



**BYLAWS OF THE MESCAL J6 FIRE DISTRICT
ADOPTED:
SEPTEMBER 5, 2025**



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ARTICLE 1: NAME AND PURPOSE

Name:

The organization shall be known as the Mescal J6 Fire District, a special taxing district organized under A.R.S. § 48-801 et seq., located in Cochise County, Arizona.

Purpose:

The District shall provide fire protection, emergency medical services, and related community services to the residents and properties within its boundaries, ensuring public safety and compliance with Arizona law. The Mescal J6 Fire District may also provide Mutual Aid to other Cooperators.



ARTICLE 2: GOVERNANCE AND AUTHORITY

Governing Body:

The District shall be governed by a Board of Directors ("Board") consisting of five (5) members, elected or appointed in accordance with A.R.S. § 48-802 and A.R.S. § 48-803.

Powers and Duties: The Board shall:

Adopt and oversee the annual budget, in coordination with the District's accounting team and the Cochise County Treasurer's Office (A.R.S. § 48-805). All board members are an authorized signer on all applicable banking accounts.

Appoint and supervise the Fire Chief, who serves as the chief executive officer for operations and administration. A.R.S. § 48-805(B)(2)

Establish policies for fire protection, emergency services, and administration. A.R.S. § 48-805(A)(1),

Ensure compliance with Arizona's Open Meeting Laws (A.R.S. § 38-431 et seq.) and ASLAPR record retention standards (A.R.S. § 41-151 et seq.).

Hold regular public meetings to conduct District business transparently. A.R.S. § 38-431.01(A).

The board is granted the authority to act on behalf of the district, with the chairperson serving as the board's primary representative, unless delegated to others. A.R.S. § 48-805(A)

Fire Chief's Role: The Fire Chief shall:

Manage daily operations, including firefighting, emergency medical services, and personnel. A.R.S. § 48-805(A)(1), A.R.S. § 48-805(A)(3), A.R.S. § 48-805(B)(2). The Chief is an authorized signer on the applicable Banking accounts.

Implement Board policies and report to the Board on operational matters. A.R.S. § 48-805(A)(1)

Act as the primary liaison with external agencies and the public, unless otherwise directed by the Board.

The Chief shall contact the District's attorney as needed per District Legal Counsel policy implemented July 17, 2024

The Chief may be terminated from employment immediately with cause. (e.g., misconduct, poor performance, or failure to meet qualifications, such as a disqualifying background check under A.R.S. § 48-805(B)(2)). All reasons for termination must be documented and signed by the Board Chair and the Board Clerk.



ARTICLE 3: BOARD MEMBERSHIP

Composition and Terms:

The Board shall consist of five (5) members, elected by voters within the District for four (4) year terms, staggered as per A.R.S. § 48-802.

Eligibility:

Board members must be residents of the District and meet qualifications under A.R.S. § 48-802.

Officers:

The Board shall elect a Chairperson and Clerk, annually from among its members. A.R.S. § 48-805(B)(1):

Chairperson:

Presides over meetings, signs official documents, and ensures compliance with bylaws and Arizona law. A.R.S. § 48-805(B)

The Chairperson may contact the District Attorney as needed per District Legal Counsel policy implemented July 17, 2024

Clerk:

The Clerk, or designee, maintains records, prepares meeting minutes, signs official documents, and assumes Chairperson duties in their absence. A.R.S. § 48-805(B)

The Clerk is authorized to open and maintain banking accounts.

The Clerk may contact the District Attorney as needed per District Legal Counsel policy implemented July 17, 2024

Compensation:

Board members shall serve without compensation, except for reimbursement of reasonable expenses as approved by the Board (A.R.S. § 48-803).

Vacancies:

Key Provision: A.R.S. § 48-803(B) states:

"If a vacancy occurs on the district board other than from expiration of a term, a quorum of the board members shall fill the vacancy by appointment of an interim member within ninety days after the date the vacancy occurs."

If the fire district board fails to appoint an interim member within 90 days, "the board of supervisors shall appoint an interim member to the district board within sixty days after expiration of the ninety-day period."



If the district spans multiple counties, the board of supervisors of the county with the majority of the district's assessed valuation (in this case, Cochise County for Mescal-J6) makes the appointment.

A.R.S. § 38-291 General Public Office Vacancies:

Conditions to declare a vacancy:

- 1) Death of the person holding the office.
- 2) Insanity, when judicially determined.
- 3) Resignation and the lawful acceptance of the resignation.
- 4) Removal from office.
- 5) Ceasing to be a resident of the state, district, or other required jurisdiction.
- 6) Ceasing to discharge the duties of office for a period of three consecutive months, except when prevented by sickness or other unavoidable cause.
- 7) Conviction of a felony or an offense involving a violation of official duties.

A.R.S. § 48-803. Neglect of Duty

If a Board member accumulates three consecutive unexcused absences from regular board meetings, a vacancy may be declared by the remaining Board members. This will be determined by a majority vote of a quorum of the remaining board members.



ARTICLE 4: MEETINGS

Regular Meetings:

The Board shall hold regular meetings at least monthly, with dates and times set and posted publicly per A.R.S. § 38-431.02.

Meetings shall be held at the Mescal J6 Fire District admin building 98 N Oak Benson, AZ 85602, or as otherwise noticed.

Meeting agendas to be posted at least 24 hours in advance A.R.S. § 38-431.02(G).

Special and Emergency Meetings:

Special meetings may be called by the Chairperson or two (2) Board members with at least 24 hours' notice (A.R.S. § 38-431.02).

Emergency meetings may be called for urgent matters (e.g., public safety crises, financial emergencies) with less than 24 hours' notice, provided the reason is documented and publicized post-meeting (A.R.S. § 38-431.02(D)).

Executive Sessions:

The Board may hold executive sessions for confidential matters (e.g., personnel, legal advice) as permitted by A.R.S. § 38-431.03.

No final action shall be taken in executive session; all votes must occur in public session. A.R.S. § 38-431.03(D)

Minutes of executive sessions shall be confidential A.R.S. § 38-431.03 and retained per ASLAPR schedules A.R.S. § 41-151.12

Quorum and Voting:

A quorum shall consist of three (3) Board members. A.R.S. § 48-803(B)

Decisions require a majority vote of members present, unless otherwise specified.

All electronic communication shall consist of no more than 2 board members.

Email communication shall use the mescalJ6fd.gov email.



The BCC feature may be used for more than 2 board members on an email. Using BCC allows the clerk or chairperson to send information to all board members without enabling group deliberation, aligning with A.R.S. § 38-431.01 and preventing open meeting violations.

Public Participation:

A "Call to the Public" may be included in regular meetings, allowing residents to address the Board for up to three (3) minutes each, per A.R.S. § 38-431.01.

Written materials submitted during the Call to the Public shall be retained as public records per ASLAPR schedules.



ARTICLE 5: CODE OF CONDUCT AND ADDRESSING UNDERMINING BEHAVIOR

Code of Conduct:

Authorizes the board to adopt bylaws or a handbook codifying a code of conduct for professional behavior, ensuring effective governance. A.R.S. § 48-805(A)(1):

Board members shall:

Act in the best interests of the district, upholding fiduciary duties of care, loyalty, and obedience (obeying bylaws and laws).

Require ethical behavior, avoiding conflicts and conduct that discredits the board, aligning with professionalism. A.R.S. § 48-805, A.R.S. § 38-503 to 38-505

Ensures professional conduct in public meetings to maintain transparency and public trust. A.R.S. § 38-431.01

Maintain confidentiality of executive session discussions and sensitive District information.

Support the Fire Chief's operational authority, refraining from interfering in day-to-day management (A.R.S. § 48-803).

Comply with Arizona's Open Meeting Laws and conflict of interest statutes (A.R.S. § 38-501 et seq.).

Conduct themselves professionally, avoiding belligerent, disruptive, or undermining behavior. Mandate ethics and conflict of interest training, supporting professional conduct A.R.S. § 38-431.01, A.R.S. § 48-803(I)

Promptly inform the Fire Chief or Board Chair immediately of any issues that arise, to promote communication, transparency and teamwork. Withholding information until the meeting, except in cases where the issue arises immediately prior, is unacceptable.

Provide timely information to facilitate issues being addressed promptly and in making prompt informed decisions on business matters. Using information in an attempt to embarrass, harass, or bully others publicly will not be tolerated.

Follow the Districts Legal Counsel policy implemented July 17, 2024.



Board members shall not:

Engage in actions that undermine the Board, Fire Chief, or District mission, such as leaking confidential information, conspiring with external parties to obstruct operations, or publicly disparaging the district without evidence. A.R.S. § 38-504, A.R.S. § 38-505

Participate in discussions or actions outside public meetings that violate A.R.S. § 38-431.03.

Collude with the public or other entities to harm the district's operations, reputation, or undermine the district's mission (A.R.S. § 48-805(A)(3)).

Use the board member's position to influence decisions for the benefit of others at the district's expense, breaching the fiduciary duty of loyalty, care, and obedience (complying with laws and bylaws). (A.R.S. § 38-504(C), A.R.S. § 38-505.)

Definition of Undermining Behavior:

Undermining behavior includes, but is not limited to:

Disclosing confidential information (e.g., personnel records, executive session discussions) to unauthorized parties.

Conspiring with external individuals or groups to obstruct Board decisions or Fire Chief initiatives.

Publicly criticizing the Fire Chief or Board in a manner that erodes trust or operational effectiveness, without following proper channels (e.g., formal Board discussion).

Failing to attend meetings without cause, disrupting Board cohesion.

Engaging in belligerent or hostile conduct during meetings that violates Robert's Rules of Order or District policies.

Remedies for Undermining Behavior:

Informal Resolution:

The Chairperson shall meet privately with the offending Board member to address concerns, document the discussion, and offer guidance to correct behavior.

Mediation:

If informal resolution fails, the Board may engage a neutral third-party mediator to resolve conflicts, with costs borne by the District.

**Censure:**

The Board may vote by majority to censure a member for undermining behavior, issuing a public statement of disapproval and limiting the member's access to confidential information.

Vote of No Confidence:

For severe or repeated violations, the Board may vote by a majority to declare no confidence in the member, recommending resignation.

Removal:**Elected Members:**

Removal requires a recall election initiated by a voter petition per A.R.S. § 19-201 et seq., or a Board recommendation to the Cochise County Board of Supervisors for cause (e.g., gross misconduct).

Appointed Members:

The Board may remove an appointed member by a majority vote for cause, subject to due process and legal review.

Ethics Complaints:

Violations of Arizona ethics laws (A.R.S. § 38-501 et seq.) shall be reported to the Arizona Attorney General or Cochise County Attorney (520-432-8700) for investigation.

Documentation:

All incidents and actions shall be documented and retained per ASLAPR schedules (e.g., 3–7 years for disciplinary records).

Protection of the Fire Chief:

The Fire Chief may only be disciplined or terminated by a majority Board vote in a public meeting, not by individual members (A.R.S. § 48-803).

The Board chair is the direct supervisor of the Fire Chief.

Undermining actions targeting the Fire Chief (e.g., overriding operational decisions) shall be addressed through the above remedies.



ARTICLE 6: FINANCIAL MANAGEMENT

Budget and Taxes:

The Board shall adopt an annual budget in coordination with the District's accounting team and the Cochise County Treasurer's Office (520-432-8400, trsweb@cochise.az.gov), per A.R.S § 48-805.

The Clerk and Chairperson shall certify the budget and tax levy annually.

Financial Oversight:

The Board shall ensure audits and financial transparency, with records retained per ASLAPR schedules (e.g., permanent for budgets, 5 years for audits).

Accounting All financial transactions shall comply with A.R.S. § 48-805, county oversight [\[DK1\]](#), and the District's team.

The fiscal year of the District shall be a twelve-month period beginning on July 1 and ending on June 30 of the following year.



ARTICLE 7: PUBLIC RECORDS AND TRANSPARENCY

Public Records:

All approved and finalized District records, including bylaws, minutes, and financial documents, are public records under A.R.S. § 39-121, except those exempted (e.g., executive session minutes).

Transitory records may be destroyed after their purpose is served. (A.R.S. § 41-151.14).

The agency is under no obligation to retain, retrieve, or recreate a transitory record (A.R.S. § 41-151.14., A.R.S. § 39-121.01(C)) *Lake v. City of Phoenix*, 222 Ariz. 547 (2009)

Due to the deliberative nature of internal working drafts, preliminary reports, draft budgets, draft policies, and draft audits per A.R.S 41-735(D) (A.R.S. § 38-431.03(B)) are excluded from public records requests. (A.R.S. § 39-121.01) and court interpretations:
Cox Arizona Publications, Inc. v. Collins, 175 Ariz. 11 (1993)

Once documents showing official action are no longer deliberative or pre-decisional, they are public records under A.R.S. § 39-121 *Cox Arizona Publications, Inc. v. Collins*, 175 Ariz. 11, 852 P.2d 1194 (1993):

Records not released or redacted:

Unwarranted Invasion of Personal Privacy (A.R.S. § 39-121.01(D)(2)). Applies to personnel records, unsubstantiated complaints, or private details.

Personnel Records (A.R.S. § 39-123, common law): Protects sensitive employee information.
Scottsdale Unified Sch. Dist. v. KPNX Broadcasting Co., 191 Ariz. 297 (1998).
Star Publishing Co. vs. Pima County Attorney's Office 181 Ariz. 432, 891 P.2d 899 (Ariz. Ct. App. 1994)

Statutory Confidentiality: Executive session materials, complainant identities, and pending investigations. (A.R.S. § 38-431.03, § 41-1010, § 32-3214(B))

Public Safety (A.R.S. § 39-123(B)): Protects records that could compromise emergency operations.

Attorney-Client Privilege (A.R.S. § 12-2234): Shields legal communications.

Best Interests of the State (A.R.S. § 39-121.01(D)(2)): Rarely applied but covers sensitive operations.

Medical Records (A.R.S. § 36-445)

Public records requests shall be processed per the Mescal J6 Fire District Public Records Request policy, with the Clerk overseeing compliance.



Retention:

Records shall be retained per ASLAPR General Retention Schedule for Fire Districts Contact ASLAPR at (602) 926-3720 for guidance.



ARTICLE 8: CONFLICT OF INTEREST

Disclosure:

Board members shall disclose any conflicts of interest per A.R.S. § 38-501 and A.R.S. § 38-504(A). and abstain from related votes.

Prohibited Actions:

Board members shall not use their position for personal gain or influence District decisions for private benefit. A.R.S. § 38-503(B).



ARTICLE 9: TRAINING AND DEVELOPMENT

Statutory Training:

Board members and the Fire Chief shall complete training on Arizona's Open Meeting Laws, ethics, parliamentary procedure, and fire district governance within 90 days of election or appointment, per Arizona Fire District Association (AFDA) recommendations. Continuing education/training will be conducted once annually or throughout the year as needed or agreed upon by board members and Fire Chief.

The Arizona Attorney General's Office has clarified that public bodies may attend training sessions, workshops, or conferences together without violating the OML, provided they do not deliberate or act on official business (see Arizona Agency Handbook, § 7.5.3). For example, a fire department board attending a seminar on incident command systems or ethics training is permissible if discussions remain general and unrelated to specific agency matters.

Board members can attend social or ceremonial events, conferences, or training sessions without public notice, as long as no legal action (e.g., voting, policy decisions) is taken. This supports group training for professional enrichment. Public notice is best practice. A.R.S. § 38-431.03(D)

Public Access:

Professional development and Statutory training sessions are not required to be open to the public, unless specified by the Board.

Arizona Open Meeting Law (ARS § 38-431 et seq.):

Professional enrichment trainings on governance and meeting protocol (e.g., open meeting laws, board responsibilities, or parliamentary procedures) may not always constitute a "meeting" if they are structured as educational workshops without a quorum, or do not involve specific district business. In such cases, they can be closed to the public without violating the law. These are closed to the public to ensure focused learning, candid discussions, and confidentiality for governance-related hypotheticals (e.g., navigating conflicts of interest or meeting protocols).



ARTICLE 10: AMENDMENTS

Process:

AMENDMENTS

Amendment, repeal, or alteration to the bylaws may be proposed in writing at any regular meeting of the Board.

Such proposed amendments shall be acted upon at the next regular meeting of the Board or at a special meeting called for that purpose.

An affirmative vote of a quorum of Board members present shall constitute adoption of the amendments.

Notice of intent to present amendments to the Bylaws for adoption shall be contained in the notice of the meeting.

Compliance:

Amendments must comply with A.R.S. § 48-803 and be filed with the Cochise County Board of Supervisors.



ARTICLE 11: PARLIAMENTARY AUTHORITY

Robert's Rules of Order:

Meetings shall be conducted under Robert's Rules of Order, Newly Revised, unless otherwise specified in these bylaws or Arizona law.

Handling Disruptions:

The Chairperson may issue warnings, call for a vote to censure, or remove a belligerent member or attendee disrupting a meeting, per Robert's Rules and A.R.S. § 38-431.01.



ARTICLE 12: DISSOLUTION

Process:

Dissolution of the District shall follow A.R.S. § 48-804, requiring a public vote and coordination with the Cochise County Board of Supervisors.

Asset Distribution:

Assets shall be distributed per Arizona law and county oversight.

ARTICLE 13: ADOPTION

These bylaws are adopted by the Mescal J6 Fire District Board of Directors on September 5, 2025, and shall take effect immediately.

Dana Law

Dana Law
Board Chairman

Deborah Wise

Deborah Wise
Board Clerk

Notes

This handbook is a living document and should be reviewed annually to reflect changes in law, district needs, or board policies. For guidance on updating bylaws, refer to the Arizona Fire District Association <https://azfiredistricts.org> under the Member Resource Center and the Cochise County Special Districts Governing Board Members Resource Manual. Board members are encouraged to consult legal counsel for complex issues, such as suspected collusion or Open Meeting Law violations.

Recent challenges underscore the importance of clear protocols and ethical conduct.
