



KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version Held Unconstitutional by *Town of Gilbert v. Maricopa County*, Ariz.App. Div. 1, Aug. 15, 2006

Arizona Revised Statutes Annotated  
Title 48. Special Taxing Districts (Refs & Annos)  
Chapter 5. Fire Districts (Refs & Annos)  
Article 1. General Provisions (Refs & Annos)

A.R.S. § 48-803

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

Effective: September 29, 2021

[Currentness](#)

**A.** In a district that the board of supervisors estimates has a population of less 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 § 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,<sup>1</sup> 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 does 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 a number of 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.** On expiration of a board member's term of office, the position is declared vacant unless otherwise filled at a general election or as provided in § 48-802, subsection D, paragraph 4. A vacancy that occurs on expiration of a term of office shall be filled

by appointment by a quorum of the district board within ninety days after the first day of the beginning of the new term of office. If the district board is unable to establish a quorum, the vacancy shall be filled by the board of supervisors as prescribed by subsection B of this section.

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

**E.** The board of a fire district shall appoint or hire a fire chief. A fire district that contracts for fire and emergency medical services may designate the fire chief of the service provider as the fire chief of the fire district.

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

**G.** 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.

**H.** For any fire district that is administered by a three-member board and that levies taxes in a fiscal year in the amount of \$500,000 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.

**I.** 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.

**J.** On or before December 31 of each year, the fire district association that has provided training required pursuant to subsection I 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.

**K.** For fire district governing board members and fire chiefs who are required to attend professional development training pursuant to subsection I 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.

#### **Credits**

Added as § 9-1003 by Laws 1980, Ch. 166, § 3. Amended by Laws 1983, Ch. 270, § 5, eff. April 27, 1983. Renumbered as § 48-803 by Laws 1985, Ch. 190, § 6. Amended by Laws 1986, Ch. 390, § 5; Laws 2006, Ch. 2, § 3, eff. Feb. 13, 2006; Laws 2006, Ch. 315, § 8, eff. June 6, 2006; Laws 2007, Ch. 242, § 6; Laws 2014, Ch. 252, § 7, eff. April 30, 2014; Laws 2016, Ch. 97, § 1; Laws 2021, Ch. 145, § 1.

[Notes of Decisions \(5\)](#)

#### **Footnotes**

<sup>1</sup> Section 48-851 et seq.

A. R. S. § 48-803, AZ ST § 48-803

Current through legislation effective June 20, 2023 of the First Regular Session of the Fifty-Sixth Legislature (2023)

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.