

REFERENCE TITLE: sanitary districts; directors; payment

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1023

Introduced by
Senator Kavanagh

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 48-2010. Board of directors; qualifications; term;
5 appointment; election; conversion; reorganization;
6 compensation; expenses

7 A. A sanitary district having an area of one hundred sixty acres or
8 more shall be governed by a board of directors with not less than three
9 members. Members of the board of directors shall be qualified electors of
10 the district. Immediately after the first regular election held
11 subsequent to the enactment of this section by a sanitary district
12 organized and existing ~~prior to~~ BEFORE such enactment, the directors shall
13 meet and divide themselves by lot into two classes as nearly equal in
14 number as possible. Directors of the first class shall serve for a term
15 of four years, and directors of the second class for a term of two years,
16 and until the directors' successors are elected and qualified. Thereafter
17 at each regular election one director for each expired term shall be
18 elected, and shall hold office for a term of four years, and until the
19 director's successor is elected and qualified. The dates of elections and
20 of expiration of terms of the initial directors shall be specified in the
21 petition for establishment of the district. Except for an election to
22 reorganize a sanitary district, candidates for directors shall file
23 nominating petitions with the board of supervisors as prescribed by title
24 16, chapter 3. If only one person files or no person files a nominating
25 petition for an election to fill a district office, the board of
26 supervisors may cancel the election for the position and appoint the
27 person who filed the nominating petition to fill the position. If no
28 person files a nominating petition for an election to fill a district
29 office, the board of supervisors may cancel the election for that office
30 and that office is deemed vacant and shall be filled as otherwise provided
31 by law. A person who is appointed pursuant to this section is fully
32 vested with the powers and duties of the office as if elected to that
33 office.

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

40 C. A sanitary district having an area of less than one hundred
41 sixty acres shall be governed by the board of supervisors of the county in
42 which the district is located, and the board of supervisors shall be the
43 board of directors of the district. On receipt of a petition that
44 contains the signatures of twenty-five ~~per cent~~ PERCENT or more of the
45 qualified electors residing in the district that are verified by the

1 county recorder and that requests that the district be converted and
2 administered by its own board of directors, the board of supervisors shall
3 call an election on the conversion of the sanitary district. The election
4 may be held on any consolidated election date as prescribed in section
5 16-204. The sanitary district shall reimburse the county for the expenses
6 of the sanitary district election. The petition for the conversion of the
7 district shall specify either three or five as the number of directors for
8 the converted sanitary district. The board of supervisors shall give
9 notice of the election by posting copies of the order of election in three
10 public places within the district not less than twenty days ~~prior to~~
11 **BEFORE** the date of the election and if a newspaper is published within the
12 county having a general circulation within the district, the order shall
13 be published in the newspaper not less than once a week during each of the
14 three calendar weeks preceding the calendar week of the election. The
15 ballot for the election shall state "convert from a sanitary district
16 administered by the county board of supervisors to a sanitary district
17 administered by a local board of directors consisting of (insert three
18 members or five members, as appropriate) - yes", "convert from a sanitary
19 district administered by the county board of supervisors to a sanitary
20 district administered by a local board of directors consisting of (insert
21 three or five members, as appropriate) - no". The ballot shall also allow
22 each elector to indicate the elector's choice for board members in the
23 event of conversion. Within twenty days after the election, the board of
24 supervisors shall meet and canvass the returns, and if it is determined
25 that a majority of the votes cast at the election were in favor of
26 converting the sanitary district, the board shall enter that fact on its
27 minutes, declare the district duly converted and announce the names of
28 those elected to the district board.

29 D. The board of supervisors shall make an order calling an election
30 to decide whether to reorganize a sanitary district that has a board
31 consisting of three members as a sanitary district that has a board
32 consisting of five members when a petition containing the signatures of
33 twenty-five ~~per cent~~ **PERCENT** of the qualified electors residing within the
34 district and requesting that the district be reorganized is filed with the
35 board except the board of supervisors shall not call for a reorganization
36 election to expand the number of directors on the district board more
37 frequently than once every two years. The election may be held on any
38 consolidated election date as prescribed in section 16-204. The sanitary
39 district shall reimburse the county for the expenses of the sanitary
40 district election. The board of supervisors shall give notice of the
41 election by posting copies of the order of election in three public places
42 within the district not less than twenty days ~~prior to~~ **BEFORE** the date of
43 the election and if a newspaper is published within the county having a
44 general circulation within the district, the order shall be published in
45 the newspaper not less than once a week during each of the three calendar

1 weeks preceding the calendar week of the election. The ballot for the
2 election shall state "shall the current ~~three member~~ THREE-MEMBER sanitary
3 district board be reorganized to a ~~five member~~ FIVE-MEMBER board - yes or
4 no". The ballot shall also allow each elector to indicate the elector's
5 choice for two additional board members in the event of reorganization.
6 Within twenty days after the election, the board of supervisors shall meet
7 and canvass the returns, and if it is determined that a majority of the
8 votes cast at the election were in favor of reorganizing the sanitary
9 district as a district with a ~~five member~~ FIVE-MEMBER board, the board
10 shall enter that fact on its minutes, declare the district duly
11 reorganized and announce the names of those elected to the district board.

12 E. Each director of a sanitary district shall receive not more than
13 ~~one hundred fifty dollars~~ \$336 per month or a lesser amount as set by the
14 board of directors of the district plus necessary traveling expenses, but
15 members of the board of supervisors when serving as directors of a
16 sanitary district shall receive no compensation for attending meetings but
17 shall be reimbursed for their necessary expenses. BEGINNING IN 2029 AND
18 EVERY FIVE YEARS THEREAFTER, THE BOARD OF DIRECTORS OF THE DISTRICT MAY
19 MODIFY THE AMOUNT PAID TO THE DIRECTORS BASED ON THE INCREASE OR DECREASE
20 IN THE CONSUMER PRICE INDEX AS PUBLISHED BY THE UNITED STATES DEPARTMENT
21 OF LABOR, BUREAU OF LABOR STATISTICS DURING THE PRECEDING FIVE YEARS. No
22 director shall receive compensation, other than expenses, for attending
23 more than four meetings of the board during a calendar month.

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