House Engrossed

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 80

HOUSE BILL 2482

AN ACT

AMENDING SECTION 48-2010, ARIZONA REVISED STATUTES; RELATING TO SANITARY DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 48-2010, Arizona Revised Statutes, is amended to read:

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 ~~reorganized~~ CONVERTED and administered by its own board of directors, the board of supervisors shall call an election on the ~~reorganization~~ CONVERSION of the sanitary district~~, except that the board of~~

~~supervisors shall not call an election to reorganize a sanitary district 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 petition for the ~~reorganization~~ CONVERSION of the district shall specify either three or five as the number of directors for the ~~reorganized~~ 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 ~~reorganization~~ election shall state "~~reorganize as~~ 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", "~~reorganize as~~ 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 ~~reorganization~~ CONVERSION. Within ~~fourteen~~ 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 ~~was~~ WERE in favor of ~~reorganizing~~ CONVERTING the sanitary district, the board shall enter that fact on its minutes, declare the district duly ~~reorganized~~ 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.

~~D.~~ 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.

~~E.~~ 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.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.