

CHAPTER 14
MISCELLANEOUS INFORMATION

PROCEDURE for A.R.S. § 48-262(I)
BOUNDARY CHANGE- SINGLE PARCEL

1. Receive **WRITTEN REQUEST** from property owner to amend the district boundaries to include his or her land. This request should have the following attached:

Exhibit A. Legal description of the property.

Exhibit B. Map showing that the property is **CONTIGUOUS** to the boundaries of the district.

{See Chapter 3, page 21, “Guidelines for A.R.S. § 42-17257”}

2. **DETERMINE** if the inclusion of the property will benefit both the district AND the property owner. If the answer is YES, then proceed to the next steps.

If the property is located in an incorporated city or town, in addition to the other requirements prescribed in this subsection, the governing body of the fire district or sanitary district may approve the boundary change only if the governing body of the affected city or town by ordinance or resolution has approved the inclusion of the property in the district.

3. **PLACE ON AGENDA** of district board meeting for discussion and action. Pass resolution (order) to include the property within the boundaries of the district.

4. **RECORD** the following with your county recorder:

A. Resolution (order) to include the property within the boundaries of the district.

B. Written request from property owner.

C. Legal description of property.

D. Map showing property is adjacent to district. {See Chapter 3, page 21, entitled “Guidelines for A.R.S. § 42-17257”}

5. **ATTACH** the items in step 4 to minutes of meeting. It is important to maintain these documents in your district records.

6. **SUBMIT** - The items in step 4 to the following:

A. Your county board of supervisors

B. Your county assessor

C. Your county elections department

D. Your county treasurer

{See Chapter 3, page 21, entitled “Guidelines for A.R.S. § 42-17257”}

E. Arizona Department of Revenue
GIS Section
1600 West Monroe – 8th Floor
Phoenix, AZ 85077
Telephone: (602) 716-6814

F. Department of Health Services (if you have an ambulance C.O.N. which expands with your annexations.

7. **REPORT** the boundary change information in your annual report.
8. **On or before November 1** of the year preceding the year in which assessments or taxes are to be levied, the governing body of the fire district shall file with the Arizona Department of Revenue and the appropriate county assessor information prescribed by the director of the Arizona Department of Revenue as to any change in boundaries of the taxing district. {See Chapter 3, entitled “Guidelines for A.R.S. § 42-17257”} *Failure to comply can make a difference as to when you start receiving Tax Money. It is possible to get an extension of the November 1st deadline by making a request for extension to the Department of Revenue no later than December 31st. They can grant extension to February 15th of the year in which taxes are to be levied. This can be helpful if you receive a boundary change request after November 1st that you know you can have processed prior to February 15th*

**PROCEDURE FOR A.R.S. § 48-262(A)
FIRE DISTRICT BOUNDARY CHANGE**



Individuals interested in making a change in the boundaries (adding or withdrawing property) of a fire district must prepare a boundary change impact statement and present it to the governing body of the district. The statement must include at least the items outlined in A.R.S. §48-262(A)(1) (a), (b), (c), (d), (e), (f) and (g). Information regarding valuation, taxes, and property ownership which is needed to prepare the boundary change impact statement is available in the office of the County Assessor and at the State Department of Revenue. The description of boundaries in the impact statement must be a legal description. The boundaries of the proposed change shall not overlap with the boundaries of any other proposed new district of the same type or any annexation by a district of the same type for which petitions are being circulated on the date that the boundary change impact statement is filed with the governing body. After November 1, 2007, a legal description submitted with an impact statement for a boundary change to a fire district must include only entire parcels of real property and may not result in split parcels. (A.R.S. §48-272).

A fire district cannot annex or otherwise add territory that is already included in another existing fire district, unless the territory is first deannexed from the existing district. A fire district cannot approve an annexation unless the territory to be annexed is contiguous with the fire district's existing boundary. Lands owned by or under the jurisdiction of the United States government, the state of Arizona or any political subdivision of the state other than an incorporated city or town are not considered as intervening between a district's existing boundary and lands adjacent to them for purposes of annexation. A fire district also may not approve an annexation if the area

proposed to be annexed surrounds any unincorporated territory and that unincorporated territory is not also included in the district.

If an annexation contains area within an incorporated city or town, the governing body of that entity must endorse the impact statement. In addition, annexations must be contiguous to the district boundaries and any withdrawal of property must not result in a noncontiguous portion of the district that is less than one square mile in size.

If an incorporated city or town has previously adopted a resolution designating a fire district as the fire service agency for the city or town, the jurisdictional boundaries of the fire district are automatically changed to include any property annexed into the city or town. Boundary changes to fire districts that are accomplished in this manner are effective on the effective date of the annexation by the city or town. In a case where a city or town has designated a fire district as its fire service agency and the city or town annexes property that is already part of a different fire district, the annexed property remains in the fire district in which it was located prior to the annexation by the city or town. The district should notify the Arizona Department of Revenue of the change.

In the case of withdrawal of property, circulation of petitions is to be approved only if the withdrawal would not result in a noncontiguous portion of the district that is less than one square mile in size and only after the governing body determines if the district has any existing bonds or other evidences of indebtedness.

Upon receipt of the boundary change impact statement, the governing body sets a hearing for not fewer than 20 nor more than 30 days from receipt of the statement.

A copy of the boundary change impact statement is sent to the Board of Supervisors by the clerk of the governing body, along with the notice of the hearing on the statement. The Board of Supervisors reviews the proposed change and **may** submit comments to the governing body within 10 days of receipt of the statement and notice. The governing body also may, at any time prior to the hearing, require that the statement be amended to include any information that the governing body deems relevant and necessary.

The clerk of the governing body sends by first class mail a written notice of the statement, its purpose, and notice of the day, hour and place of the hearing to each owner of taxable property within the boundaries of the proposed change. Notice of the hearing is posted at three public places in the area of the proposed change and is also published twice in a daily newspaper of general circulation in the area of the proposed change, or at least twice at any time before the hearing if no such paper exists.

At the hearing, the comments of the Board of Supervisors are considered, as well as those for and against the proposed change. The governing body determines whether the proposed change will promote the public health, comfort, convenience, necessity or welfare. If so, the impact statement is approved and the persons proposing the change are authorized to circulate petitions. If the governing body denies circulation of petitions, another request for a similar boundary change may be presented to the governing body after six months from the date of denial. Within 15 days after the governing body grants approval to circulate petitions, and after resolution of any appeal of the governing body's action, the Clerk of the Board determines the minimum number of property owner signatures necessary and the assessed valuation required in order to meet statutory requirements that the petitions be signed by more than one-half of the property owners within the proposed boundary change owning collectively more than one-half of the assessed valuation of the property within the boundaries of the proposed change. Once the Clerk has determined that number, it remains fixed for the purposes of determining compliance, notwithstanding any subsequent changes in ownership of the property within the boundaries of the proposed change.

Aggrieved persons may appeal the governing body's decision to the Superior Court as spelled out in A.R.S. §48-262(A)(14).

Proponents of the boundary change circulate petitions in accordance with A.R.S. §48-262(A)(10), which refers to A.R.S. 48-266. The petitions shall comply with the provisions regarding petition form prescribed in A.R.S. §48-

266(B). Petitions must, at all times, contain a legal description of the boundaries of the area to be included within the proposed change and a detailed, accurate map of the area. The items required to be contained with the petition shall be printed on the back of the petition form required pursuant to section 48-266 unless the size of the items precludes compliance with this requirement. **No alteration of the described area shall be made after the hearing to consider the boundary impact statement. Proponents present the petitions to the governing board, being sure all maps and legal descriptions remain attached to the petitions.**

For the purpose of determining the validity of the petitions presented for a boundary change, property held in multiple ownership shall be treated as if it had only one property owner, so that the signature of only one of the owners of property held in multiple ownership is required on the boundary change petition. The number of persons owning property inside the boundaries of the proposed boundary change shall be determined as follows:

- In the case of property assessed by the county assessor, the number of persons owning property shall be as shown on the most recent assessment of property.
- In the case of property valued by the department of revenue, the number of persons owning property shall be as shown on the most recent valuation of property.
- If an undivided parcel of property is owned by multiple owners, those owners are deemed to be one owner for the purposes of this section.
- If a person owns multiple parcels of property, that owner is deemed to be a single owner for the purposes of this section.

The petitions must be returned to the governing body of the fire district within one year from the date of the approval to circulate. Any petition returned more than one year from that date is void. If an appeal is filed against the governing body's decision to authorize circulation of petitions, the time period for gathering signatures begins on the date an action is filed in Superior Court and ends when the time period for any further appeal has expired. In any event, proponents of a boundary change should be encouraged to turn in the completed petitions in a timely fashion to avoid changes in property ownership which can severely complicate the verification process and can jeopardize efforts to achieve the boundary change.

After the petitions are filed with the governing body, the governing body sets a hearing no less than 10 nor more than 30 days from receipt of the petitions. At the same time, the governing body sends the original petitions to the Board of Supervisors, which must determine the validity of the petitions, according to A.R.S. §48-262(B). Petitions must contain the signatures of more than one-half of the property owners within the boundaries of the proposed change with such number having been determined by the Clerk of the Board of Supervisors, and the signatures of property owners of more than one-half of the assessed valuation of the property within the boundaries of the proposed change. **Property owner petitions will be verified as of the date of submittal of the petitions – not as of the date an individual signed a petition.** Therefore, the longer petitions are out, the greater the chance that property will have transferred ownership between the time petitions are signed and the time the petitions are submitted to the Board.

Petitions submitted without the statutorily required attachments will be considered invalid and no signatures on them will be counted

If the petitions contain the required signatures, the governing body, after its hearing, is required to approve the boundary change. It approves an Order of Boundary Change and a copy of the Order is recorded with the County Recorder. The boundary change becomes effective 30 days after the governing body approves it. Any appeal of the boundary change must be presented to the Board of Supervisors during the 30 day period. The Order of Boundary Change should conform with the format required by the County Recorder for recording, with the text of the order starting two inches from the top of each page.

The governing body is responsible for notifying the Arizona Department of Revenue and the county assessor, the county treasurer, the county elections department of boundary change action.

To review:

- A boundary impact statement is presented to the district governing board. This form must contain:
 - Legal description of the boundaries
 - Detailed, accurate map
 - A detailed list of taxable properties within the proposed area
 - Estimate of the assessed valuation within the boundaries of the proposed change
 - Estimate of the change in the tax rate of the district if the proposed change is made
 - Estimate of the change in the property tax liability before and after the proposed change
 - List and explanation of benefits to residents of the proposed area and of the district
 - List and explanation of the injuries to the residents of the proposed area and of the district
- On receipt of boundary change, the governing body sets a hearing at least twenty days but not more than 30 days
- Boundary Impact Statement is sent to the Board of Supervisors along with notice of hearing, and notice of the hearing is mailed, first class, to each owner of taxable property within the proposed boundary change by the clerk of the governing body. At least 10 days before the hearing, the clerk of the governing body posts (in 3 public places in the proposed area) and publishes the notice (at least twice).
- Within 10 days of receipt, the Board of Supervisors reviews of Boundary Impact Statement and sends any comments to the fire district.
- Governing body holds public hearing and either authorizes or denies circulation of petitions.
- Within 15 days, the County Board of Supervisors Clerk of the Board determines the number of property owner signatures and assessed valuation necessary to meet the “more than one-half” requirement.
- Proponents have one year from the date the governing body authorizes circulation of petitions to obtain signatures and file them with the district. If an appeal is filed, the time allowable for the collection of signatures begins on the date an action is filed in Superior Court and continues until the time for any further appeal has expired.
- Governing body receives completed petitions and sets hearing on the boundary change for not fewer than 10 nor more than 30 days from the date of receipt of the petitions.
- Governing body sends petitions to Board of Supervisors, which provides for verification in accordance with the provisions of A.R.S. §48-262(B).
- If the petitions contain the necessary signatures to meet statutory requirements, the governing body, at its hearing, approves an order changing the district boundaries.
- Governing body records Order of Boundary Change and notifies the Arizona Department of Revenue and County Board of Supervisors, County Treasurer, and County Elections Department of the action. If the fire district has an Ambulance C.O.N. that expands with its boundary changes, it will also notify the Arizona Department of Health Services.

Sample Resolution

RESOLUTION

RESOLUTION # _____

A RESOLUTION AUTHORIZING THE AMENDMENT OF THE _____ FIRE DISTRICT'S BOUNDARIES TO INCLUDE LAND WITHIN THE _____ COUNTY AND ADJACENT TO THE BOUNDARIES OF THE _____ FIRE DISTRICT AFTER WRITTEN REQUEST BY PROPERTY OWNER IN ACCORDANCE WITH A.R.S. § 48-262(I).

WHEREAS: On *(Date)*, Mr. and/or Mrs. *{Name}* requested, in writing, that the _____ Fire District Board amend the _____ Fire District boundaries to include their property, more particularly described as set forth on the attached Exhibit A.

WHEREAS: The subject property is located within _____ County and is adjacent to the boundaries of _____ Fire District as shown on map attached as Exhibit B.

WHEREAS: The _____ Fire District Board has determined that the inclusion of the subject property within the boundaries of _____ Fire District will benefit the _____ Fire District AND the Property Owner.

NOW THEREFORE, BE IT RESOLVED that the Fire Board of the _____ Fire District hereby order the following:

The boundaries of _____ Fire District are hereby amended to include the property described as set forth on the attached Exhibit A.

ADOPTED at a meeting of the Fire Board of the _____ Fire District at a duly noticed meeting held on _____, 20__ by a majority of the Fire Board Members.

Chairperson
_____ Fire District

Attested to:

Clerk
_____ Fire District