

REFERENCE TITLE: fire districts; vacancies; board operations

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

## **HB 2198**

Introduced by  
Representatives Coleman, Carter, Fann: Bowers, Brophy McGee, Livingston,  
Mesnard, Shope, Weninger

AN ACT

AMENDING SECTION 48-803, ARIZONA REVISED STATUTES; 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 48-803, 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  
28 majority vote of the district board. The increase is effective for the  
29 election of the additional members at the next regular election of members of  
30 the district board.

31 B. If a vacancy occurs on the district board other than from  
32 expiration of a term, **A QUORUM OF** the remaining board members shall fill the  
33 vacancy by appointment of an interim member and except for a district formed  
34 pursuant to article 3 of this chapter, **A QUORUM OF** the remaining board  
35 members shall fill the vacancy within ninety days after the date the vacancy  
36 occurs. Except for a district formed pursuant to article 3 of this chapter,  
37 if **A QUORUM OF** the remaining district board members do not appoint an interim  
38 member within that ninety-day period, the board of supervisors shall appoint  
39 an interim member to the district board within sixty days after expiration of  
40 the ninety-day period, and if the district is located in more than one  
41 county, the board of supervisors of the county in which the majority of the  
42 assessed valuation of the district is located shall make the appointment  
43 after the expiration of the ninety-day period. If the entire board resigns  
44 or for any reason cannot fulfill its duties **OR IF THE BOARD LACKS SUFFICIENT**  
45 **MEMBERS TO CONSTITUTE A QUORUM**, the board of supervisors shall appoint an

1 administrator ~~to~~ WHO SHALL administer the district with the same duties and  
2 obligations of the elected board AND WHO SHALL SERVE UNTIL THE BOARD MEMBERS  
3 TAKE OFFICE AFTER THE NEXT GENERAL ELECTION OR UNTIL A SPECIAL ELECTION IS  
4 CALLED TO FILL VACANCIES ON THE FIRE DISTRICT BOARD OF DIRECTORS. If the  
5 board of supervisors fails to appoint an administrator within thirty days  
6 after the resignation of the entire board or its inability to fulfill its  
7 duties OR ACHIEVE A QUORUM, a special election shall be held to fill the  
8 vacancies on the fire district board.

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

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

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

18 F. For districts formed under article 3 of this chapter, of the  
19 members first elected to district boards consisting of three members, the two  
20 people receiving the first and second highest number of votes shall be  
21 elected to four-year terms, and the person receiving the third highest number  
22 of votes shall be elected to a two-year term. Of the members first elected  
23 to district boards consisting of five members, the three people receiving the  
24 first, second and third highest number of votes shall be elected to four-year  
25 terms, and the two people receiving the fourth and fifth highest number of  
26 votes shall be elected to two-year terms. Thereafter, the term of office of  
27 each district board member shall be four years from the first day of the  
28 month next following such member's election. Of the members elected as  
29 additional members to a five-member district board, the person with the  
30 highest number of votes is elected to a four-year term and the person with  
31 the second highest number of votes is elected to a two-year term. If a  
32 district resolves to increase the governing board to seven members pursuant  
33 to subsection A of this section, the governing board may appoint two  
34 additional members to serve until the next general election. After the  
35 general election at which the two additional members are elected, the newly  
36 elected member with the highest number of votes serves a four-year term and  
37 the other member serves a two-year term. Thereafter, the term of office for  
38 these two new members is four years.

39 G. For any fire district THAT IS administered by a three-member board  
40 and that levies taxes in a fiscal year in the amount of five hundred thousand  
41 dollars or more, the district must be administered by a five-member board. ~~;~~  
42 Beginning with the first general election held after the end of the fiscal  
43 year in which the district levied the prescribed amount, the change to a  
44 five-member board must occur as prescribed in this subsection. On levying  
45 the prescribed amount, the district may not reorganize as a three-member

1 board regardless of any subsequent change in the district's levy. For  
2 three-person boards with a single vacancy for an existing board membership  
3 position and that are adding two additional members, the three persons with  
4 the highest number of votes are elected to a four-year term of office. For  
5 three-person boards with two vacancies for existing board membership  
6 positions and that are adding two additional members, the three persons with  
7 the first, second and third highest numbers of votes are elected to four-year  
8 terms of office and the person with the fourth highest number of votes is  
9 elected to a two-year term of office. Thereafter, all terms of office for  
10 members of these five-person boards of directors must be four years. This  
11 subsection applies to any three-member board that is expanding to a  
12 five-member board, regardless of whether the expansion is the result of the  
13 amount of the district's levy. This subsection does not apply to districts  
14 formed under article 3 of this chapter.

15 H. Beginning with the 2014 general election and except for a district  
16 formed pursuant to article 3 of this chapter, all persons who are elected or  
17 appointed to a fire district board and the fire chief who is appointed or  
18 hired by the district board shall attend professional development training  
19 that is provided by an association of Arizona fire districts. District board  
20 members and the fire chief shall complete at least six hours of professional  
21 development training, with board members completing their training within one  
22 year after the date of the certification of their election and for the fire  
23 chief, within one year after the date of hiring. The fire district shall  
24 reimburse board members and the fire chief for the reasonable costs of the  
25 training. The professional development training must include training on  
26 open meetings laws, finance and budget matters and laws relating to fire  
27 district governance and other matters that are reasonably necessary for the  
28 effective administration of a fire district.

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

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

39 2. Recommendations regarding improvements to the laws of this state or  
40 to administrative actions that are required under the laws of this state  
41 pertaining to fire districts.

42 J. For fire district governing board members and fire chiefs who are  
43 required to attend professional development training pursuant to subsection H  
44 of this section, a fire district governing board member or fire chief who  
45 fails to complete the professional development training within the time

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