

From: [Lauren Kuby](#)
To: [Bendor, Joshua](#)
Cc: [Mitzi Epstein](#); [Paulino Valerio](#); [Michael Hans](#)
Subject: Request for AG Opinion: When should board members on fire districts be seated?
Date: Thursday, December 05, 2024 7:54:29 AM
Attachments: [2014-2ndRegular \(1\) \(ARS 48-803\).pdf](#)

December 5, 2024

**Attorney General Kris Mayes
Office of the Attorney General**

Prompt Reply Requested

Re: Attorney General Opinion; A.R.S. § 48-803(G)

To the Honorable Kris Mayes:

I am writing to **request an opinion regarding when board members on fire districts are seated.**

Before 2014, A.R.S. § 48-803 required that all fire district board members be seated on the “first day of the month next following such member’s election.” Considering that fire district elections are held on the consolidated election date in November, this language meant that seating occurred on December 1. However, as a result of a statutory amendment in 2014, the statute now reads to apply this seating provision to only Article 3 fire districts (i.e. non-contiguous county island fire districts), leaving other “regular” fire district boards without a specific seating date. See 2014 Ariz. Sess. Laws Ch. 252 § 7 (attached).

I think that the omission of language to call for all newly elected fire district board members to be seated in December was a simple oversight. The current structure of A.R.S. § 48-803 suggests that new members should still be seated in December, aligning with the timing for selecting a chairperson and clerk, as required under A.R.S. § 48-803(F). It makes logical sense that a board selecting its chairperson and clerk includes the newly elected board members (as opposed to the vacating board members).

Since the timing of a board member being seated impacts the start and end of terms and the board's decision-making authority, and taking note of the recent election, I ask that you prioritize this as an emergency opinion request.

Should you have any questions, feel free to contact one of us directly.

Sincerely,

Mitzi Epstein
State Senator
Legislative District 12

Lauren Kuby
State Senator-Elect
Legislative District 8