT IS FORMED PURSUANT TO THIS SECTION, THE COST OF
30 PUBLICATION OF THE NOTICE OF HEARING, THE MAILING OF NOTICES TO ELECTORS AND
31 PROPERTY OWNERS AND ALL OTHER COSTS INCURRED BY THE COUNTY AS A RESULT OF
32 THIS SECTION SHALL BE A CHARGE AGAINST THE DISTRICT.

33 D. A DISTRICT ORGANIZED PURSUANT TO THIS SECTION SHALL HAVE AN
34 ORGANIZING BOARD OF DIRECTORS TO ADMINISTER THE AFFAIRS OF THE DISTRICT UNTIL
35 A DULY CONSTITUTED BOARD OF DIRECTORS IS ELECTED AS PROVIDED IN THIS TITLE.
36 THE ORGANIZING BOARD SHALL HAVE ALL THE POWERS, DUTIES AND RESPONSIBILITIES
37 OF AN ELECTED BOARD. THE ORGANIZING BOARD SHALL CONSIST OF THE THREE
38 INDIVIDUALS NAMED IN THE PETITIONS PRESENTED PURSUANT TO SUBSECTION A OF THIS
39 SECTION. IF A VACANCY OCCURS ON THE ORGANIZING BOARD, THE REMAINING BOARD
40 MEMBERS SHALL FILL THE VACANCY BY APPOINTING AN INTERIM MEMBER. MEMBERS OF
41 THE ORGANIZING BOARD SHALL SERVE WITHOUT COMPENSATION BUT MAY BE REIMBURSED
42 FOR ACTUAL EXPENSES INCURRED IN PERFORMING THEIR DUTIES. THE ORGANIZING
43 BOARD SHALL ELECT FROM ITS MEMBERS A CHAIRPERSON AND A CLERK.

1 48-852. District board governance: elections

2 A. A FIRE DISTRICT FORMED PURSUANT TO THIS ARTICLE SHALL BE GOVERNED
3 BY A FIVE MEMBER ELECTED BOARD, BUT SHALL BE GOVERNED INITIALLY BY A BOARD
4 APPOINTED BY THE COUNTY BOARD OF SUPERVISORS FROM AMONG QUALIFIED ELECTORS OF
5 THE PROPOSED COUNTY ISLAND FIRE DISTRICT. THE INITIAL APPOINTED BOARD SHALL
6 SCHEDULE AN ELECTION TO BE HELD ON THE NEXT CONSOLIDATED ELECTION DATE AS
7 PRESCRIBED BY SECTION 16-204. THE ELECTION SHALL BE HELD AS OTHERWISE
8 PROVIDED BY LAW.

9 B. IF A VACANCY OCCURS ON THE DISTRICT BOARD OTHER THAN FROM
10 EXPIRATION OF A TERM, THE REMAINING BOARD MEMBERS SHALL FILL THE VACANCY BY
11 APPOINTMENT OF AN INTERIM MEMBER. IF THE ENTIRE BOARD RESIGNS OR FOR ANY
12 REASON CANNOT FULFILL ITS DUTIES, THE BOARD OF SUPERVISORS SHALL APPOINT AN
13 ADMINISTRATOR TO ADMINISTER THE DISTRICT WITH THE SAME DUTIES AND OBLIGATIONS
14 OF THE ELECTED BOARD. IF THE BOARD OF SUPERVISORS FAILS TO APPOINT AN
15 ADMINISTRATOR WITHIN THIRTY DAYS, A SPECIAL ELECTION SHALL BE HELD TO FILL
16 THE VACANCIES ON THE FIRE DISTRICT BOARD.

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

20 D. THE DISTRICT BOARD SHALL ELECT FROM ITS MEMBERS A CHAIRPERSON AND A
21 CLERK.

22 E. OF THE MEMBERS FIRST ELECTED TO THE DISTRICT BOARD, THE THREE
23 PEOPLE RECEIVING THE FIRST, SECOND AND THIRD HIGHEST NUMBER OF VOTES SHALL BE
24 ELECTED TO FOUR YEAR TERMS, AND THE TWO PEOPLE RECEIVING THE FOURTH AND FIFTH
25 HIGHEST NUMBER OF VOTES SHALL BE ELECTED TO TWO YEAR TERMS. THEREAFTER, THE
26 TERM OF OFFICE OF EACH DISTRICT BOARD MEMBER SHALL BE FOUR YEARS FROM THE
27 FIRST DAY OF THE MONTH NEXT FOLLOWING SUCH MEMBER'S ELECTION.

28 48-853. District board; powers and duties; intergovernmental
29 agreements; contract; administration; definition

30 A. A FIRE DISTRICT FORMED PURSUANT TO THIS ARTICLE, THROUGH ITS BOARD
31 SHALL:

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

33 2. PREPARE AN ANNUAL BUDGET THAT CONTAINS DETAILED ESTIMATED
34 EXPENDITURES FOR EACH FISCAL YEAR AND THAT CLEARLY SHOWS EXPENSES OF THE
35 DISTRICT. THE BUDGET SHALL BE POSTED IN THREE PUBLIC PLACES AND PUBLISHED IN
36 A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT THIRTY DAYS BEFORE A
37 PUBLIC HEARING AT A MEETING CALLED BY THE BOARD OR FIRE CHIEF TO ADOPT THE
38 BUDGET. COPIES OF THE BUDGET SHALL ALSO BE AVAILABLE TO MEMBERS OF THE
39 PUBLIC ON WRITTEN REQUEST TO THE DISTRICT. FOLLOWING THE PUBLIC HEARING, THE
40 DISTRICT BOARD OR APPOINTED CHIEF AND SECRETARY-TREASURER SHALL ADOPT A
41 BUDGET.

42 3. REQUIRE PROBATIONARY EMPLOYEES IN A PAID SWORN FIREFIGHTER
43 POSITION, A RESERVE FIREFIGHTER POSITION OR A VOLUNTEER FIREFIGHTER POSITION
44 OF A PROVIDER OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES TO SUBMIT A
45 FULL SET OF FINGERPRINTS TO THE FIRE DISTRICT. THE FIRE DISTRICT SHALL

1 SUBMIT THE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF
2 OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION
3 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE
4 THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

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

8 5. ADOPT THE FIRE CODE OF THE MUNICIPALITY WHOSE MUNICIPAL PLANNING
9 AREA INCLUDES THE DISTRICT EXCEPT THAT THE FIRE DISTRICT'S AUTHORITY TO
10 CONDUCT INSPECTIONS SHALL APPLY ONLY TO COMMERCIAL AND INDUSTRIAL PROPERTIES
11 AND SHALL NOT APPLY TO RESIDENTIAL PROPERTIES.

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

14 7. NOTIFY THE COUNTY BOARD OF SUPERVISORS OF THE COST OF PROVIDING
15 FIRE PROTECTION SERVICE AND EMERGENCY MEDICAL SERVICE FOR EACH HOUSEHOLD OR
16 OTHER STRUCTURE IN THE DISTRICT.

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

19 (a) ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH A MUNICIPAL
20 PROVIDER FOR FIRE PROTECTION SERVICES FOR THE DISTRICT. A MUNICIPAL PROVIDER
21 SEEKING TO ENTER INTO AGREEMENT WITH THE DISTRICT SHALL MAKE A FORMAL
22 EXPRESSION OF INTENT TO ENTER INTO AN AGREEMENT WITH THE DISTRICT WITHIN
23 TWENTY-ONE DAYS OF DISTRICT FORMATION.

24 (b) ISSUE A REQUEST FOR PROPOSALS FOR NONMUNICIPAL PRIVATE PROVIDERS
25 OF FIRE PROTECTION SERVICES FOR THE DISTRICT. A REQUEST FOR PROPOSALS MAY
26 ONLY BE ISSUED IF NO MUNICIPAL PROVIDERS OF FIRE PROTECTION SERVICES HAVE
27 MADE AN EXPRESSION OF INTENT SEEKING TO ENTER INTO A FIRE PROTECTION
28 AGREEMENT WITH THE DISTRICT. NOTWITHSTANDING ANY OTHER LAW, MUNICIPAL
29 ANNEXATION MAY NOT BE UNDERTAKEN DURING THE TERM OF ANY CONTRACT ENTERED INTO
30 BETWEEN THE DISTRICT AND A PRIVATE FIRE SERVICE PROVIDER.

31 (c) IF A FIRE DISTRICT DOES NOT ENTER INTO AN INTERGOVERNMENTAL
32 AGREEMENT PURSUANT TO SUBDIVISION (a) OF THIS PARAGRAPH OR ENTER INTO A
33 CONTRACT PURSUANT TO SUBDIVISION (b) OF THIS PARAGRAPH, THE FIRE DISTRICT
34 SHALL PROVIDE FIRE PROTECTION AND ANCILLARY SERVICES IN THE DISTRICT AS SOON
35 AS PRACTICABLE. A FIRE DISTRICT ACTING PURSUANT TO THIS SUBDIVISION IS BY
36 OPERATION OF LAW A MEMBER OF THE AUTOMATIC AID CONSORTIUM OR ITS SUCCESSOR.

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

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

40 (b) A PROVISION SETTING FORTH THE COST OF SERVICE AND PERFORMANCE
41 CRITERIA.

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

1 10. IF NECESSARY, ISSUE A REQUEST FOR PROPOSALS FOR PROVIDERS OF
2 EMERGENCY MEDICAL SERVICES AND ENTER INTO AN INTERGOVERNMENTAL AGREEMENT OR
3 CONTRACT WITH A PROVIDER OF EMERGENCY MEDICAL SERVICES.

4 11. ASSESS AND LEVY A SECONDARY PROPERTY TAX TO PAY FOR THE COSTS OF
5 THE FIRE PROTECTION SERVICE OR EMERGENCY MEDICAL SERVICE.

6 12. DEFEND, INDEMNIFY AND HOLD HARMLESS A MUNICIPAL PROVIDER OF FIRE
7 PROTECTION FROM AND AGAINST ANY CLAIMS OR EXPENSES TO WHICH IT MAY BE
8 SUBJECTED BY REASON OF INJURY OR DEATH OF ANY PERSON OR LOSS OR DAMAGE TO ANY
9 PROPERTY DIRECTLY ATTRIBUTABLE TO THE PROVISION OF THE SERVICES UNLESS THE
10 SERVICES WERE PROVIDED IN A GROSSLY NEGLIGENT MANNER. THE FIRE DISTRICT
11 SHALL SECURE INSURANCE SUFFICIENT TO COVER LIABILITY EXPOSURE.

12 B. A FIRE DISTRICT FORMED PURSUANT TO THIS ARTICLE, THROUGH ITS BOARD
13 OR FIRE CHIEF AND SECRETARY-TREASURER, MAY:

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

17 2. RETAIN A CERTIFIED PUBLIC ACCOUNTANT TO PERFORM AN ANNUAL AUDIT OF
18 DISTRICT BOOKS.

19 3. RETAIN PRIVATE LEGAL COUNSEL.

20 4. SUE AND BE SUED.

21 5. ACCEPT GIFTS, CONTRIBUTIONS, BEQUESTS AND GRANTS AND COMPLY WITH
22 ANY REQUIREMENTS OF SUCH GIFTS, CONTRIBUTIONS, BEQUESTS AND GRANTS NOT
23 INCONSISTENT WITH THIS ARTICLE.

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

27 C. THE COUNTY ATTORNEY MAY ADVISE AND REPRESENT THE DISTRICT WHEN IN
28 THE COUNTY ATTORNEY'S JUDGMENT SUCH ADVICE AND REPRESENTATION ARE APPROPRIATE
29 AND NOT IN CONFLICT WITH THE COUNTY ATTORNEY'S DUTIES UNDER SECTION 11-532.
30 IF THE COUNTY ATTORNEY IS UNABLE TO ADVISE AND REPRESENT THE DISTRICT DUE TO
31 A CONFLICT OF INTEREST, THE DISTRICT MAY RETAIN PRIVATE LEGAL COUNSEL OR MAY
32 REQUEST THE ATTORNEY GENERAL TO REPRESENT IT, OR BOTH.

33 D. THE CHAIRPERSON AND CLERK OF THE DISTRICT BOARD OR THEIR RESPECTIVE
34 DESIGNEES OR THE CHIEF AND SECRETARY-TREASURER, AS APPLICABLE, SHALL DRAW
35 WARRANTS ON THE COUNTY TREASURER FOR MONEY REQUIRED TO OPERATE THE DISTRICT
36 IN ACCORDANCE WITH THE BUDGET AND, AS SO DRAWN, THE WARRANTS SHALL BE
37 SUFFICIENT TO AUTHORIZE THE COUNTY TREASURER TO PAY FROM THE FIRE DISTRICT
38 FUND.

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

42 F. IF A DISTRICT FORMED UNDER SECTION 48-851 AGREES TO PROVIDE FIRE
43 AND ANCILLARY SERVICES IN A COUNTY ISLAND WHERE A PRIVATE PROVIDER OF FIRE OR
44 EMERGENCY SERVICES ALREADY HAS FACILITIES OR PROVIDES SERVICE, THE DISTRICT
45 AND THE PRIVATE PROVIDER MAY ENTER INTO AN AGREEMENT COVERING THE ROLES AND

1 RELATIONSHIPS REGARDING MUTUAL AID OR BACKUP AND ANY SERVICES FOR WHICH THE
2 DISTRICT WISHES TO CONTRACT AND ANY REIMBURSEMENT OR BILLING AND COLLECTION
3 PRACTICES. THE AGREEMENT SHALL BE EXECUTED BEFORE THE DISTRICT BEGINS
4 PROVIDING SERVICE IN THE COUNTY ISLAND.

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

8 48-854. Municipality as service provider; indemnity;
9 intergovernmental agreement

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

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

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

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

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

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

30 D. IF A MUNICIPALITY CONTRACTS WITH A FIRE DISTRICT FORMED PURSUANT TO
31 THIS ARTICLE, THE MUNICIPALITY IS LIABLE ONLY IF THE MUNICIPALITY IS GROSSLY
32 NEGLIGENT IN PROVIDING FIRE OR EMERGENCY MEDICAL SERVICES TO THE FIRE
33 DISTRICT. THE FIRE DISTRICT SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE
34 MUNICIPALITY FOR THE PURPOSES OF TITLE 23, CHAPTER 6 FOR A MUNICIPALITY THAT
35 PROVIDES FIRE OR EMERGENCY MEDICAL SERVICES TO A FIRE DISTRICT FORMED
36 PURSUANT TO THIS ARTICLE, THE PROVIDERS OF THOSE SERVICES ARE ACTING WITHIN
37 THE SCOPE OF THEIR DUTIES TO THE MUNICIPALITY WHILE PROVIDING THOSE SERVICES
38 TO THE FIRE DISTRICT AND THE MUNICIPALITY SHALL PROVIDE WORKERS' COMPENSATION
39 COVERAGE TO THOSE PROVIDERS.

40 Sec. 11. Delayed repeal

41 Title 48, chapter 5, article 3, Arizona Revised Statutes, as added by
42 this act, is repealed from and after August 31, 2013.