



COCHISE COUNTY

SPECIAL DISTRICTS GOVERNING BOARD MEMBERS RESOURCE MANUAL

Prepared by
COCHISE COUNTY CLERK OF THE BOARD
Revised November 2018

INTRODUCTION

Congratulations on your election to the Governing Board of your Special District and welcome back to all the continuing Governing Board members.

As Board Members you are responsible for assuring compliance with State and Federal laws applicable to your specific district type. The County Board of Supervisors (BOS) only intervenes if a special district board no longer has enough members for a quorum or if the health and safety of the citizens are in jeopardy.

The Cochise County Clerk of the Board's Office is your resource for formation and management of special districts. It provides guidance to relevant Arizona Revised Statutes (ARS) and other resources. It does not enforce or take action relative to a districts non-compliance with State or Federal laws. Moreover, we are not attorneys and do not provide any legal advice. For some fire districts legal advice is provided by the Cochise County Attorney's office. It is recommended that other districts retain their own legal counsel.

This Manual provides guidance on annual reporting, open meeting law (OML), elections and budgets and other resources that are available. Multiple references to the ARS are included in this Manual. However, it is **strongly recommended** that you review these statutes online to assure you are reviewing the most up to date information. You can access them online at <http://www.azleg.gov/ArizonaRevisedStatutes.asp>. The Arizona Attorney General Agency Handbook is another resource that will provide you with valuable information in managing your special district. It can be accessed online at <https://www.azag.gov/agency-handbook>.

References / information are EXCERPTS from ARS and Arizona Agency Handbook. They are not complete documentation of the entire Statute or Chapter. If you have any questions, please do not hesitate to call us at 520-432-9200.

SPECIAL DISTRICTS
RESOURCE MANUAL
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SECTION 1
ANNUAL REPORT
A.R.S. §48-251 - 253

The Annual Report must be submitted to the Clerk of the Board's Office 240 days following the close of your fiscal year. This is February 28 of each year if your fiscal year ends June 30 and August 30 if your fiscal year ends December 31. Approximately 60 days prior to this due date you will receive a packet from the Clerk of the Board's Office with instructions and the forms to be utilized in this process. These forms are also attached in Appendix A. Districts may download a copy of the forms from the Auditor General's website at <https://www.azauditor.gov/reports-publications/special-districts/forms>

Annual Reports, Audits and Financial Reviews shall be sent to:

Arlethe Rios, Clerk of the Board
1415 Melody Lane, Bldg. G
Bisbee, Arizona 85603

With a copy to:

Catherine Traywick, County Treasurer
P.O. Box 1778
Bisbee, Arizona 85603

- A. Non-exempted Districts organized under A.R.S. Title 48 shall submit an annual report including the following information:
1. A schedule of the beginning and ending fund balances and all revenues and expenditures for the preceding fiscal year. The schedule or statement shall include all monies, gifts or donations received from all sources which have a value exceeding one hundred dollars.
 2. Legal descriptions of any boundary changes which occurred during the preceding fiscal year.
 3. The names, occupations and business telephone numbers of all members of the governing board and officers of the district on the last day of the preceding fiscal year.
 4. The schedule and location of regular meetings of the district governing board.
 5. The location(s) where public notices of meetings are posted pursuant to A.R.S. 38-431.02.
 6. The name/title of the person(s) who complete the reporting requirements pursuant to this subsection.
- B. The secretary/officer of the district governing board shall submit the report within 240 days of the close of the district's fiscal year to the Clerk of the Board of each county in which the district is located. For Cochise County please submit the annual report to the Clerk of the Board's Office.
- C. Districts organized under A.R.S. Title 48 Ch. 4, 6, 17, 22, 27 & 28 are exempt from the requirements of this section. Districts that do not provide services or otherwise operate during the entire period covered by the report and that notify the Clerk of the Board's Office in writing of such circumstances within the time for filing the report are exempt from the requirements of subsection A of this section. For Cochise County please submit the annual report to the Clerk of the Board's Office.
- D. If a district fails to submit a report as required by this section, any taxpayer residing in the district may petition the superior court in the county where the district is organized to order the district to show cause why the report has not been submitted. The court may order the district to file all reports as required by this section. Failure to obey the court order is punishable as contempt of court.

- E. If the court finds that a district has violated this section, it shall award the taxpayer attorney fees and costs associated with bringing the action.
- F. The BOS of each county shall submit annually by March 31 a report on compliance with the requirements of this section to the Governor, President of the Senate and the Speaker of the House.

District audits and financial reviews

- A. Each district organized under A.R.S. Title 48, and not exempt under subsection F of this section and required to make an annual report shall have its reports audited in accordance with generally accepted government auditing. A district shall not be required to perform a financial review more than once per fiscal year. Audits and reviews are required based on the district budget as follows.

ANNUAL BUDGET	REQUIREMENT
Greater than \$1,000,000	Annual audit
\$100,000 to \$999,999	Annual financial review
\$50,000 to \$99,999	Biennially financial review
Less than \$50,000	Upon request of BOS or 10 residents

1. A district may select an outside auditor who is a certified public accountant or a representative who is selected by the BOS and who is trained as an auditor.
 2. A district may advertise and use competitive bidding practices to select an agent to perform the audits or financial reviews required by this section.
- B. Each district that submits a financial statement for the preceding fiscal year that has been attested to by an independent certified public accountant pursuant to A.R.S. 48-251 is deemed to have complied with this section by submitting a copy of the financial statement to the County Treasurer and the Clerk of the Board’s Office.
 - C. Each district shall submit a copy of the completed audit or financial review to the County Treasurer and the Clerk of the Board’s Office within 240 days after the close of the district's fiscal year or within 180 days after a request for a financial review is received by the district pursuant to subsection A, paragraph 1 of this section.
 - D. If a district fails to submit an audit or financial review as required by this section, any taxpayer residing in the district, the BOS or the County Treasurer may petition the superior court in the county where the district is organized to show cause why the audit or financial review has not been submitted. On a failure to show cause the court shall order the district to submit the audit or financial review within ten (10) days after the judgment is entered.
 - E. If the court enters a judgment against the district under this section, the court may award the taxpayer, BOS or County Treasurer reasonable attorney fees and costs associated with bringing the action.
 - F. The following Districts are exempt from the requirements of this section.
 Chapter 4 – Municipal Improvement District

Chapter 6 – County Improvement District
Chapter 17 – Agricultural Improvement District
Chapter 22 – Multi-County Water District
Chapter 27 – Groundwater Replenish District
Chapter 28 – Active Management Water District

By statute a \$100 a day fine can be assessed by the county for every day the report is late.

SECTION 2
ARIZONA AGENCY HANDBOOK

The Arizona Agency Handbook is published by Arizona Attorney General's office and is available on line at www.azag.gov/agency-handbook. This handbook is extremely helpful in managing your district and covers the following topics:

01. The Attorney General and The Department Of Law
02. Public Officers and Employees
03. Personnel
04. Public Monies
05. Procurement
06. Public Records
07. Open Meetings
08. Conflict Of Interest
09. Licensing
10. Administrative Adjudications
11. Rulemaking
12. Enforcement
13. Litigation Against State Entities
14. Detection Of Criminal Violations
15. Discrimination Law
16. Lobbying

If you need further information please contact:

Arizona Attorney General
1275 West Washington Street
Phoenix, Arizona 85007
(602) 542-5025
www.azag.gov

SECTION 3
ARIZONA DEPARTMENT OF REVENUE
INTERNAL REVENUE SERVICES
SOCIAL SECURITY ADMINISTRATION

The Arizona Department of Revenue can assist you with obtaining an Employer Identification Number (EIN) and withholding for employees. The management of your organization's payroll is critical. The following website can serve as a resource for your district:
azdor.gov/businesses-arizona/withholding-tax

The Internal Revenue Service is an excellent resource for guidance on social security, Medicare coverage and tax withholding requirements for state, local and Indian tribal government employees and public employers (Publication 963). Social Security and Medicare coverage of State and Local government employees are also covered in the above referenced manual. The website address is:
www.irs.gov/businesses/small-businesses-self-employed/operating-a-business

The Social Security Administration can also assist with information regarding employee withholding. (Publication 15 Employer's Tax Guide). The website addresses are:
www.ssa.gov/thirdparty/business.html
www.irs.gov/publications/p15

SECTION 4
ARIZONA REVISED STATUTES

It is **strongly recommended** that you routinely reference the ARS online to assure that the most current and accurate statute is being referenced. The website for accessing this information is:
www.azleg.gov/arstitle/

Key Titles that hold pertinent information relative to special districts include:

Title 16 – Elections

Title 38 – Public Officers and Employees

Title 48 – Special Taxing Districts - This Title includes general chapters related to all special districts and chapters that are specific to different types of special districts.

Where the statutes reference submitting reports or information to the BOS, for Cochise County please send those c/o of the Clerk of the Board's Office at: 1415 Melody Lane, Bldg G, Bisbee, AZ 85603.

SECTION 5 **BUDGETS/ FINANCIAL MATTERS**

In April of each year you will receive a packet from the Clerk of the Board's Office for submission of yearly budgets. These must be returned by July 1. Fire Districts are due August 1. These budgets are utilized to calculate the Special District tax rate. **It is critical that these be accurate and submitted on time.** These forms may be found in Appendix B.

DISTRICT BUDGETS

A.R.S. Title 48-252 requires each district to submit an annual budget (excluding Municipal Improvement Districts, County Improvement Districts, Agricultural Improvement Districts and Multi-County Water Conservation Districts) to the Clerk of the Board's Office and the County Treasurer. A separate budget for each fund within a district must be submitted. Any taxpayer residing in the district, the BOS or the County Treasurer may petition the Superior Court to show cause why the budget has not been submitted. On a failure to show cause, the court shall order the district to submit the budget within ten (10) days after the judgment is entered. If the court enters judgment against the district, the court may award the taxpayer, the BOS or the County Treasurer reasonable attorney fees and costs associated with bringing the action. All districts **must** publish their budget 30 days prior to the Public Hearing at a meeting to adopt the fiscal year budget. A copy of the publisher's affidavit and the published budget must be submitted along with the district budgets.

WARRANTS

All warrants require two authorized signatures. A letter signed by the Chairman of the District Board must be submitted to the County Treasurer no later than July 1 of each year designating persons authorized to sign warrants for the district. A signature card must be on file with the County Treasurer signed by all persons authorized to sign warrants. It is recommended that only Board Members and Special District staff be authorized to sign warrants. It is important to avoid any perception of conflict of interest when authorizing someone to sign warrants. Whenever there is a change in authorized signers a new signature card **must** be sent to the County Treasurer.

All warrants issued by a district must have a completed memo line with sufficient detail stating the purpose for which the warrant was issued. All voided and unused warrants must be returned to the County Treasurer. All warrants issued to a district must be accounted for at the end of the fiscal year.

Warrants issued in any amount exceeding the adopted budget will not be honored by the County Treasurer. If a district experiences a cash flow shortage and finds it necessary to borrow money from their credit line or by registering warrants, the district must have a line of credit approved by the county servicing bank through the County Treasurer's Office. A new line of credit should be established each fiscal year prior to July 10. Credit lines must be repaid by the end of the fiscal year. Warrants cannot be registered nor monies expended from credit lines until July 10th of the new fiscal year.

Borrowed money (i.e. registered warrants, credit line and lease-purchase agreements) must be reported on an IRS Form 8038-GC. The signed forms are to be sent to the IRS on or before February 15 with 2 copies sent to the County Treasurer. The Treasurer will send the proper forms, with instructions, to the districts as necessary. Each district is assessed the cost of printed warrants in May of each year.

DEPOSITS

All deposits made with the County Treasurer must be submitted through the Treasurer Agency Services website at <http://cc-agency/>

Contact the Treasurer's Office for more information, 520-432-8400 or trsweb@cochise.az.gov.

RESERVE FOR SUBSEQUENT YEAR'S EXPENDITURES (FIRE DISTRICTS ONLY)

Fire Districts may establish a separate Reserve Fund to accumulate monies for major capital outlay expenditures. The governing board must first adopt a resolution establishing a Reserve Fund and a 5 or 7 year plan. The resolution must state a description of the items and the proposed date of purchase. A copy of the resolution and plan must be on file with the Clerk of the Board's Office and the County Treasurer.

A separate tax rate may be set for a Reserve Fund or districts may budget in the Maintenance and Operation Budget for a transfer to other funds. A Letter of Transfer must be received by the County Treasurer no later than three (3) days prior to the end of the fiscal year. If a tax rate is set, the combined rate for Maintenance and Operations and the Reserve Fund cannot exceed the maximum allowed tax rate. Monies cannot be transferred or expended out of the Reserve Fund except for approved capital items as set forth in the adopted plan and a budget that has been submitted. Plans may be amended by resolution. If the governing board amends a plan, copies must be submitted to the Clerk of the Board's Office and the County Treasurer.

REIMBURSEMENT AND CHARGES FOR COUNTY SERVICES

The BOS is allowed to charge special districts for services provided to special districts. These services include routine statutory functions, administrative, financial, audit and legal services provided by the County. Appendix C includes the current fees established by the BOS in May 2010. This fee schedule is subject to change.

Special Taxing Districts are responsible for conducting elections in the district. Districts may enter into an intergovernmental agreement with Cochise County if they wish the Elections Department to conduct district elections. Fees associated with the conducting of an election are included in Appendix C. If an election is cancelled there is a fee associated with the expenses incurred by the Elections Department.

COUNTY FIRE DISTRICTS ASSISTANCE TAX

Each Fire Districts' share of the County Fire Districts Assistance Tax will be computed by the Clerk of the Board's Office at the time tax rates are calculated and apportioned by the Cochise County Treasurer. Computations will be based on guidelines as set forth by A.R.S. Title 48.

SECTION 6 CALENDAR

Unless otherwise noted these are annual reporting requirements.

January 1

Newly elected officers take office. Fire District officers take office December 1. Oaths of Office are sent to the Clerk of the Board's Office.

February 28

Annual Reports (along with district audits if applicable) for those Special District's whose fiscal year ends June 30th are due in the Clerk of the Board's Office.

Please remit to: Arlethe Rios, Clerk of the Board
1415 Melody Lane, Bldg. G
Bisbee, AZ 85603

With copy to: Catherine Traywick, Cochise County Treasurer
PO Box 1778
Bisbee, Arizona 85603

March 31

Clerk of the Board's Office reports to the Governor on Special Districts' compliance with submission of Annual Reports.

July 1

The Annual Information Sheet must be completed and submitted by **all districts** no later than July 1st to the Clerk of the Board's Office.

A signature card accompanied by an official letter signed by the Chairman of the district stating the names of the persons authorized to sign warrants for the district must be completed and submitted. If the district has more than one fund the letter should state if the signatures are for all funds. Signature cards are to be sent to the Treasurer's office at the above address.

July 10 (DOES NOT INCLUDE FIRE DISTRICTS AND HOSPITAL DISTRICTS)

The Maintenance & Operation/Current Capital Outlay Form must be completed and submitted by all districts no later than July 10th, to the Clerk of the Board's Office. **Do not forget to publish your budget thirty (30) days prior to the public hearing to adopt the budget.**

The Reserve for Subsequent Year's Expenditures form, the Debt Service Form, the Firemen's Relief and Pension Fund, the Bond Reserve Form, and the Bond Building Form as they apply to individual Special Taxing Districts, are due in the Clerk of the Board's Office. **Bond Reserve Funds can only be transferred by authority of Bond Council.**

July 15

Hospital Districts will complete the Hospital District Capital Outlay form and budget forms. A separate tax levy cannot be set for a Hospital Capital Outlay Fund.

August 1

Fire District Maintenance & Operation/Current Capital Outlay Form, the Reserve for Subsequent Year's Expenditures form, the Debt Service Form and the Firemen's Relief and Pension Fund and all other budget documents are due.

All Special Taxing District must complete the Outstanding Warrants Form / Year End Summary and submit it to the Clerk of the Board's Office **no later than August 1**. Year-end fund balance and Outstanding Warrants list must balance with the June 30th Treasurer's Report, which will be mailed to the district on or before July 15th. A Budget Summary Form must be completed for each separate fund within a district.

All reports submitted to the Cochise County Clerk of the Board's Office must be dated and signed by the authorized persons of each district. **The Treasurer's Office and Clerk of the Board's Office have only five (5) days to prepare for the Board of Supervisor's August meeting. Therefore, please be sure ALL documents are properly completed, have authorized signatures and are submitted no later than August 1.**

Third Monday in August Tax rates set by BOS.

August 31

Annual Reports for those Special District's whose fiscal year ends June 30th are due in the Clerk of the Board's Office. See February 28th deadline for details.

December 1

Fire Districts' new elected officers take office. Oaths of Office are sent to the Clerk of the Board's Office.

SECTION 7
CONFLICT OF INTEREST
Arizona Agency Handbook – Chapter 8

Conflicts of interest require public officers and employees to make fact specific assessments of the interests involved based on statutorily established standards and exceptions. These excerpts do not address every situation that may qualify as a conflict of interest and do not assess all specialized conflict of interest prohibitions that may apply to a special district. Public officers and employees should consult with counsel concerning conflicts of interest not specifically addressed.

A.R.S. §§ 38-501 to -511 set forth the minimum standards expected of public officers and employees who, in their official capacities, are faced with a decision or contract that might affect their pecuniary or proprietary interests or those of a relative. The object of conflict of interest statutes is to remove or limit the possibility of personal influence which might bear upon an official's decision. Arizona's conflict of interest laws serve to prevent self dealing by public officials. The term "public officer" includes "all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute." "Relative" is expansively defined and includes: "the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse."

Arizona law states as follows:

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or who's relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

Pursuant to A.R.S. § 38-503, a public officer/employee who has a conflict of interest must disclose the interest and refrain from participating in the matter.

Substantial Interest. The starting point to assess if a public officer or employee has a conflict of interest is to evaluate whether the official or the official's relative has a "substantial interest" in the matter under consideration. An interest is "substantial" if it is not defined by statute as "remote" and if it is "any pecuniary or proprietary interest, either direct or indirect," of public officers or employees or of their relatives.

To determine whether a substantial interest exists, the public officer should ask the following questions:

1. Will the decision affect, either positively or negatively, an interest of the officer or employee or the officer's or employee's relative?
2. Is the interest a pecuniary or proprietary interest?
3. Is the interest other than one statutorily designated as a remote interest?

If the answer to any of these questions is yes, then a substantial interest exists that requires disclosure and disqualification by the public officer or employee.

SECTION 8
COUNTY CONTACTS

BOARD OF SUPERVISORS

District 1 Patrick Call
District 2 Ann English
District 3 Peggy Judd
1415 Melody Lane, Bldg G
Bisbee, AZ 85603
(520) 432-9200

COUNTY ASSESSOR

Philip S. Leiendecker
Chief Deputy: Felix Dagnino
PO Box 168
Bisbee, AZ 85603
(520) 432-8650

COUNTY ATTORNEY

Brian McIntyre
Chief Civil Deputy: Britt Hanson
PO Drawer CA
Bisbee, AZ 85603
(520) 432-8700

COUNTY RECORDER

David Stevens
Chief Deputy: Heather Lopez
1415 Melody Lane, Bldg B
Bisbee, AZ 85603
(520) 432-8350

COUNTY TREASURER

Catherine Traywick
PO Box 1778
Bisbee, AZ 85603
(520) 432-8400

CLERK OF THE BOARD

Arlethe Rios
1415 Melody Lane, Bldg G
Bisbee, AZ 85603
(520) 432-9200

OTHER KEY CONTACTS

Chief, Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254 – NWB
950 Pennsylvania Avenue NW
Washington, D.C. 20530
www.usdoj.gov

Katie Hobbs, Secretary of State
Eric Spencer, Elections Director
1700 W. Washington, 7th Floor
Phoenix, AZ 85007
(602) 542-4285
www.azsos.gov

Mark Brnovich, Arizona Attorney General
1275 W. Washington St
Phoenix, AZ 85007
(602) 542-5025
www.azag.gov

Arizona Dept. of Revenue
1600 W. Monroe
Phoenix, AZ 85007
(602) 716-6090
www.azdor.gov

SECTION 9 **EDUCATION / TRAINING MATERIALS**

There are many resources on the internet that you will find useful when performing your duties as a Governing Board member of a Special District. Some of these include:

Information on **record retention** through Secretary of State's office
azlibrary.gov/arm/retention-schedules

Information on **open meeting laws and ombudsman** through Attorney General's Office
www.azag.gov

On line training of open meeting laws
www.youtube.com/user/AZLeague

Information on **elections, campaign finance, special district formation and reporting** through the Elections/Special District's Office
www.cochise.az.gov/elections

Information on **Fire Districts** through Arizona Fire Chiefs Association and Arizona Fire District Association
www.azfirechiefs.org/default.aspx **and** <http://www.azfiredistricts.org/>

Information on **Arizona Revised Statutes**
www.azleg.gov/arstitle/

Information on **Campaigns and Elections** from the Secretary of State website
azsos.gov/elections

SECTION 10 ELECTIONS

- In general, board members have staggered terms. The Board shall keep track of term of office for each board position.
- Elections are held every two years for candidate races, in most cases. Elections will send each Special District a “candidate pamphlet” in March of even number years.
- Board members appointed to the board serve to the expiration of that term only and then must seek reelection. In the event of a resignation, please mail a copy of the approved minutes stating the resignation of a board member and appointment of the new board member for our records.
- The signature requirements are based on one-half of one per cent of the number of votes cast for a similar candidate in the last election - minimum 5 to a maximum of 250 signatures. Number of minimum and maximum signatures requirements will be posted on the Elections website in March of even numbered years.
- Filing period is 120 to 90 days prior to the General Election in November.
- 180 days prior to an election cycle, the County Elections/Special District will send each special district a notice of the next election dates by statute.
- The district shall decide if they wish to conduct the election themselves or contract with the County through an Intergovernmental Agreement.
- The special district will be charged for election services based on the election fee schedule. Money for elections must be included in your budget.
- Recall Elections - every board member is open to recall after the first 6 months of being on the board. The district bears all costs associated with a recall election.
- **CALL OF ELECTION - A.R.S. § 16-227**
 - Nonpartisan election shall be called no later than 120 days prior to the election.
 - Call of Election must be published in newspaper of general circulation once a week, two weeks prior to 90 days before the election. This notice must state:
 - the purpose of the election.
 - the date.
 - last day to file nomination papers – 90 days before the election.
 - last day to register to vote in the election.
 - name of district.
 - Call of Election must be published in both English and Spanish

- **NOTICE OF ELECTION** - A.R.S. § 16-228

The Notice of Election is published twice in newspaper of general circulation once a week for two weeks prior to twenty (20) days before the election. This notice shall state:

- date of election.
- location of polls (information obtained from County Elections).
- hours polls are open - 6:00 a.m. until 7:00 p.m.
- purpose of election.
- name of district.

- Notice of Election must be published in both English and Spanish.

- **AFFIDAVIT OF COMPLIANCE** - A.R.S. § 16-228

Letter certifying that the district is in compliance with Federal and State election laws and filed with BOS (submit to Elections/Special District Office) no later than five (5) days prior to the election.

When a special district is holding an election, be it the first governing board election, current governing board seats up for election or a special election called for by the governing board, pre-clearance from the U.S. Department of Justice is required in the following circumstances.

- For a newly formed district this would include the district lines or for any district that has annexed new territory into the district
- For regularly scheduled elections every two years, any new polling places, voting procedures or voting equipment. In some cases this is done by the Elections office.
- For a special election, the date selected, polling places, information to be mailed or distributed to voters, etc.

SECTION 11
OATH OF OFFICE
A.R.S. § 38-231

Arizona Agency Handbook Chapter 2

A loyalty oath is required of officers and employees of all government agencies. Officer or employee is defined for this purpose as "any person elected, appointed or employed, either on a part-time or full-time basis, by this state, or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution."

The loyalty oath provides as follows:

State of Arizona, County of

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of (name of office) according to the best of my ability, so help me God (or so I do affirm).

(Signature of officer or employee)

An officer or member of a board or commission must take, subscribe, and file the loyalty oath "if appointed, at or before commencement of the term of office," or "if elected, at any time after receiving the officer's certificate of election, and at or before commencement of the term of office."

Any person who fails to take and execute the loyalty oath may not receive compensation and is deemed to have vacated the office. A person who exercises the duties of public office without first taking the oath is guilty of a class 2 Misdemeanor.

SECTION 12
OMBUDSMAN

Making government more responsive to the people of Arizona – that's what the Arizona Ombudsman – Citizens' Aide is all about. This agency has the authority to conduct a formal investigation and may impose penalties if the seriousness of the case warrants. The Arizona Ombudsman may be contacted at:

Arizona Ombudsman-Citizens' Aide
3737 N. 7th Street, Suite 209
Phoenix AZ 85014
www.azleg.gov/ombudsman/default.asp

(602) 277-7292
1-800-872-2879 (Arizona outside Phoenix metro area)
Fax: (602) 277-7312
e-mail us at: ombuds@azoca.gov

SECTION 13
OPEN MEETING LAWS (OML)
A.R.S 38-431
Arizona Agency Handbook – Chapter 7

The Elections/Special District Office receives the most inquiries about OML. The purpose of the OML is to prompt transparency in government. In order to build the confidence of the residents within the district it is important to comply with all open meetings laws.

The provisions of the OML apply to all public bodies. A public body is defined as follows: "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. This definition includes public bodies of all political subdivisions. A political subdivision is defined in A.R.S. § 38-431(5) and includes special districts, counties, cities and towns and school districts.

All meetings of a public body shall be public, and all persons desiring to attend shall be permitted to attend and listen to the deliberations and proceedings. **All legal action of public bodies shall occur during a public meeting.** A meeting is defined as "the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action." The definition of meeting was modified by the Arizona Legislature in 2000 to prohibit a quorum of a public body from secretly communicating through technological devices, including, for example, facsimile machines, telephones, texting, and e-mail. All discussions, deliberations, considerations, or consultations among a majority of the members of a public body regarding matters that may foreseeably require final action or decision by the governing body, constitute "legal action" and, therefore, must be conducted in a public meeting or executive session in accordance with the OML. Whether the matter to be discussed may foreseeably require final action is the key to this inquiry. It is nearly impossible to establish a precise guideline as to when this foreseeability test has been met. Each case should be viewed on its own merits and all doubts resolved in favor of compliance with the OML.

It does not matter what label is placed on a gathering. It may be called a "work" or "study" session, or the discussion may occur at a social function. Discussion of the public body's business may take place only in a public meeting or an executive session in accordance with the requirements of the OML. The OML does not prohibit a member of a public body from voicing an opinion or discussing an issue with the public either at a venue other than a public meeting of the body, or through media outlets or other public broadcast communications or technological means, so long as the opinion or discussion is not principally directed at or directly given to another member of the public body, and there is no concerted plan to engage in collective deliberation to take legal action.

Circumvention of the Open Meeting Law. Discussions and deliberations between less than a majority of the members of a governing body when used to circumvent the purposes of the OML violate that law. Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members. Splintering the quorum can be done by meeting in person, by telephone, electronically, or through other means to discuss a topic that is or may

be presented to the public body for a decision. Even if communications on a particular subject between members of a public body do not take place at the same time or place, the communications can nonetheless constitute a meeting.

Applicability to Staff Members and Others. The OML further provides that members of public bodies shall not knowingly direct any staff member to communicate in violation of the OML. People knowingly aiding, agreeing to aid, or attempting to aid another person in violating the OML can be held liable for civil penalties, attorneys' fees, and costs pursuant to A.R.S. § 38-431.07.

Notice of Meetings. The OML requires **at least 24 hours advance notice of all meetings** to the public body and to the general public. This notice makes it possible for the public to attend public meetings by informing them of when and where to go and how to get information regarding the matters under consideration.

Notice to Members of the Public Body. Notice of all meetings, including executive sessions, must be given to the members of the public body.

Notice to the Public. Notice of all meetings, including executive sessions, must be given to the public. Giving public notice is a two-step process:

- 1) The public body must conspicuously post a disclosure statement identifying the physical and electronic locations where public notices of meetings will be displayed. Special districts governed by Title 48, A.R.S., must post the required disclosure statement on their own website or may file it with the Clerk of the BOS. The notification location identified in the statement must be a place to which the public has reasonable access. The location should have normal business hours, should not be geographically isolated, should not have limited access and should not be too difficult to find.
- 2) Once the disclosure statement has been filed or posted, the public body must give notice of each of its meetings by posting a copy of the notice on its website as well as at the location identified in the disclosure statement. Public bodies shall also give additional public notice as is reasonable and practicable as to all meetings.

In addition to complying with the requirements of the OML, the notice should conform to the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 - 12213 (Supp. 1992). Requests should be made as early as possible to allow time to arrange the accommodation.

Contents of the Notice.

- 1) The notice should include information identifying the public body and the date, time, and place of the meeting. In identifying the meeting location, the notice should specify the street address of the building and the room number or other information identifying the specific room in which the meeting will be held.
- 2) The notices of public meetings and notices of executive sessions must contain an agenda of the matters to be considered by the public body at the meeting or information on how the public may obtain a copy of such an agenda. Notice of a public meeting at which the public body intends to ratify a prior act must contain additional specific information.

Time for Giving Notice. As a general rule, a meeting may not be held without giving the required notice at a minimum of 24 hours before the meeting. However, time in excess of the 24 hours is highly recommended. For purposes of the statute, the 24-hour period excludes Sundays and holidays. There are three exceptions to the 24-hour notice requirement. First, in the case of an "actual emergency," the meeting may be held upon such shorter notice as is "appropriate to the circumstances." An actual emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid a serious consequence that would result from waiting until the required notice could be given. The existence of an actual emergency does not dispense with the need to give 24 hours' written notice to an employee who is the subject of discussion in executive session. Second, notice of a meeting at which the public body is to consider the ratification of a prior act taken in violation of the OML must be given 72 hours in advance of the meeting. Finally, less than 24 hours notice may be given when a properly noticed meeting is recessed to a later date.

Notice of Executive Sessions. When an executive session is to be held, the notice must state the specific provision of law which authorizes the executive session. This provision requires that the notice specify the numbered paragraph of subsection (A) of A.R.S. § 38-431.03 that authorizes the executive session. A general citation to A.R.S. § 38-431.03 or subsection (A) of that section is insufficient. An agenda is required for an executive session. In the case of an executive session concerning personnel matters, the public body must give written notice to the affected officer, appointee, or employee in addition to the public notice described above. Such written notice must be provided not less than 24 hours before the scheduled meeting. Many public bodies do not know if there will be legal questions on matters on the agenda until the discussion occurs. Public bodies may state on their notices and agendas that matters on the public meeting agenda may be discussed in executive session for the purpose of obtaining legal advice thereon, pursuant to A.R.S. § 38-431.03(A)(3). An example of such a statement is "The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3)." Similar statements are not sufficient for other types of executive sessions.

Combined Notice of Public Meeting and Executive Session. The public body may want to have the option to retire into executive session during the course of a public meeting. Although separate notices of the public meeting and executive session may be provided, they can also be combined into one document.

Maintaining Records of Notice Given. Each public body should keep a record of its notices, including a copy of each notice that was posted and information regarding the date, time, and place of posting.

Agendas In addition to notice of the time, date, and place of the meeting, the public body must provide an agenda of the matters to be discussed, considered, or decided at the meeting. An agenda must contain enough information so that the public is sufficiently informed of the matter to be discussed. An agenda must "contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided." If in doubt, all questions should be resolved in favor of greater detail of information.

Contents of the Agenda -- Public Meeting. The agenda for a public meeting must contain a listing of the specific matters to be discussed, considered or decided at the meeting. This requirement does not permit the use of generic agenda items such as "personnel," "new business," "old business," or "other matters."

Contents of the Agenda--Executive Session. The agenda for an executive session must contain a general description of the matters to be considered. The description must amount to more than just a recital of the statutory provisions authorizing the executive session, but should not contain any information that would defeat the purpose of the executive session by compromising the legitimate privacy interests of a public officer, appointee or employee or compromise the attorney-client privilege. When the public disclosure of the board's consideration of charges against an employee might needlessly harm the employee's reputation or compromise the employee's privacy interests, the board may eliminate from the agenda description the identity of the employee being considered.

Distribution of the Agenda. The agenda may be made available to the public by including it as part of the public notice or by stating in the public notice how the public may obtain a copy of the agenda and then distributing the agenda in the manner prescribed. Because both the public notice and the agenda must be available at least 24 hours in advance of a meeting, the simplest procedure is to include the agenda with the public notice.

Consent Agendas. Public bodies may use "consent agendas" so long as certain requirements are met. Consent agendas are typically used as a time-saving device when certain items on the agenda are unlikely to generate controversy and are ministerial in nature. Public bodies often take one vote to approve or disapprove the consent agenda as a whole. When using a consent agenda format for some of the items on a meeting agenda, public bodies should fully describe the matters on the agenda and inform the public where more information can be obtained. A good practice is to require that an item be removed from the consent agenda upon the request of any member of the public body.

Discussing and Deciding Matters Not Listed on the Agenda. The public body may discuss, consider, or decide only those matters listed on the agenda and other matters related thereto. The other matters clause provides some flexibility to a public body but should be used cautiously. The other matters must in some reasonable manner be closely related to an item specifically listed on the agenda.

If a matter not specifically listed on the agenda is brought up during a meeting, the better practice, and the one that will minimize subsequent litigation, is to defer discussion and decision on the matter until a later meeting so that the item can be specifically listed on the agenda. If the matter demands immediate attention and is a true emergency, the public body should consider using the emergency exception

Action taken on an item not properly noticed is a violation of the OML and is null and void. The public body may subsequently ratify that action, but the original violation may still subject the public body to the penalties set forth in A.R.S. § 38-431.07(A). Actions on properly noticed items are not null and void.

Calls to the Public. A public body may make an open call to the public to allow individuals to address the public body on any issue within the jurisdiction of the public body. Members of the public body may not discuss or take action on matters raised during the call to the public that are not specifically identified on the agenda. Public body members may, however, respond to criticism made by those who have addressed the public body, ask staff to review a matter, or ask that a matter be put on a future agenda. The best practice is to include language similar to the following on the agenda to explain in advance the reason members of the public body cannot respond to topics brought up during the call to the public that are not on the agenda: For example the language could be similar to: "Call to the Public: This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public

comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date."

Emergencies. A public body may discuss, consider, and decide a matter not on the agenda when an actual emergency exists requiring that the body dispense with the advance notice and agenda requirements. To use the emergency exception, the public body must do several things. First, the public body must give "such notice as is appropriate to the circumstances" and must "post a notice within 24 hours declaring that an emergency session has been held" and setting forth the same information as is required in an agenda for a regular meeting. Next, prior to the emergency discussion, consideration, or decision, the public body must announce in a public meeting the reasons necessitating the emergency action. If the emergency discussion or consideration is to take place in an executive session, this public announcement must occur at a public meeting prior to the executive session.

Finally, the public body must include in the meeting minutes reasons supporting the need for the emergency meeting. In the case of an executive session, this statement will appear twice, once in the minutes of the public meeting where the reasons were publicly announced, and again in the minutes of the executive session where the emergency discussion or consideration took place.

Minutes. Minutes must be taken of all public meetings and executive sessions. Minutes may be taken in written, tape recorded or videotaped. The minutes or a recording of a public meeting must be available for public inspection within three working days after the meeting. Public bodies concerned about distributing minutes before they have been officially approved at a subsequent meeting should mark the minutes "draft" or "unapproved" and make them available within three working days of the meeting. **In no event should minutes be withheld from the public pending approval.** If the minutes have been recorded by a mechanical recorder, allowing the public to have access to that recording is sufficient. However, if the minutes were taken in shorthand, those minutes must be typed or written out in longhand in order to comply with this requirement. The minutes of an executive session are confidential and may not be disclosed to anyone except certain authorized persons. To ensure confidentiality, minutes of executive sessions should be stored separately from regular session minutes to avoid inadvertent disclosure. Minutes must be reduced to a form that is readily accessible to the public. Any recordings and minutes are public records subject to record retention requirements.

The minutes of a **public meeting** must contain the following information:

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters discussed or considered.
4. An accurate description of all legal actions proposed, discussed or taken, and the names of persons who proposed each motion. This does not require that the name of each person who votes on a motion be indicated, but only that the member who proposed it be shown in the minutes. Generally, however, the agency, for its own benefit, should include the names of the member who seconded and those who voted in favor of or against the motion. It is recommended that the minutes reflect how the body voted and the numerical breakdown of the vote, *e.g.*, 3 in favor, 1 against, 1 abstention.
5. The name of each person making statements or presenting material to the public body.
6. If the discussion in the public session did not adequately disclose the subject matter and specifics of the action taken, the minutes of the public meeting at which such action was taken should contain sufficient information to permit the public to further investigate the background or specific facts of the decision.

7. If matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a full description of the nature of the emergency.
8. If a prior act was ratified, the minutes must contain a copy of the disclosure statement required for ratification.

The minutes of an **executive session** must contain the following information:

1. The date, time and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters considered.
4. An accurate description of all instructions given to attorneys or designated representatives pursuant to A.R.S. § 38-431.03(A)(4), (5) and (7).
5. A statement of the reasons for emergency consideration of any matters not on the agenda.
6. Such other information as the public body deems appropriate. For example, the public body might record in its minutes that those present were advised that the information discussed in the session and the session minutes are confidential.

A party who asserts that a public body violated the OML has the burden of proving that assertion. However, Arizona courts have held that once a complainant alleges facts from which a reasonable inference may be drawn supporting an OML violation, the burden of proof immediately shifts to a public body to prove that an affirmative defense or exception to the OML authorized an allegedly inappropriate executive session. Hence, the best practice is for public bodies to tape record or keep detailed minutes of executive sessions in order to ensure that they are prepared to meet their burden of proof in the event a lawsuit is filed.

Confidentiality The minutes of an **executive session** and all discussions that take place at an executive session are confidential and may not be disclosed to anyone, except that they may be disclosed to the following people:

1. Any member of the public body that met in the executive session and members who did not attend the executive session.
2. Any officer, appointee, or employee who was the subject of discussion at an executive session may see those portions of the minutes directly pertaining to them.
3. Staff personnel, to the extent necessary for them to prepare and maintain the minutes of the executive session.
4. The attorney for the public body, to the extent necessary for the attorney to represent the public body.
5. The Auditor General in connection with the lawful performance of its duty to audit the finances or performance of the public body.
6. The Attorney General or County Attorney when investigating alleged violations of the OML.
7. The court, for purposes of a confidential inspection where an open meeting violation has been alleged.

The OML requires that a public body advise all persons attending an executive session or obtaining access to executive session minutes or information that such minutes and information are confidential. Public bodies should maintain executive session minutes in a secure file separate from the public meeting minutes to guard against accidental disclosure.

Executive Sessions. Section 38-431.03, A.R.S., contains an exception to the general requirement of the OML that all meetings must be open to the public. That Section provides seven specific instances in which a public body may discuss matters in an executive session. An executive session is defined as "a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in A.R.S. § 38-431.03." An executive session may be convened solely for the purpose of discussing matters and, in limited instances, giving instructions to attorneys and designated representatives. **No legal action may be taken in the executive session.** Arizona courts have strictly construed the seven authorized executive session topics because their legislative charge is to promote openness in government, not to expand exceptions which could be used to obviate the rule. Unless the proposed discussion plainly falls within one of the OML executive session topics, discussion should take place only in a public meeting.

Before a public body may go into executive session, a majority of the members constituting a quorum must vote in a public meeting to hold the executive session.

Executive Session Requirements. Once the majority of members of a public body have voted to hold an executive session, the chairman of the public body should ask the public to leave and to take with them all materials such as briefcases and backpacks to ensure that no recording devices have been left in the room. All persons must leave the meeting except the members of the public body and those individuals whose presence is reasonably necessary for the public body to carry out its executive session responsibilities. The chairman should remind all present that the business conducted in executive sessions is confidential pursuant to A.R.S. § 38-431.03(C).

Authorized Executive Sessions. Only seven categories of topics may be discussed in executive session. Courts will strictly construe these provisions, therefore, unless the proposed discussion plainly falls within an executive session category it should take place only in a public meeting. The Open Meeting Law does not require that these discussions take place in executive session. If public disclosure of the public body's discussion is not prohibited by any other statutory provision and government interests are not threatened, a public body may choose to conduct its discussions in a public setting. The seven categories are as follows:

1) Personnel Matters. The discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, discipline, resignation, or dismissal of a public officer, appointee, or employee of a public body may take place in an executive session. This authorization for an executive session applies only to discussions concerning specific officers, appointees, and employees. This provision permits discussion in executive session of applicants for employment or appointment even though the applicants may not be currently employed by the public body. The affected officer, appointee, or employee can request that discussions be held in a public meeting and not in an executive session. Accordingly, the OML requires that an officer, appointee, or employee who is the subject of the discussion in executive session must be given advance written notice of the proposed executive session. There is no emergency exception to the requirement that an affected officer, appointee, or employee receive at least 24 hour notice. However, the public body can discuss personnel matters in a public meeting with less than 24 hour notice if an actual emergency exists. The public body must make the minutes of the executive session available to the public officer, appointee, or employee who was the subject of discussion in the executive session.

2) Confidential Records. An executive session may be held when the public body is considering or discussing records exempt by law from public inspection. This specifically includes situations where the public body is receiving and discussing information or testimony specifically required to be maintained as confidential by state or federal law. This provision allows the use of an executive session whenever the public body intends to discuss or consider matters contained in records that are confidential by law. When confidential matters can be adequately safeguarded, the discussion may take place during a public meeting.

3) Legal Advice. A public body may also go into executive session to discuss or consult with the attorney for the public body for legal advice.. For this exemption to apply, the attorney giving the legal advice must be the attorney for the public body. The mere presence of an attorney of the public body in the meeting room is insufficient to justify the use of this executive session provision.

4) Litigation, Contract Negotiations, and Settlement Discussions. A public body may hold an executive session for the purpose of discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. This provision allows consideration and instruction only - it does **not** allow a public body to conduct contract negotiations or settlement discussions in an executive session.

5) Discussions with Designated Representatives Regarding Salary Negotiations. A public body may hold an executive session for the purpose of discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.

6) International or Interstate. A public body may hold an executive session for purposes of discussion, consultation or consideration for international and interstate negotiations.

7) Purchase, Sale or Lease of Real Property. A public body may meet in executive session to discuss and consult with its representatives concerning negotiations for the purchase, sale, or lease of real property.

Public Participation and Access The public body must provide the public with access to all public meetings. This requirement is not met if the public body invokes any procedure or device that obstructs or inhibits public attendance at public meetings, such as requiring persons to sign in before they are permitted to attend the meeting or holding the meeting in a remote location, in a room too small to accommodate the reasonably anticipated number of observers, in a place to which the public does not have access, such as private clubs, or at an unreasonable time. The OML does not prevent a public body from requiring persons who intend to speak at the meeting to sign a register so as to permit the public body to comply with the minute-taking requirements.

Remote Conferencing. If one or more members of a public body are unable to be present in person at a public meeting, they may nevertheless participate by telephone or video or internet conference if the practice is approved by the public body and is not prohibited by statutes applicable to meetings of the public body. This practice presents several practical and legal problems and should be used only where there are no reasonable alternatives to presence at the meeting.

Quorum. Public bodies frequently struggle with questions about quorum. Arizona statutes generally define a quorum as a majority of the members of a board of commission. This definition applies in the absence of a more specific definition. Vacant positions do not reduce the quorum requirement.

Effect of Disqualification on the Quorum Requirement. Board members may be disqualified from voting on a particular matter for a variety of reasons, most commonly because they have a conflict of interest. The disqualification of a board member may make it difficult for the public body to obtain quorum. The general rule on disqualification is that a disqualified member, even though present at a meeting of the public body, may not be counted for purposes of convening the quorum to discuss or decide the particular matter for which the member is disqualified.

Ratification. A public body may ratify action previously taken in violation of the OML. Ratification is appropriate when the public body needs to retroactively validate a prior act in order to preserve the earlier effective date of the action. Ratification must take place within 30 days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.

Procedure for Ratification. The OML provides a detailed procedure for ratification. That procedure is as follows:

1. The decision to ratify must take place at a public meeting held in accordance with the OML.
2. Ratification must take place within 30 days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.
3. The public notice of the meeting at which ratification is to take place, in addition to complying with the other requirements of the OML must include (a) a description of the action to be ratified, (b) a clear statement that the public body proposes to ratify a prior action, and (c) information on how the public may obtain a written description of the action to be ratified.
4. In addition to the notice and agenda of the meeting, the public body must make available to the public a detailed written description of the action to be ratified and a description of all prior deliberations, consultations, and decisions by members of the public body related to the action to be ratified.
5. The description required under paragraph 4 must be included as part of the minutes of the meeting at which the decision to ratify was made.
6. The public notice, agenda, and written description discussed in paragraphs 3 and 4 must be made available to the public at least seventy-two (72) hours prior to the public meeting.

Sanctions for Violations of the Open Meeting Law. All legal action transacted by any public body during a meeting held in violation of any provision of the OML is null and void unless subsequently ratified. Additional sanctions may be imposed by the Attorney General's office.

Investigation and Enforcement. The Attorney General and County Attorneys are authorized to investigate alleged OML violations and enforce the OML. The OML now specifically provides that the Attorney General and County Attorneys shall have access to executive session minutes when they are investigating alleged violations of the OML.

Civil Penalties. The court may impose a civil penalty not exceeding \$500 against any person for each violation of the OML. This penalty can be assessed against a person who violates the OML or who knowingly aids, agrees to aid or attempts to aid another person in violating the OML. **This penalty is assessed against the individual and not the public body, and the public body may not pay the penalty on behalf of the person assessed.**

Attorney's Fees. The court may also order payment of reasonable attorney's fees to a successful plaintiff in an enforcement action brought under the OML.

Removal From Office. If the court determines that a public officer violated the OML with intent to deprive the public of information, the court may remove the public officer from office.

SECTION 14
PUBLIC RECORDS/ RECORD RETENTION
A.R.S. §§ 39-101 to 161
Arizona Agency Handbook, Chapter 6

Policy of Public Disclosure. Public records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours. This public records statute seeks to increase public access to government information and to make government agencies accountable to the public. However, some public records are confidential and should not be disclosed to the public.

What Is a Public Record? As a general rule, all records required to be kept under A.R.S. § 39-121.01(B), are presumed open to the public for inspection as public records. Arizona law requires that all officers and public bodies maintain records, including records defined in A.R.S. § 41-151.18, reasonably necessary to provide an accurate accounting of their official activities and government-funded activities. Records are defined as follows: all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, including prints or copies of such items produced or reproduced on film or electronic media made or received by any governmental agency in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein.

A.R.S. § 39-121 requires public officers to disclose "other matters." Other matters subject to the public's right of access include documents which are not required by law to be filed as public records. Other matters include documents held by the public officer in his or her official capacity and in which the public's interest in disclosure outweighs the governmental interest in confidentiality.

Persons Subject to the Public Records Law. The Public Records Law applies to any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.

Denying Public Inspection. The custodian of public records must deny inspection when the record is made confidential by statute. Although there is a presumption in favor of access to public records, this presumption may be outweighed by legitimate government considerations of privacy, confidentiality and the best interests of the State. If the custodian of public records determines that these interests outweigh the public's right of inspection, he or she may refuse to disclose the records but if challenged, he or she has the burden of overcoming the presumption in favor of disclosure. A public body or public officer may seek a declaratory judgment in cases in which it is unclear whether or not disclosure is appropriate.

Records Confidential by Statute. Over 300 Arizona Statutes are confidential by law (see Attorney General website for complete listing). A comprehensive list of the Arizona statutes that may require that all or a portion of governmental records be protected from public. Disclosures of employee personnel files are limited to providing the following information: name of employee; date of employment; current and previous class title; current and previous salaries and dates of each change; name of employee's current or last known supervisor.

Records Involving Privacy Interests. The Arizona courts have long recognized personal privacy as an exception to the general rule requiring access to government records. Under this exception, the custodian may deny public inspection when the disclosure would invade the interest of privacy or confidentiality and that invasion outweighs the public's right to know.

Inspection and Copying of Public Records. The right to inspect documents is not unqualified. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours. Records may not be inspected at such times and in such manner as to disrupt public business. Records must be provided if they are in the custody of the public officer or public body, even if they are also available elsewhere. The custodian of public records must promptly respond to record requests and promptly furnish records that are subject to disclosure or access will be deemed denied. The governmental entity has the burden in proving that its response to records request was prompt in light of the circumstances surrounding each request.

Duty to Redact. When confidential and public information are commingled in a single document, a copy of the document may be made available for public inspection with the confidential material excised. (custodian must demonstrate specific reasons and a good faith basis for denying access to entire record rather than redacting confidential portions). If confidential material has been attached to an otherwise disclosable document, the attached material may simply be removed. The public body should note in its records precisely which material has been excised and which has been released.

Charges for Copies. The Legislature has distinguished between the fees an agency may impose for commercial and non-commercial requests for copies of public records. The custodian may require the person requesting the public record to pay in advance for any copying and postage charges. If records are available on the web site, the public body or public officer may direct the requestor to obtain copies there.

Non-Commercial Use. A person requesting copies, printouts, digital copies, or photographs of public records for a non-commercial purpose may be charged a fee for the records. An agency may charge a fee it deems appropriate for copying records, including a reasonable amount for the cost of time, equipment, and personnel used in producing copies of records, but not for costs of searching for the records.

Commercial Use. Persons requesting reproductions for a commercial purpose must provide a statement setting forth the commercial purpose for which the records are requested. Commercial purpose is defined as: The use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from public records for the purpose of solicitation or the sale of names and addresses to another for the purpose of solicitation or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of the public record. Commercial purpose does not mean the use of a public record as evidence or as research for evidence in an action in any judicial or quasi-judicial body.

If the custodian of a public record determines that the requester's commercial purpose is a misuse of public records or is an abuse of the right to receive public records, the custodian may apply to the Governor requesting that the Governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose.

Consequences of Wrongful Refusal to Disclose.

Attorney's Fees. A court may award legal costs, including attorney's fees, to the requester if he or she substantially prevails. This does not limit the rights of any party to recover attorney's fees, expenses, and double damages that are authorized by other statutes.

Damages. A public officer or agency may also be liable for damages that result from wrongfully denying a person access to public records.

Preservation, Maintenance, Reproduction, and Disposition of Public Records.

All records made or received by public officials or in the course of their public duties are the property of the state. Each public body and officer is responsible for preserving, maintaining, and caring for the public records within their offices. Each officer and public body is required by statute to carefully secure, protect, and preserve public records from deterioration, mutilation, loss, or destruction, unless the records are disposed.

Quality and Storage Requirements. All permanent public records must be transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the Director of the Arizona State Library, Archives and Public Records. These public records must also be stored and maintained according to the Director's standards. A public officer who fails to keep permanent public records in accordance with the Director's standards is guilty of a class 2 misdemeanor.

Disposition of Public Records. The disposition of public records by the State or any of its political subdivisions is governed by A.R.S. §§ 41-151.15, -151.17, -151.19, and 44-7601. An agency may destroy records when the record has no further administrative, legal, fiscal, research or historical value. The agency may obtain approval to destroy records from the Records Management Division of the State Library on a continuing basis pursuant to a records retention and disposition schedule or, for records not on a retention schedule, pursuant to single request form. A report of records destruction that includes a list of all records disposed of shall be filed at least annually with the State Library on a form prescribed by the State Library. The forms are available on the State Library website.

A public officer or other person having custody or possession of any record for any purpose, who steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes or secretes all or part of a public record, or who permits any other person to do so, is guilty of a class 4 felony. Any record series listed as permanent on a general retention schedule should be transferred to the State Archives when the agency or political subdivision no longer wishes to maintain those records.

If a record is historically significant, it is a permanent record. Records are deemed historically significant when they:

- Document a controversial issue
- Document a program, project, event or issue that results in a significant change that affects the local community, city, county or state
- Document a program, project, event or issue that involves prominent people, places or events
- Document a program, project, event or issue that resulted in media attention locally, statewide or nationally

For more information on record retention please visit the following website.:
azlibrary.gov/arm/retention-schedules

APPENDIX A

ANNUAL REPORT FORMS

COCHISE COUNTY, ARIZONA

DISTRICT

**ANNUAL REPORT
YEAR ENDED _____**

STREET OR P.O. BOX: _____

CITY: _____ **ZIP CODE:** _____

BUSINESS TELEPHONE: _____

COMPLETED BY: _____

TITLE: _____

PART A-Governing Board Members and Officers of the District

Name	Occupation	Business Telephone

COCHISE COUNTY, ARIZONA

DISTRICT _____

ANNUAL REPORT
YEAR ENDED _____

Part B-Schedule of District Governing Board Regular Meetings

Date	Time	Location of Meeting	Location of Public Notices
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Part C-Legal Description of Boundary Changes Occurring During the Fiscal Year

COCHISE COUNTY, ARIZONA

DISTRICT _____

ANNUAL REPORT

YEAR ENDED _____

Part D-Schedule of Revenues, Expenditures, and Changes in Fund Balances (for governmental fund types)

Basis of Accounting:	Modified Accrual <input type="checkbox"/>	Cash <input type="checkbox"/>		
	GENERAL FUND	CAPITAL PROJECTS FUNDS	DEBT SERVICE FUNDS	FUNDS
<u>Revenues</u>				
Taxes	_____	_____	_____	_____
Special assessments	_____	_____	_____	_____
Licenses and permits	_____	_____	_____	_____
Intergovernmental:				
Federal	_____	_____	_____	_____
State	_____	_____	_____	_____
County	_____	_____	_____	_____
Charges for services	_____	_____	_____	_____
_____	_____	_____	_____	_____
Fines and forfeits	_____	_____	_____	_____
Interests on investments	_____	_____	_____	_____
Rents	_____	_____	_____	_____
Contributions	_____	_____	_____	_____
Miscellaneous	_____	_____	_____	_____
Other revenues (itemize)	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Revenues	_____	_____	_____	_____
<u>Expenditures</u>				
Salaries and wages	_____	_____	_____	_____
Employee benefits	_____	_____	_____	_____
Administration	_____	_____	_____	_____
Professional Services	_____	_____	_____	_____
Utilities and communications	_____	_____	_____	_____
Insurance	_____	_____	_____	_____
Repairs and Maintenance	_____	_____	_____	_____
Interest	_____	_____	_____	_____
Capital outlay:				
Land	_____	_____	_____	_____
Buildings	_____	_____	_____	_____
Improvements other than buildings	_____	_____	_____	_____
Machinery and equipment	_____	_____	_____	_____
Construction in progress	_____	_____	_____	_____
Debt service				
Principal retirement	_____	_____	_____	_____
Interest and fiscal charges	_____	_____	_____	_____
Miscellaneous	_____	_____	_____	_____
Other expenditures (itemize)	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Total Expenditures	_____	_____	_____	_____

COCHISE COUNTY, ARIZONA

DISTRICT _____

**ANNUAL REPORT
YEAR ENDED _____**

Part D-

	GENERAL FUND	CAPITAL PROJECTS FUNDS	DEBT SERVICE FUNDS	FUNDS
Excess of Revenues Over (Under) Expenditures	_____	_____	_____	_____
<u>Other Financing Sources (Uses)</u>				
Transfers-in	_____	_____	_____	_____
Transfers-out	_____	_____	_____	_____
Proceeds from the sale of bonds	_____	_____	_____	_____
Loan proceeds	_____	_____	_____	_____
Capital lease agreements	_____	_____	_____	_____
 Total other financing sources (uses)	_____	_____	_____	_____
Excess of Revenues and Other Sources Over (Under) Expenditures and Other Uses	_____	_____	_____	_____
Beginning Fund Balance- ___/___/___	_____	_____	_____	_____
Ending Fund Balance- ___/___/___	_____	_____	_____	_____

COCHISE COUNTY, ARIZONA

DISTRICT _____

**ANNUAL REPORT
YEAR END _____**

**Part E-Schedule of revenues, Expenses, and Changes in Fund Net Assets
(for proprietary and similar fund types)**

Basis of Accounting:

Accrual

Cash

	ENTERPRISE FUNDS	PENSION TRUST FUNDS	OTHER FUNDS
<u>Operating Revenues</u>			
Charges for services			
Employer contributions			
Employee contributions			
Investment income			
Miscellaneous			
Total Operating Revenues			
<u>Operating Expenses</u>			
Salaries and wages			
Employee benefits			
Administration			
Professional Services			
Utilities and Communications			
Insurance			
Repairs and Maintenance			
Landfills closure and post closure care costs			
Depreciation			
Benefits			
Refunds			
Miscellaneous			
Total Operating Expenses			
Operating income (loss)			
<u>No-operating Revenues (Expenses)</u>			
Intergovernmental			
Interest Revenue			
Interest Expense			
Gain (Loss) on disposal of capital assets			
Total (Net) non-operating revenues (expenses)			
Income (Loss) before contributions and transfers			
Capital contributions			
Transfers-in			
Transfers-out			
Net income (loss)			
Beginning Fund Net Assets- ___/___/___			
Ending Fund Net Assets- ___/___/___			

**APPENDIX B
ANNUAL BUDGET FORMS**

**COCHISE COUNTY SPECIAL DISTRICTS
Signature Card Form for 20__-20__**

DISTRICT NAME: _____

The following persons are authorized to sign warrants as of this date: _____

TYPED NAME: _____ **TELEPHONE #:** _____

SIGNATURE: _____

TYPED NAME: _____ **TELEPHONE #:** _____

SIGNATURE: _____

TYPED NAME: _____ **TELEPHONE #:** _____

SIGNATURE: _____

TYPED NAME: _____ **TELEPHONE #:** _____

SIGNATURE: _____

TYPED NAME: _____ **TELEPHONE #:** _____

SIGNATURE: _____

The telephone numbers listed should be a daytime contact number. Unlisted telephone information will not be released without the consent of this District. Please denote UNLISTED.

The County Treasurer's office will contact authorized signers when a signature is missing or more information is needed regarding a warrant.

COMPLETE & RETURN TO THE TREASURERS By JULY 1.

It is recommended that only Board Members and District Staff (e.g, Fire Chief, Office Manager, etc) be authorized signers.

INFORMATION SHEET

COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____ DISTRICT

FOR FISCAL YEAR BEGINNING JULY 1, 201__ AND ENDING JUNE 30, 201__

DISTRICT NAME _____

MAILING ADDRESS _____

BUSINESS TELEPHONE _____

CITY _____ STATE _____ ZIP CODE _____

CURRENT GOVERNING BODY

NAME	BOARD POSITION	TERM EXPIRES
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CURRENT CONTACT PERSONS

NAME	POSITION	TELEPHONE & MAILING ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____

SCHEDULE OF DISTRICT GOVERNING BOARD REGULAR MEETING
 FISCAL YEAR BEGINNING JULY 1, 201__ AND ENDING JUNE 30, 201__
 _____ DISTRICT

<u>DATE</u>	<u>TIME</u>	<u>LOCATION OF MEETING</u>	<u>LOCATION OF PUBLIC NOTICES</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

YEAR END SUMMARY REPORT

- 1. CASH BALANCE IN COCHISE COUNTY
TREASURERS OFFICE JUNE 30th \$ _____ . _____

- 2. LESS OUTSTANDING WARRANTS
(List Attached) \$ _____ . _____

- 3. SUBTOTAL ACTUAL YEAR-END BALANCE \$ _____ . _____

- 4. APPROVED ADOPTED BUDGET \$ _____ . _____

- 5. SECONDARY ASSESSED VALUE
(If available) \$ _____ . _____

PREPARED BY _____ TITLE _____
(Type or Print) (Type or Print)

(Hand written signature)

DATE _____ DISTRICT _____

OUTSTANDING WARRANTS

COCHISE COUNTY SPECIAL TAXING DISTRICTS

_____ DISTRICT

FISCAL YEAR ENDED JUNE 30, 201__

CHECK NO.	DATE	MADE PAYABLE TO	AMOUNT
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

MAINTENANCE & OPERATION/CURRENT CAPITAL OUTLAY
COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____ DISTRICT

Fiscal year _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
<u>REVENUES</u>			
Taxes:			
Real estate taxes	_____	_____	_____
Personal property taxes	_____	_____	_____
County fire district assistance tax.	_____	_____	_____
TOTAL TAXES.	\$ _____	\$ _____	\$ _____
Intergovernmental Revenues:			
Federal grants	_____	_____	_____
State grants	_____	_____	_____
State land			
Fees	_____	_____	_____
Reimbursements	_____	_____	_____
TOTAL INTERGOVERNMENTAL REVENUES	\$ _____	\$ _____	\$ _____
Charges For Services:			
Fire protection	_____	_____	_____
Emergency medical (EMS)	_____	_____	_____
User Fees	_____	_____	_____
Other	_____	_____	_____
TOTAL CHARGES FOR SERVICES	\$ _____	\$ _____	\$ _____
Miscellaneous Revenues:			
Projected carryover balance	_____	_____	_____
Interest earnings	_____	_____	_____
Rent	_____	_____	_____
Contributions & donations from private sources	_____	_____	_____

	PROJECTED	MODIFIED	APPROVED
<u>REVENUES</u>	BUDGET	BUDGET	BUDGET
Proceeds from the sale of bonds	_____	_____	_____
Other	_____	_____	_____
MISCELLANEOUS REVENUES .. \$	_____	\$ _____	\$ _____
TOTAL REVENUES \$	_____	\$ _____	\$ _____

<u>EXPENDITURES</u>	PROJECTED	MODIFIED	APPROVED
	BUDGET	BUDGET	BUDGET
Personnel Services:			
Salaries and wages	_____	_____	_____
Retirement contributions	_____	_____	_____
Insurance	_____	_____	_____
Employee benefits	_____	_____	_____
Emergency Medical (EMS)			
Salaries and wages	_____	_____	_____
Retirement contributions	_____	_____	_____
Insurance	_____	_____	_____
Employee benefits	_____	_____	_____
TOTAL PERSONAL SERVICES \$	_____	\$ _____	\$ _____
Operations:			
Purchased utilities	_____	_____	_____
Fuel, oil, and lubricants	_____	_____	_____
Repairs and maintenance	_____	_____	_____
Supplies and materials	_____	_____	_____
Small tools and minor equipment	_____	_____	_____
Communications and dispatch	_____	_____	_____
Engineering	_____	_____	_____
Fire hydrant costs	_____	_____	_____
Water testing	_____	_____	_____
Fire protection	_____	_____	_____
Miscellaneous	_____	_____	_____
Other (itemize)	_____	_____	_____
TOTAL OPERATIONS \$	_____	\$ _____	\$ _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
Other Services and Charges:			
Administration	_____	_____	_____
Professional services	_____	_____	_____
Training	_____	_____	_____
Travel	_____	_____	_____
Insurance	_____	_____	_____
Judgments and losses	_____	_____	_____
Licenses and taxes	_____	_____	_____
Public utility costs	_____	_____	_____
Leases and rentals (equipment & housing)	_____	_____	_____
Repairs and maintenance	_____	_____	_____
Interest	_____	_____	_____
Penalties and late fees	_____	_____	_____
Fire protection	_____	_____	_____
Transfers to other funds	_____	_____	_____
Election reimbursements	_____	_____	_____
Reimbursement for warrants	_____	_____	_____
Reimbursement for County services	_____	_____	_____
Miscellaneous	_____	_____	_____
Other (itemize)	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL OTHER SERVICES AND CHARGES \$ _____ \$ _____ \$ _____

Capital Outlay:			
Land	_____	_____	_____
Buildings	_____	_____	_____
Construction in progress	_____	_____	_____
Improvements other than buildings	_____	_____	_____
Motor vehicles	_____	_____	_____
Machinery and equipment	_____	_____	_____
Leasehold improvements	_____	_____	_____
Other	_____	_____	_____
TOTAL CAPITAL OUTLAY	\$ _____	\$ _____	\$ _____
TOTAL EXPENDITURES	\$ _____	\$ _____	\$ _____

AUTHORIZED SIGNATURE

(Type or print name)

(Title)

(Hand written signature)

(Date)

HOSPITAL DISTRICTS CAPITAL OUTLAY

COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____DISTRICT

FISCAL YEAR _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
REVENUES:			
Transfer from other funds	_____	_____	_____
Projected carryover balance	_____	_____	_____
TOTAL REVENUES	_____	_____	_____
EXPENDITURES:			
Land	_____	_____	_____
Buildings	_____	_____	_____
Construction in progress	_____	_____	_____
Improvements other than buildings	_____	_____	_____
Motor vehicles	_____	_____	_____
Machinery and equipment	_____	_____	_____
Leasehold improvements	_____	_____	_____
Other	_____	_____	_____
TOTAL EXPENDITURES	_____	_____	_____

AUTHORIZED SIGNATURES

(Type or print name)

(Title)

(Hand written signature)

(Date)

(Type or print name)

(Title)

(Hand written signature)

(Date)

RESERVE ACCOUNT
COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____ DISTRICT

FISCAL YEAR _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
REVENUES			
Taxes:			
Real estate taxes	_____	_____	_____
Unsecured personal property taxes	_____	_____	_____
TOTAL TAXES	_____	_____	_____
Miscellaneous Revenues:			
Projected carryover balance	_____	_____	_____
Interest earnings	_____	_____	_____
Transfers from other funds	_____	_____	_____
TOTAL MISCELLANEOUS REVENUES . \$	_____	\$ _____	\$ _____
TOTAL REVENUES	\$ _____	\$ _____	\$ _____
 EXPENDITURES			
Land	_____	_____	_____
Buildings	_____	_____	_____
Construction in progress	_____	_____	_____
Improvements other than buildings	_____	_____	_____
Motor vehicles	_____	_____	_____
Machinery and equipment	_____	_____	_____
Leasehold improvements	_____	_____	_____
Other	_____	_____	_____
TOTAL CAPITAL OUTLAY	\$ _____	\$ _____	\$ _____
AUTHORIZED SIGNATURE:			

(Type or print name)

(Title)

(Hand written Signature)

(Date)

YEAR END SUMMARY REPORT

RESERVE ACCOUNT

- 1. CASH BALANCE IN COCHISE COUNTY
TREASURERS OFFICE JUNE 30th \$ _____ . _____

- 2. LESS OUTSTANDING WARRANTS
(List attached) \$ _____ . _____

- 3. SUBTOTAL ACTUAL YEAR-END BALANCE \$ _____ . _____

- 4. APPROVED BUDGET \$ _____ . _____

- 5. SECONDARY ASSESSED VALUE
(If available) \$ _____ . _____

PREPARED BY _____ TITLE _____
(Type or Print) (Type or Print)

(Hand written Signature)

DATE _____ DISTRICT _____

RESERVE ACCOUNT - OUTSTANDING WARRANTS

COCHISE COUNTY SPECIAL TAXING DISTRICTS

_____ DISTRICT

FISCAL YEAR ENDED JUNE 30, 201____

CHECK NO.	DATE	MADE PAYABLE TO	AMOUNT
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RESERVE FOR SUBSEQUENT YEAR'S EXPENDITURES PLAN

SIGNED BY:

(Signature)

(Title)

(Signature)

(Title)

(Date)

DEBT SERVICE ACCOUNT

COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____ DISTRICT

FISCAL YEAR _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
REVENUES			
Taxes:			
Real estate taxes	_____	_____	_____
Unsecured personal property taxes	_____	_____	_____
Centrally assessed property taxes	_____	_____	_____
TOTAL TAXES	\$ _____	\$ _____	\$ _____
Miscellaneous Revenues:			
Projected carryover balance	_____	_____	_____
Interest earnings	_____	_____	_____
TOTAL MISCELLANEOUS REVENUES \$	\$ _____	\$ _____	\$ _____
TOTAL REVENUES	\$ _____	\$ _____	\$ _____

EXPENDITURES

Debt Service:

Bond principal	_____	_____	_____
Bond interest	_____	_____	_____
Bank Charges	_____	_____	_____
Other	_____	_____	_____
TOTAL EXPENDITURES	\$ _____	\$ _____	\$ _____

AUTHORIZED SIGNATURE:

(Type or print name)

(Title)

(Hand written Signature)

(Date)

FIREMEN'S RELIEF AND PENSION FUND
 COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____ DISTRICT
 FISCAL YEAR _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
REVENUES			
Taxes:			
Premium tax	_____	_____	_____
TOTAL TAXES	\$ _____	\$ _____	\$ _____
Miscellaneous Revenues:			
Projected carryover balance	_____	_____	_____
Interest earnings	_____	_____	_____
Employees' Pension Fund contributions ..	_____	_____	_____
Employer's Pension Fund contributions ..	_____	_____	_____
TOTAL REVENUES	\$ _____	\$ _____	\$ _____

EXPENDITURES			
Personal Services:			
Relief payments	_____	_____	_____
Disability payments	_____	_____	_____
Death benefits	_____	_____	_____
Refunds	_____	_____	_____
Professional services	_____	_____	_____
Other	_____	_____	_____
TOTAL EXPENDITURES	\$ _____	\$ _____	\$ _____

AUTHORIZED SIGNATURE:

 (Type or print name)

 (Title)

 (Hand written Signature)

 (Date)

BOND RESERVE

COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____ DISTRICT

FISCAL YEAR _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
PROJECTED FUND			
CARRY-OVER BALANCE FROM FY ____	\$ _____	\$ _____	\$ _____
REVENUES:			
Revenue transferred from _____	\$ _____	\$ _____	\$ _____
TOTAL REVENUES	\$ _____	\$ _____	\$ _____
EXPENDITURES:			
Transferred to account _____	\$ _____	\$ _____	\$ _____
TOTAL EXPENDITURES	\$ _____	\$ _____	\$ _____

AUTHORIZED SIGNATURE:

(Type or print name)

(Title) Authorized Signature

(Hand written Signature)

(Date)

(Type or print name)

(Title) Authorized Signature

(Hand written Signature)

(Date)

BOND PROJECT ACCOUNT

COCHISE COUNTY SPECIAL TAXING DISTRICTS ANNUAL BUDGET

_____ DISTRICT

FISCAL YEAR _____

	PROJECTED BUDGET	MODIFIED BUDGET	APPROVED BUDGET
REVENUES:			
Bonds proceeds	_____	_____	_____
TOTAL REVENUES	\$ _____	\$ _____	\$ _____
EXPENDITURES:			
Land	_____	_____	_____
Buildings	_____	_____	_____
Construction in progress	_____	_____	_____
Improvements other than buildings	_____	_____	_____
Motor vehicles	_____	_____	_____
Machinery and equipment	_____	_____	_____
Leasehold improvements	_____	_____	_____
Other	_____	_____	_____
TOTAL EXPENDITURES	\$ _____	\$ _____	\$ _____

AUTHORIZED SIGNATURE:

(Type or print name)

(Title)

(Hand written Signature)

(Date)

BUDGET CHECK LIST

	YES	NO
1. Have you read the entire guide thoroughly?	_____	_____
2. Have you completed each form properly?	_____	_____
3. Have you double checked your calculations for errors?	_____	_____
4. Have all forms been dated and signed by the authorized person (s)?	_____	_____
5. Have you listed all of your outstanding warrants?	_____	_____
6. Does your district have more than one fund?	_____	_____
7. If so, have you completed separate budget forms for them?	_____	_____
8. Have you submitted a copy of a resolution adopted by the Governing Board to establish a Reserve Fund?	_____	_____
9. Has your 5- or 7-year plan been recorded in your District's Board Meeting Minutes?	_____	_____
10. Have you included a description of the items and the proposed date of purchase in the resolution?	_____	_____
11. Have you updated your Treasurer's signature card?	_____	_____
12. Have you made a copy of the completed budget forms for your files before submitting them to Clerk of the Board's Office?	_____	_____
13. Have you published your budget?	_____	_____
14. Have you submitted a copy of "Publishers Affidavit" and a copy of the published budget to the Clerk of the Board's Office ?	_____	_____
15. Have all voided warrants been returned to the County Treasurer?	_____	_____
16. Have all unused warrants been returned to the County Treasurer?	_____	_____
17. Have you budgeted funds for an audit?	_____	_____

KEY POINTS / REMINDERS:

- 1) Be sure to publish your budgets 30 days prior to the public hearing.
- 2) Cash-carry forward - funds you will need to use in the beginning of a fiscal year before tax revenues come in - try to build up enough cash-carry forward to cover the district's basic expenses for two months.
- 3) Tax collection - plan spending in accordance to 1st and 2nd half collections:
 - a. 1st half due October 1 and delinquent November
 - b. 2nd half due March 1 and delinquent May 1
- 4) Budget packets will be emailed to each special district by the Clerk of the Board's Office
- 5) Complete adopted budget is due by July 10. Fire Districts by August 1.
- 6) Proposed budget published and a copy of the proposed budgets posted in location of agenda postings prior to adoption. Three locations for fire districts.
- 7) The special district board adopts the budget at a public meeting
- 8) Remember that you **cannot spend more than your adopted budget** even if revenues exceed budgeted revenues!
- 9) County improvement, light and water districts are exempt from "filing" a yearly budget, but as a courtesy are asked to do so.
- 10) New law now includes fire districts in the above exempted districts, **but** fire districts are still required by law to submit an estimate, certified by items, of the amount of money required for equipment and maintenance of the district for the ensuing year.
- 11) To receive the correct amount needed in tax dollars, you must submit your complete budget on the forms provided by the Clerk of the Board's Office.
- 12) The budget must be received for the tax rate can be calculated and for the Fire Districts to determine the amount of Fire Districts Assistance Tax for adoption by the Board of Supervisors.
- 13) Deposits - submitted to the County Treasurer on the official "Treasurer Deposit" forms.
- 14) All warrants must have two signatures. The Treasurer's office must be immediately notified and a new signature card completed for any changes in who is authorized to sign warrants.

APPENDIX C

ELECTIONS – FEE SCHEDULE COUNTYWIDE/STATEWIDE

Administrative Services	\$ 500.00	Administrative services include election staff consulting, conducting logic and accuracy testing, tabulation of ballots, etc
Ballot Programming	\$ 50.00	Per candidate or question/proposition
Ballot Printing	\$ 0.42	Per ballot
Election cancellation fee	\$ 250.00	Covers administrative costs such as candidate filings
Recount	\$ 500.00	

CONSOLIDATED ELECTIONS

Administrative Services	\$ 1,400.00	Administrative services include election staff consulting, conducting logic and accuracy testing, tabulation of ballots, etc
Election Board Training	\$ 75.00	Per class
Travel to class	\$ 0.42	Per mile
Election Manual	\$ 5.00	Each
Election Personnel	\$ 12.00	per hour - includes early boards, trouble shooters, office staff, delivery staff and election night boards DOES NOT INCLUDE FULL TIME COUNTY ELECTION STAFF
Voting Booths	\$ 4.00	Each
Ballot box and supplies	\$ 50.00	per polling location
Tabulation equipment (M100)	\$ 500.00	Each
Assisted voting machine (Automark)	\$ 500.00	Each
Maps	\$ 10.00	Each

Election Board Workers

Inspector	\$ 125.00	Each
Judges/Clerks/Marshal	\$ 100.00	each
Premium Board Workers	\$ 25.00	in addition to above rates
Training class	\$ 15.00	paid to worker for attendance
Mileage for workers	\$ 0.42	per mile
Polling location rental	actual cost	
Truck rental for delivery	actual cost	
Copies	\$ 30.00	per page
Maps	\$ 10.00	Each
Recount	\$ 500.00	

OTHER EXPENSES - CONSOLIDATED ELECTION

Ballot programming, layout, printing, informational and publicity pamphlets	actual cost	To be billed separately by EOS
Signature rosters, precinct registers, postage for early ballot mailings		To be billed separately by County Recorder

SPECIAL DISTRICT ANNUAL FEES

SPECIAL DISTRICT FEES

FIRE	FEE
Babocomari	\$ 118.95
Bowie	\$ 703.24
Elfrida	\$1,168.87
Fry	\$4,713.42
Mescal	\$1,045.24
Naco	\$ 330.08
Palominas	\$1,491.29
PBW	\$ 175.27
Pirtleville	\$ 592.77
Pomerene	\$ 291.70
San Simon	\$ 525.90
San Jose	\$ 355.05
St. David	\$ 535.38
Sunnyside	\$ 385.68
Sunsites/Pearce	\$5,568.18
Whetstone	\$ 832.97
 <u>SANITARY</u>	
Naco	\$ 195.33
<u>LIGHT</u>	
Bowie	\$ 676.68
Golden Acres	\$ 375.04
Naco	\$ 447.04
Pirtleville	\$ 885.70
Sunsites/Pearce	\$1,240.53
<u>WATER</u>	
Bowie	\$ 285.17
Pomerene	\$ 324.92
St. David	\$ 277.54
San Simon	\$ 250.71
Whetstone	\$ 432.51
<u>IRRIGATION</u>	
St. David	\$1,193.20
<u>FLOOD</u>	
Vanar	\$ 58.76
St. David	\$ 402.43
<u>HOSPITAL</u>	
Northern Cochise	\$22,044.77
San Pedro Valley	\$ 5,463.53

APPENDIX D

**DISCLOSURE STATEMENT
WHERE ALL POSTING NOTICES
OF THE MEETINGS OF THE
NAME OF SPECIAL TAXING DISTRICT
WILL BE POSTED**

Pursuant to A.R.S. §38-431.02 (A)(2), the Name of Special Taxing District hereby states that all meeting notices of the Name of Special Taxing District and any of its committees and subcommittees will be posted at the Name of Building, at Address of Building, which is open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, and Name of Special Taxing District website at: web address. Such notice(s) will indicate the date, time, and place of meeting(s), and will include an agenda or information on how the public may obtain a copy of such an agenda. Agendas are available at least 24 hours prior to any meeting.

DATED this Date day of Month, Year.

Name of Chairman or President
Job Title
Name of Special Taxing District

APPENDIX E

BOARD OF DIRECTORS MEETING

Name of District

Director

Director

Director

SAMPLE

Agendas are available at least 24 hours prior to each meeting in the office of _____, at _____, Phoenix, Arizona, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and on the internet at _____. One or more Board members may attend telephonically. Board members attending telephonically will be announced at the meeting. The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38- 431.03(A)(3). Accommodations for individuals with disabilities, including alternative format materials, sign language interpretation, and assistive listening devices are available upon 72 hours' advance notice through the office of _____, at _____, Phoenix, Arizona 85003, Phone _____, Fax _____, TDD _____. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

BOARD OF DIRECTORS

1. **INVOCATION - INVOCACIÓN**
2. **PLEDGE OF ALLEGIANCE - JURO FIDELIDAD A LA BANDERA**
3. **ROLL CALL - LISTA**
4. **MAIL BALLOT ELECTION FOR _____ DISTRICT**

Pursuant to A.R.S. § 16-225 and 16-558, approve a mail ballot election for the Queen Creek County Island Fire District to be conducted as a special election by the District on May 19, 2015.

51. **14103-S, AVAYA ENTERPRISE COMMUNICATIONS SYSTEM SUSTAINMENT**

Approve the following solicitation items.

Item: AVAYA ENTERPRISE COMMUNICATIONS SYSTEM SUSTAINMENT (\$2,000,000.00 estimate / 3 Years Until December 31, 2017 With 3 One-Year Renewal Option) This is a support and maintenance agreement for the continued operation of the Avaya enterprise communications system for the Sheriff for three years.

Windstream Corporation And Its Affiliates

3. **EXECUTIVE SESSION**

Vote to convene in Executive Session to consider items on the Executive Agenda dated May 18, 2015, for Board of Directors pursuant to statutory authority listed for each item.

APPENDIX F

Special Meeting, Month XX, 2015

_____ District
Board of Directors

(Prepared in compliance with A.R.S. §38-431.01, 38-431.02 and 38-431.03(A))

Agendas are available within 24 hours of each of the meetings in the Office of the _____ at _____, Phoenix, Arizona, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. NOTICE IS HEREBY GIVEN to the general public that the Board of Directors/Trustees of the _____ District will hold a meeting as follows:

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Location</u>
Date	Time	Special Meeting	Location

One or more members may attend telephonically. Members attending telephonically will be announced at the meeting. Executive Sessions are always preceded by an open, public meeting as per A.R.S. §38-431.03, and are held in compliance with one or more of the following statute(s):

- A.R.S. §38-431.03.1 - Personnel matters
- A.R.S. §38-431.03.2 - Records exempt by law from public inspection
- A.R.S. §38-431.03.3 - Legal advice
- A.R.S. §38-431.03.4 - Litigation; contract negotiations; settlement discussions
- A.R.S. §38-431.03.5 - Personnel matters dealing with employee organizations
- A.R.S. §38-431.03.6 - International and interstate negotiations
- A.R.S. §38-431.03.7 - Purchase sale or lease of real property

SAMPLE

Chairman or Secretary of the Board

March 21, 2017

Removal of this notice is illegal.