

REFERENCE TITLE: fire districts; directors; requirements; modifications

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1459

Introduced by
Senator Crandell

AN ACT

AMENDING SECTIONS 48-802 AND 48-803, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-805.03; RELATING TO 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 48-802, Arizona Revised Statutes, is amended to
3 read:

4 48-802. Election procedures; qualifications

5 A. All elections held pursuant to this article shall conform to the
6 requirements of this section.

7 B. Except as otherwise provided in this article, the manner of
8 conducting and voting at an election, contesting an election, keeping poll
9 lists, canvassing votes and certifying returns shall be the same, as nearly
10 as practicable, as in elections for county officers. If the fire district is
11 administered by a board, after consultation with the officer in charge of
12 elections, a fire district may divide itself into precincts. To the extent
13 practicable, the precincts shall be equal or as nearly equal in population
14 and shall conform to the boundaries of precincts adopted by the board of
15 supervisors of the county. The fire district shall thereafter conduct its
16 elections using those precincts.

17 C. No person may vote at the election other than a qualified elector
18 of this state who has registered to vote at least twenty-nine days before the
19 election as a resident within the district boundaries, proposed district
20 boundaries created by the merger of fire districts or the proposed district
21 boundaries created by a consolidated district. A person offering to vote at
22 a fire district election for which no fire district register has been
23 supplied shall sign an affidavit stating the person's address and the fire
24 district in which the person resides and swearing the person is qualified to
25 vote and has not voted at the fire district election being held. A person
26 offering to vote at a fire district election for which a fire district
27 register has been supplied shall proceed as required for voting at any
28 election at which precinct registers are used.

29 D. In elections for ~~an elected chief and secretary treasurer or~~
30 district board members:

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

33 2. Candidates must be, and during incumbency must remain, qualified
34 electors of the fire district **AND MUST BE A RESIDENT OF THE DISTRICT FOR AT**
35 **LEAST ONE YEAR IMMEDIATELY PRECEDING THE DATE OF THE ELECTION.** In a fire
36 district that is divided into precincts as prescribed by subsection B of this
37 section, candidates shall be qualified electors of the precinct in which they
38 are candidates and during incumbency must remain qualified electors of that
39 precinct. **A PERSON IS NOT ELIGIBLE TO BE A CANDIDATE FOR ELECTION TO THE**
40 **FIRE DISTRICT BOARD IF THAT PERSON IS RELATED BY AFFINITY OR CONSANGUINITY**
41 **WITHIN THE THIRD DEGREE TO A PERSON WHO SERVES ON THE BOARD DURING THE**
42 **POTENTIAL CANDIDATE'S TERM OF OFFICE. ANY PERSON WHO VIOLATES THIS PARAGRAPH**
43 **IS NOT ELIGIBLE TO SERVE ON THE BOARD.**

44 3. Elections, other than special elections to fill a vacancy or
45 elections to merge or dissolve fire districts, shall be held on the first

1 Tuesday after the first Monday in November of the first even numbered year
2 following the year the district is declared organized by the board of
3 supervisors and, ~~in the case of a fire district administered by a district~~
4 ~~board,~~ every two years thereafter on the first Tuesday after the first Monday
5 in November. ~~Elections shall be held every four years thereafter in~~
6 ~~districts administered by an elected chief.~~

7 4. Except for an election to reorganize a fire district, nominating
8 petitions shall be filed with the board of supervisors as prescribed by title
9 16, chapter 3. If only one person files or no person files a nominating
10 petition for an election to fill a position on the district board ~~or the~~
11 ~~position of elected fire chief or elected secretary-treasurer~~ for which the
12 term of office is to expire, the board of supervisors may cancel the election
13 for that position and appoint the person who filed the nominating petition to
14 fill the position. If no person files a nominating petition for an election
15 to fill a district office, the board of supervisors may cancel the election
16 for those offices and those offices are deemed vacant and shall be filled as
17 otherwise provided by law. A person who is appointed pursuant to this
18 paragraph is fully vested with the powers and duties of the office as if
19 elected to that office.

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

23 E. In an election to reorganize, notice of the appropriate order of
24 the board of supervisors or governing body of the district shall be given as
25 prescribed by title 16.

26 F. In an election to merge fire districts, notice of the appropriate
27 order of the board of supervisors shall be given as prescribed by title 16.
28 In addition, notice of the election with an accurate map of the territory
29 proposed to be merged shall be sent by first class mail to each owner of
30 property that would be subject to taxation by the merged district at least
31 sixty days before the election. An order to hold an election shall be issued
32 not more than thirty days after the receipt of the resolution to merge fire
33 districts pursuant to section 48-820.

34 G. In an election to consolidate fire districts, notice of the
35 appropriate order of the board of supervisors shall be given as prescribed by
36 title 16. In addition, notice of the election with an accurate map of the
37 territory proposed to be consolidated shall be sent by first class mail to
38 each owner of property that would be subject to taxation by the consolidated
39 district at least sixty days before the election. An order to hold an
40 election shall be issued not more than thirty days after the receipt of the
41 resolution to consolidate fire districts pursuant to section 48-822.

42 Sec. 2. Section 48-803, Arizona Revised Statutes, is amended to read:
43 48-803. District administered by a district board

44 A. In a district that the board of supervisors estimates has a
45 population of fewer than four thousand inhabitants, the district board may

1 consist of three or five members. In a district that the board of
2 supervisors estimates has a population of four thousand or more inhabitants,
3 the district board shall consist of five members, and for a noncontiguous
4 county island fire district formed pursuant to section 48-851, the board
5 shall consist of five members. The estimate of population by the board of
6 supervisors is conclusive and shall be based on available census information,
7 school attendance statistics, election or voter registration statistics,
8 estimates provided by state agencies or the county assessor, or other
9 information as deemed appropriate by the board of supervisors. If the board
10 of supervisors determines, at any time prior to one hundred twenty days
11 before the next regular scheduled election for members of a district board,
12 that the population of a fire district administered by a district board
13 consisting of three members exceeds four thousand inhabitants, estimated as
14 provided in this section, the board of supervisors shall order an increase in
15 the number of members of the district board. If the board of supervisors
16 determines at any time prior to one hundred eighty days before the next
17 regularly scheduled election for members of a district board that the
18 population of a fire district administered by a district board that consists
19 of five members exceeds fifty thousand inhabitants as prescribed in this
20 section, the board of supervisors shall inform the district board that it may
21 expand to seven members. Any expansion to seven members shall occur by
22 majority vote of the district board. The increase is effective for the
23 election of the additional members at the next regular election of members of
24 the district board.

25 B. If a vacancy occurs on the district board other than from
26 expiration of a term, the remaining board members shall fill the vacancy by
27 appointment of an interim member **WITHIN NINETY DAYS AFTER THE DATE THE**
28 **VACANCY OCCURS. IF THE REMAINING DISTRICT BOARD MEMBERS DO NOT APPOINT AN**
29 **INTERIM MEMBER WITHIN THAT NINETY-DAY PERIOD, THE BOARD OF SUPERVISORS SHALL**
30 **APPOINT AN INTERIM MEMBER TO THE DISTRICT BOARD WITHIN SIXTY DAYS AFTER**
31 **EXPIRATION OF THE NINETY-DAY PERIOD. IF THE DISTRICT IS LOCATED IN MORE THAN**
32 **ONE COUNTY, THE BOARD OF SUPERVISORS OF THE COUNTY IN WHICH THE MAJORITY OF**
33 **THE ASSESSED VALUATION OF THE DISTRICT IS LOCATED SHALL MAKE THE APPOINTMENT**
34 **AFTER THE EXPIRATION OF THE NINETY-DAY PERIOD.** If the entire board resigns or
35 for any reason cannot fulfill its duties, the board of supervisors shall
36 appoint an administrator to administer the district with the same duties and
37 obligations of the elected board. If the board of supervisors fails to
38 appoint an administrator within thirty days **AFTER THE RESIGNATION OF THE**
39 **ENTIRE BOARD OR ITS INABILITY TO FULFILL ITS DUTIES,** a special election shall
40 be held to fill the vacancies on the fire district board.

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

44 D. The board of a fire district shall appoint or hire a fire chief.

1 E. The district board shall elect from its members a chairman and a
2 clerk. THE ELECTION OF THE CHAIRMAN AND THE CLERK MUST OCCUR AT THE DISTRICT
3 BOARD MEETING THAT FIRST OCCURS IN THE MONTH IMMEDIATELY FOLLOWING EACH
4 GENERAL ELECTION.

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

25 G. BEGINNING WITH THE 2014 GENERAL ELECTION, ALL PERSONS WHO ARE
26 ELECTED OR APPOINTED TO A FIRE DISTRICT BOARD AND THE FIRE CHIEF WHO IS
27 APPOINTED OR HIRED BY THE DISTRICT BOARD SHALL ATTEND PROFESSIONAL
28 DEVELOPMENT TRAINING THAT IS PROVIDED BY AN ASSOCIATION OF ARIZONA FIRE
29 DISTRICTS. DISTRICT BOARD MEMBERS AND THE FIRE CHIEF SHALL COMPLETE AT LEAST
30 SIX HOURS OF PROFESSIONAL DEVELOPMENT TRAINING, WITH BOARD MEMBERS COMPLETING
31 THEIR TRAINING WITHIN ONE YEAR AFTER THE DATE OF THE CERTIFICATION OF THEIR
32 ELECTION AND FOR THE FIRE CHIEF, WITHIN ONE YEAR AFTER THE DATE OF HIRING.
33 THE FIRE DISTRICT SHALL REIMBURSE BOARD MEMBERS AND THE FIRE CHIEF FOR THE
34 REASONABLE COSTS OF THE TRAINING. THE PROFESSIONAL DEVELOPMENT TRAINING MUST
35 INCLUDE TRAINING ON OPEN MEETINGS LAWS, FINANCE AND BUDGET MATTERS AND LAWS
36 RELATING TO FIRE DISTRICT GOVERNANCE AND OTHER MATTERS THAT ARE REASONABLY
37 NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF A FIRE DISTRICT.

38 H. ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE FIRE DISTRICT
39 ASSOCIATION THAT HAS PROVIDED TRAINING PURSUANT TO SUBSECTION G OF THIS
40 SECTION SHALL SUBMIT AN ANNUAL REPORT THAT DESCRIBES THE COMPLIANCE WITH THE
41 TRAINING REQUIREMENTS TO THE COUNTY BOARD OF SUPERVISORS FOR EVERY COUNTY IN
42 WHICH THE FIRE DISTRICT OPERATES. THE ANNUAL REPORT MUST INCLUDE AT LEAST
43 THE FOLLOWING:

44 1. A COMPILATION OF THE PROFESSIONAL DEVELOPMENT TRAINING DELIVERED BY
45 THE ASSOCIATION PURSUANT TO THIS SECTION AND THE NAMES OF THE FIRE DISTRICT

1 BOARD MEMBERS AND FIRE CHIEFS WHO ARE COMPLIANT AND NONCOMPLIANT WITH THE
2 REQUIREMENTS OF THIS SECTION.

3 2. RECOMMENDATIONS REGARDING IMPROVEMENTS TO THE LAWS OF THIS STATE OR
4 TO ADMINISTRATIVE ACTIONS THAT ARE REQUIRED UNDER THE LAWS OF THIS STATE
5 PERTAINING TO FIRE DISTRICTS.

6 I. A FIRE DISTRICT GOVERNING BOARD MEMBER OR FIRE CHIEF WHO FAILS TO
7 COMPLETE THE PROFESSIONAL DEVELOPMENT TRAINING WITHIN THE TIME PRESCRIBED IN
8 THIS SECTION IS GUILTY OF NONFEASANCE IN OFFICE. ANY PERSON MAY MAKE A
9 FORMAL COMPLAINT TO THE COUNTY BOARD OF SUPERVISORS REGARDING THIS FAILURE TO
10 COMPLY, AND THE COUNTY BOARD OF SUPERVISORS MAY SUBMIT THE COMPLAINT TO THE
11 COUNTY ATTORNEY FOR POSSIBLE ACTION. THE COUNTY ATTORNEY MAY TAKE
12 APPROPRIATE ACTION TO ACHIEVE COMPLIANCE, INCLUDING FILING AN ACTION IN
13 SUPERIOR COURT AGAINST A FIRE DISTRICT GOVERNING BOARD MEMBER OR A FIRE CHIEF
14 FOR FAILURE TO COMPLY WITH THE PROFESSIONAL DEVELOPMENT TRAINING REQUIREMENTS
15 PRESCRIBED IN THIS SECTION. IF THE COURT DETERMINES THAT A FIRE DISTRICT
16 GOVERNING BOARD MEMBER OR FIRE CHIEF FAILED TO COMPLY WITH THE PROFESSIONAL
17 DEVELOPMENT TRAINING REQUIREMENTS PRESCRIBED IN THIS SECTION, THE COURT SHALL
18 ISSUE AN ORDER REMOVING THE FIRE DISTRICT GOVERNING BOARD MEMBER FROM OFFICE
19 OR THE FIRE CHIEF FROM EMPLOYMENT OR APPOINTMENT WITH THE DISTRICT. ANY
20 VACANCY IN THE OFFICE OF A FIRE DISTRICT GOVERNING BOARD AS A RESULT OF A
21 COURT ORDER THAT IS ISSUED PURSUANT TO THIS SUBSECTION MUST BE FILLED IN THE
22 MANNER PROVIDED BY LAW.

23 Sec. 3. Title 48, chapter 5, article 1, Arizona Revised Statutes, is
24 amended by adding section 48-805.03, to read:

25 48-805.03. Employment of relatives; violation; classification

26 A. IT IS UNLAWFUL FOR AN ELECTED OR APPOINTED OFFICER OR EMPLOYEE OF A
27 FIRE DISTRICT TO DO ANY OF THE FOLLOWING:

28 1. APPOINT OR VOTE FOR APPOINTMENT OF ANY PERSON WHO IS RELATED TO
29 THAT OFFICER OR EMPLOYEE BY AFFINITY OR CONSANGUINITY WITHIN THE THIRD DEGREE
30 TO ANY CLERKSHIP, OFFICE, POSITION, EMPLOYMENT OR DUTY IN ANY DEPARTMENT OF
31 THAT FIRE DISTRICT WHEN THE SALARY, WAGES OR COMPENSATION OF THAT APPOINTEE
32 IS TO BE PAID FROM PUBLIC FUNDS OR FEES.

33 2. APPOINT, VOTE FOR OR AGREE TO APPOINT OR TO WORK FOR, SUGGEST,
34 ARRANGE OR BE A PARTY TO THE APPOINTMENT OF ANY PERSON IN CONSIDERATION OF
35 THE APPOINTMENT OF A PERSON WHO IS RELATED TO THAT OFFICER OR EMPLOYEE WITHIN
36 THE DEGREE PRESCRIBED BY THIS SECTION.

37 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2
38 MISDEMEANOR.

39 Sec. 4. Emergency

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