

FIRE DISTRICT

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48-802. Election procedures; qualifications

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

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

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

D. In elections for district board members:

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

2. Candidates must be, and during incumbency must remain, qualified electors of the fire district and, except for a district formed pursuant to article 3 of this chapter, must be a resident of the district for at least one year immediately preceding the date of the election. In a fire district that is divided into precincts as prescribed by subsection B of this section, candidates shall be qualified electors of the precinct in which they are candidates and during incumbency must remain qualified electors of that precinct. Except for a district formed pursuant to article 3 of this chapter, a person is not eligible to be a candidate for election to the fire district board if that person is related by affinity or consanguinity within the third degree to a person who serves on the board during the potential candidate's term of office. Any person who violates this paragraph is not eligible to serve on the board.

3. Elections, other than special elections to fill a vacancy or elections to merge or dissolve fire districts, shall be held on the first Tuesday after the first Monday in November of the first even numbered year following the year the district is declared organized by the board of supervisors and every two years thereafter on the first Tuesday after the first Monday in November.

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

5. Except for a district organized pursuant to article 3 of this chapter, for an election to reorganize a fire district, any person seeking election to the governing body that would be formed or expanded if the reorganization is approved shall comply with the nomination requirements for a candidate as prescribed by title 16, chapter 3, including filing a nomination paper and nomination petition to appear as a candidate on the reorganization election ballot.

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

E. In an election to reorganize, notice of the appropriate order of the board of supervisors or governing body of the district shall be given as prescribed by title 16, chapter 2.

F. In an election to merge fire districts, notice of the appropriate order of the board of supervisors shall be given as prescribed by title 16, chapter 2. In addition, notice of the election with an accurate map of the territory proposed to be merged shall be sent by first class mail to each owner of property that would be subject to taxation by the merged district at least sixty days before the election. An order to hold an election shall be issued not more than thirty days after the receipt of the resolution to merge fire districts pursuant to section 48-820.

G. In an election to consolidate fire districts, notice of the appropriate order of the board of supervisors shall be given as prescribed by title 16, chapter 2. In addition, notice of the election with an accurate map of the territory proposed to be consolidated shall be sent by first class mail to each owner of property that would be subject to taxation by the consolidated district at least sixty days before the election. An order to hold an election shall be issued not more than thirty days after the receipt of the resolution to consolidate fire districts pursuant to section 48-822.

FIRE DISTRICT - ADMINISTRATION

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

A. In a district that the board of supervisors estimates has a population of fewer than four thousand inhabitants, the district board may consist of three or five members. In a district that the board of supervisors estimates has a population of four thousand or more inhabitants, the district board shall consist of five members, and for a noncontiguous county island fire district formed pursuant to section 48-851, the board shall consist of five members. The estimate of population by the board of supervisors is conclusive and shall be based on available census information, school attendance statistics, election or voter registration statistics, estimates provided by state agencies or the county assessor, or other information as deemed appropriate by the board of supervisors. If the board of supervisors determines, at any time prior to one hundred twenty days before the next regular scheduled election for members of a district board, that the population of a fire district administered by a district board consisting of three members exceeds four thousand inhabitants, estimated as provided in this section, the board of supervisors shall order an increase in the number of members of the district board. If the board of supervisors determines at any time prior to one hundred eighty days before the next regularly scheduled election for members of a district board that the population of a fire district administered by a district board that consists of five members exceeds fifty thousand inhabitants as prescribed in this section, the board of supervisors shall inform the district board that it may expand to seven members. Any expansion to seven members shall occur by majority vote of the district board. The increase is effective for the election of the additional members at the next regular election of members of the district board.

B. If a vacancy occurs on the district board other than from expiration of a term, a quorum of the board members shall fill the vacancy by appointment of an interim member and except for a district formed pursuant to article 3 of this chapter, a quorum of the board members shall fill the vacancy within ninety days after the date the vacancy occurs. Except for a district formed pursuant to article 3 of this chapter, if the quorum of district board members do not appoint an interim member within that ninety-day period, the board of supervisors shall appoint an interim member to the district board within sixty days after expiration of the ninety-day period, and if the district is located in more than one county, the board of supervisors of the county in which the majority of the assessed valuation of the district is located shall make the appointment after the expiration of the ninety-day period. If the entire board resigns or for any reason cannot fulfill its duties, or does not have remaining board members sufficient to constitute a quorum of the board, the board of supervisors shall appoint interim district board members to fill the vacancies, or an administrator to administer the district with the same duties and obligations of the elected board to serve until the next election. A majority of the board constitutes a quorum for the transaction of business.

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

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

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

F. For districts formed under article 3 of this chapter, of the members first elected to district boards consisting of three members, the two people receiving the first and second highest number of votes shall be elected to four-year terms, and the person receiving the third highest number of votes shall be elected to a two-year term. Of the members first elected to district boards consisting of five members, the three people receiving the first, second and third highest number of votes shall be elected to four-year terms, and the two people receiving the fourth and fifth highest number of votes shall be elected to two-year terms. Thereafter, the term of office of each district board member shall be four years from the first day of the month next following such member's election. Of the members elected as additional members to a five-member district board, the person with the highest number of votes is elected to a four-year term and the person with the second highest number of votes is elected

to a two-year term. If a district resolves to increase the governing board to seven members pursuant to subsection A of this section, the governing board may appoint two additional members to serve until the next general election. After the general election at which the two additional members are elected, the newly elected member with the highest number of votes serves a four-year term and the other member serves a two-year term. Thereafter, the term of office for these two new members is four years.

G. For any fire district that is administered by a three-member board and that levies taxes in a fiscal year in the amount of five hundred thousand dollars or more, the district must be administered by a five-member board. Beginning with the first general election held after the end of the fiscal year in which the district levied the prescribed amount, the change to a five-member board must occur as prescribed in this subsection. On levying the prescribed amount, the district may not reorganize as a three-member board regardless of any subsequent change in the district's levy. For three-person boards with a single vacancy for an existing board membership position and that are adding two additional members, the three persons with the highest number of votes are elected to a four-year term of office. For three-person boards with two vacancies for existing board membership positions and that are adding two additional members, the three persons with the first, second and third highest numbers of votes are elected to four-year terms of office and the person with the fourth highest number of votes is elected to a two-year term of office. Thereafter, all terms of office for members of these five-person boards of directors must be four years. This subsection applies to any three-member board that is expanding to a five-member board, regardless of whether the expansion is the result of the amount of the district's levy. This subsection does not apply to districts formed under article 3 of this chapter.

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

I. On or before December 31 of each year, the fire district association that has provided training required pursuant to subsection H of this section shall submit a report that lists the elected officials and fire chiefs who attended the training to the county board of supervisors for every county in which the fire district operates. The annual report must include at least the following:

1. A compilation of the professional development training delivered by the association pursuant to this section and the names of the fire district board members and fire chiefs who attended training as required by this section.
2. Recommendations regarding improvements to the laws of this state or to administrative actions that are required under the laws of this state pertaining to fire districts.

J. For fire district governing board members and fire chiefs who are required to attend professional development training pursuant to subsection H of this section, a fire district governing board member or fire chief who fails to complete the professional development training within the time prescribed in this section is guilty of nonfeasance in office. Any person may make a formal complaint to the county board of supervisors regarding this failure to comply, and the county board of supervisors may submit the complaint to the county attorney for possible action. The county attorney may take appropriate action to achieve compliance, including filing an action in superior court against a fire district governing board member or a fire chief for failure to comply with the professional development training requirements prescribed in this section. If the court determines that a fire district governing board member or fire chief failed to comply with the professional development training requirements prescribed in this section, the court shall issue an order removing the fire district

governing board member from office or the fire chief from employment or appointment with the district. Any vacancy in the office of a fire district governing board as a result of a court order that is issued pursuant to this subsection must be filled in the manner provided by law.

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

A. At the option of the board of supervisors after presentation of a petition requesting the establishment of a domestic water improvement district or a domestic wastewater improvement district, or on the submission of a separate petition following the establishment of an improvement district as prescribed by section 48-903, and subsequent to the approval of the county board of supervisors, the district shall be governed by an elected board of directors. The elected board shall consist of the number of members, not less than three, specified in the petition for establishment of the district. The first directors of such board shall be selected by the board of supervisors at the time the district is established. Members of the board of directors shall be qualified electors of the district and, after the members first appointed by the board of supervisors, shall be elected by the qualified electors of the district.

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

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

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

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

F. The board of supervisors shall make an order calling an election to decide whether to reorganize a domestic water improvement district that has a board consisting of three members as a domestic water improvement district that has a board consisting of five members when a petition containing the signatures of twenty-five percent of the qualified electors residing within the district and requesting that the district be reorganized is filed with the board except the board of supervisors may not call for a reorganization election to expand the number of directors on the district board more frequently than once every two years. The election may be held on any consolidated election date as prescribed in section 16-204. The domestic water improvement district shall reimburse the county for the expenses of the district election. The board of supervisors shall give notice of the election by posting copies of the order of election in three public places within the district not less than twenty days before the date of the election and if a newspaper is published within the county having a general circulation within the district, the order shall be published in the newspaper not less than once a week during each of the three calendar weeks preceding the calendar week of the election. The ballot for the election shall state "shall the current three-member domestic water improvement district board be reorganized to a five-member board - yes or no". The ballot shall also allow each elector to indicate the elector's choice for two additional board members in the event of reorganization. Within twenty days after the election, the board of supervisors shall meet and

canvass the returns, and if it is determined that a majority of the votes cast at the election were in favor of reorganizing the domestic water improvement district as a district with a five-member board, the board shall enter that fact on its minutes, declare the district duly reorganized and announce the names of those elected to the district board.

G. For the purposes of either a domestic water improvement district or a domestic wastewater improvement district that is organized pursuant to this article and that serves at the time of organization a population of ten thousand persons or less, in addition to any other qualified elector of the district, any natural person who is a qualified elector of this state and who is a real property owner within the district is eligible to vote in a district election without regard to that person's residency and shall be deemed a qualified elector of the district for purposes of service on the board of directors.

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48-2010. Board of directors; qualifications; term; appointment; election; conversion; reorganization; compensation; expenses

A. A sanitary district having an area of one hundred sixty acres or more shall be governed by a board of directors with not less than three members. Members of the board of directors shall be qualified electors of the district. Immediately after the first regular election held subsequent to the enactment of this section by a sanitary district organized and existing prior to such enactment, the directors shall meet and divide themselves by lot into two classes as nearly equal in number as possible. Directors of the first class shall serve for a term of four years, and directors of the second class for a term of two years, and until the directors' successors are elected and qualified.

Thereafter at each regular election one director for each expired term shall be elected, and shall hold office for a term of four years, and until the director's successor is elected and qualified. The dates of elections and of expiration of terms of the initial directors shall be specified in the petition for establishment of the district. Except for an election to reorganize a sanitary district, candidates for directors shall file nominating petitions with the board of supervisors as prescribed by title 16, chapter

3. If only one person files or no person files a nominating petition for an election to fill a district office, the board of supervisors may cancel the election for the position and appoint the person who filed the nominating petition to fill the position. If no person files a nominating petition for an election to fill a district office, the board of supervisors may cancel the election for that office and that office is deemed vacant and shall be filled as otherwise provided by law. A person who is appointed pursuant to this section is fully vested with the powers and duties of the office as if elected to that office.

B. A director who resides in an area which is deleted from the sanitary district during the director's term of office shall continue to serve until the next regular election, and until the director's successor is elected and qualified. If the director's term does not expire at that time, a new qualified director shall be elected to serve out the unexpired portion.

C. A sanitary district having an area of less than one hundred sixty acres shall be governed by the board of supervisors of the county in which the district is located, and the board of supervisors shall be the board of directors of the district. On receipt of a petition that contains the signatures of twenty-five per cent or more of the qualified electors residing in the district that are verified by the county recorder and that requests that the district be converted and administered by its own board of directors, the board of supervisors shall call an election on the conversion of the sanitary district. The election may be held on any consolidated election date as prescribed in section 16-204. The sanitary district shall reimburse the county for the expenses of the sanitary district election. The petition for the conversion of the district shall specify either three or five as the number of directors for the converted sanitary district. The board of supervisors shall give notice of the election by posting copies of the order of election in three public places within the district not less than twenty days prior to the date of the election and if a newspaper is published within the county having a general circulation within the district, the order shall be published in the newspaper not less than once a week during each of the three calendar weeks preceding the calendar week of the election. The ballot for the election shall state "convert from a sanitary district administered by the county board of supervisors to a sanitary district administered by a local board of directors consisting of (insert three members or five members, as appropriate) - yes", "convert from a sanitary district administered by the county board of supervisors to a sanitary district administered by a local board of directors consisting of (insert three or five members, as appropriate) - no". The ballot shall also allow each elector to indicate the elector's choice for board members in the event of conversion. Within twenty days after the election, the board of supervisors shall meet and canvass the returns, and if it is determined that a majority of the votes cast at the election were in favor of converting the sanitary district, the board shall enter that fact on its minutes, declare the district duly converted and announce the names of those elected to the district board.

D. The board of supervisors shall make an order calling an election to decide whether to reorganize a sanitary district that has a board consisting of three members as a sanitary district that has a board consisting of five members when a petition

containing the signatures of twenty-five per cent of the qualified electors residing within the district and requesting that the district be reorganized is filed with the board except the board of supervisors shall not call for a reorganization election to expand the number of directors on the district board more frequently than once every two years. The election may be held on any consolidated election date as prescribed in section 16-204. The sanitary district shall reimburse the county for the expenses of the sanitary district election. The board of supervisors shall give notice of the election by posting copies of the order of election in three public places within the district not less than twenty days prior to the date of the election and if a newspaper is published within the county having a general circulation within the district, the order shall be published in the newspaper not less than once a week during each of the three calendar weeks preceding the calendar week of the election. The ballot for the election shall state "shall the current three member sanitary district board be reorganized to a five member board - yes or no". The ballot shall also allow each elector to indicate the elector's choice for two additional board members in the event of reorganization. Within twenty days after the election, the board of supervisors shall meet and canvass the returns, and if it is determined that a majority of the votes cast at the election were in favor of reorganizing the sanitary district as a district with a five member board, the board shall enter that fact on its minutes, declare the district duly reorganized and announce the names of those elected to the district board.

E. Each director of a sanitary district shall receive not more than one hundred fifty dollars per month or a lesser amount as set by the board of directors of the district plus necessary traveling expenses, but members of the board of supervisors when serving as directors of a sanitary district shall receive no compensation for attending meetings but shall be reimbursed for their necessary expenses. No director shall receive compensation, other than expenses, for attending more than four meetings of the board during a calendar month.

F. For a district that is not governed by the board of supervisors, if a vacancy occurs on the district board due to death, disability, resignation or any other cause, the board of directors of the sanitary district shall appoint a qualified elector of the district to fill the office for the remaining portion of that term, except that if the remaining directors do not constitute a quorum, the county board of supervisors shall make the appointment to fill the vacancy.

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48-1082. Elected board of directors; initial members; qualifications; terms; filling vacancy; chairperson

A. At the option of the board of supervisors after presentation of a petition requesting the establishment of a road improvement and maintenance district, or on the submission of a separate petition following the establishment of an improvement district as prescribed by section 48-903, and subsequent to the approval of the county board of supervisors, the district shall be governed by an elected board of directors. The elected board shall consist of the number of members, but at least three, specified in the petition for establishment of the district. The first directors of the board shall be selected by the board of supervisors at the time the district is established. Members of the board of directors shall be qualified electors of the district and, after the members first appointed by the board of supervisors, shall be elected by the qualified electors of the district.

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

C. If a vacancy on the district board occurs due to disability or any other cause other than resignation, the board of directors of the district shall appoint a qualified elector of the district to fill the office for the remaining portion of that term. If there is a vacancy on the district board due to resignation, the district board shall accept the resignation and appoint a qualified elector to fill the remaining portion of that term of office. If the district board lacks a quorum for any reason for more than thirty days, the county board of supervisors may revoke the authority of the appointed or elected board of directors pursuant to section 48-1086.

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

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

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48-1908. Board of directors; members; qualifications; terms; organization

- A. The board of directors of the district shall be composed of five citizens who are resident real property owners within the district, none of whom is an elective or appointive state, county or city official.
- B. Directors shall serve four year terms beginning on the first day of the month immediately following declaration of election to office. Elections shall be held on either the fourth Tuesday in February, the second Tuesday in June or the first Tuesday after the first Monday in November of every even numbered year.
- C. Candidates for a district board office shall file nominating petitions with the board of supervisors as prescribed by title 16, chapter 3. If only one person files or no person files a nominating petition for an election to fill a position on the board for which the term of office is to expire, then the board may cancel the election for that position and appoint the person who filed a nominating petition to fill the position. If no person files a nominating petition for an election to fill a district office, the board of supervisors may cancel the election for that office and that office is deemed vacant and shall be filled as otherwise provided by law. Vacancies occurring other than by expiration of term may be filled by the remaining directors, except that if the remaining directors do not constitute a quorum, the county board of supervisors shall make the appointment to fill the vacancy.
- D. The board shall be a body corporate, under the name "board of directors for _____ hospital," or "board of directors for _____ urgent care center" with the name of the hospital or urgent care center inserted.
- E. Not later than sixty days after an election the board shall meet and reorganize by electing from its membership a chairman and a vice-chairman. In addition thereto, the board may appoint a secretary who shall not be a member of the board and who may be paid a salary fixed by the board.

