

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

# HOUSE BILL 2441

AN ACT

AMENDING SECTIONS 48-262 AND 48-805, 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 48-262, Arizona Revised Statutes, is amended to  
3 read:  
4 48-262. District boundary changes; procedures; notice; hearing;  
5 determinations; petitions  
6 A. Except as prescribed by subsection I of this section, a fire  
7 district, community park maintenance district or sanitary district shall  
8 change its boundaries by the following procedures:  
9 1. Any adult person desiring to propose any change to the boundaries  
10 of a district shall provide a legal description of the area proposed for  
11 inclusion in the district to the county assessor of the county in which the  
12 district is to be located. The county assessor shall provide to the person  
13 proposing any change to the boundaries of the district a detailed list of all  
14 taxable properties in the area proposed for inclusion in the district. The  
15 person proposing any change to the boundaries of the district shall prepare  
16 and submit a boundary change impact statement to the governing body of the  
17 district. The boundary change impact statement shall contain at least the  
18 following information:  
19 (a) A legal description of the boundaries of the area to be included  
20 within the proposed change and a map and general description of the area  
21 sufficiently detailed to permit a property owner to determine whether a  
22 particular property is within the proposed district. The boundaries of the  
23 proposed change shall not overlap with the boundaries of any other proposed  
24 new district of the same type or any annexation by a district of the same  
25 type for which petitions are being circulated on the date that the boundary  
26 change impact statement is filed with the governing body.  
27 (b) The detailed list of taxable properties provided by the assessor  
28 pursuant to this paragraph.  
29 (c) An estimate of the assessed valuation within the boundaries of the  
30 proposed change.  
31 (d) An estimate of the change in the tax rate of the district if the  
32 proposed change is made.  
33 (e) An estimate of the change in the property tax liability, as a  
34 result of the proposed change, of a typical resident of a portion of the  
35 district, not in the area of the proposed change, before and after the  
36 proposed change and of a typical resident of the area of the proposed change.  
37 (f) A list and explanation of benefits that will result from the  
38 proposed change to the residents of the area and of the remainder of the  
39 district.  
40 (g) A list and explanation of the injuries that may result from the  
41 proposed change to residents of the area and of the remainder of the  
42 district.  
43 (h) A DESCRIPTION OF THE PLANNING AREAS AND BOUNDARIES OF EACH  
44 POTENTIALLY AFFECTED CITY OR TOWN AND WHETHER ANY OF THE PROPERTY THAT IS

1 PROPOSED TO BE ADDED TO THE DISTRICT IS WITHIN THE PLANNING AREAS OF ANY CITY  
2 OR TOWN.

3 (i) FOR A FIRE DISTRICT, AN EXPLANATION OF WHETHER THE FIRE DISTRICT  
4 IS ABLE TO PROVIDE THE SAME LEVEL OF SERVICE, CAPITAL INVESTMENT AND  
5 FACILITIES TO ANY AREA PROPOSED TO BE ADDED WHEN COMPARED TO ALL OTHER  
6 PROPERTY WITHIN THE EXISTING FIRE DISTRICT.

7 2. On receipt of the boundary change impact statement, the governing  
8 body shall set a day, at least twenty but not more than thirty days from that  
9 date, for a hearing on the boundary change impact statement. The board of  
10 supervisors may at any time prior to making a determination pursuant to  
11 paragraph 5 of this subsection require that the impact statement be amended  
12 to include any information that the board of supervisors deems to be relevant  
13 and necessary.

14 3. On receipt of the boundary change impact statement, the clerk of  
15 the governing body shall mail, by first class mail, written notice of the  
16 statement, its purpose and notice of the day, hour and place of the hearing  
17 on the proposed change to each owner of taxable property within the  
18 boundaries of the proposed change AND TO ANY AGENCY OR POLITICAL SUBDIVISION  
19 OF THIS STATE OR THE UNITED STATES IF ANY LAND WITHIN THE BOUNDARIES OF THE  
20 PROPOSED CHANGE IS OWNED BY THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE  
21 OR AN AGENCY OF THE UNITED STATES GOVERNMENT. The clerk of the governing  
22 body shall post the notice in at least three conspicuous public places in the  
23 area of the proposed change and also publish twice in a daily newspaper of  
24 general circulation in the area of the proposed change, at least ten days  
25 before the hearing, or if no daily newspaper of general circulation exists in  
26 the area of the proposed change, at least twice at any time before the date  
27 of the hearing, a notice setting forth the purpose of the impact statement,  
28 the description of the boundaries of the proposed change and the day, hour  
29 and place of the hearing.

30 4. On receipt of the boundary change impact statement the clerk shall  
31 also mail notice, ~~as provided in paragraph 3 of this subsection,~~ to the  
32 chairman of the board of supervisors of the county in which the district is  
33 located AND TO THE CLERK OF ANY CITY OR TOWN WHOSE PLANNING AREA INCLUDES ANY  
34 PORTION OF THE TERRITORY THAT IS PROPOSED TO BE ADDED. The chairman of the  
35 board of supervisors AND THE GOVERNING BODY OF THE CITY OR TOWN, AS  
36 APPROPRIATE, shall order a review of the proposed change and may submit  
37 written comments to the governing body of the district within ~~ten~~ TWENTY days  
38 ~~of~~ AFTER receipt of the notice.

39 5. At the hearing called pursuant to paragraph 2 of this subsection,  
40 the governing body shall consider the comments of the board of supervisors  
41 AND THE CITY OR TOWN GOVERNING BODY IF ANY OF THE TERRITORY THAT IS PROPOSED  
42 TO BE ADDED IS LOCATED WITHIN THE PLANNING AREA OF THAT CITY OR TOWN, hear  
43 those who appear for and against the proposed change and determine whether  
44 the proposed change will promote the public health, comfort, convenience,  
45 necessity or welfare. If the governing body determines that the public

1 health, comfort, convenience, necessity or welfare will be promoted, it shall  
2 approve the impact statement and authorize the persons proposing the change  
3 to circulate petitions as provided in this subsection. The order of the  
4 governing body shall be final, but if the request to circulate petitions is  
5 denied, a subsequent request for a similar change may be refiled with the  
6 governing body after six months from the date of the denial. The county  
7 board of supervisors shall authorize the circulation of petitions for only  
8 one boundary change of a district of the same type in which any property  
9 owner's land is proposed for inclusion. A new petition circulation shall not  
10 be authorized until the one-year period to submit signatures set by  
11 subsection B, paragraph 3 of this section of the original petition  
12 circulation has expired or has otherwise been extinguished.

13 6. Except as provided by section 48-851, the governing body shall not  
14 approve a proposed annexation if the property to be annexed is not contiguous  
15 with the district's existing boundary. For the purposes of determining  
16 whether or not the proposed addition is contiguous, the addition is deemed  
17 contiguous if land that is owned by or under the jurisdiction of the United  
18 States government, this state or any political subdivision of this state,  
19 other than an incorporated city or town, intervenes between the proposed  
20 addition and the current district boundary, EXCEPT THAT FOR A FIRE DISTRICT,  
21 THE ADDITION IS DEEMED CONTIGUOUS ONLY IF LAND THAT IS OWNED BY OR UNDER THE  
22 JURISDICTION OF THE UNITED STATES GOVERNMENT INTERVENES BETWEEN THE PROPOSED  
23 ADDITION AND THE CURRENT DISTRICT BOUNDARY OR IF LAND THAT IS OWNED BY OR  
24 UNDER THE JURISDICTION OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS  
25 STATE IS INCLUDED IN THE PROPOSED ADDITION AND THIS STATE OR THE GOVERNING  
26 BODY OF THE POLITICAL SUBDIVISION HAS APPROVED THE PROPOSED ADDITION.

27 7. The governing body shall not approve a proposed annexation if the  
28 area proposed to be annexed surrounds any unincorporated territory and that  
29 unincorporated territory is not also included in the district OR IF THE AREA  
30 PROPOSED TO BE ANNEXED IS WITHIN THE BOUNDARIES OF A PLANNING AREA OF A CITY  
31 OR TOWN AND THE GOVERNING BODY OF THE CITY OR TOWN AND ANY OF THE FOLLOWING  
32 APPLIES:

33 (a) THERE IS A PRIVATE ENTITY THAT PROVIDES SERVICE TO THE AREA  
34 PROPOSED TO BE ANNEXED.

35 (b) THE FIRE DISTRICT IS NOT ABLE TO PROVIDE THE SAME LEVEL OF SERVICE  
36 TO THE AREA PROPOSED TO BE ADDED WHEN COMPARED TO ALL OTHER PROPERTY WITHIN  
37 THE EXISTING FIRE DISTRICT, USING DISTRICT RESOURCES ONLY AND NOT THE  
38 RESOURCES OF ANY ADJACENT CITY OR TOWN.

39 8. After receiving the approval of the governing body as provided in  
40 paragraph 5 of this subsection and if no appeal filed pursuant to paragraph  
41 14 of this subsection remains unresolved, any adult person may circulate and  
42 present petitions to the governing body of the district.

43 9. Within fifteen days after receiving the approval of the governing  
44 body as prescribed by paragraph 5 of this subsection, the clerk of the board  
45 shall determine the minimum number of signatures and the assessed valuation

1 required to comply with paragraph 10, subdivision (b) of this subsection.  
2 After making that determination, the number of signatures shall remain fixed  
3 and the assessed valuation of the taxable properties within the boundaries of  
4 the proposed change shall remain fixed for purposes of determining  
5 compliance, notwithstanding any subsequent changes in ownership of the  
6 property within the boundaries of the proposed change.

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

10 (a) At all times, contain a map and general description of the  
11 boundaries of the area to be included within the proposed change sufficiently  
12 detailed to permit a property owner to determine whether a particular  
13 property is included within the proposed change. An alteration of the  
14 described area shall not be made after receiving the approval of the  
15 governing body as provided in paragraph 5 of this subsection. The items  
16 required to be contained with the petition under this subdivision shall be  
17 printed on the back of the petition form required pursuant to section 48-266  
18 unless the size of the items precludes compliance with this requirement. An  
19 error in the legal description of the proposed change shall not invalidate  
20 the petitions if considered as a whole the information provided is sufficient  
21 to identify the property as illustrated in the map required pursuant to this  
22 subdivision.

23 (b) Be signed by owners of more than one-half of the taxable property  
24 units within the boundaries of the proposed change and be signed by persons  
25 owning collectively more than one-half of the assessed valuation of the  
26 property within the boundaries of the proposed change. Property exempt  
27 pursuant to title 42, chapter 11, article 3 shall not be considered in  
28 determining the total assessed valuation of the proposed change nor shall  
29 owners of property not subject to taxation be eligible to sign petitions.

30 11. On receipt of the petitions, including any supplemental signatures  
31 and the report of the county assessor, the governing body shall set a day, at  
32 least ten but not more than thirty days from that date, for a hearing on the  
33 request.

34 12. Prior to the hearing called pursuant to paragraph 11 of this  
35 subsection, the board of supervisors shall determine the validity of the  
36 petitions presented pursuant to subsection B of this section.

37 13. At the hearing called pursuant to paragraph 11 of this subsection,  
38 the governing body, if the petitions are valid, shall order the change to the  
39 boundaries. The governing body shall enter its order setting forth its  
40 determination in the minutes of the meeting, at least ten days from the day  
41 of the hearing, and a copy of the order shall be sent to the officer in  
42 charge of elections and a copy shall be recorded in the county recorder's  
43 office. The order of the governing body shall be final, and the proposed  
44 change shall be made to the district boundaries thirty days after the  
45 governing body votes.

1           14. On filing a verified complaint with the superior court, the  
2 attorney general, the county attorney or any other interested party may  
3 question the validity of the annexation for failure to comply with this  
4 section. The complaint shall include a description of the alleged  
5 noncompliance and shall be filed within thirty days after the governing body  
6 of the district adopts a resolution that annexes the territory of the  
7 district. The burden of proof is on the plaintiff to prove the material  
8 allegations of the verified complaint. An action shall not be brought to  
9 question the validity of an annexation resolution unless it is filed within  
10 the time and for the reasons prescribed in this subsection. All hearings  
11 that are held pursuant to this paragraph and all appeals of any orders shall  
12 be preferred and shall be heard and determined in preference to all other  
13 civil matters, except election actions. If more than one complaint  
14 questioning the validity of an annexation resolution is filed, all complaints  
15 shall be consolidated for the hearing.

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

18           1. Property held in multiple ownership shall be treated as if it had  
19 only one property owner, and the signature of only one of the owners of  
20 property held in multiple ownership is required on the boundary change  
21 petition. The number of persons owning property inside the boundaries of the  
22 proposed boundary change shall be determined as follows:

23           (a) In the case of property assessed by the county assessor, the  
24 number of persons owning property shall be as shown on the most recent  
25 assessment of property.

26           (b) In the case of property valued by the department of revenue, the  
27 number of persons owning property shall be as shown on the most recent  
28 valuation of property.

29           (c) If an undivided parcel of property is owned by multiple owners,  
30 those owners are deemed to be one owner for the purposes of this section.

31           (d) If a person owns multiple parcels of property, that owner is  
32 deemed to be a single owner for the purposes of this section.

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

34           (a) In the case of property assessed by the county assessor, values  
35 shall be the same as those shown on the last assessment roll of the county  
36 containing the property.

37           (b) In the case of property valued by the department of revenue, the  
38 values shall be those determined by the department in the manner provided by  
39 law, for municipal assessment purposes. The county assessor and the  
40 department of revenue, respectively, shall furnish to the governing body,  
41 within twenty days after the request, a statement in writing showing the  
42 owner, the address of each owner and the appraisal or assessment value of  
43 properties contained within the area of a proposed change as described in  
44 subsection A of this section.

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

9           C. For the purposes of determining whether or not the proposed  
10 addition is contiguous, the addition is deemed contiguous if land that is  
11 owned by or under the jurisdiction of the United States government, this  
12 state or any political subdivision of this state, other than an incorporated  
13 city or town, intervenes between the proposed addition and the current  
14 district boundary, EXCEPT THAT FOR A FIRE DISTRICT, THE ADDITION IS DEEMED  
15 CONTIGUOUS ONLY IF LAND THAT IS OWNED BY OR UNDER THE JURISDICTION OF THE  
16 UNITED STATES GOVERNMENT INTERVENES BETWEEN THE PROPOSED ADDITION AND THE  
17 CURRENT DISTRICT BOUNDARY OR IF LAND THAT IS OWNED BY OR UNDER THE  
18 JURISDICTION OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE IS  
19 INCLUDED IN THE PROPOSED ADDITION AND THIS STATE OR THE GOVERNING BODY OF THE  
20 POLITICAL SUBDIVISION HAS APPROVED THE PROPOSED ADDITION. Property shall not  
21 be approved for annexation if the area proposed to be annexed surrounds any  
22 unincorporated territory and that unincorporated territory is not also  
23 included in the district.

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

29           E. If the impact statement described in subsection A of this section  
30 relates to the withdrawal of property from a district, in addition to the  
31 other requirements of subsection A of this section, the governing body shall  
32 also determine:

33           1. If the district has any existing outstanding bonds or other  
34 evidences of indebtedness.

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

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

38           1. The property withdrawn from the district shall remain subject to  
39 taxes, special assessments or fees levied or collected to meet the contracts  
40 and covenants of the bonds. The board of supervisors shall provide for the  
41 levy and collection of taxes, special assessments or fees.

42           2. The governing body shall:

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

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

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

6 G. If the statement described in subsection A, paragraph 1 of this  
7 section requests the annexation of property located within an incorporated  
8 city or town, in addition to the other requirements of subsection A of this  
9 section, the governing body shall approve the district boundary change impact  
10 statement and authorize the circulation of petitions only if the governing  
11 body of the city or town has by ordinance or resolution endorsed the  
12 annexation and the annexation is authorized pursuant to this title.

13 H. Except as provided in ~~subsection~~ SUBSECTIONS C AND D of this  
14 section and section 48-2002, a change in the boundaries of a district  
15 pursuant to this section shall not result in a district that contains area  
16 that is not contiguous.

17 I. Notwithstanding subsection A of this section, any property owner,  
18 including a county, this state or the United States government, whose land is  
19 within a county that contains a sanitary district or fire district and whose  
20 land is contiguous to the boundaries of the sanitary district or fire  
21 district may request in writing that the governing body of the district amend  
22 the district boundaries to include that property owner's land. If the  
23 property is located in an incorporated city or town, in addition to the other  
24 requirements prescribed in this subsection, the governing body of the fire  
25 district or sanitary district may approve the boundary change only if the  
26 governing body of the affected city or town by ordinance or resolution has  
27 approved the inclusion of the property in the district. If the governing  
28 body determines that the inclusion of that property will benefit the district  
29 and the property owner, the boundary change may be made by order of the  
30 governing body and is final on the recording of the governing body's order  
31 that includes a legal description of the property that is added to the  
32 district. A petition and impact statement are not required for an amendment  
33 to a sanitary district's or fire district's boundaries made pursuant to this  
34 subsection.

35 ~~J. Until August 1, 2014, in a county with a population greater than~~  
36 ~~two million persons, notwithstanding subsection I of this section, any~~  
37 ~~property owner, including the United States, this state or a county, whose~~  
38 ~~land is within two thousand six hundred forty feet of an adjacent sanitary~~  
39 ~~district or fire district, not contiguous to the boundaries of the sanitary~~  
40 ~~district or fire district and within an unincorporated area or county island~~  
41 ~~may request in writing that the governing body of the district amend the~~  
42 ~~district boundaries to include that property owner's land.~~

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

1           ~~L.~~ K. A fire district, community park maintenance district or  
2 sanitary district may appropriate and spend monies ~~as necessary or reasonably~~  
3 ~~required~~ to assist one or more individuals or entities to change the  
4 district's boundaries pursuant to this section. THIS EXPENDITURE OF MONIES  
5 IS LAWFUL ONLY IF THE DISTRICT BOARD REMAINS IMPARTIAL AND IF THE EVENTS,  
6 MATERIALS AND OTHER MATTERS THAT ARE PAID FOR WITH DISTRICT MONIES ARE  
7 IMPARTIAL AND INFORMATIONAL ONLY. THE ATTORNEY GENERAL OR THE COUNTY  
8 ATTORNEY OF A COUNTY IN WHICH THE MAJORITY OF THE DISTRICT IS LOCATED MAY  
9 FILE AN ACTION IN THE SUPERIOR COURT TO REMEDY A VIOLATION OF THIS  
10 SUBSECTION.

11           ~~M.~~ L. Notwithstanding subsection A of this section, if an  
12 incorporated city or town has previously adopted a resolution designating a  
13 fire district as the fire service agency for the city or town, the  
14 jurisdictional boundaries of the fire district without further notice or  
15 election shall be changed to include any property annexed into the city or  
16 town. If the annexation occurs pursuant to a joint petition for annexation,  
17 any joint petition for annexation shall clearly indicate in its title and in  
18 the notice required in the petition that the property to be annexed will be  
19 subject to the jurisdiction of both the city or town and the fire district.  
20 A joint petition for annexation shall comply with both section 9-471 and this  
21 section. Any fire district boundary change that occurs through city or town  
22 annexation pursuant to this subsection is effective on the effective date of  
23 the annexation by the incorporated city or town. If an incorporated city or  
24 town that has designated a fire district as the fire service agency for that  
25 city or town annexes property that is already part of another fire district,  
26 the annexed property shall remain part of the fire district in which it was  
27 located before the city or town's annexation.

28           ~~N.~~ M. Notwithstanding subsection I of this section, from August 2,  
29 2012 until July 1, 2015, in counties with a population of more than two  
30 million five hundred thousand persons, any property owner, including the  
31 United States, this state or a county, whose land is within two thousand six  
32 hundred forty feet of an adjacent sanitary district or fire district and is  
33 not contiguous to the boundaries of the sanitary district or fire district  
34 may request in writing that the governing body of the district amend the  
35 district boundaries to include that property owner's land. If the property  
36 is located in an incorporated city or town, in addition to the other  
37 requirements prescribed in this subsection, the governing body of the  
38 sanitary district or fire district may approve the boundary change only if  
39 the governing body of the affected city or town, by ordinance or resolution,  
40 has approved the inclusion of the property in the district. If the governing  
41 body determines that the inclusion of that property will benefit the district  
42 and the property owner, the boundary change may be made by order of the  
43 governing body and is final on the recording of the governing body's order  
44 that includes a general description of the property, including the assessor's  
45 parcel number, that is added to the district. A petition and impact

1 statement are not required for an amendment to a sanitary district's or fire  
2 district's boundaries made pursuant to this subsection.

3 N. IN A COUNTY WITH A POPULATION OF AT LEAST ONE MILLION FIVE HUNDRED  
4 THOUSAND PERSONS, IF THE AREA ANNEXED IS WITHIN THE BOUNDARIES OF A PLANNING  
5 AREA OF A CITY OR TOWN AND THE FIRE DISTRICT IS NOT ABLE TO PROVIDE THE SAME  
6 LEVEL OF SERVICE TO THE ANNEXED AREA WHEN COMPARED TO ALL OTHER PROPERTY  
7 WITHIN THE EXISTING FIRE DISTRICT, BOTH OF THE FOLLOWING APPLY:

8 1. COMMENCING ON THE FIRST DAY OF THE CALENDAR YEAR IN WHICH THE  
9 ANNEXING FIRE DISTRICT SHALL RECEIVE AD VALOREM TAX REVENUES FROM THE AREA  
10 ANNEXED, THE FIRE DISTRICT SHALL PAY TO THE RESPONDING ENTITY A PERCENTAGE OF  
11 THE AD VALOREM TAX REVENUE COLLECTED IN THE ANNEXED AREA. THE AMOUNT IS  
12 DETERMINED BY CALCULATING THE NUMBER OF CALLS THAT THE FIRE DISTRICT DID NOT  
13 RESPOND TO IN THE ANNEXED AREA DIVIDED BY THE TOTAL NUMBER OF CALLS IN THE  
14 ANNEXED AREA.

15 2. THE CITY OR TOWN SEEKING PAYMENT HAS THE BURDEN OF PROOF BY A  
16 PREPONDERANCE OF THE EVIDENCE THAT THE FIRE DISTRICT HAS FAILED TO PROVIDE  
17 THE SAME LEVEL OF SERVICE TO THE ANNEXED AREA.

18 0. For the purposes of this section, assessed valuation does not  
19 include property exempt pursuant to title 42, chapter 11, article 3.

20 Sec. 2. Section 48-805, Arizona Revised Statutes, is amended to read:

21 48-805. Fire district; powers and duties

22 A. A fire district, through its board, shall:

23 1. Hold public meetings at least once each calendar month unless a  
24 board consists of three members and the fire district levies less than five  
25 hundred thousand dollars annually then the board shall meet in July and at  
26 least every two months thereafter. A board for a district organized pursuant  
27 to article 3 of this chapter shall hold public meetings at least every two  
28 months.

29 2. Determine the compensation payable to district personnel.

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

37 B. A fire district, through its board, may:

38 1. Employ any personnel and provide services deemed necessary for fire  
39 protection, for preservation of life and for carrying out its other powers  
40 and duties, including providing ambulance transportation services when  
41 authorized to do so pursuant to title 36, chapter 21.1, article 2, but a  
42 member of a district board shall not be an employee of the district. The  
43 merger of two or more fire districts pursuant to section 48-820 or the  
44 consolidation with one or more fire districts pursuant to section 48-822

1 shall not expand the boundaries of an existing certificate of necessity  
2 unless authorized pursuant to title 36, chapter 21.1, article 2.

3 2. Construct, purchase, lease, lease-purchase or otherwise acquire the  
4 following or any interest therein and, in connection with the construction or  
5 other acquisition, purchase, lease, lease-purchase or grant a lien on any or  
6 all of its present or future property, including:

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

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

11 3. Finance the acquisition of property as provided in this section and  
12 costs incurred in connection with the issuance of bonds as provided in  
13 section 48-806. Bonds shall not be issued without the consent of a majority  
14 of the electors of the district voting at an election held for that purpose.  
15 For the purposes of an election held under this paragraph, all persons who  
16 are eligible to vote in fire district elections under section 48-802 are  
17 eligible to vote.

18 4. Enforce the fire code adopted by the district, if any, and assist  
19 the state fire marshal in the enforcement of fire protection standards of  
20 this state within the fire district including enforcement of a nationally  
21 recognized fire code if expressly authorized by the state fire marshal.

22 5. After the approval of the qualified electors of the fire district  
23 voting at a regular district election or at a special election called for  
24 that purpose by the district board, as appropriate, or at any election held  
25 in the county that encompasses the fire district, adopt the \_\_\_\_\_ fire  
26 code, which is a nationally recognized fire code approved by the state fire  
27 marshal. The words appearing on the ballots shall be "should \_\_\_\_\_  
28 fire district adopt the \_\_\_\_\_ fire code, which is a nationally  
29 recognized fire code approved by the state fire marshal--yes", "should  
30 \_\_\_\_\_ fire district adopt the \_\_\_\_\_ fire code, which is a  
31 nationally recognized fire code approved by the state fire marshal--no". The  
32 code shall be enforced by the county attorney in the same manner as any other  
33 law or ordinance of the county. Any inspection or enforcement costs are the  
34 responsibility of the fire district involved. The district shall keep the  
35 code on file which shall be open to public inspection for a period of thirty  
36 days before any election for the purpose of adopting a fire code. Copies of  
37 the order of election shall be posted in three public places in the district  
38 at least twenty days before the date of the election, and if a newspaper is  
39 published in the county having a general circulation in the district, the  
40 order shall be published in the newspaper at least once a week during each of  
41 the three calendar weeks preceding the calendar week of the election.

42 6. Amend or revise the adopted fire code, including replacement of the  
43 adopted fire code with an alternative nationally recognized fire code, with  
44 the approval of the state fire marshal and after a hearing held pursuant to  
45 posted and published notice as prescribed by section 48-805.02, subsection A.

1 The district shall keep three copies of the adopted code, amendments and  
2 revisions on file for public inspection.

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

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

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

11 10. Retain private legal counsel.

12 11. Accept gifts, contributions, bequests and grants and comply with  
13 any requirements of those gifts, contributions, bequests and grants that are  
14 not inconsistent with this article.

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

18 13. Adopt resolutions establishing fee schedules both within and  
19 outside of the jurisdictional boundaries of the district for providing fire  
20 protection services and services for the preservation of life, including  
21 emergency fire and emergency medical services, plan reviews, standby charges,  
22 fire cause determination, users' fees or facilities benefit assessments or  
23 any other fee schedule that may be required.

24 14. With the approval of two of the three members of a three-member  
25 board, four of the five members of a five-member board or five of the seven  
26 members of a seven-member board, change the district's name and on so doing  
27 shall give written notice to the board of supervisors of the change. The  
28 governing board of a fire district may place a question on the general  
29 election ballot as to whether the fire district shall change its name.

30 15. Require all employees to submit a full set of fingerprints as  
31 prescribed by subsection A, paragraph 3 of this section.

32 16. BEGINNING IN THE FIRST YEAR FOLLOWING THE EFFECTIVE DATE OF THIS  
33 AMENDMENT TO THIS SECTION AND EVERY TEN YEARS THEREAFTER, ADOPT OR REVISE A  
34 MAP THAT IDENTIFIES A FIRE DISTRICT PLANNING AREA THAT INCLUDES ALL OF THE  
35 AREAS THAT THE FIRE DISTRICT EXPECTS TO ANNEX AND PROVIDE SERVICE TO IN THE  
36 SUBSEQUENT TEN YEARS AND DO BOTH OF THE FOLLOWING:

37 (a) IDENTIFY THOSE AREAS EXPECTED TO BE ANNEXED AND THAT ARE  
38 ANTICIPATED TO RECEIVE A LOWER LEVEL OF SERVICE WHEN COMPARED TO THE  
39 REMAINDER OF THE EXISTING FIRE DISTRICT.

40 (b) NOTIFY EACH CITY OR TOWN THAT IS LOCATED WITHIN THE FIRE DISTRICT  
41 PLANNING AREA OR WITHIN ONE MILE OF THE FIRE DISTRICT PLANNING AREA.

42 ~~16-~~ 17. Enter into intergovernmental agreements or contracts as  
43 follows:

44 (a) Enter into an intergovernmental agreement with another political  
45 subdivision for technical or administrative services or to provide fire

1 services to the property owned by the political subdivision, including  
2 property that is outside the district boundary.

3 (b) Enter into a contract with individuals to provide technical or  
4 administrative services.

5 (c) Enter into a contract with individuals to provide fire protection  
6 services or emergency medical services, or both, to the extent not regulated  
7 by title 36, chapter 21.1 to property owned by the individual located outside  
8 the district boundaries if the individual's property is not located in a  
9 county island as defined in section 11-251.12 and at least one of the  
10 following apply:

11 (i) The existing fire service provider where the individual's property  
12 is located has issued a notice to the individual that the provider plans to  
13 discontinue service.

14 (ii) Fire service is not available to the individual's property.

15 (iii) Fire service is offered pursuant to a contract or subscription  
16 and the individual has not obtained service for a period of twenty-four  
17 months before the date of the contract with the district.

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

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

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

29 (e) For the purposes of subdivision (a), (b), (c) or (d) of this  
30 paragraph, a district may contract with any public or private fire service  
31 provider to provide some or all of the contractual services the district is  
32 contracting to deliver.

33 (f) Any contract entered into pursuant to subdivisions (b), (c) and  
34 (d) of this paragraph shall include a provision setting forth the cost of  
35 service and performance criteria.

36 C. A fire district may not administratively add or annex additional  
37 property or delete property or otherwise modify its boundaries except in a  
38 merger or consolidation pursuant to this chapter or in a boundary change made  
39 pursuant to section 48-262. This subsection does not apply to a district  
40 organized pursuant to article 3 of this chapter.

41 D. The chairman and clerk of the district board or their respective  
42 designees, as applicable, shall draw warrants on the county treasurer for  
43 money required to operate the district in accordance with the budget and, as  
44 so drawn, the warrants shall be sufficient to authorize the county treasurer  
45 to pay from the fire district fund.

1           E. For any fire district that designates one or more board members to  
2 have access to the financial books and records of the district, those board  
3 members are authorized by law to have full access to those financial books  
4 and records.

5           F. The district board may assess and levy a secondary property tax  
6 pursuant to this article to pay for the costs of fire protection services or  
7 emergency medical services except for services regulated pursuant to title  
8 36, chapter 21.1.

9           G. The county attorney may advise and represent the district if in the  
10 county attorney's judgment the advice and representation are appropriate and  
11 not in conflict with the county attorney's duties under section 11-532. If  
12 the county attorney is unable to advise and represent the district due to a  
13 conflict of interest, the district may retain private legal counsel or may  
14 request the attorney general to represent it, or both.