

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1511

AN ACT

AMENDING SECTIONS 48-261, 48-262 AND 48-1202, ARIZONA REVISED STATUTES;
RELATING TO CERTAIN SPECIAL TAXING DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-261, Arizona Revised Statutes, is amended to
3 read:

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

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

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

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

29 (b) An estimate of the assessed valuation within the proposed
30 district.

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

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

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

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

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

44 2. On receipt of the district impact statement, the board of
45 supervisors shall set a day, not fewer than thirty nor more than sixty days

1 from that date, for a hearing on the impact statement. The board of
2 supervisors, at any time before making a determination pursuant to paragraph
3 4 of this subsection, may require that the impact statement be amended to
4 include any information that the board of supervisors deems to be relevant
5 and necessary.

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

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

35 5. Within fifteen days after receiving the approval of the board of
36 supervisors as prescribed by paragraph 4 of this subsection, the clerk of the
37 board shall determine the minimum number of signatures required for
38 compliance with paragraph 7 of this subsection. After making that
39 determination, that number of signatures shall remain fixed.

40 6. After receiving the approval of the board of supervisors as
41 provided in paragraph 4 of this subsection, any adult person may circulate
42 and present petitions to the board of supervisors of the county in which the
43 district is located. All petitions circulated shall be returned to the board
44 of supervisors within one year from the date of the approval of the board of

1 supervisors pursuant to paragraph 4 of this subsection. Any petition that is
2 returned more than one year from that date is void.

3 7. The petitions presented pursuant to paragraph 6 of this subsection
4 shall comply with the provisions regarding verification in section 48-266 and
5 shall:

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

12 (b) Be signed by more than one-half of the ~~property owners in~~ **NUMBER**
13 **OF PERSONS WHO OWN PROPERTY WITHIN** the area of the proposed district and be
14 signed by persons owning collectively more than one-half of the assessed
15 valuation of the property in the area of the proposed district. **FOR PURPOSES**
16 **OF TALLYING THE NUMBER OF PERSONS WHO OWN PROPERTY WITHIN THE AREA OF THE**
17 **PROPOSED DISTRICT, A PERSON WHO OWNS MULTIPLE PIECES OF PROPERTY SHALL BE**
18 **TALLIED AS ONLY ONE PROPERTY OWNER WITHIN THE AREA OF THE PROPOSED DISTRICT.**

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

22 9. Before the hearing called pursuant to paragraph 8 of this
23 subsection, the board of supervisors shall determine the validity of the
24 petitions presented.

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

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

41 1. Property held in multiple ownership shall be treated as if it had
42 only one property owner, so that the signature of only one of the owners of
43 property held in multiple ownership is required on the formation petition,
44 **AND ONLY ONE SIGNATURE MAY BE TALLIED FOR A PROPERTY HELD IN MULTIPLE**
45 **OWNERSHIP.**

1 2. The value of property shall be determined as follows:

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

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

13 **3. PETITION SIGNATURES FOR PROPERTY ON WHICH TAXES AND ASSESSMENTS ARE**
14 **NOT CURRENT AT THE TIME OF PETITION REVIEW SHALL BE INVALIDATED.**

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

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

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

34 F. Except as provided in section 48-851 and section 48-2001,
35 subsection A, the area of a district created pursuant to this section shall
36 be contiguous.

37 G. A district organized pursuant to this section shall have an
38 organizing board of directors to administer the affairs of the district until
39 a duly constituted board of directors is elected as provided in this title.
40 The organizing board shall have all the powers, duties and responsibilities
41 of an elected board. The organizing board shall consist of the three
42 individuals named in the district impact statement and the petitions
43 presented pursuant to subsection A of this section. If a vacancy occurs on
44 the organizing board, the remaining board members shall fill the vacancy by
45 appointing an interim member. Members of the organizing board shall serve

1 without compensation but may be reimbursed for actual expenses incurred in
2 performing their duties. The organizing board shall elect from its members a
3 chairman and a clerk.

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

9 Sec. 2. Section 48-262, Arizona Revised Statutes, is amended to read:

10 48-262. District boundary changes; procedures; notice; hearing;
11 determinations; petitions

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

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

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

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

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

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

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

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

40 2. On receipt of the boundary change impact statement, the governing
41 body shall set a day, not fewer than twenty nor more than thirty days from
42 that date, for a hearing on the boundary change impact statement. The board
43 of supervisors may at any time prior to making a determination pursuant to
44 paragraph 5 of this subsection require that the impact statement be amended

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

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

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

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

33 6. The governing body shall not approve a proposed annexation if the
34 property to be annexed is not contiguous with the district's existing
35 boundary. For purposes of determining whether or not the proposed addition
36 is contiguous, the addition is deemed contiguous if land that is owned by or
37 under the jurisdiction of the United States government, this state or any
38 political subdivision of this state, other than an incorporated city or town,
39 intervenes between the proposed addition and the current district boundary.

40 7. The governing body shall not approve a proposed annexation if the
41 area proposed to be annexed surrounds any unincorporated territory and that
42 unincorporated territory is not also included in the district.

43 8. After receiving the approval of the governing body as provided in
44 paragraph 5 of this subsection and provided no appeal filed pursuant to

1 paragraph 14 of this subsection remains unresolved, any adult person may
2 circulate and present petitions to the governing body of the district.

3 9. Within fifteen days after receiving the approval of the governing
4 body as prescribed by paragraph 5 of this subsection, the clerk of the board
5 shall determine the minimum number of signatures required to comply with
6 paragraph 10, subdivision (b) of this subsection. After making that
7 determination, that number of signatures shall remain fixed, notwithstanding
8 any subsequent changes in ownership of the property within the boundaries of
9 the proposed change.

10 10. The petitions presented pursuant to paragraph 8 of this subsection
11 shall comply with the provisions regarding petition form in section 48-266
12 and shall:

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

18 (b) Be signed by more than one-half of the ~~property owners~~ NUMBER OF
19 PERSONS WHO OWN PROPERTY within the boundaries of the proposed change and be
20 signed by persons owning collectively more than one-half of the assessed
21 valuation of the property within the boundaries of the proposed change. FOR
22 PURPOSES OF TALLYING THE NUMBER OF PERSONS WHO OWN PROPERTY WITHIN THE
23 BOUNDARIES OF THE PROPOSED CHANGE, A PERSON WHO OWNS MULTIPLE PIECES OF
24 PROPERTY SHALL BE TALLIED AS ONLY ONE PROPERTY OWNER WITHIN THE BOUNDARIES OF
25 THE PROPOSED CHANGE.

26 11. On receipt of the petitions, the governing body shall set a day,
27 not fewer than ten nor more than thirty days from that date, for a hearing on
28 the request.

29 12. Prior to the hearing called pursuant to paragraph 11 of this
30 subsection, the board of supervisors shall determine the validity of the
31 petitions presented pursuant to subsection B of this section.

32 13. At the hearing called pursuant to paragraph 11 of this subsection,
33 the governing body, if the petitions are valid, shall order the change to the
34 boundaries. The governing body shall enter its order setting forth its
35 determination in the minutes of the meeting, not later than ten days from the
36 day of the hearing, and a copy of the order shall be sent to the officer in
37 charge of elections and a copy shall be recorded in the county recorder's
38 office. The order of the governing body shall be final, and the proposed
39 change shall be made to the district boundaries thirty days after the
40 governing body votes.

41 14. On filing a verified complaint with the superior court, the
42 attorney general, the county attorney or any other interested party may
43 question the validity of the annexation for failure to comply with this
44 section. The complaint shall include a description of the alleged
45 noncompliance and shall be filed within thirty days after the governing body

1 of the district adopts a resolution that annexes the territory of the
2 district. The burden of proof is on the plaintiff to prove the material
3 allegations of the verified complaint. An action shall not be brought to
4 question the validity of an annexation resolution unless it is filed within
5 the time and for the reasons prescribed in this subsection. All hearings
6 that are held pursuant to this paragraph and all appeals of any orders shall
7 be preferred and shall be heard and determined in preference to all other
8 civil matters, except election actions. If more than one complaint
9 questioning the validity of an annexation resolution is filed, all such
10 complaints shall be consolidated for the hearing.

11 B. For the purpose of determining the validity of the petitions
12 presented pursuant to subsection A, paragraph 8 of this section:

13 1. Property held in multiple ownership shall be treated as if it had
14 only one property owner, so that the signature of only one of the owners of
15 property held in multiple ownership is required on the boundary change
16 petition, **AND ONLY ONE SIGNATURE MAY BE TALLIED FOR A PROPERTY HELD IN**
17 **MULTIPLE OWNERSHIP.**

18 2. The value of property shall be determined as follows:

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

22 (b) In the case of property valued by the department of revenue, the
23 values shall be those determined by the department in the manner provided by
24 law, for municipal assessment purposes. The county assessor and the
25 department of revenue, respectively, shall furnish to the governing body,
26 within twenty days after such a request, a statement in writing showing the
27 owner, the address of each owner and the appraisal or assessment value of
28 properties contained within the area of a proposed change as described in
29 subsection A of this section.

30 3. All petitions circulated shall be returned to the governing body of
31 the district within one year from the date of the approval given by the
32 governing body pursuant to subsection A, paragraph 5 of this section. Any
33 petition returned more than one year from that date is void. If an appeal is
34 filed pursuant to subsection A, paragraph 14 of this section, this time
35 period for gathering signatures is tolled beginning on the date an action is
36 filed in superior court and continuing until the expiration of the time
37 period for any further appeal.

38 C. For the purposes of determining whether or not the proposed
39 addition is contiguous, the addition is deemed contiguous if land that is
40 owned by or under the jurisdiction of the United States government, this
41 state or any political subdivision of this state, other than an incorporated
42 city or town, intervenes between the proposed addition and the current
43 district boundary. Property shall not be approved for annexation if the area
44 proposed to be annexed surrounds any unincorporated territory and that
45 unincorporated territory is not also included in the district.

1 D. If the change in the boundaries proposed pursuant to subsection A
2 of this section would result in a withdrawal of territory from an existing
3 district, the petitions shall be approved by the governing body only if the
4 proposed withdrawal would not result in a noncontiguous portion of the
5 district that is less than one square mile in size.

6 E. If the impact statement described in subsection A of this section
7 relates to the withdrawal of property from a district, in addition to the
8 other requirements of subsection A of this section, the governing body shall
9 also determine:

10 1. If the district has any existing outstanding bonds or other
11 evidences of indebtedness.

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

14 F. If the conditions of subsection E of this section are met:

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

19 2. The governing body shall:

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

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

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

28 G. If the statement described in subsection A, paragraph 1 of this
29 section requests the annexation of property located within an incorporated
30 city or town, in addition to the other requirements of subsection A of this
31 section, the governing body shall approve the district boundary change impact
32 statement and authorize the circulation of petitions only if the governing
33 body of the city or town has by ordinance or resolution endorsed such
34 annexation and such annexation is authorized pursuant to this title.

35 H. Except as provided in subsection D of this section and section
36 48-2002, no change in the boundaries of a district pursuant to this section
37 shall result in a district which contains area that is not contiguous.

38 I. Notwithstanding subsection A of this section, any property owner,
39 including a county, this state or the United States government, whose land is
40 within a county that contains a sanitary district or fire district and whose
41 land is contiguous to the boundaries of the sanitary district or fire
42 district may request in writing that the governing body of the district amend
43 the district boundaries to include that property owner's land. If the
44 property is located in an incorporated city or town, in addition to the other
45 requirements prescribed in this subsection, the governing body of the fire

1 district or sanitary district may approve the boundary change only if the
2 governing body of the affected city or town by ordinance or resolution has
3 approved the inclusion of the property in the district. A request made
4 pursuant to this subsection shall be made before the county board of
5 supervisors orders the creation of a proposed new district of the same type
6 or the district governing body orders the annexation by a district of the
7 same type in which the property owner's land is proposed for inclusion and
8 for which petitions are being circulated. If the governing body determines
9 that the inclusion of that property will benefit the district and the
10 property owner, the boundary change may be made by order of the governing
11 body and is final on the recording of the governing body's order that
12 includes a legal description of the property that is added to the district.
13 If the governing body does not order the boundary change, the land shall be
14 included in the boundaries of the proposed new district of the same type or
15 annexation by a district of the same type in which the property owner's land
16 is proposed for inclusion and for which petitions are being circulated. A
17 petition and impact statement are not required for an amendment to a sanitary
18 district's or fire district's boundaries made pursuant to this subsection.

19 J. A fire district shall not annex or otherwise add territory that is
20 already included in another existing fire district, unless deannexed pursuant
21 to subsections D, E and F of this section.

22 K. A fire district, community park maintenance district or sanitary
23 district may appropriate and spend monies as necessary or reasonably required
24 to assist one or more individuals or entities to change the district's
25 boundaries pursuant to this section.

26 L. Notwithstanding subsection A of this section, if an incorporated
27 city or town has previously adopted a resolution designating a fire district
28 as the fire service agency for the city or town, the jurisdictional
29 boundaries of the fire district without further notice or election shall be
30 changed to include any property annexed into the city or town. If the
31 annexation occurs pursuant to a joint petition for annexation, any joint
32 petition for annexation shall clearly indicate in its title and in the notice
33 required in the petition that the property to be annexed will be subject to
34 the jurisdiction of both the city or town and the fire district. A joint
35 petition for annexation shall comply with both section 9-471 and this
36 section. Any fire district boundary change that occurs through city or town
37 annexation pursuant to this subsection is effective on the effective date of
38 the annexation by the incorporated city or town. If an incorporated city or
39 town that has designated a fire district as the fire service agency for that
40 city or town annexes property that is already part of another fire district,
41 the annexed property shall remain part of the fire district in which it was
42 located before the city or town's annexation.

43 M. For the purposes of this section, assessed valuation does not
44 include the assessed valuation of property that is owned by a county, this
45 state or the United States government.

1 Sec. 3. Section 48-1202, Arizona Revised Statutes, is amended to read:
2 48-1202. Establishment of community park maintenance district:
3 territory; purpose; approval

4 A. In addition to the requirements for the establishment of a
5 community park maintenance district as set forth in section 48-261, a
6 district shall:

7 1. Include contiguous territories located in one or more counties.

8 2. Be formed only for the purpose of maintaining existing community
9 parks that are certified by the board for inclusion in the district. The
10 board of directors, subject to available tax revenues, may certify any
11 existing community park within the district's boundaries that will facilitate
12 and encourage the use and enjoyment of recreational land within the district.

13 3. Be approved by a vote of the board of supervisors for each of the
14 counties in which the community park maintenance district is to be located,
15 if proposed for territory that is located in more than one county.

16 B. A LEASEHOLDER OF REAL PROPERTY IS NOT AUTHORIZED TO SIGN A
17 FORMATION PETITION OR A BOUNDARY CHANGE PETITION, AND THE BOARD OF
18 SUPERVISORS MAY ACCEPT ONLY THE SIGNATURE OF THE REAL PROPERTY OWNER.