



# SUNSTITES-PEARCE FIRE DISTRICT

SERVING RESIDENTS OF THE SUNSTITES-PEARCE FIRE DISTRICT,  
AND NEIGHBORING COCHISE COUNTY

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## Sunsites-Pearce Fire District Candidate Informational Meeting June 2, 2014

1. **Call to Order.** The meeting was called to order at 6:00 p.m. by Administrator Schelling.
2. **Pledge of Allegiance.** Martha Reynolds led the attendees in the Pledge of Allegiance.
3. **Administrator Schelling will present information on how to run for the governing district board.**
  - I. **Introductions.** Mr. Schelling introduced Ms. Martha Reynolds of Cochise County Special Districts, Mr. Bill Whittington of Boyle, Pecharich, Cline, et al., the Fire District's Attorney; Mr. Bill Miller, Fire Chief of Fry Fire District, Josh Steinberg, Interim Fire Chief of Sunsites-Pearce Fire District and Jill Schultz, Office Admin of Sunsites-Pearce Fire District.
  - II. **What are the basic responsibilities of an elected governing board member?**
    - A. **Getting elected and commitment to the special district.** Mr. Schelling explained that the district is calling for an election and the requirements that a candidate must meet prior to running, in addition to the paperwork involved.
    - B. **Required Training.** Chief Bill Miller explained the new requirements of a board member receiving six hours of training as well as SB1387 requirements as signed by the Governor.
    - C. **Understanding the difference between micro managing and setting policy.** Mr. Schelling discussed the responsibilities of a board member in regards to setting policy and the fire chief and staff having the responsibilities of running the day to day operations of the district. Mr. Schelling explained the policy matters and indicated that the District will be setting Board Guidelines in June.
    - D. **Attending Meetings.** Mr. Schelling and Mr. Whittington discussed the requirements of a board member attending board meetings and the ramifications that can occur if three consecutive meetings are missed.
    - E. **Open Meeting Law.** Mr. Whittington explained the fines and violations that can be imposed by the Attorney General upon a board member for breaking Open Meeting Law as well as the importance of a board member being familiar with the Law. Please see attached Open Meeting Law Handout.

III. **Statutory Duties of a governing board member**

- A. **Adopting a budget**
- B. **Annual Report**
- C. **Financial reporting requirements**
- D. **Fire Chief.**

Mr. Whittington reviewed the Fire District Laws regarding what a Fire District must do and what a Fire District may do. Please see the attached Fire District Law Handout. Chief Miller discussed the importance of abiding by Title 48 and all Federal and State Laws. In addition he went on to discuss the code of conduct, long term responsibility, financial consideration and the community commitment.

IV. **What happens if a governing board member can no longer fulfill their duties?**

Mr. Whittington discussed the circumstances that can cause a board member to no longer fulfill their duties and the ramifications when such a situation occurs.

V. **Getting elected.**

- A. **\$500 Threshold**
- B. **Signature Petition**
- C. **Nomination Paper**
- D. **Filing with Elections/Special Districts**
  - 1. **Filing Dates: July 7 – August 6, 2014**
  - 2. **Election Date: November 4, 2014**
- E. **Termination Statement.**

Martha Reynolds explained the requirements and the process to file paperwork necessary to become a candidate for the fire district governing board.

Further discussion was had and questions from the public were answered.

4. **Adjourn.** The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Jill Schultz

**Fire District Law**  
**(A.R.S. §§ 48-803; 48-805; 48-807; 48-253)**

**Fire District; Powers and Duties**

A. A Fire District Shall:

1. Hold public Board meetings – 1 per month.
2. Determine compensation for District personnel.
3. Require probationary employees (if paid), reserve firefighters and volunteer firefighters to submit fingerprints to District. District submits to DPS for criminal records check.
4. Prepare, post (3 places – budget summary, plus a **complete** copy on District website or an association website - i.e. AFDA) and publish (20 days before public hearing – not just public meeting) Annual Budget. Copies shall be available on written request. Post adopted budget on website within 7 business days of adoption and retain for at least 60 months thereafter. **(ARS 48-805.02)**
5. Submit to the county board of supervisors a budget estimate by **August 1** of each year; must include certifications (by item) and specify the amount of money required for maintenance and operation of District for the following year. **(ARS 48-805.02)**
6. Include in every budget adopted:
  - a. Certification by Chairman **and** Clerk that District has not incurred any debt or liability in excess of taxes levied and available funds (except as prescribed in ARS 48-805(B)(2); 48-806 and 48-807).
  - b. District complies with ARS 48-805.02(E). **(ARS 48-805.02)**
7. For each item listed in budget summary, estimate the revenue or expense for the next two fiscal years. Estimates shall be based on the average increase or decrease of the item for the previous two fiscal years, unless more information is available. Estimates shall include applicable levy or rate limitations. **(ARS 48-805.02)**
8. Undertake a study of merger, consolidation or joint operating alternatives (joint powers) if total estimate of expenses exceeds total estimate of revenues for any fiscal year. Study must be presented to the Board in special public meeting called for sole purpose of evaluating the study. **(ARS 48-805.02)**
9. Fill vacancies on the Board. **(ARS 48-803)**
10. Appoint or hire a Fire Chief. **(ARS 48-803)**
11. Elect a Chairman and Clerk. **(ARS 48-803)**
12. Reconcile all balance sheet accounts within 30 days after end of month; review reconciled balance sheets monthly. **(ARS 48-807)**
13. Produce monthly financial reports (to include register of checks, warrants and deposits, statement of financial activities and statement of net assets). **(ARS 48-807)**
14. Produce cash flow projection report for each fiscal year; update monthly. **(ARS 48-807)**
15. Review financial reports, cash flow projections report and all month-end fund statements and reports. If any report indicates adverse impact, shall be reported to county treasurer; certified mail within 10 days after discovery. **(ARS 48-807)**

16. Submit an Annual Report to the clerk of the board of supervisors within **240 days** of close of the fiscal year. **(ARS 48-251)**
17. Submit a copy of completed audit or financial review to county treasurer and board of supervisors within **240 days** of close of the fiscal year or within **180 days** after a request for a financial review is received. **(ARS 48-253)**
18. Audit shall be presented in person to Board by auditor and Board shall accept the audit. Audit shall include a certification by auditor as to the following:
  - a. District has not incurred any debt or liability in excess of taxes levied and available funds (except as prescribed in ARS 48-805(B)(2); 48-806 and 48-807).
  - b. District complies with ARS 48-805.02(E). **(ARS 48-805.02)**
19. Maintain any property tax revenues collected in excess of the sum of the amounts of taxes collectible and the allowable levy, in separate fund and used to reduce the property tax levy in the following year. **(ARS 48-807)**
20. Establish the relevant funds necessary for the proper management and fiscal accountability of district monies from property taxes, grants, contributions and donations. Unless the monies received are legally restricted by contract, agreement or law, monies may be transferred between fund accounts. **(ARS 48-807)**

**B. A Fire District May:**

1. Employ personnel and provide fire protection/ambulance services (Board members prohibited from being employees).
2. Construct, purchase, lease, lease-purchase or acquire:
  - a. Apparatus, water & rescue equipment (including ambulances and equipment related to any of the foregoing).
  - b. Land, buildings, equipment & furnishings to house equipment & personnel necessary to carryout purposes.
3. Finance acquisitions of property.
4. Enforce, adopt; amend Fire Code. Assist the state fire marshal in enforcement of fire protection standards of this state within District.
5. Contract for fire protection from private companies or neighboring cities, towns, or other districts.
6. Contract with a city or town to provide fire protection services.
7. Retain the services of a CPA.
8. Retain the services of an attorney.
9. Accept gifts, contributions, bequests and grants.
10. Pay dues (example: Arizona Fire District Assn).
11. Adopt resolutions establishing fee schedules, both inside and outside of the boundaries of the District, for fire protection & medical services, including plan reviews, standby charges, fire investigation, user fees, facility benefit assessment, or other fee schedules that may be required.
12. Change the fire district's name (requires supermajority and public vote).
13. Require all employees to submit fingerprints.
14. Enter into IGAs or contracts for services – in and out of district.

- a. fire services
  - b. technical or administrative services
  - c. emergency medical services
  - d. out of district service contracts
15. Be reimbursed for expenses incurred in performing duties (**§ARS 48-803**)
- C. District may obtain warrants from County Treasurer to run Fire District in accordance with Fire District budget. (**ARS 48-805 & 48-807**)
- After August 1 of each year.
  - Payable November 1 of that year or April 1 of succeeding year.
  - Aggregate amount may not exceed 90% of taxes levied for the current fiscal year.
- D. Board members shall have full access to financial books and records of the District.
- E. The District Board may assess and levy a secondary property tax to pay for costs of fire protection services or emergency medical services [except for services regulated by Title 36, Chapter 21.1(CON)]

**NOTE: The Sunsites Pearce Fire District is presently under the guidance of an administrator, appointed by the County Board of Supervisors. As a result, not all of the Open Meeting Law rules have direct application to everything the administrator does. However, when a new governing board is selected, these rules will apply.**

## OPEN MEETING LAW

1. Arizona's Open Meeting Law
  - Public policy
  - Slow down!
  
2. Government Bodies Covered by the Open Meeting Law
  - All political subdivisions
  - Boards and Commissions; Quasi-judicial
  - Advisory Committees; Special and Standing Committees and Subcommittees; Citizens Committees
  
3. Actions and Activities Covered by the Open Meeting Law
  - Generally – anything that may be the subject of action – collective decision; commitment; promise
  - Circumvention of the Open Meeting Law – email; strawman; media
  - Quorums
  
4. Notice of Meetings
  - Disclosure notice – filed with county
  - Webpage postings (optional for Special Taxing Districts) except for postings of **budget** which shall be posted in three public places and posted for the public on the District's website or AFDA's website 20 days before adoption and 60 days after adoption
  - Notice to members of the public body & to public
  - Notice to the public
    1. Contents of the notice – who, when, where, what
    2. Time for giving notice – 24hrs; 72 hrs; - Saturdays (if public can view) no Sundays or holidays
    3. Notice of regular meetings
    4. Notice of Executive Sessions
    5. Combined Notice of Public Meeting and Executive Session
  - Maintaining records of notice; public records
  
5. Agendas
  - Contents of the agenda – enough detail for public; less for Executive Session
  - Distribution of the agenda – post, pickup, hand out
  - Board Packets – available 24 hours before meeting?
  - Consent agendas – ok; removing something off for additional consideration
  - Discussing and deciding matters not listed on the agenda – don't – Chief Report
  - Reports vs. Discussion
  - Calls to the Public – control time; limited response
  - Emergencies – 24 hrs after
  - Changes to the agenda – re-post

6. Minutes
  - Form of minutes – summary; who was there; who spoke; topic; motions; vote
  - Access to the minutes – 3 business days
  - Contents of the minutes of public meetings – not verbatim; what was covered; what the District representative was told to do
  - Contents of the minutes of Executive Sessions – less detail – preserve privacy
  - Confidentiality of Executive Session minutes
    - Board members
    - Employee [(A)(1)]
    - AG office; County Attorney; Auditor General
  
7. Executive Sessions – often controversial
  - Executive Session requirements; cite statute [A.R.S. §38-431.03(A)(1)-(A)(7)]
  - Admonitions; confidential; attendance
  - Authorized Executive Sessions
    1. Personnel matters – 24hr written notice
    2. Confidential records
    3. Legal advice
    4. Litigation, contract negotiations and settlement discussions
    5. Union negotiation re: salary & benefits
    6. International, interstate, and tribal negotiations, or w/cities or towns
    7. Purchase, sale or lease of real property
  - Taking legal action – can't; limited discussion; instructions
  
8. Public access to Meetings
  - Public participation vs. access
  - Telephone conferences
  - Recording the proceedings
  
9. Ratification
  - Procedure for ratification – within 30 days; 72 hr. notice
  
10. Emergencies – notice; plus posting within 24 hrs.
  
11. Recesses – place in minutes
  
12. Sanctions for Violations of the Open Meeting Law
  - Mandamus
  - Nullification
  - Investigation and Enforcement
  - Civil Penalties - \$500
  - Removal from Office
  - Attorney's Fees
  - Expenditure for legal services by public body relating to the Open Meeting Law - personal
  
13. Emails & computers; correspondence (form of Open Meeting Law warning)
  
14. Conducting Meetings

- How to conduct a meeting – see Bylaws
- Agenda – enough detail
- Limit time
- Ask for Motion
- Discuss the Motion
- Vote
- Move on

15. Robert's Rules

16. Bylaws – the rules for conducting the business of the Board.

- Who puts items on Agenda
- Posting and notice requirements
- Decorum