

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2198

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 48-803, Arizona Revised Statutes, is amended to
3 read:

4 48-803. District administered by a district board; report

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

1 majority vote of the district board. The increase is effective for the
2 election of the additional members at the next regular election of members of
3 the district board.

4 B. If a vacancy occurs on the district board other than from
5 expiration of a term, A QUORUM OF the ~~remaining~~ board members shall fill the
6 vacancy by appointment of an interim member and except for a district formed
7 pursuant to article 3 of this chapter, A QUORUM OF the ~~remaining~~ board
8 members shall fill the vacancy within ninety days after the date the vacancy
9 occurs. Except for a district formed pursuant to article 3 of this chapter,
10 if the ~~remaining~~ QUORUM OF district board members do not appoint an interim
11 member within that ninety-day period, the board of supervisors shall appoint
12 an interim member to the district board within sixty days after expiration of
13 the ninety-day period, and if the district is located in more than one
14 county, the board of supervisors of the county in which the majority of the
15 assessed valuation of the district is located shall make the appointment
16 after the expiration of the ninety-day period. If the entire board resigns
17 or for any reason cannot fulfill its duties, OR DOES NOT HAVE REMAINING BOARD
18 MEMBERS SUFFICIENT TO CONSTITUTE A QUORUM OF THE BOARD, the board of
19 supervisors shall appoint INTERIM DISTRICT BOARD MEMBERS TO FILL THE
20 VACANCIES, OR an administrator to administer the district with the same
21 duties and obligations of the elected board ~~If the board of supervisors fails~~
22 ~~to appoint an administrator within thirty days after the resignation of the~~
23 ~~entire board or its inability to fulfill its duties, a special election shall~~
24 ~~be held to fill the vacancies on the fire district board TO SERVE UNTIL THE~~
25 ~~NEXT ELECTION. A MAJORITY OF THE BOARD CONSTITUTES A QUORUM FOR THE~~
26 ~~TRANSACTION OF BUSINESS.~~

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

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

31 E. The district board shall elect from its members a chairman and a
32 clerk. Except for a district formed pursuant to article 3 of this chapter,
33 the election of the chairman and the clerk must occur at the district board
34 meeting that first occurs in the month immediately following each general
35 election.

36 F. For districts formed under article 3 of this chapter, of the
37 members first elected to district boards consisting of three members, the two

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

20 G. For any fire district **THAT IS** administered by a three-member board
21 and that levies taxes in a fiscal year in the amount of five hundred thousand
22 dollars or more, the district must be administered by a five-member board.~~;~~
23 Beginning with the first general election held after the end of the fiscal
24 year in which the district levied the prescribed amount, the change to a
25 five-member board must occur as prescribed in this subsection. On levying
26 the prescribed amount, the district may not reorganize as a three-member
27 board regardless of any subsequent change in the district's levy. For three-
28 person boards with a single vacancy for an existing board membership position
29 and that are adding two additional members, the three persons with the
30 highest number of votes are elected to a four-year term of office. For
31 three-person boards with two vacancies for existing board membership
32 positions and that are adding two additional members, the three persons with
33 the first, second and third highest numbers of votes are elected to four-year
34 terms of office and the person with the fourth highest number of votes is
35 elected to a two-year term of office. Thereafter, all terms of office for
36 members of these five-person boards of directors must be four years. This
37 subsection applies to any three-member board that is expanding to a five-

1 member board, regardless of whether the expansion is the result of the amount
2 of the district's levy. This subsection does not apply to districts formed
3 under article 3 of this chapter.

4 H. Beginning with the 2014 general election and except for a district
5 formed pursuant to article 3 of this chapter, all persons who are elected or
6 appointed to a fire district board and the fire chief who is appointed or
7 hired by the district board shall attend professional development training
8 that is provided by an association of Arizona fire districts. District board
9 members and the fire chief shall complete at least six hours of professional
10 development training, with board members completing their training within one
11 year after the date of the certification of their election and for the fire
12 chief, within one year after the date of hiring. The fire district shall
13 reimburse board members and the fire chief for the reasonable costs of the
14 training. The professional development training must include training on
15 open meetings laws, finance and budget matters and laws relating to fire
16 district governance and other matters that are reasonably necessary for the
17 effective administration of a fire district.

18 I. On or before December 31 of each year, the fire district
19 association that has provided training required pursuant to subsection H of
20 this section shall submit a report that ~~describes the compliance with~~ **LISTS**
21 **THE ELECTED OFFICIALS AND FIRE CHIEFS WHO ATTENDED** the training ~~requirements~~
22 to the county board of supervisors for every county in which the fire
23 district operates. The annual report must include at least the following:

24 1. A compilation of the professional development training delivered by
25 the association pursuant to this section and the names of the fire district
26 board members and fire chiefs who ~~are compliant and noncompliant with the~~
27 ~~requirements of~~ **ATTENDED TRAINING AS REQUIRED BY** this section.

28 2. Recommendations regarding improvements to the laws of this state or
29 to administrative actions that are required under the laws of this state
30 pertaining to fire districts.

31 J. For fire district governing board members and fire chiefs who are
32 required to attend professional development training pursuant to subsection H
33 of this section, a fire district governing board member or fire chief who
34 fails to complete the professional development training within the time
35 prescribed in this section is guilty of nonfeasance in office. Any person
36 may make a formal complaint to the county board of supervisors regarding this
37 failure to comply, and the county board of supervisors may submit the

1 complaint to the county attorney for possible action. The county attorney
2 may take appropriate action to achieve compliance, including filing an action
3 in superior court against a fire district governing board member or a fire
4 chief for failure to comply with the professional development training
5 requirements prescribed in this section. If the court determines that a fire
6 district governing board member or fire chief failed to comply with the
7 professional development training requirements prescribed in this section,
8 the court shall issue an order removing the fire district governing board
9 member from office or the fire chief from employment or appointment with the
10 district. Any vacancy in the office of a fire district governing board as a
11 result of a court order that is issued pursuant to this subsection must be
12 filled in the manner provided by law."

13 Amend title to conform

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