

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

# HOUSE BILL 2660

AN ACT

AMENDING SECTION 48-1012, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC  
WATER IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 48-1012, Arizona Revised Statutes, is amended to  
3 read:

4 48-1012. Elected board of directors; initial members;  
5 qualifications; terms; filling vacancy; chairperson;  
6 reorganization; qualifications of electors

7 A. At the option of the board of supervisors after presentation of a  
8 petition requesting the establishment of a domestic water improvement  
9 district or a domestic wastewater improvement district, or ~~upon~~ ON the  
10 submission of a separate petition following the establishment of an  
11 improvement district as prescribed by section 48-903, and subsequent to the  
12 approval of the county board of supervisors, the district shall be governed  
13 by an elected board of directors. The elected board shall consist of the  
14 number of members, not less than three, specified in the petition for  
15 establishment of the district. The first directors of such board shall be  
16 selected by the board of supervisors at the time the district is established.  
17 Members of the board of directors shall be qualified electors of the district  
18 and, after the members first appointed by the board of supervisors, shall be  
19 elected by the qualified electors of the district.

20 B. Immediately after the selection and qualification of the first  
21 directors of the board, the directors shall meet and divide themselves by lot  
22 into two classes as nearly equal in number as possible. Directors of the  
23 first class shall serve for a term of four years, and directors of the second  
24 class shall serve for a term of two years. Every director shall continue to  
25 discharge the duties of office until a successor is appointed and  
26 qualifies. Thereafter, at each regular election, one director for each  
27 expired term shall be elected and shall hold office for a term of four years,  
28 and until a successor is elected and qualifies. The dates of elections and  
29 of expiration of terms shall be specified in the petition for establishment  
30 of the district.

31 C. If a vacancy in the district board occurs due to death or  
32 disability or any other cause other than resignation, the board of directors  
33 of the district shall appoint a qualified elector of the district to fill the  
34 office for the remaining portion of that term. If there is a vacancy in the  
35 district board due to resignation, the district board shall accept the  
36 resignation and appoint a qualified elector to fill the remaining portion of  
37 that term of office. If the district board lacks a quorum for any reason for  
38 more than thirty days, the county board of supervisors may revoke the  
39 authority of the appointed or elected board of directors pursuant to section  
40 48-1016.

41 D. The board of directors shall annually elect a chairperson from  
42 among its members.

43 E. If only one person files or no person files a nominating petition  
44 for election to fill a position on the board of directors of the district,  
45 the county board of supervisors, by resolution, may cancel the election for

1 that office and appoint the person who filed the nominating petition to fill  
2 that position. If no person files a nominating petition for an election to  
3 fill a district board office, the county board of supervisors, by resolution,  
4 may cancel the election for those offices and those offices are deemed vacant  
5 and shall be filled as otherwise provided by law. A person who is appointed  
6 pursuant to this section is fully vested with the powers and duties of the  
7 office as if elected to that office.

8 F. THE BOARD OF SUPERVISORS SHALL MAKE AN ORDER CALLING AN ELECTION TO  
9 DECIDE WHETHER TO REORGANIZE A DOMESTIC WATER IMPROVEMENT DISTRICT THAT HAS A  
10 BOARD CONSISTING OF THREE MEMBERS AS A DOMESTIC WATER IMPROVEMENT DISTRICT  
11 THAT HAS A BOARD CONSISTING OF FIVE MEMBERS WHEN A PETITION CONTAINING THE  
12 SIGNATURES OF TWENTY-FIVE PERCENT OF THE QUALIFIED ELECTORS RESIDING WITHIN  
13 THE DISTRICT AND REQUESTING THAT THE DISTRICT BE REORGANIZED IS FILED WITH  
14 THE BOARD EXCEPT THE BOARD OF SUPERVISORS MAY NOT CALL FOR A REORGANIZATION  
15 ELECTION TO EXPAND THE NUMBER OF DIRECTORS ON THE DISTRICT BOARD MORE  
16 FREQUENTLY THAN ONCE EVERY TWO YEARS. THE ELECTION MAY BE HELD ON ANY  
17 CONSOLIDATED ELECTION DATE AS PRESCRIBED IN SECTION 16-204. THE DOMESTIC  
18 WATER IMPROVEMENT DISTRICT SHALL REIMBURSE THE COUNTY FOR THE EXPENSES OF THE  
19 DISTRICT ELECTION. THE BOARD OF SUPERVISORS SHALL GIVE NOTICE OF THE  
20 ELECTION BY POSTING COPIES OF THE ORDER OF ELECTION IN THREE PUBLIC PLACES  
21 WITHIN THE DISTRICT NOT LESS THAN TWENTY DAYS BEFORE THE DATE OF THE ELECTION  
22 AND IF A NEWSPAPER IS PUBLISHED WITHIN THE COUNTY HAVING A GENERAL  
23 CIRCULATION WITHIN THE DISTRICT, THE ORDER SHALL BE PUBLISHED IN THE  
24 NEWSPAPER NOT LESS THAN ONCE A WEEK DURING EACH OF THE THREE CALENDAR WEEKS  
25 PRECEDING THE CALENDAR WEEK OF THE ELECTION. THE BALLOT FOR THE ELECTION  
26 SHALL STATE "SHALL THE CURRENT THREE-MEMBER DOMESTIC WATER IMPROVEMENT  
27 DISTRICT BOARD BE REORGANIZED TO A FIVE-MEMBER BOARD - YES OR NO". THE  
28 BALLOT SHALL ALSO ALLOW EACH ELECTOR TO INDICATE THE ELECTOR'S CHOICE FOR TWO  
29 ADDITIONAL BOARD MEMBERS IN THE EVENT OF REORGANIZATION. WITHIN TWENTY DAYS  
30 AFTER THE ELECTION, THE BOARD OF SUPERVISORS SHALL MEET AND CANVASS THE  
31 RETURNS, AND IF IT IS DETERMINED THAT A MAJORITY OF THE VOTES CAST AT THE  
32 ELECTION WERE IN FAVOR OF REORGANIZING THE DOMESTIC WATER IMPROVEMENT  
33 DISTRICT AS A DISTRICT WITH A FIVE-MEMBER BOARD, THE BOARD SHALL ENTER THAT  
34 FACT ON ITS MINUTES, DECLARE THE DISTRICT DULY REORGANIZED AND ANNOUNCE THE  
35 NAMES OF THOSE ELECTED TO THE DISTRICT BOARD.

36 ~~F.~~ G. For the purposes of either a domestic water improvement  
37 district or a domestic wastewater improvement district that is organized  
38 pursuant to this article and that serves at the time of organization a  
39 population of ten thousand persons or less ~~according to the most recent~~  
40 ~~United States decennial census~~, in addition to any other qualified elector of  
41 the district, any natural person who is a qualified elector of this state and  
42 who is a real property owner within the district is eligible to vote in a  
43 district election without regard to that person's residency and shall be  
44 deemed a qualified elector of the district for purposes of service on the  
45 board of directors.