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REFERENCE TITLE: **cities and towns; technical correction**

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

SB 1102

Introduced by
Senator Mitchell

AN ACT

AMENDING SECTION 9-101.02, ARIZONA REVISED STATUTES; RELATING TO CITIES AND TOWNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 9-101.02, Arizona Revised Statutes, is amended to
3 read:

4 9-101.02. Alternate method of incorporation for certain areas;
5 definition

6 A. As an alternate procedure for incorporation, any unincorporated
7 community containing a population of seventy-five hundred persons or more, if
8 such community includes all of the territory of a district organized under
9 title 48, chapter 19, which itself includes all of the territory of a
10 district organized under title 48, chapter 14, may incorporate as a city or
11 town if each of the following events occurs:

12 1. At least twenty per cent of the qualified electors of the community
13 petition the board of supervisors, setting forth the metes and bounds of the
14 community, the name proposed for such city or town, praying for the
15 incorporation of the community into a city or town and praying for the
16 calling of an election for the purpose of deciding the question of whether to
17 incorporate. The board shall within sixty days after filing the petition
18 call the election, and the election shall take place on a date prescribed by
19 section 16-204 but not more than one hundred eighty days after the petition
20 is filed, except that no such election shall be called within twelve months
21 from the date of a previous election for incorporation of substantially the
22 same territory. Only qualified electors of the community shall vote on the
23 question. If a majority of qualified electors voting thereon votes for
24 incorporation, then the board of supervisors shall, by an order entered of
25 record, declare the community incorporated as a city or town, if the
26 provisions of paragraph 2 ~~of this subsection~~ are complied with.

27 2. When, on the basis of a sufficient petition therefor under
28 paragraph 1 ~~of this subsection~~, an election is required upon the question of
29 incorporation the board of supervisors shall also call, at the same time as
30 the incorporation election is called, separate elections among the qualified
31 electors of each of such districts on the question of ultimate dissolution of
32 the district. For the purposes of such elections, a qualified elector of a
33 district shall be a person who is qualified to vote at the incorporation
34 election called pursuant to paragraph 1 of this subsection and who resides
35 within the district, and shall not be required to meet any additional
36 qualifications. If a majority of the qualified electors of each district
37 voting on the question approves it, each district shall be dissolved at the
38 time and as otherwise provided in title 48, chapter 14 and chapter 19,
39 respectively. Pending dissolution, the administration of district affairs
40 shall vest in trust in the governing body of the city or town created
41 pursuant to the election conducted under paragraph 1. Members of the
42 governing body of such city or town are trustees of the districts for all
43 purposes of such districts and as such have the powers and duties prescribed
44 for the boards of directors of the districts organized pursuant to title 48,
45 chapters 14 and 19. Such trustees may, without limitation, except as

1 provided by law and within this section, operate the facilities of the
2 district, may cause the levy of district taxes and assessments to pay debts
3 and operating charges of the district and may issue and sell bonds previously
4 authorized for improvements prior to dissolution of the district.
5 Indebtedness and obligations of or issued by or on behalf of such districts
6 shall not thereby become indebtedness or obligations of such city or town,
7 except that such city or town shall be responsible as trustees to insure that
8 all obligations and debts of the district shall be paid when due from funds
9 available to the trustees from the district. Until dissolution, nothing
10 shall be deemed to preclude such a district from otherwise continuing to
11 carry on its activities and transacting its business, or from entering into
12 contracts and agreements otherwise authorized with such city or town, or from
13 transferring streets and other property to such city or town. At elections
14 conducted after incorporation in districts to which this section applies the
15 electors shall be qualified electors of the city or town who reside within
16 the district, shall be fully qualified to vote in a city or town election
17 were one conducted at the same time, ~~and~~ and shall not be required to meet any
18 additional qualifications.

19 B. Members of the boards of directors of the districts, if the terms
20 of such members have not expired, shall serve as an advisory board to the
21 trustees until expiration of the terms or earlier vacancy, and thereafter the
22 office shall be deemed abolished.

23 C. If the qualified electors voting in the election conducted pursuant
24 to subsection A, paragraph 1 of this section fail to approve incorporation or
25 if the qualified electors voting in either of the elections conducted
26 pursuant to subsection A, paragraph 2 of this section fail to approve
27 dissolution, the community shall not at that time become an incorporated city
28 or town.

29 D. If incorporation is accomplished pursuant to this section, the
30 order of the board of supervisors shall designate the name of the city or
31 town and its metes and bounds, and thereafter the inhabitants within the area
32 so defined shall be a body politic and corporate by the name designated.

33 E. An area to be incorporated shall not include large areas of
34 uninhabited, rural or farm lands, but it shall be urban in nature.

35 F. Prior to the beginning of the first full fiscal year in which a
36 city that is incorporated under this section assumes the financial
37 responsibility for a dissolved special taxing district or districts formerly
38 within the city's boundaries, the economic estimates commission, pursuant to
39 section 41-563, shall add to the city's FISCAL YEAR 1979-1980 base limit, for
40 purposes of determining its expenditure limitation pursuant to article IX,
41 Constitution of Arizona, the actual expenditures of the district or districts
42 for fiscal year 1979-1980 as set forth in an audit by a certified public
43 accountant done for fiscal year 1979-1980. For purposes of making the
44 adjustment to the city's expenditure limitation pursuant to this subsection,
45 notice shall be provided by a city to the economic estimates commission no

1 later than January 1 prior to the beginning of the fiscal year in which a
2 city proposes to assume the responsibility for a dissolved district.

3 G. For the purposes of this section, "community" means a locality in
4 which a body of people resides in more or less proximity having common
5 interests in such services as public health, public protection, fire
6 protection and water which bind together the people of the area and where the
7 people are acquainted and mingle in business, social, educational and
8 recreational activities.