



PUBLIC NOTICE
SPECIAL BOARD MEETING AGENDA
Thursday, January 9, 2020
Station 37, 5500 N. Fort Valley Road, 3:30 p.m.

Pursuant to A.R.S. 38-431.01, notice is hereby given to the Board of Directors and the general public that the Summit Fire District will hold a Regular Meeting open to the public. The Governing Board of Summit Fire & Medical District will meet in **Special Session on Thursday, January 9, 2020, at 3:30 p.m. The meeting will be held at the District Station 37, 5500 N. Fort Valley Road, AZ.** Members of the Governing Board will attend either in person or telephonically. The Board may vote to go into Executive Session on any agenda item, pursuant to ARS 38-431.03(A)(3) Discussion or consultation for legal advice with the county attorney or attorneys of the public body. **All items are set for possible action.**

1. CALL TO ORDER
2. ROLL CALL OF BOARD MEMBERS / AFFIRMATION OF QUORUM
3. PLEDGE OF ALLEGIANCE
4. NEW BUSINESS / ACTION ITEMS - **Public Comment:** Public comment/input is welcomed after each agenda item of New Business/Action Items and Unfinished Business. Individual comments are limited to two minutes per individual and must pertain to the specific agenda item
 - a. Review discuss and possible action on approving the resignation of Board Member Don Woods as of December 31, 2019
 - b. Review discuss and possible action on posting Fire Board Vacancy Announcement at all normal posting places, newspaper, social media and SFMD's website.
5. FIRE BOARD COMMENTS- Board Member comments are meant to inform and clarify. No actions will be taken. Only Board Members can speak.
6. ADJOURNMENT

Posted: January 8, 2020

The complete packet of information from the Board meetings or portions thereof is available from the Administrative Office upon completion of a Public Records Request. The District Administrative Office is accessible to the handicapped. In compliance with the Americans with Disabilities Act (ADA), those with special needs, such as large-type face print or other reasonable accommodations may request those through the Summit Fire and Medical District Administrative Offices (928-526-9537) at least twenty-four hours before the meeting.

DONALD R WOODS
5629 RUDD TANK ROAD
FLAGSTAFF, AZ 86001
December 18, 2019

SFMD Board Chairman
Chief Mark A. Gaillard
Flagstaff Fire Department
211 West Aspen Avenue
Flagstaff, AZ 86001

Gentleman:

I hereby submit my resignation from the SFMD Board of Directors effective December 31, 2019.

The reason is that in January, 2020, we will be moving out of the District.

Thank you for the courtesy extended me. It has been an honor to serve.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald R. Woods". The signature is fluid and cursive, with a large loop at the beginning and a distinct "A" at the end.

DONALD R. WOODS
5629 RUDD TANK ROAD
FLAGSTAFF AZ 86001
December 30, 2019

Mark A. Gaillard, Fire Chief
Summit Fire & Medical District
211 West Aspen Avenue
Flagstaff, AZ 86001

Dear Chief Gaillard,

I wish to express my appreciation for the courtesy and kindness you and your staff have given me during the one year I served on the SFMD board. It has been an enjoyable experience primarily due to the quality of the men serving the District. During my many years of work, I have never encountered an entire group of men of such intelligence, dedication, friendliness and with a ready sense of humor.

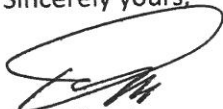
There is no comparable organization to the fire department in their dedication to protecting lives and property, without any accompanying threat. You are really the "Good Guys". When I see a fire truck in traffic, not only is it the most impressive vehicle on the road, but it is also a positive symbol of protecting society. Once I joined the board, your fire truck started to drive by my house on their familiarization runs. If I heard it coming, I would rush outside to wave to the firemen who would all wave back. That was a great feeling.

Once while in town, I had a Flagstaff fire truck pass in the opposite direction. At first I thought of it as one of theirs, then it occurred to me that with the integration of fire departments, maybe it is now one of ours. Such is the progress you have made.

My objective when joining the board was to contribute to the community, learn about an organization I knew nothing about and make a difference. I may or may not have contributed anything. I did learn a great deal about the fire department. I also came to the realization that I could not make a difference. The board is not an instrument of change, even for the better. Change is in your capable hands. I understand you are making progress on many issues. However, I neither have the time nor patience for measuring progress in years. This is not a reflection on you or your staff. It is the perspective that being eighty years old brings. In any case, we are moving to Chino Valley to get out of so much cold and snow, down size to add to our retirement savings and make life simpler.

You and your entire staff should be proud of who you are, what you are capable of and the service you provide to the entire community. My hope is that you can find a way to get the community to understand that as well. Perhaps some fire department somewhere has figured out how to do that. Otherwise, it will require "thinking outside the box".

Sincerely yours,



Don Woods



Summit Fire District Board of Directors VACANCY ANNOUNCEMENT

NOTICE OF SUMMIT FIRE BOARD VACANCY – Summit Fire District Board of Directors is seeking a community minded individual to fill a current vacancy on their five member board. The term for this position expires December 1, 2022. Regular board meetings are held the third Wednesday of each month. Please visit www.summitfiredepartment.org for additional information. Deadline for letters of interest is February 14, 2020 by 12:00 p.m.

Board Members Qualifications

- Reside within the Summit Fire District
- Ability to understand financial statements, and make good quality fiduciary judgements on the behalf of the Summit Fire Community
- Be at least 18 years of age
- Must be a resident of the Summit Fire District Community for a minimum of 1 year
- Be a registered voter in the Summit Fire District for the duration of the term.
- Attend Regular Meetings, Special Meetings Executive Sessions and special events as needed
- Be a good representative for Summit Fire District
- The ability to make significant contributions to the work of the Summit Fire Board and the District
- Must attend Arizona Fire District Association (AFDA) Conference in to fulfill legislation requirements for training, paid for by the Summit Fire District
- Have an understanding of how Special Districts operate

If you are interested in applying for the Summit Fire Board, please submit a letter of interest and resume. Your letter must state why you would want to become a Fire Board member, your name, address, telephone number and email address. Deadline is February 14, 2020 by 12:00 p.m. The Summit Fire Board will be reviewing and interviewing candidates at the Regular Board Meeting on February 19, 2020. Be prepared to give a brief presentation about yourself and your interest in the Summit Fire Board.

To submit your letter of interest to: email to: chris@sfmd.org or mail to: Summit Fire District, 8905 Koch Field Road, Flagstaff AZ 86004, Attention Chris G. or Fax to: 928-526-2750

Please keep posted until February 14, 2020

CHAPTER 2
ELECTED OFFICIALS RESPONSIBILITIES

READ and COMPLY
with the Arizona Revised Statutes for the good of your District and Yourself
See Chapter 4 for more Arizona Revised Statutes pertaining to Fire Districts.

The life of a public official is not an easy one. The multitude of state laws substantially affects the manner in which a fire district must conduct its business. Good intentions are not enough. Public officials must be familiar with the laws governing their conduct and operations. A general summary of what a fire district **SHALL DO** and what a fire district **MAY DO** is itemized below.

The fire board administers the affairs of a fire district.

The FIRE DISTRICT SHALL:

(A.R.S. §§ 48-803, 48-804 and 48-805)

1. Hold public meetings at least once each calendar month.
2. Submit to the county board of supervisors a budget estimate, containing the requirements set forth in the statute.
3. Prepare, and post (three places plus the fire district's official website or the AFDA website if the fire district does not maintain an official website) an annual budget containing detailed estimated expenditures for each fiscal year. (A.R.S. § 48-805.02) Be sure to pay special attention to the requirements set forth in the statutes relating to the district budget.
4. Determine the compensation payable to district personnel.
5. Require probationary employees in a paid sworn firefighter position, a reserve firefighter, or a volunteer position to submit a full set of fingerprints to the fire district for the purpose of obtaining a state and federal criminal records check. §48-805
6. Appoint or hire a fire chief (§ 48-803)
7. Elect board members, including a chairman and a clerk, consistent with the requirements and regulations of the statutes. Please also note the requirements and restrictions of who may be a candidate for the board. (§ 48-803)
8. Fill vacancies on the board within 90 days of the vacancy (§ 48-803)
9. Comply with the anti-nepotism requirements when appointing a person to any clerkship, office, position, employment or duty. A.R.S. § 38-481
10. The Fire Chief and board members must attend professional development training as outlined in the statutes. In addition, the association that is providing the training is required to provide a report to the County containing the details set forth in the statutes.

11. Comply with various financial requirements, including submission of reports, and in the event the district meets certain financial criteria, conducting studies and/or changing to a five member board. (See Chapter 6 for details and outlines.)

The district SHALL NOT incur and the chairman and clerk must certify that the District has NOT incurred any debt or liability in excess of taxes levied and to be collected and the money actually available and unencumbered at the time in the fund, except as provided in A.R.S. § 48-805.B.2, §48-806 and §48-807.

The FIRE DISTRICT MAY:

(A.R.S. § 48-805)

1. Employ any personnel deemed necessary for fire protection/medical and rescue services.
2. Construct, purchase, lease, lease-purchase or otherwise acquire the following or any interest therein; and in connection with such construction or any other acquisition, purchase, lease, lease-purchase or grant a lien on any or all of its present or future property including:

Apparatus, water and rescue equipment, including ambulances and equipment related to any of the foregoing.

Land and buildings with equipment and furnishings to house equipment and personnel necessary for fire protection and preservation of life.
3. Issue bonds to finance the acquisition of property as provided in A.R.S. § 48-806. Bonds may not be issued without consent of the voters at an election held for that purpose.
4. Assist the State Fire Marshal in the enforcement of nationally recognized fire protection standards.
5. Adopt, with approval of voters, their own fire code, and enforce it.
6. Amend an existing fire code.
7. Enter into an agreement procuring the services of an organized private fire protection company or a fire district of a neighboring city, town or district.
8. Contract with a city or town for fire protection services for all or part of the city or town.
9. Retain a certified public accountant to perform an annual audit of district books.
10. Retain private legal counsel.
11. Accept gifts, contributions, bequests, and grants and comply with any special requests attached to such.
12. Pay membership dues to the Arizona Fire District Association.
13. Adopt fee schedules within and outside the jurisdictional boundaries for fire protection services and preservation of life.

14. Change the district's name.
15. Require all employees to submit fingerprints.
16. Enter into intergovernmental agreements with other political subdivisions or contracts with individuals.
17. Be reimbursed for expenses incurred in performing duties.
18. Amend the budget at a special meeting one week after the revisions are considered at a regular scheduled meeting (48-805.02E).
19. Assess and levy a secondary property tax to pay for costs of fire protection services or emergency medical services [except services regulated by Title 36, Chapter 21.1 (CON)].

Separate legal entities; joint exercise of powers (§48-805.01).

Cities, towns, counties and fire districts established pursuant to this title may form a separate legal entity pursuant to section 11-952, for the purposes of jointly exercising powers held in common by the contracting parties. Common powers of the contracting parties when otherwise authorized pursuant to state law may include fire protection, the preservation of life, providing emergency medical services, and carrying out its other powers and duties, including providing ambulance transportation services when authorized to do so pursuant to title 36, chapter 21.1, article 2. Any separate legal entity formed pursuant to this section shall include a fire district. The intergovernmental agreement must state the intent to form a separate legal entity pursuant to this subsection. The governing body of a separate legal entity formed pursuant to this subsection shall be composed of officials elected to one or more of the governing bodies of the political subdivisions that are parties to the agreement, or their designees. A separate legal entity identified pursuant to this subsection:

Election to Reorganize District (§48-816)

A district may ask the board of supervisors to call for an election to reorganize the district. Doing so requires a petition containing signatures of 25% of the qualified electors residing within the district.

Mergers (§48-820); Consolidations (§48-822)

Two or more districts may merge or consolidate. The board of supervisors will order an election to merge or consolidate when an appropriate resolution for merger is submitted to the board of supervisors.

**A.R.S. §§ 48-803, 48-804 & 48-805
KEY POINTS AND DIRECTION**

§48-803 - District administered by a district board

1. Districts with a population of fewer than four thousand inhabitants, **the district board may consist of three or five members (§48-803.A).**
2. Districts with the estimated 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 (§48-803.A).**
3. **A district board that consists of five members and exceeds fifty thousand inhabitants the district 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 two additional members at the next regular election of members of the district board. **(§48-803.A)**
4. Vacancies that occur must be filled by appointment of an interim member. If an entire board resigns, the board of supervisors shall appoint an administrator to the district. If the board of supervisors fails to do so, a special election can be held **(§48-803.B).**
5. Two or four year terms. See A.R.S. § **48-803.F** for more detailed information).

§48-805 - Fire district; powers and duties *(See outline at the beginning of this Section for important facts regarding what Fire Districts Shall or May do). Additional key points are listed below.*

1. See Chapter 3 - "The Open Meeting Law" of this manual for additional information on how to conduct public meetings.
2. Preparation and adoption of an annual budget (see **A.R.S. §48-805.02**). Review Chapter 6 - "Fire District Financing" of this manual for more information on annual budgets.
3. Determination of compensation payable to district personnel (see **§48-805.A.2**).
4. Fingerprinting (see **§48-805.A.3** and **§48-805.B.15**).
5. Employ personnel and provide fire protection and ambulance transportation services (Board Members prohibited from being employees) (see **§48-805.B.1**).
6. The merger of two or more fire districts pursuant to section **§48-820** or the consolidation with one or more fire districts pursuant to section **§48-822** shall not expand the boundaries of an existing certificate of necessity (CON) unless authorized pursuant to Title 36, Chapter 21.1, Article 2. (**§48-805.B.1**)
7. Construct, lease, purchase, lease-purchase or acquire water, equipment, land, furnishings, etc.(see **§48-805 B.2**).

8. Financing the acquisition of property (§48-805 B.3). All persons who are eligible to vote in fire district bond elections see A.R.S. § 48-806. See Chapter 6 - "Fire District Financing" of this manual for additional information on district finance.
9. Fire Code approval and enforcement (see §48-805 B.4 and §48-805 B.5.)
10. Amend or revise the adopted fire code (see 48-805.B 6).
11. Enter into an agreement and/or contract for service – in and out of district (see §48-805.B.7, 48-805.B.8 48-805.B.16).
12. Annual audit {See *Chapter 6 - "Fire District Financing" of this manual for information on Audits*}.
13. Accept gifts, contributions, bequests and grants (see 48-805.B.11).
14. Appropriate annual expenditures – paying dues (see 48-805.B.12).
15. Adopt resolutions establishing fee schedules both within and outside of the jurisdictional boundaries (see 48-805.B.13.)
16. Change the Fire District's name (see §48-805.B.14).
17. District warrants (see §48-805.C).
18. District's debts or liabilities (see §48-805.02).
19. Retain legal counsel (see §48-805.B10).

A.R.S. §48-251 - Annual Report See Chapter 6 - "Fire District Financing" for more information needed.

FIRE DISTRICT ELECTED OFFICIALS MANAGEMENT PHILOSOPHY

INTRODUCTION: The success of any fire district is the result of the combined efforts of each individual on the organizational team working toward common objectives. These objectives must be clearly known and fully understood by everyone in the organization, and should reflect the fire district's basic character, values and personality.

If a district is to fulfill its obligations and meet its objectives, certain fundamental requirements must be met.

FIRST, a district must have highly capable, creative and innovative people at all levels of the organization. These people should have the opportunity – through continuing programs of training and education – to upgrade their skills and capabilities. This is especially important in technical areas where the rate of change is rapid. Techniques that are good today will be outdated in the future, and people should always be looking for new and better ways to perform job functions.

SECOND, the organization must have objectives and leadership that generate enthusiasm and high morale at all levels. People in management and supervisory positions should not only be enthusiastic themselves, they should be selected for their ability to inspire enthusiasm among their peers and subordinates. There can be no place for half-hearted interest or a half-hearted effort.

THIRD, the district must conduct its affairs with uncompromising honesty and integrity. People at every level should be expected to adhere to the highest standards of business ethics. Anything less is unacceptable. As a practical matter, ethical conduct cannot be assured by statutes, written policies, or rules and regulations. It must be an integral part of the organization; a deeply ingrained tradition that is passed from one generation of elected official or employee to another.

On the following pages you will find six examples of "Strategic Goals," which, as elected officials, you may wish to consider for your own fire district.

STRATEGIC GOALS

SERVICE GOAL: To provide services of the greatest possible value for the citizens of the fire district and to gain and hold their respect and loyalty.

The success and prosperity of our district will be assured only if we offer our citizens superior services that fill real needs and provide lasting value.

Our responsibility to the citizen begins with program development. Programs must be designed to be delivered at a reasonable cost and with superior workmanship.

A prime objective of our supervisory staff is to see that services are performed promptly and efficiently. Moreover, good communication should be maintained between the citizen and the district organization. Our citizens must feel that we are genuinely interested in arriving at proper and responsive solutions to their problems.

FINANCIAL GOAL: To achieve a favorable balance of funds to finance our district's growth and to provide the resources needed to achieve district objectives.

The funds that a district needs to operate and grow are derived from the tax burden imposed upon our citizens. Maintaining the balance of this burden and ensuring its reasonableness, competitiveness and adequacy is an essential measure of our performance over the long term.

Revenues and expenditures vary from year to year reflecting changing economic conditions and demands. Meeting districts financial objective requires that it design and develop each program so that it is considered a good value by districts citizens. Maintaining this competitiveness in the market place requires that we perform our program delivery and administrative functions as economically as possible. The day-to-day performance of each individual adds to, or subtracts from, our financial stability.

To ensure the cost effectiveness of programs, innovation and analysis are necessary. Measuring devices and performance indices are critical and must be employed throughout our organization.

PROGRAM DIVERSIFICATION GOAL: To enter new fields only when it has been clearly established that ideas are linked together with our technical capabilities and program resources to assure that the district can make needed and desired contributions to our citizens.

The key to our prospective involvement in new fields is citizen involvement and member contribution. This means providing our citizens and community with something needed, not just "another brand of something they can already buy." It is essential that before a final decision is made to enter a new field, full consideration is given to the associated problems to produce and deliver these services.

GROWTH GOAL: To balance organizational growth with revenue capabilities and capacity to develop and deliver services that satisfy real citizen needs.

Some people feel that once an organization has reached a certain size, there is no point in letting it grow further; others feel that size is an objective in itself. For at least two basic reasons, continuous growth is essential for a district to achieve its objectives.

First, a district serves a large segment of our society. To remain static would be to lose ground. A district cannot maintain a position of strength and leadership without growth.

Second, growth is important to attract and retain high caliber employees. These individuals will align their future only with an organization that offers them considerable opportunity for personal progress. Opportunities are greater and more challenging in a growing organization.

PERSONNEL GOAL: To help district employees share in the organization's success; to provide job security based on performance; to recognize individual achievements; and to help them gain a sense of satisfaction and accomplishment from their work.

Districts are proud of the employees within its organization because of their performance, their attitude toward their jobs, and dedication to the community and citizens they serve. A fire district is built around the individual, their personal dignity, and the recognition of personal achievements.

Relationships within the organization depend upon communication, a spirit of cooperation among individuals and groups, and an attitude of trust and understanding. These relationships will be good only if employees have faith in the motives and integrity of their peers, supervisors and the district.

Occasionally, situations will arise where people have personal problems which temporarily affect their performance or attitude. It is important that people, within reason, be treated with empathy and understanding while the problems are being resolved. Of course, satisfactory job performance is always required.

Managers at all levels within the organization should be concerned with the proper development of their employees and be committed to providing advancement opportunities to everyone, regardless of race, color, creed, sex, age or national origin. Since the district tries to promote from within whenever possible, the district's employees should be given the opportunity to broaden their capabilities and prepare themselves for more responsible jobs. This is done through continuing programs of training and education.

It is important for everyone to realize that some policies must be established and strictly maintained on a district-wide basis. Recommendations for changes to these policies should be welcome from all levels, but adherence to them should be expected at all times.

The employees should enjoy their work and be proud of their accomplishments. Accordingly, each employee should receive the recognition that is deserved. In the final analysis, our employees determine the character and strength of a fire district.

CITIZENSHIP GOAL: To honor our obligations to society by being an economic, intellectual and social asset to the community we serve.

Everyone should strive to improve the environment in which we live. This means to identify our interests with those of the community; apply the highest standards of honesty and integrity to all our relationships with individuals and groups; enhance and protect the physical environment; build attractive facilities of which the community can be proud; and, it means to contribute talent, time and financial support to worthwhile community projects.

Each fire district in the State of Arizona has its particular set of social problems. We must help to solve these problems as they relate to our fire district. As a major step in this direction, we must strive to provide worthwhile employment opportunities for people of widely different backgrounds. Among other activities, this requires positive action to seek out and employ members of disadvantaged groups and to encourage and guide their progress toward full participation within our organization.

As citizens of the community, employees should do what they can to improve it. This can be accomplished by working as individuals or through such groups as churches, schools, and civic or charitable organizations. The "community" also includes a number of technical and professional organizations whose interests are closely identified with those of the district and are also deserving of our support and participation. Supervisors should encourage our employees to fulfill their goals, objectives, and personal aspirations in the local community.

SAMPLE POLICY STATEMENT

GENERAL

1. The _____ Fire District ("District") is a political subdivision of the State of Arizona subject to the Arizona Revised Statutes.
2. The Fire Board of the _____ Fire District ("Board") has the ultimate responsibility for the protection of life and property within the district boundaries and that of its contracts for fire protection.
3. Arizona Revised Statute defines the powers and duties of the elected Board as pertains to the creation and operation of a fire district in the district.
4. There are numerous other statutes that pertain to fire districts and all Board members should be familiar with these laws and with the constant changes introduced in the legislature. This can best be done through our membership in the Arizona Fire District Association which serves as a watchdog for all fire districts in Arizona.
5. The District, through its officers, Board members, committees, bylaws and a policy statement, shall oversee the organization of the District and its operations to assure compliance with the Arizona Revised Statutes and make such recommendations as are necessary for the efficient operation of the District.
6. Rules of Journal: The Board shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection during regular office hours.
7. Written Rules of Procedure: The bylaws and rules of procedure of the Board shall be in writing and shall be available to all interested citizens.
8. Rules of Parliamentary Practice: The rules of parliamentary practice, as determined by the chairman, shall govern the Board, and shall be consistent with the bylaws of the District or with the State of Arizona laws governing fire districts.

CODE OF ETHICS

Board members occupy positions of public trust. Board members shall strictly adhere to both the spirit and the letter of laws of the State of Arizona pertaining to conflicts of interest.

In addition to avoiding the use of their position to obtain pecuniary interest, Board members shall refrain from making use of special knowledge or information before it is made available to the general public; shall refrain from violation of Board rules; shall refrain from influencing the employment of District employees; and shall refrain from using their influence as members of the governing body in attempts to secure contracts or other favorable action for friends, family members or business associates.

BYLAWS

Each governing board should develop and adopt an adequate set of board bylaws. Bylaws provide guidance (especially to less experienced board members) on the process for conducting board business. Issues commonly addressed in the board bylaws include:

- 1) Open meeting and notice requirements;
- 2) Public participation;
- 3) The use of committees;
- 4) Parliamentary procedure;
- 5) Election of officers;
- 6) Use of legal counsel;
- 7) The mechanics of quorums; motions
- 8) The use of emails;
- 9) Contact with employees; and
- 10) Board officer roles.

FIRE BOARD/CHIEF RELATIONSHIP

The Perfect Fire District Board Member

A group of fire chiefs attending a Fire District Association of California workshop designed the "Perfect Fire District Board Member" as follows:

- * Understands business principles
- * Has integrity
- * Has credibility
- * Does not allow "end runs"
- * Observes board policies
- * Has good role identification
- * Understands the role of the administrator
- * Has a sense of humor
- * Has a broad scope of vision
- * Is a good listener
- * Is gutsy
- * Has community awareness
- * Is politically aware
- * Maintains a positive attitude
- * Can be flexible on issues
- * Is open minded, without hidden agendas
- * Is consistent
- * Shares mutual respect with the fire chief

The Ideal Fire Chief

A group of fire district board members attending a Fire District Association of California workshop created the "Ideal Fire Chief". The following describes the chief, qualities the chief should have, and functions the chief should perform:

- * Decision making ability with guts
- * Community leader
- * Good fiscal administrator
- * Long-range planning with the board
- * Open communications with the board
- * Public relations
- * Understands fire fighting
- * Delegates and has good relations with staff
- * Honesty
- * Resourcefulness
- * Compassion
- * Integrity
- * Flexible and able to accept new ideas
- * Ability to carry out board policy
- * Shares mutual respect with board members

It is absolutely imperative that the fire district board and fire chief understand each other's role in the operation of the fire district.

Each has a significant role in the successful operation of the organization and the best way to start is by sitting down together to discuss the present state of affairs in the district and how best to assure that each is working toward the ultimate goal: protection of life and property within their district.

A.R.S. § 48-805 clearly defines the responsibilities of a fire district board. (See Chapter 2.) If things go wrong, the **ULTIMATE RESPONSIBILITY** falls squarely on the shoulders of the fire district board. However, the fire board can delegate authority to the chief to perform certain duties.

Since elections are held every two years, changes may frequently occur in Board officials. All board members come from the civilian population and they may or may not have knowledge or expertise in the fire protection field and will find that they have much to learn about their task. New members should rely on the experience of other board members and the expertise of the fire chief until confident in the position. Many answers or solutions to problems can be found in the use of **GOOD COMMON SENSE, COMMUNICATION and UNDERSTANDING** of the role that each entity plays in the operation of a fire district.

FIRE DISTRICT-FIRE CHIEF CONTRACT

Many districts use an employment contract to provide direction and document expectations of the fire chief. Unless otherwise provided, the chief's employment is at the pleasure of the board, and may be terminated at any time. Often that arrangement is modified under the terms of a contract. Some of the issues to be considered in development of a fire chief's contract include:

- 1) Compensation and benefits;
- 2) Term;
- 3) Termination;
- 4) Membership in professional organizations;
- 5) Expense reimbursement;
- 6) Performance evaluations;
- 7) Responsibilities, including financials, personnel supervision and discipline, policy development, and communication with the board;
- 8) Community outreach;
- 9) Uniform and vehicle allowances;
- 10) Retirement benefits;
- 11) Vacation and sick leave;
- 12) Exempt status;

There are many subtleties that need to be addressed when preparing a fire chief's employment contract. Be sure to seek qualified assistance when doing so. It is one of the most important decisions a board will make.

CHAPTER 3 THE OPEN MEETING LAW

INTRODUCTION

THIS CHAPTER IS ONLY A STARTING POINT FOR DISCUSSION OF YOUR PARTICULAR CONCERNS, AND IT SHOULD NOT BE VIEWED AS A SUBSTITUTE FOR LEGAL ADVICE FROM YOUR ATTORNEY. THE OPEN MEETING LAW CHANGES ON A REGULAR BASIS. BE SURE TO STAY CURRENT ON ITS REQUIREMENTS. BE SURE TO ORDER FROM THE ATTORNEY GENERAL OMBUDSMAN'S OFFICE THE OPEN MEETING PAMPHLET THEY PROVIDE FOR FREE.

Public officials must be familiar with the laws governing their conduct in public office. Violations of the Open Meeting Law carry stiff penalties.

The state's open meeting law requires all persons elected or appointed to a public body (i.e.: fire district governing board) to review the open meeting law materials at least one day before that person takes office (A.R.S. §38-431.01G)

GENERAL PROVISIONS

The Fire District elected officials must comply with all the requirements of A.R.S. § 38-431 thru §38-431.09 commonly known as "**The Open Meeting Law**" (OML). The following plain English synopsis was originally prepared by the Arizona Attorney General's Office, and thereafter modified during the edit process.

General Provisions of the Open Meeting Law (A.R.S. §38-431 thru §38-431.09)

The operation of government and specifically, the activities of government officials have become popular topics of interest for the general public. For additional information or training you may contact the Arizona Ombudsman at (602)-277-7292.

THE PUBLIC'S BUSINESS MUST BE CONDUCTED IN PUBLIC!

The law provides very simply that, with a few limited exceptions, all meetings of a public body shall be open to all persons desiring to attend. The law defines a "meeting" as "the gathering of a quorum of members of a public body to propose or take legal action, including any deliberations with respect to such action."

This means that all regularly scheduled and special meetings, all work or study sessions and all other meetings or gatherings at which a quorum of the public body is present to discuss or decide the public body's business must comply with the notice, agenda and minute requirements specified in the law and, except where an executive session is expressly authorized, be open to the public. If the public body or its presiding officer appoints a committee or subcommittee to study a particular issue, the meetings of the committee or subcommittee are also governed by the law. This is true regardless of the composition of the committee or subcommittee.

The law applies to more than just the meetings of the legislature, the board of supervisors and city council. It applies to any "public body". This means that planning and zoning commissions, board of adjustment, state licensing boards, library boards, school boards, special district boards, **fire boards**, and their respective standing, special and advisory committees and subcommittees must all comply with the provisions of the law.

Public Notice of Meetings
(A.R.S. §38-431.02)

The law requires public notice to be given for all public meetings and executive sessions. In giving notice, the first step is to file with the appropriate official a statement identifying where public notices of the meetings of the public body will be posted. Public bodies of the state must file with the Secretary of State. Public bodies of counties, school districts, **fire districts**, and other special districts must file this statement with the Clerk of the Board of Supervisors. §38-431.02.A.1-3.

Once this statement has been filed, the law requires that the public body post notice of each of its meetings in accordance with this statement and “give such additional public notice as is reasonable and practicable.” §38-431.02.A.1-3. Any public body that intends to meet for a specified calendar period on a regular day or date and at a regular place and time may post public notice of these meetings at the beginning of this period of time. For example, a notice of regularly scheduled meetings of a fire district governing board may be posted once at the proper location to cover all regular meetings taking place during a specified period of time. The notice must indicate the period of time for which the notice will be valid. §38-431.02.F.

Except when an actual emergency is found to exist, no public meeting or executive session may be held within less than twenty-four hours notice to the members of the public body and the general public. §38-431.02.C-D. This twenty-four hour notice includes Saturdays if the public has access to the location where the notice is posted (in addition to any website posting); however, it excludes Sundays and holidays. However, a meeting may be recessed and resumed with less than twenty-four hours notice if public notice of the initial session of the meeting was properly given; and if, prior to recessing, notice is publicly given as to the time and place of the resumption of the meeting, or the method by which public notice for the resumption of the meeting is to be given. §38-431.02.E.

The 49th Arizona Legislature, 2nd Regular Session enacted several substantive changes to the open meeting law pertaining to posting public meetings on web sites. For fire districts (for the time being) the changes are permissive rather than mandatory. Fire districts may choose to comply with these requirements *if* they maintain a web site. AFDA recommends that fire districts who maintain web sites strongly consider compliance with the web site posting and notice requirements of ARS 38-431 as set forth below.

ARS §38-431.02.3 states the following:

Special districts that are formed pursuant to Title 48:

(a) May conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

(b) May post all public meeting notices on their website and shall give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

(c) If a statement or notice is not posted pursuant to subdivision (a) or (b) of this paragraph, shall file a statement with the clerk of the board of supervisors stating where all public notices of their meetings will be posted and shall give additional public notice as is reasonable and practicable as to all meetings.

A sample of the web site posting notice for compliance is shown below.

In accordance with state law, notice for all fire district public meetings, along with agendas must be posted at least 24-hours in advance of the meeting. Public notices for the _____ Fire District are posted at the _____, located at _____, _____, Arizona.

Public meeting notices are also posted on the _____ Fire District website. Please be advised that only the (physical location listed above) may be relied on for official postings under the Arizona Open Meeting Law. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted, if the public body complies with all other public notice requirements.

Notice must also be given for any executive session of the public body. The notice must cite the specific provision of law authorizing an executive session. A.R.S. §38-431.02.B. When an executive session is held, at least twenty-four hours notice must be given to the members of the governing body and the general public. Executive sessions are discussed at greater length later in this chapter.

The only exception to these provisions for public notice is in the case of an emergency when a meeting can be called with notice appropriate under the circumstances. §38-431.02.D.

Agendas (A.R.S. §38-431.02)

In addition to notice of the time, date and place of the meeting, the law requires that the public body provide an agenda of the matters to be discussed, considered or decided at the meeting. The agenda may be made part of the public notice or, if the notice advises the public as to how they can obtain an agenda, it can be distributed separate from the notice. In either case, the agenda must be made available at least 24 hours before the meeting (as set forth above), unless an actual emergency is found to exist. For a public meeting, the agenda must list the “specific matters to be discussed, considered or decided.” §38-431.02.H. This does not permit the use of agenda items such as “new business” or “old business”, unless the specific items of new and old business are listed.

A useful guide in determining how much specificity must be included in the agenda can be found in the legislative declaration of policy which states in part that agendas should “contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided.” Accordingly, public bodies may include in their agenda items such as “call to the public” to designate that part of the meeting at which members of the public may address the public body, since the public body will generally not know what “specific” matters will be raised. The more difficult question involves whether the public body, in addition to “considering” the public comment, may take action on the matters raised. The law provides that the public body may discuss, consider or decide only “**matters listed on the agenda and other matters related thereto.**” Although this language may be read technically to permit the public body to act on a matter raised and “call to the public”, the better and safer approach to take is to reschedule the decision for a later meeting and list it specifically on the agenda. If it is essential that the body act immediately, it should declare an emergency and take action in accordance with the emergency procedure prescribed in A.R.S. §38-431.02.

The law further allows a chief administrator, presiding officer or member of the public body to present a brief summary of current events during a meeting, without listing in the agenda the specific matters to be summarized. For this to occur, the summary must first be listed on the agenda. In such event, the public body must not propose, discuss, deliberate or take legal action during the meeting on any matters summarized unless they have been properly noticed for legal action. §38-431.02.K.

Agendas for executive sessions must contain a “general description of the matters to be considered” but should not contain information that would “defeat the purpose of the executive session, compromise the legitimate

privacy interests of a public officer, appointee or employee, or compromise the attorney-client privilege.” §38-431.02.1.

Executive Sessions
(A.R.S. §38-431.03)

The law permits an executive session (closed meeting) of a public body to be held for discussion and consideration of seven specified subjects. §38-431.03.A. The public may properly be excluded from an executive session. Before an executive session may be held, twenty-four hours notice of the executive session must be given and a majority of the public body must vote in public to hold the executive session. §38-431.02.B-C; §38-431.03.A. For example, if the need for an executive session arises during the course of a regular meeting, the public body may vote to hold the session but the executive session cannot be held at the time, unless prior notice (at least 24 hours in advance) of the executive session had been given.

Executive sessions may be held during a public meeting if the proper notice of the executive session is posted as part of the public meeting notice or as a separate notice. If the need for an executive session arises at a time other than during a meeting, a notice calling a special meeting and an executive session must be posted. The special meeting must be convened to vote on holding an executive session, and then upon a majority vote in a public meeting, the public body may adjourn into executive session.

NO EXECUTIVE SESSION MAY BE HELD FOR THE PURPOSE OF TAKING ANY LEGAL ACTION INVOLVING A FINAL VOTE OR DECISION.

A.R.S. §38-431.03.D.

The law specifies the purposes for which an executive session may be called and are narrowly defined in the law as follows: (A.R.S. §38-431.03.A)

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body, except that with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours, for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.
2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
3. Discussion or consultation for legal advice with the county attorney or attorneys of the public body.
4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.
5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
6. Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.

7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

You should establish, with the assistance of your attorney, a clear procedure to use when holding an executive session. Improper use of the executive session provision is the most common type of open meeting violation. Remember the law **only permits** an executive session in these instances; it **does not require** an executive session.

Minutes **(A.R.S. §38-431.01)**

All public bodies, including subcommittees and advisory committees, must provide written minutes or a recording of all meetings. The minutes or recording of all public meetings must include, at a minimum, the following:

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters discussed or considered.
4. An accurate description of all legal actions proposed, discussed or taken and the names of members who proposed each motion.
5. The names of persons, as given, making statements or presenting material to the public body and a reference to the specific legal action addressed by the person.
6. If the discussion in the public session does not adequately disclose the subject matter and specifics of the action taken, the minutes of the public meeting at which such action was taken should contain sufficient information so that the public may investigate further the background or specific facts of the decision.
7. In the event that matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a statement setting forth the reasons necessitating the discussion, consideration or decision without the matter being placed on the agenda. **§38-431.02.J.**
8. Finally, if a prior action is ratified, the minutes must contain a copy of the disclosure statement required for ratification.

The minutes of executive sessions must contain the information described in paragraphs 1, 2, 3 and 7 above.

The **minutes or a recording** of any meeting, except for the minutes of executive sessions, must be open to public inspection no later than **three working days** after the meeting. **§38-431.01.D.** Minutes must be taken in executive sessions and must be kept confidential except from the members of the public body which met in executive session or officers, appointees or employees who are the subject of discussions. If the public body wishes to exclude all staff from attending the executive session, then the minutes should be recorded by a member of the public body.

In addition to written or recorded minutes of the meeting, the law provides that any part of a public meeting can be recorded by any person in attendance by means of a tape recorder, camera or other means of sonic reproduction as long as there is no significant interference with the conduct of the meeting. **§38-431.01.F.**

Sanctions

(A.R.S. §38-431.05, §38-431.06, and §38-431.07)

If any business of a public body is conducted in violation of the provisions of the law, the actions taken at such a meeting are null and void. §38-431.05.A.

In addition, any person affected, the attorney general, or the county attorney for the county in which an alleged violation occurred may file an action and obtain civil penalties, attorneys' fees and court injunctions against the public body or public official. If the court finds that a public officer intentionally violated the law, the court may remove him from office and assess him personally with the attorneys' fee award. §38-431.07.A.

Ratification

(A.R.S. §38-431.05)

A public body may ratify legal action previously taken in violation of the law. Ratification is appropriate when the public body needs to retroactively validate a prior act in order to preserve the earlier effective date of the action. For example, some public bodies are required by law to approve their budgets by a certain date. If the public body then discovered after the statutory deadline that its earlier approval was void due to a violation of the law, it could face serious legal problems. In this situation, it would be appropriate for the public body to meet and ratify its prior action in order to preserve the initial effective date of the action.

Ratification merely validates the prior action; it does not eliminate liability of the public body or others for violations of the law, such as injunctive relief, penalties and fees. The procedure for ratification is prescribed in A.R.S. §38-431.05.B.

The law requires a fire district to give notice of all public meetings and executive sessions to members of the public and to members of the fire district governing board. The following must be filed with your county board of supervisors and need not be changed unless your date, time, location or other pertinent data changes.

Sample Public Notice of Meeting forms can be seen in Arizona Agency Handbook on the Attorney General's office website: [www.azag.gov/Agency Handbook](http://www.azag.gov/Agency%20Handbook)

SAMPLE RULES OF PROCEDURE FOR BOARD MEETINGS
(MAY BE INCLUDED IN THE BOARD BYLAWS)

Rule 1 - GENERAL RULES

In order for a successful meeting to be held, the general rules of parliamentary practice and conduct should be established. The creation of these rules should be accomplished and agreed upon by all of the board members with the provision that they are not in conflict with applicable state law governing fire districts. The rules should be placed in writing and made personally available to all members of the board and to the public upon request.

Rule 2 - BOARD CODE OF ETHICS

Fire board members and officials occupy positions of public trust. Board members and all district officials must strictly adhere to both the spirit and the letter of Arizona law pertaining to conflicts of interest.

In addition to matters of pecuniary interest, board members must: refrain from making use of special knowledge or information before it is made available to the general public; refrain from violating board rules; refrain from influencing the employment of district employees; and refrain from using their influence as members of the governing body in attempts to secure contracts or other favorable action for friends, immediate family members or business associates.

Rule 3 - BOARD MEETINGS

A. Regular and Special Meetings: The fire board must hold regular and special meetings according to state law. Board meetings must be conducted in accordance with the procedures set forth in these rules unless a motion to suspend the rules (as hereinafter provided) is first passed by the board.

B. Executive Sessions: The board may meet in executive session in accordance with the procedures and purposes set forth in state law and not otherwise.

Rule 4 - PRESIDING OFFICER

The chairperson or, in his or her absence, the clerk, shall take the chair at the hour appointed for the board to meet and shall immediately call the members to order. In case both the chairperson and the clerk are absent, the senior member shall call the Board to order. If a quorum is found to be present, the board shall proceed to elect, by a majority vote of those present, a chairperson of the meeting.

Rule 5 - CONDUCT OF MEETINGS

The presiding officer shall serve as board parliamentarian. He or she shall preserve decorum and decide all questions of order, subject to appeal of the board.

A. During board meetings, board members: must preserve order and decorum; must not delay or interrupt the proceedings; must not refuse to obey the orders of the presiding officer; and must not refuse to obey the rules of the board. Every board member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself to the question under debate and avoid all offensive or indecorous language. A board member once recognized shall not be interrupted while speaking unless called to order by the presiding officer or unless a point of order or other privileged motion is raised by another board member. If a board member is called to order while he or she is speaking, he shall cease speaking immediately until the question of order is determined. If ruled to be in order, he shall be permitted to proceed. If ruled not to be in order, he shall remain silent or shall alter his or her remarks so as to comply with the rules of the board. A board member, with permission of the presiding officer, may address questions to the fire chief or staff or members of the audience but he or she shall confine his or her questions to the particular issues before the board that is on the agenda. If a point

of order is raised and the presiding officer fails to act, any member of the board may move to require him to enforce the rules and the affirmative vote of the majority of the board shall require the presiding officer to act.

B. The presiding officer shall have the authority to preserve decorum in meetings as far as the audience, staff members and employees are concerned. The fire chief shall also be responsible for the orderly conduct and decorum of all district employees under his or her direction and control. Any remarks shall be addressed to the chair and to any or all members of the board. No member of the staff or audience shall enter into any discussion, either directly or indirectly, without having first obtained the floor by permission of the presiding officer.

C. Citizens of the district participate in district meetings principally by observing and listening to the discussion held by the board. When it is anticipated that non-members of the board will address the board, that individual's identity should be noted on the meeting agenda, e.g., "Presentation by S. Holmes on health insurance issues." If the board wishes to take public comment on a particular agenda item, that fact should likewise be noted on the agenda, e.g., "1. Discussion of District 10-year Plan, a) public comment." The district may, but is not required, to have an open opportunity for the public to speak to any issue. Such an agenda item would be described as a "Call for Public Comment." There is no statutory obligation for the district board to take public comment, either generally or on any particular issue. It is, however, good policy to afford the public the maximum opportunity for input possible.

Citizens of the district and any other members of the public attending Board meetings shall also observe the same rules of propriety, decorum and good conduct applicable to members of the board. Any person making personal, impertinent and slanderous remarks or who becomes boisterous while addressing the board or while attending the board meeting, shall be removed from the room by the presiding officer, and such person shall be barred from further attendance at the particular board meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer. Should the presiding officer fail to act, any member of the board may move to require him to enforce the rules and the affirmative vote of the majority of the board shall require the presiding officer to act. Any member of the public desiring to address the board must first be recognized by the chair and shall limit his or her remarks to the questions under discussion. Any remarks shall be addressed to the chair and to any or all members of the board.

Rule 6 - VOTING

The vote on any question shall be taken by "ayes" and "nays" and shall be taken simultaneously. If the presiding officer is unable to accurately determine the result of a simultaneous voice vote, he may, or at the request of any board member shall, call for a roll call vote taken by lot. It shall be out of order for members to explain their vote during the roll call. There shall be no additional debate or speaking on the subject after the vote is taken.

Rule 7 - MOTIONS TO BE STATED BY CHAIR

When a motion is made and seconded, it may be so be stated by the chair or, at his or her direction, by the clerk, before debate commences.

Rule 8 - SUGGESTED FIRE BOARD AGENDA FORMAT

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
4. SCHEDULED PUBLIC APPEARANCES

5. UNSCHEDULED PUBLIC APPEARANCES
 - A. CALL TO THE PUBLIC
6. REPORTS AND CORRESPONDENCE
7. DISCUSSION AND POSSIBLE ACTION CALENDAR
8. BOARD MEMBER COMMENTS
 - A. {New business to be considered on future agenda}
 - B. {Set special meeting or study group meetings, etc.}
9. ADJOURNMENT

{NOTE: On all items of public interest, the presiding officer may, after a motion is made and seconded, and prior to a vote by the board, allow the public to speak to the item under consideration.}

Rule 9 - PERMANENT CHANGES

There shall be no action taken to make any permanent changes, additions, deletions, amendments or similar editing of these rules of procedure at a board meeting when less than the entire board is present.

Chairperson	
_____	Clerk
_____	Member
_____	Member
_____	Member

CLEAN LIVING UNDER THE ARIZONA
OPEN MEETING LAW
Information provided by Donna M. Aversa—Attorney

Why Is The Stuff So Important?

Personal Liability. If you are accused of violating the open meeting laws, you are on your own. Board members have personal liability for violations of the open meeting laws. Courts can impose a civil penalty of \$500 plus any other relief the Court considers appropriate, including paying the other side's attorneys' fees. In addition, action taken in violation of the open meeting laws is null and void.

Who Enforces Open Meeting Requirements?

The Board. Open meeting requirements may be enforced by **any person** affected by the violation or the County Attorney. It is the Board's obligation and responsibility to make sure the open meeting requirements are satisfied.

How Are Open Meeting Requirements Enforced?

Enforcement by the Courts. If someone suspects a violation of the open meeting laws, he or she files a lawsuit alleging the violation and showing that he has a reasonable basis for a factual belief that the statute was violated. The Defendant (You) then has the burden of showing the Court that there is no violation. Before ordering disclosure of minutes of an executive session or otherwise making them public, the Court will generally review the minutes *in camera* - privately in chambers.

5 Tips for Clean Living under Arizona Open Meeting Laws:

1. Check your AFDA Handbook.
2. Identify your agenda items.
3. Stick to your agenda items.
4. Executive session {only} when you must.
5. Personnel matters - 24 hour notice to employee.

When Can You Use An Executive Session?

1. Personnel matters.
2. Exempt from public records - truly confidential matters.
3. Legal advice from counsel.
4. Consultation with counsel regarding litigation.
5. Discussions regarding salaries and benefits.
6. Interstate negotiations/tribal negotiations.
7. Negotiation for purchase of real estate.

CHAPTER 4 ARIZONA STATUTES AFFECTING FIRE DISTRICTS

PREFACE

Chapter 5 (Fire Districts) of Title 48 of the Arizona Revised Statutes (Special Taxing Districts) sets the legal framework for a fire district, such as district creation, boundaries, election procedures, powers and duties of administration, and financial procedures. In order to save the substantial cost incurred in copying each individual statute, the Editorial Board has elected to provide a table of contents for the applicable statutes effecting the Fire Districts together with the website that you can go to view the statute of interest.

Copies of all Arizona Revised Statutes are available online at:
<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

BASIC FIRE DISTRICT STATUTES

Title 11. Counties

Chapter 2. Board of Supervisors

Article 4. Powers and Duties

11-251. Powers of board

11-251.06. Reimbursement for county services to special districts

11-251.07. Report of special taxing district in the county

11-251.12. County islands; fire and emergency services protection; intergovernmental agreement with adjoining municipalities or private providers; definition

Chapter 6. County Planning and Zoning

Article 3. Building Codes

11-861. Adoption of codes by reference; limitations; method of adoption

Chapter 7. Intergovernmental Operations

Article 3. Joint Exercise of Powers

11-952. Intergovernmental agreements and contracts

11-952.01. Public agency pooling of property, fidelity, liability, workers' compensation, life, health, accident and disability coverage; exemptions; board of trustees; contract; termination; audit; insolvency; definition

11-952.02. Separate legal entities; joint exercise of powers

Article 5. City, Town or County Employee Benefits, Property Loss and Liability Claim Coverage

11-981. Payment of benefits, losses and claims; establishment of trust funds

Title 13. Criminal Code

Chapter 17. Arson

<u>13-1701.</u>	.....Definitions
<u>13-1702.</u>	.....Reckless burning; classification
<u>13-1703.</u>	.....Arson of a structure or property; classification
<u>13-1704.</u>	.....Arson of an occupied structure; classification
<u>13-1705.</u>	.....Arson of an occupied jail or prison facility; classification
<u>13-1706.</u>	.....Burning of wildlands; exceptions; classification
<u>13-1707.</u>	.....Unlawful cross burning; classification
<u>13-1708.</u>	.....Unlawful burning; classification
<u>13-1709.</u>	.....Emergency response and investigation costs; civil liability definitions

Chapter 24. Obstruction of Public Administration

<u>13-2401.</u>	.....Personal information on the world wide web; exception; classification; definitions
<u>13-2402.</u>	.....Obstructing governmental operations; classification
<u>13-2404.</u>	.....Refusing to assist in fire control; classification

<u>13-2405.</u>	.....	Compounding; classification
<u>13-2406.</u>	.....	Impersonating a public servant; classification
<u>13-2407.</u>	.....	Tampering with a public record; classification
Chapter 29. Offenses Against Public Order		
<u>13-2901.</u>	.....	Definitions
<u>13-2904.</u>	.....	Disorderly conduct; classification
<u>13-2906.</u>	.....	Obstructing a highway or other public thoroughfare; classification
<u>13-2907.</u>	.....	False reporting; classification
<u>13-2907.01.</u>	False reporting to law enforcement agencies; classification	
<u>13-2915.</u>	.....	Preventing use of telephone in emergency; false representation of emergency; classification
<u>13-2922.</u>	.....	Interference with transmissions on public safety land mobile radio frequencies; classification; definitions
<u>13-2924.</u>	.....	Unlawful solicitation of tort victims; classification; definitions

Title 20. Insurance

Chapter 9. Automobile Theft, Fire and Arson Reporting Immunity

Article 1. General Provisions

<u>20-1901.</u>	Definitions
<u>20-1902.</u>	Disclosure of information
<u>20-1903.</u>	Immunity from liability for disclosure of information
<u>20-1904.</u>	Confidentiality of information
<u>20-1905.</u>	Authorized agency as witness
<u>20-1906.</u>	Violation; classification
<u>20-1907.</u>	Application of chapter

Title 23. Labor

Chapter 2. Employment Practices and Working Conditions

Article 9. Wages and Hours of Public Employees

<u>23-391.</u>	Overtime pay; work week
----------------	-------------------------

Chapter 8. Labor Relations

Article 4. Blacklisting

<u>23-1361.</u>	.....	Blacklist; definition; exceptions; privileged communications; immunity
<u>23-1362.</u>	.....	Blacklisting; classification

Chapter 9. Employment Protection Act

Article 1. General Provisions

<u>23-1501.</u>	.....	Severability of employment relationships; protection from retaliatory discharges; exclusivity of statutory remedies in employment
<u>23-1502.</u>	.....	Constructive discharge

Title 42. Taxation

Chapter 17. Levy

Article 6. Assessment, Levy and Collection of Local Taxes

<u>42-17257</u>	Notice of establishment or change in city, town or taxing district boundaries(<i>see notes page 8</i>)
-----------------	--

Title 48. Special Taxing Districts

Chapter 1. General Provisions

Article 5. District Contracts with Federal Government

<u>48-187.</u>	Governing body; civil immunity; definition ⁷
----------------	---

Article 9. Reports by Districts

<u>48-251.</u>	Annual report (<i>see notes page 7</i>)
<u>48-252.</u>	District budgets

- 48-253. District audits and financial reviews
- Article 10. District Creation and Boundary Changes
- 48-261. District creation; procedures; notice; hearing; determinations; petitions
- 48-262. District boundary changes; procedures; notice; hearing; determinations; petitions
- 48-263. Special taxing district impact statement; district creation; district boundary change; bond requirement
- 48-264. Dissolution of inactive special taxing districts; board of supervisors action; exceptions
- 48-265. Petitions; form; verification of signatures
- 48-266. Petitions of property owners; form; verification
- Article 11. Approval of Formation of Special Districts
- 48-271. Board of supervisors authority to approve or deny formation of special district
- Chapter 5. Fire Districts
- Article 1. General Provisions
- 48-802. Election procedures (*see notes page 7*)
- 48-803. District administered by a district board
- 48-804. District administered by elected chief and secretary treasurer
- 48-805. Fire district; powers and duties
- 48-805.01 Separate legal entities; joint exercise of powers
- 48-805.02 Fire district annual budget; levy; requirements
- 48-806. Bond election; issuance and sale of bonds (*see notes page 7*)
- 48-807. County fire district assistance tax; annual budget
- 48-812. Disposition of fire district; assets and relief and pension fund assets upon annexation by or inclusion within a city or town
- 48-813. Deletion of annexed area from district territory; provision for continued protection
- 48-814. Property located outside of fire district territory; reimbursement to fire district for cost of fire protection services
- 48-815.01. District dissolution; procedures; notice; hearing; determinations; petitions
- 48-815.02. Dissolution; petitions of property owners; form; verification
- 48-816. Election to reorganize district
- 48-817. District over twenty-five thousand population
- 48-818. Emergency medical aid or assistance to other public bodies; limitation on liability
- 48-819. Reimbursement for county services
- 48-820. Hearing and election to merge fire districts
- 48-821. Disposition of assets on merger of fire districts
- 48-822. Election to consolidate fire districts; resolution; impact statement; hearing
- Article 2. Military Exemptions
- 48-831. Exemption of volunteer fire fighters from military duty
- 48-832. Procedure to obtain exemption
- 48-833. Exemption based on length of service
- 48-834. Annual filing of exemption list; issuance of illegal certificate; classification
- Article 3. Noncontiguous County Island Fire District (*see notes page 10*)
- 48-851. Noncontiguous county island fire district; formation; definition
- 48-852. District board governance; elections
- 48-853. District board; powers and duties; intergovernmental agreements; contract; administration; definition

MISCELLANEOUS STATUTES

Title 12. Courts and Civil Proceedings

Chapter 7. Special Actions and Proceedings in Which the State is a Party

Article 2. Actions Against Public Entities or Public Employees

12-821. General limitation; public employee

12-821.01. Authorization of claim against public entity or public employee

Article 10. Liability for emergency services

12-971. Definitions

12-972. Liability for emergency services

Title 15. Education

Chapter 14. Provisions Relating to both Community Colleges and Universities

Article 1. Classification of Students for Tuition Purposes

15-1808.Tuition waiver of child or spouse of peace officer, correctional officer, firefighter, emergency paramedic or National Guard member killed in the line of duty; disabled National Guard member; definitions

Title 28. Transportation

Chapter 1. Definitions, Penalties and General Provisions

Article 1. Definitions

28-101. Definitions

Chapter 3. Traffic and Vehicle Regulation

Article 2. Obedience to and Effect of Traffic Laws

28-624. Authorized emergency vehicles

Article 9. Right-of-Way

28-775. Authorized emergency vehicles, approaching; following fire apparatus; defensive driving schools; driver license examinations

Article 13. Stopping, Standing or Parking

28-873. Stopping, standing or parking prohibitions

Article 15. Miscellaneous Rules

28-897. Crossing fire hose

28-910. Liability for emergency responses in flood areas; definitions

Chapter 4. Driving Under the Influence

Article 3. Driving Under the Influence

28-1386. Operating a motor vehicle, aircraft, watercraft or water skis under the influence; emergency response costs; definitions

Chapter 7. Certificate of Title and Registration

Article 15. Distinctive Vehicles

28-2511. Official vehicles; registration exemption; definitions

Title 34. Public Buildings and Improvements

Chapter 4. Structure of Buildings

Article 4. Building Codes

34-461. Applicability of local codes; exceptions; definition

Title 36. Public Health and Safety

Chapter 13. Safety

Article 1. Fireworks(see notes page 11)

36-1601.Definitions

36-1602.Fireworks prohibited

36-1603.Permit for public display

36-1604.Bond of permittee

36-1605.Permitted uses

36-1606.Consumer fireworks regulation; state preemption; further regulation of

	Fireworks by local jurisdictions	
<u>36-1607.</u>	.....	Seizure
<u>36-1608.</u>	.....	Violation; classification
<u>36-1609.</u>	.....	State fire marshal; adoption of code; sale of permissible consumer fireworks
<u>36-1610.</u>	.....	Prohibited use of fireworks on state land; civil penalty

Title 37. Public Lands

Chapter 2.1 Forests

Article 1. State Forester

<u>37-623.02</u>	Emergencies; prohibiting fireworks; liability and Expenses; fire suppression revolving fund
------------------	---

Title 38. Public Officers and Employees

Chapter 2. Qualification and Tenure

Article 4. Oath of Office

<u>38-231.</u>	Officer and employees required to take loyalty oath; form; classification; definition
<u>38-232.</u>	Time of oath
<u>38-233.</u>	Filing oaths of record
<u>38-234.</u>	Usurpation of office; classification

Sample Oath of Office

Article 6. Vacancy in Office

<u>38-291.</u>	Vacancy defined
----------------	-----------------

Chapter 3. Conduct of Office

Article 3.1 Public Meetings and Proceedings

<u>38-431.</u>	Definitions
<u>38-431.01.</u>	Meetings shall be open to the public
<u>38-431.02.</u>	Notice of meetings
<u>38-431.03.</u>	Executive sessions
<u>38-431.04.</u>	Writ of mandamus
<u>38-431.05.</u>	Meeting held in violation of article; business transacted null and void; ratification
<u>38-431.06.</u>	Investigations; written investigative demands
<u>38-431.07.</u>	Violations; enforcement; removal from office; in camera review
<u>38-431.08.</u>	Exceptions; limitation
<u>38-431.09.</u>	Declaration of public policy

Article 6. Employment of Relatives

<u>38-481.</u>	Employment of relatives; violation; classification; definition
----------------	--

Chapter 4. Compensation and Insurance

Article 1. Salaries

<u>38-610.</u>	Leave of absence for military training; definition
----------------	--

Article 3. Fire Fighter and Peace Officer Cancer Insurance

<u>38-641.</u>	Definitions
<u>38-642.</u>	Fire fighter and peace officer cancer insurance policy program
<u>38-643.</u>	Fire fighter and peace officer cancer insurance policy program account
<u>38-644.</u>	Eligibility
<u>38-645.</u>	Coverage

Title 41. State Government

Chapter 16. Department of Building and Fire Safety

Article 1. General Provisions

<u>41-2148.</u>	State fire safety committee; definition
-----------------	-------	---

COMMENTS PERTAINING TO

RELATED STATUTES

§ 36-1601: *"Permissible consumer fireworks" (as defined in the statute) may be sold in Arizona and used by the general public. The State Fire Marshal is authorized to adopt rules to regulate permissible consumer fireworks; and counties and municipalities are authorized to regulate permissible consumer fireworks if "reasonable risk" of wildfire exists.*

§ 38-481 is Arizona's Anti-Nepotism Law
See Chapter 8 - Conflict of Interest of Officers & Employees for more information.

ANNUAL FINANCIAL REPORT (§ 48-251)
Beginning with the 2003-04 fiscal year, the county board of supervisors will no longer mail annual report forms. Instead, forms may be downloaded from the state Auditor General's website, <http://www.auditorgen.state.az.us>. Additional information concerning the annual report forms and instructions may be found in Chapter 6 of this Handbook, entitled, "Fire District Financing."

DISTRICT AUDIT (§ 48-253)
Your copies of the completed audit or financial review should be sent to the following offices not later than **240** days after the close of the fiscal year:

Clerk of the Board of Supervisors
your County
and
The Office of your County Treasurer

All the documents above should be sent by certified mail, return receipt requested.

ELECTION LAWS
After reading § 48-802 concerning election procedures, you should turn to Chapter 5 because there are additional election laws and especially a time table as to the procedures that must be followed for elections.

BUDGETS (§48-805.02)

Budgets must be submitted no later than August 1 of each year to the county treasurer and the clerk of the board of supervisors of your county. To ensure county officials properly and timely process your district's budget and tax levy information, your district budget should be given to the county as soon as the district board has finalized and approved it.

§48-805.02. Beginning in fiscal year 2013-2014, a complete copy of the adopted budget shall be posted in a prominent location on the district's official website, or on a website of an association of fire districts for districts that do not have official websites, within seven business days after final adoption and shall be retained on the website for at least sixty months.

A.R.S. 42-17257 - This can make a difference as to when you will start receiving Tax Money.

"Department" referred to in A.R.S. 42-17257 is
Arizona Department of Revenue
GIS Section
Attention: Flo Villaverde
1600 West Monroe - 8th Floor
Phoenix, AZ 85007

{See Guidelines, below, for filing notice.}