

COMMITTEE ON COMMERCE

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2003

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 11-496, Arizona Revised Statutes, is amended to
3 read:

4 11-496. Public records copy; proceeds of sale; agent duties;
5 surcharge; special district assessments; deposit

6 A. In addition to the fee prescribed by section 39-121.01, subsection
7 D, paragraph 1 or section 39-121.03, subsection A, the county treasurer may
8 impose a surcharge of not more than twenty-five per cent of the fee charged
9 for furnishing a copy, printout or photograph.

10 B. A county treasurer who is designated as a registrar pursuant to
11 section 35-491 may impose a surcharge of not more than twenty-five per cent
12 of the average fee charged by commercial bank trust departments during the
13 previous calendar year for discharging registrar, transfer and paying agent
14 duties.

15 C. The county treasurer may impose and collect a fee for expenses
16 directly related to the collection of special assessments for a community
17 facilities district pursuant to section 48-721 AND A REVITALIZATION DISTRICT
18 PURSUANT TO SECTION 48-6814 and for collecting municipal fire and emergency
19 services fees from owners of record in certain areas of the county as
20 prescribed in section 9-500.23.

21 D. The county treasurer shall deposit monies collected pursuant to
22 this section in the taxpayers' information fund established by section
23 11-495.

24 Sec. 2. Title 48, Arizona Revised Statutes, is amended by adding
25 chapter 39, to read:

26 CHAPTER 39

27 REVITALIZATION DISTRICTS

28 ARTICLE 1. GENERAL PROVISIONS

29 48-6801. Definitions

30 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 1. "CLERK" INCLUDES ANY PERSON OR OFFICIAL WHO PERFORMS THE DUTIES OF
2 CLERK OF THE MUNICIPALITY OR ANY PERSON APPOINTED BY THE DISTRICT BOARD TO BE
3 THE DISTRICT CLERK.

4 2. "DEBT SERVICE" MEANS THE PRINCIPAL OF, INTEREST ON AND PREMIUM, IF
5 ANY, ON THE BONDS, WHEN DUE, WHETHER AT MATURITY OR PRIOR REDEMPTION AND FEES
6 AND COSTS OF REGISTRARS, TRUSTEES, PAYING AGENTS OR OTHER AGENTS NECESSARY TO
7 HANDLE THE BONDS AND THE COSTS OF CREDIT ENHANCEMENT OR LIQUIDITY SUPPORT.

8 3. "DISTRICT" MEANS A TAX LEVYING REVITALIZATION DISTRICT FORMED
9 PURSUANT TO THIS ARTICLE.

10 4. "DISTRICT BOARD" MEANS THE BOARD OF DIRECTORS OF THE DISTRICT.

11 5. "ENHANCED MUNICIPAL SERVICES" MEANS PUBLIC SERVICE PROVIDED BY A
12 COUNTY WITHIN THE DISTRICT AT A HIGHER LEVEL OR TO A GREATER DEGREE THAN
13 PROVIDED IN THE REMAINDER OF THE MUNICIPALITY, INCLUDING SUCH SERVICES AS
14 PUBLIC SAFETY, FIRE PROTECTION, STREET OR SIDEWALK CLEANING OR LANDSCAPE
15 MAINTENANCE IN PUBLIC AREAS.

16 6. "GENERAL PLAN" MEANS THE GENERAL PLAN DESCRIBED IN SECTION 48-6802,
17 SUBSECTION B, AS THE PLAN MAY BE AMENDED.

18 7. "GOVERNING BODY" MEANS THE BODY OR BOARD THAT BY LAW IS CONSTITUTED
19 AS THE LEGISLATIVE DEPARTMENT OF THE MUNICIPALITY, INDIAN TRIBE OR COMMUNITY.

20 8. "MUNICIPALITY" MEANS AN INCORPORATED CITY.

21 9. "OWNER" MEANS THE PERSON WHO, ON THE DAY THE ACTION, ELECTION OR
22 PROCEEDING IS BEGUN OR HELD, APPEARS TO BE THE OWNER OF REAL PROPERTY AS
23 SHOWN ON THE PROPERTY TAX ASSESSMENT ROLL.

24 10. "PUBLIC INFRASTRUCTURE" MEANS ALL IMPROVEMENTS LISTED IN THIS
25 PARAGRAPH THAT WILL RESULT IN A BENEFICIAL USE PRINCIPALLY TO LAND WITHIN THE
26 GEOGRAPHICAL LIMITS OF THE DISTRICT AND MAY INCLUDE A DISTRICT'S SHARE OF ANY
27 IMPROVEMENTS LISTED IN THIS PARAGRAPH IF THE DISTRICT BOARD DETERMINES SUCH
28 SHARE IS PROPORTIONATE TO THE BENEFICIAL USE OF SUCH IMPROVEMENTS TO LAND
29 WITHIN THE GEOGRAPHICAL LIMITS OF THE DISTRICT, IMPROVEMENTS WITHIN OR
30 OUTSIDE THE GEOGRAPHICAL LIMITS OF THE DISTRICT, NECESSARY OR INCIDENTAL
31 WORK, WHETHER NEWLY CONSTRUCTED, RENOVATED OR EXISTING, AND ALL NECESSARY OR
32 DESIRABLE APPURTENANCES. PUBLIC INFRASTRUCTURE IMPROVEMENTS ARE:

33 (a) SANITARY SEWAGE SYSTEMS, INCLUDING COLLECTION, TRANSPORT, STORAGE,
34 TREATMENT, DISPERSAL, EFFLUENT USE AND DISCHARGE.

35 (b) DRAINAGE AND FLOOD CONTROL SYSTEMS, INCLUDING COLLECTION,
36 TRANSPORT, DIVERSION, STORAGE, DETENTION, RETENTION, DISPERSAL, USE AND
37 DISCHARGE.

1 (c) HIGHWAYS, STREETS, ROADWAYS AND PARKING FACILITIES, INCLUDING ALL
2 AREAS FOR VEHICULAR USE FOR TRAVEL, INGRESS, EGRESS AND PARKING.

3 (d) AREAS FOR PEDESTRIAN, BICYCLE OR OTHER NONMOTOR VEHICLE USE FOR
4 TRAVEL, INGRESS, EGRESS AND PARKING.

5 (e) PEDESTRIAN MALLS, PARKS AND OPEN SPACE AREAS FOR THE USE OF
6 MEMBERS OF THE PUBLIC FOR ENTERTAINMENT, ASSEMBLY AND RECREATION.

7 (f) LANDSCAPING, INCLUDING EARTHWORKS, STRUCTURES, LAKES AND OTHER
8 WATER FEATURES, PLANTS, TREES AND RELATED WATER DELIVERY SYSTEMS.

9 (g) PUBLIC BUILDINGS, PUBLIC SAFETY FACILITIES AND FIRE PROTECTION
10 FACILITIES.

11 (h) LIGHTING SYSTEMS.

12 (i) TRAFFIC CONTROL SYSTEMS AND DEVICES, INCLUDING SIGNALS, CONTROLS,
13 MARKINGS AND SIGNAGE.

14 (j) EQUIPMENT, VEHICLES, FURNISHINGS AND OTHER PERSONALTY RELATED TO
15 THE ITEMS LISTED IN THIS PARAGRAPH.

16 11. "PUBLIC INFRASTRUCTURE PURPOSE" MEANS:

17 (a) PLANNING, DESIGN, ENGINEERING, CONSTRUCTION, ACQUISITION OR
18 INSTALLATION OF PUBLIC INFRASTRUCTURE.

19 (b) ACQUIRING, CONVERTING, RENOVATING OR IMPROVING EXISTING FACILITIES
20 FOR PUBLIC INFRASTRUCTURE.

21 (c) ACQUIRING INTERESTS IN REAL PROPERTY FOR PUBLIC INFRASTRUCTURE.

22 (d) ESTABLISHING, MAINTAINING AND REPLENISHING RESERVES FROM ANY
23 SOURCE DESCRIBED IN SECTION 48-6811 OR FROM ANY OTHER SOURCE IN ORDER TO
24 SECURE PAYMENT OF DEBT SERVICE ON BONDS.

25 (e) FUNDING AND PAYING FROM BOND PROCEEDS INTEREST ACCRUING ON BONDS
26 FOR A PERIOD OF NOT TO EXCEED THREE YEARS FROM THEIR DATE OF ISSUANCE.

27 (f) PROVIDING FOR THE TIMELY PAYMENT OF DEBT SERVICE ON BONDS OR OTHER
28 INDEBTEDNESS OF THE DISTRICT.

29 (g) REFINANCING ANY MATURED OR UNMATURED BONDS WITH NEW BONDS.

30 (h) INCURRING EXPENSES OF THE DISTRICT INCIDENT TO AND REASONABLY
31 NECESSARY TO CARRY OUT THE PURPOSES SPECIFIED IN THIS PARAGRAPH.

32 12. "REVENUE BONDS" MEANS THOSE BONDS THAT ARE ISSUED PURSUANT TO THIS
33 ARTICLE AND THAT ARE SECURED BY A PLEDGE OF REVENUES OF THE DISTRICT OR
34 REVENUES COLLECTED BY THE COUNTY OR MUNICIPALITY AND RETURNED TO THE
35 DISTRICT.

1 13. "TREASURER" INCLUDES ANY PERSON OR OFFICIAL WHO PERFORMS THE DUTIES
2 OF TREASURER OF THE MUNICIPALITY OR ANY PERSON APPOINTED BY THE DISTRICT
3 BOARD AS THE DISTRICT TREASURER.

4 48-6802. Resolution of intent; eligible participants; district
5 board

6 A. IF THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE, AND ON
7 PRESENTATION OF A PETITION SIGNED BY THE OWNERS OF AT LEAST FIFTY-ONE PER
8 CENT OF THE LAND AREA PROPOSED TO BE INCLUDED IN THE DISTRICT, THE GOVERNING
9 BODY OF ONE OR TWO CITIES OR AN INDIAN TRIBE OR COMMUNITY AND A CITY MAY
10 ADOPT A RESOLUTION DECLARING ITS INTENTION TO FORM A DISTRICT TO INCLUDE
11 CONTIGUOUS PROPERTY. THE RESOLUTION SHALL STATE THE FOLLOWING:

12 1. THE AREA OR AREAS TO BE INCLUDED IN THE DISTRICT.

13 2. THE PURPOSES FOR WHICH THE DISTRICT IS TO BE FORMED.

14 3. THAT A GENERAL PLAN FOR THE DISTRICT IS ON FILE WITH THE CLERK.

15 4. THE DATE, TIME AND PLACE OF THE HEARING TO BE HELD ON THE FORMATION
16 OF THE DISTRICT.

17 5. THE PLACE WHERE WRITTEN OBJECTIONS TO THE FORMATION OF THE DISTRICT
18 MAY BE FILED.

19 6. THAT FORMATION OF THE DISTRICT MAY RESULT IN THE LEVY OF TAXES OR
20 ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS CONSTRUCTED BY THE DISTRICT AND
21 FOR THEIR OPERATION AND MAINTENANCE.

22 7. A REFERENCE TO THIS ARTICLE.

23 8. THAT THE DISTRICT WILL BE GOVERNED BY DIRECTORS APPOINTED BY THE
24 GOVERNING BODY.

25 B. BEFORE ADOPTING A RESOLUTION UNDER THIS SECTION, A GENERAL PLAN FOR
26 THE DISTRICT SHALL BE FILED WITH THE CLERK SETTING OUT A GENERAL DESCRIPTION
27 OF THE IMPROVEMENTS FOR WHICH THE DISTRICT IS PROPOSED TO BE FORMED AND THE
28 AREAS TO BE IMPROVED.

29 C. A DISTRICT MAY BE FORMED PURSUANT TO THIS ARTICLE IN A COUNTY WITH
30 A POPULATION OF MORE THAN TWO MILLION PERSONS BY A CITY ALONE, BY JOINT
31 ACTION OF TWO CITIES TOGETHER OR BY A CITY IN COMBINATION WITH AN INDIAN
32 TRIBE OR COMMUNITY. THE DISTRICT SHALL BE GOVERNED BY A DISTRICT BOARD
33 APPOINTED BY THE GOVERNING BODY OF EACH PARTICIPATING ENTITY AS FOLLOWS:

34 1. IF A SINGLE CITY, FIVE PERSONS NAMED BY THE GOVERNING BODY OF THE
35 CITY.

1 CIRCULATION IN THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED. THE MAILING
2 AND PUBLICATION SHALL BE COMPLETED AT LEAST TWENTY DAYS BEFORE THE DATE SET
3 FOR HEARING. THE CLERK SHALL EXECUTE AN AFFIDAVIT OF MAILING STATING THE
4 DATE OF MAILING AND THE NAMES AND ADDRESSES OF THE PERSONS TO WHOM THE
5 NOTICES AND COPIES OF THE RESOLUTIONS WERE MAILED. THE CLERK SHALL OBTAIN AN
6 AFFIDAVIT FROM THE NEWSPAPER IN WHICH THE PUBLICATION WAS MADE. THE CLERK
7 SHALL CAUSE BOTH AFFIDAVITS TO BE PLACED IN THE OFFICIAL RECORDS OF THE
8 MUNICIPALITY. THE AFFIDAVITS ARE CONCLUSIVE EVIDENCE OF THE MAILING AND
9 PUBLISHING OF NOTICE. NOTICE SHALL NOT BE HELD INVALID FOR FAILURE OF
10 DELIVERY TO THE ADDRESSEE.

11 C. IF THE CLERK IS INFORMED THAT THE PERSON LISTED ON THE ASSESSMENT
12 ROLL IS NO LONGER THE OWNER AND THE NAME AND ADDRESS OF THE SUCCESSOR OWNER
13 BECOME KNOWN, THE CLERK SHALL CAUSE A COPY OF THE NOTICE AND RESOLUTION TO BE
14 MAILED TO THE SUCCESSOR OWNER AS SOON AS PRACTICABLE AFTER LEARNING OF THE
15 CHANGE OF OWNERSHIP.

16 48-6804. Hearing on objections

17 A. ANY PERSON CLAIMING AN INTEREST IN REAL PROPERTY THAT THE
18 RESOLUTION DISCLOSES IS SITUATED IN THE DISTRICT MAY FILE A WRITTEN OBJECTION
19 WITH THE CLERK BEFORE 5:00 P.M. ON THE BUSINESS DAY PRECEDING THE DATE AND
20 TIME SET FOR THE HEARING. THE OBJECTION MAY RAISE ONE OR MORE OF THE
21 FOLLOWING:

22 1. THAT THE OBJECTOR'S PROPERTY WOULD NOT BE BENEFITED FROM THE
23 IMPROVEMENTS SET FORTH IN THE GENERAL PLAN AND THAT THE PROPERTY SHOULD BE
24 EXCLUDED FROM THE DISTRICT.

25 2. THAT THE DISTRICT SHOULD NOT BE FORMED, STATING THE SPECIFIC
26 REASONS.

27 3. THAT THE GENERAL PLAN SHOULD BE MODIFIED, STATING THE REASONS FOR
28 MODIFICATION.

29 B. AT THE HEARING, INCLUDING ANY ADJOURNMENTS OR CONTINUANCES, THE
30 GOVERNING BODY SHALL HEAR AND PASS ONLY ON THE WRITTEN OBJECTIONS AND THE
31 TESTIMONY AND EVIDENCE PRESENTED IN SUPPORT OF OR OPPOSITION TO THE
32 OBJECTIONS.

33 C. TESTIMONY AT THE HEARING NEED NOT BE UNDER OATH, UNLESS REQUESTED
34 BY ANY OWNER OR REQUIRED BY THE GOVERNING BOARD. REQUESTS BY OWNERS THAT THE
35 TESTIMONY BE UNDER OATH MUST BE MADE IN WRITING AND BE FILED WITH, OR SERVED
36 ON, THE CLERK BEFORE THE HEARING BEGINS OR THE REQUEST IS DEEMED WAIVED.

1 D. THE MINUTES OR A COPY OF A WRITTEN TRANSCRIPT OR A TAPE RECORDING
2 OF THE PROCEEDINGS OF A HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE
3 OPEN TO PUBLIC INSPECTION THREE WORKING DAYS AFTER THE CONCLUSION OF A
4 HEARING. ANY PERSON MAY REQUEST TO EXAMINE OR BE FURNISHED COPIES,
5 PRINTOUTS, PHOTOGRAPHS, TRANSCRIPTS OR RECORDINGS OF A HEARING DURING REGULAR
6 OFFICE HOURS OF THE GOVERNING BODY. THE CUSTODIAN OF THE RECORDS SHALL
7 FURNISH THE COPIES, PRINTOUTS, PHOTOGRAPHS, TRANSCRIPTS OR RECORDINGS AND MAY
8 CHARGE A REASONABLE FEE THAT DOES NOT EXCEED THE ACTUAL COST OF REPRODUCING
9 THE ITEM REQUESTED.

10 48-6805. Order forming district

11 AFTER THE HEARING, THE GOVERNING BODY OF EACH ENTITY FORMING THE
12 DISTRICT MAY ADOPT A RESOLUTION ORDERING THE FORMATION OF THE DISTRICT,
13 DELETING ANY PROPERTY DETERMINED NOT TO BE BENEFITED BY THE DISTRICT OR
14 MODIFYING THE GENERAL PLAN AND THEN ORDERING THE FORMATION OF THE DISTRICT OR
15 DETERMINING THAT THE DISTRICT NOT BE FORMED. A RESOLUTION ORDERING FORMATION
16 OF THE DISTRICT SHALL STATE THE NAMES OF THE INITIAL DIRECTORS AND THE TERMS
17 OF OFFICE OF EACH.

18 48-6806. Formation

19 A. IF THE FORMATION OF THE DISTRICT IS APPROVED, THE GOVERNING BODY OF
20 EACH ENTITY SHALL ORDER THE FORMATION, APPOINT THE INITIAL DIRECTORS OF THE
21 DISTRICT BOARD, SET THE DISTRICT BOUNDARIES AND ORDER THAT A MAP SHOWING THE
22 DISTRICT BOUNDARIES BE DRAWN AND A COPY OF THE ORDER FORMING THE DISTRICT BE
23 DELIVERED TO THE COUNTY ASSESSOR AND THE BOARD OF SUPERVISORS OF THE COUNTY
24 IN WHICH THE DISTRICT IS LOCATED AND TO THE DEPARTMENT OF REVENUE. A NOTICE
25 OF THE FORMATION SHOWING THE NUMBER AND DATE OF THE ORDER AND GIVING A
26 DESCRIPTION OF THE LAND INCLUDED IN THE DISTRICT SHALL BE RECORDED WITH THE
27 COUNTY RECORDER.

28 B. ON ITS FORMATION, THE DISTRICT IS A SPECIAL PURPOSE DISTRICT FOR
29 PURPOSES OF ARTICLE IX, SECTION 19, CONSTITUTION OF ARIZONA, A TAX LEVYING
30 PUBLIC IMPROVEMENT DISTRICT FOR THE PURPOSES OF ARTICLE XIII, SECTION 7,
31 CONSTITUTION OF ARIZONA, AND A MUNICIPAL CORPORATION FOR ALL PURPOSES OF
32 TITLE 35, CHAPTER 3, ARTICLES 3, 3.1, 3.2, 4 AND 5. EXCEPT AS OTHERWISE
33 PROVIDED IN THIS SECTION, A DISTRICT IS CONSIDERED TO BE A MUNICIPAL
34 CORPORATION AND POLITICAL SUBDIVISION OF THIS STATE, SEPARATE AND APART FROM
35 THE MUNICIPALITY.

36 C. ON FORMATION OF THE DISTRICT, THE DISTRICT BOARD SHALL ADMINISTER,
37 IN A REASONABLE MANNER, THE IMPLEMENTATION OF THE GENERAL PLAN FOR THE PUBLIC

1 INFRASTRUCTURE OF THE DISTRICT AND ANY DEVELOPMENT AGREEMENT ENTERED INTO
2 PURSUANT TO SECTION 9-500.05 BETWEEN THE GOVERNING BODY AND OWNERS OF LAND IN
3 THE DISTRICT. THE DISTRICT BOARD SHALL BE CONSIDERED A PARTY TO THAT
4 AGREEMENT.

5 D. FEES AND OTHER CHARGES ASSESSED BY A MUNICIPALITY IN CONNECTION
6 WITH THE SUBMISSION AND CONSIDERATION OF AN APPLICATION OR PETITION TO FORM A
7 DISTRICT, OR BY A MUNICIPALITY OR DISTRICT IN CONNECTION WITH THE
8 ADMINISTRATION OF A DISTRICT, INCLUDING THE ISSUANCE AND SALE OF BONDS, SHALL
9 NOT EXCEED THE ESTIMATED ACTUAL EXPENSE INCURRED BY THE MUNICIPALITY OR
10 DISTRICT FOR STAFF AND CONSULTANT SERVICES AND SUPPORT FACILITIES SUPPLIED BY
11 THE MUNICIPALITY OR DISTRICT OR THE FINANCIAL, LEGAL AND ADMINISTRATIVE COSTS
12 OF THE DISTRICT THAT ARE NOT REIMBURSED FROM PROCEEDS OF THE BONDS OR OTHER
13 DISTRICT REVENUE.

14 48-6807. Powers of a revitalization district

15 A. IN ADDITION TO THE POWERS OTHERWISE GRANTED TO A DISTRICT PURSUANT
16 TO THIS ARTICLE, A DISTRICT MAY TO FURTHER THE GENERAL PLAN:

17 1. ENTER INTO CONTRACTS AND SPEND MONIES FOR ANY PUBLIC INFRASTRUCTURE
18 PURPOSE WITH RESPECT TO THE DISTRICT.

19 2. ENTER INTO INTERGOVERNMENTAL AGREEMENTS AS PRESCRIBED IN TITLE 11,
20 CHAPTER 7, ARTICLE 3 FOR THE PLANNING, DESIGN, INSPECTION, OWNERSHIP,
21 CONTROL, MAINTENANCE, OPERATION OR REPAIR OF PUBLIC INFRASTRUCTURE OR THE
22 PROVISION OF ENHANCED MUNICIPAL SERVICES BY THE MUNICIPALITY IN THE DISTRICT,
23 INCLUDING AN INTERGOVERNMENTAL AGREEMENT WITH AN INDIAN TRIBE OR COMMUNITY.

24 3. SELL, LEASE OR OTHERWISE DISPOSE OF DISTRICT PROPERTY IF THE SALE,
25 LEASE OR CONVEYANCE IS NOT A VIOLATION OF THE TERMS OF ANY CONTRACT OR BOND
26 RESOLUTION OF THE DISTRICT.

27 4. REIMBURSE THE MUNICIPALITY FOR PROVIDING ENHANCED MUNICIPAL
28 SERVICES IN THE DISTRICT.

29 5. OPERATE, MAINTAIN AND REPAIR PUBLIC INFRASTRUCTURE.

30 6. ESTABLISH, CHARGE AND COLLECT USER FEES, RATES OR CHARGES FOR THE
31 USE OF ANY PUBLIC INFRASTRUCTURE OR SERVICE.

32 7. EMPLOY STAFF, COUNSEL AND CONSULTANTS.

33 8. REIMBURSE THE MUNICIPALITY FOR STAFF AND CONSULTANT SERVICES AND
34 SUPPORT FACILITIES SUPPLIED BY THE MUNICIPALITY.

35 9. ACCEPT GIFTS OR GRANTS AND INCUR AND REPAY LOANS FOR ANY PUBLIC
36 INFRASTRUCTURE PURPOSE.

1 10. ENTER INTO AGREEMENTS WITH LANDOWNERS AND THE MUNICIPALITY FOR THE
2 COLLECTION OF FEES AND CHARGES FROM LANDOWNERS FOR PUBLIC INFRASTRUCTURE
3 PURPOSES, THE ADVANCE OF MONIES BY LANDOWNERS FOR PUBLIC INFRASTRUCTURE
4 PURPOSES OR THE GRANTING OF REAL PROPERTY BY THE LANDOWNER FOR PUBLIC
5 INFRASTRUCTURE PURPOSES.

6 11. AFTER APPROVAL AT AN ELECTION HELD PURSUANT TO SECTION 48-6817,
7 LEVY AND ASSESS THE COSTS OF ANY PUBLIC INFRASTRUCTURE PURPOSE ON ANY LAND
8 BENEFITED IN THE DISTRICT.

9 12. PAY THE FINANCIAL, LEGAL AND ADMINISTRATIVE COSTS OF THE DISTRICT.

10 13. ENTER INTO CONTRACTS, AGREEMENTS AND TRUST INDENTURES TO OBTAIN
11 CREDIT ENHANCEMENT OR LIQUIDITY SUPPORT FOR ITS BONDS AND PROCESS THE
12 ISSUANCE, REGISTRATION, TRANSFER AND PAYMENT OF ITS BONDS AND THE
13 DISBURSEMENT AND INVESTMENT OF PROCEEDS OF THE BONDS.

14 14. WITH THE CONSENT OF THE GOVERNING BODY OF THE MUNICIPALITY THAT
15 FORMED THE DISTRICT, ENTER INTO AGREEMENTS WITH PERSONS OUTSIDE OF THE
16 DISTRICT TO PROVIDE SERVICES TO PERSONS AND PROPERTY OUTSIDE OF THE DISTRICT.

17 15. USE PUBLIC EASEMENTS AND RIGHTS-OF-WAY IN OR ACROSS PUBLIC
18 PROPERTY, ROADWAYS, HIGHWAYS, STREETS OR OTHER THOROUGHFARES AND OTHER PUBLIC
19 EASEMENTS AND RIGHTS-OF-WAY, WHETHER IN OR OUT OF THE GEOGRAPHICAL LIMITS OF
20 THE DISTRICT OR THE MUNICIPALITY.

21 B. IN CONNECTION WITH ANY POWER AUTHORIZED BY STATUTE, THE DISTRICT
22 MAY:

23 1. CONTRACT.

24 2. ENTER INTO INTERGOVERNMENTAL AGREEMENTS PURSUANT TO TITLE 11,
25 CHAPTER 7, ARTICLE 3.

26 3. ADOPT AND CHANGE A SEAL.

27 4. SUE AND BE SUED.

28 5. ENTER INTO DEVELOPMENT AGREEMENTS, AS DEFINED IN SECTION 9-500.05.

29 C. PUBLIC INFRASTRUCTURE OTHER THAN PERSONALTY MAY BE LOCATED ONLY IN
30 OR ON LANDS OWNED BY THE STATE, A COUNTY, A MUNICIPALITY OR THE DISTRICT OR
31 DEDICATED OR OTHERWISE DESIGNATED AS PUBLIC ROADWAYS, HIGHWAYS, STREETS,
32 THOROUGHFARES, EASEMENTS OR RIGHTS-OF-WAY, WHETHER IN OR OUT OF THE DISTRICT
33 OR THE MUNICIPALITY. PERSONALTY MAY BE USED ONLY FOR PURPOSES AUTHORIZED BY
34 THE DISTRICT BOARD.

35 D. AN AGREEMENT PURSUANT TO SUBSECTION A, PARAGRAPH 10 OF THIS SECTION
36 MAY INCLUDE AGREEMENTS TO REPAY ALL OR PART OF SUCH ADVANCES, FEES AND
37 CHARGES FROM THE PROCEEDS OF BONDS IF ISSUED OR FROM ADVANCES, FEES AND

1 CHARGES COLLECTED FROM OTHER LANDOWNERS OR USERS OR THOSE HAVING A RIGHT TO
2 USE ANY PUBLIC INFRASTRUCTURE. A PERSON DOES NOT HAVE AUTHORITY TO COMPEL
3 THE ISSUANCE OR SALE OF THE BONDS OF THE DISTRICT OR THE EXERCISE OF ANY
4 TAXING POWER OF THE DISTRICT TO MAKE REPAYMENT UNDER ANY AGREEMENT.

5 48-6808. Perpetual succession

6 THE DISTRICT HAS PERPETUAL SUCCESSION.

7 48-6809. Records; board of directors; open meetings

8 A. THE DISTRICT SHALL KEEP THE FOLLOWING RECORDS, WHICH SHALL BE OPEN
9 TO PUBLIC INSPECTION:

- 10 1. MINUTES OF ALL MEETINGS OF THE DISTRICT BOARD.
- 11 2. ALL RESOLUTIONS.
- 12 3. ACCOUNTS SHOWING ALL MONIES RECEIVED AND DISBURSED.
- 13 4. THE ANNUAL BUDGET.
- 14 5. ALL OTHER RECORDS REQUIRED TO BE MAINTAINED BY LAW.

15 B. IF THE RESOLUTION ORDERING FORMATION OF THE DISTRICT PROVIDES THAT
16 THE DISTRICT WILL BE GOVERNED BY A DISTRICT BOARD APPOINTED BY THE GOVERNING
17 BODY, EACH APPOINTED DIRECTOR SHALL SERVE FOR A TERM OF SIX YEARS, EXCEPT
18 THAT TWO DIRECTORS INITIALLY APPOINTED BY THE GOVERNING BODY IN THE
19 RESOLUTION SHALL SERVE FOR A TERM OF FOUR YEARS. THE RESOLUTION SHALL STATE
20 WHICH DIRECTORS SHALL SERVE FOUR YEAR TERMS AND WHICH SHALL SERVE SIX YEAR
21 TERMS. ON THE EXPIRATION OF THE TERM OF AN APPOINTED DIRECTOR, THE GOVERNING
22 BODY SHALL APPOINT A PERSON TO FILL THE POSITION. IF A VACANCY OCCURS ON THE
23 DISTRICT BOARD BECAUSE OF DEATH, RESIGNATION OR INABILITY OF THE DIRECTOR TO
24 DISCHARGE THE DUTIES OF DIRECTOR, THE VACANCY SHALL BE FILLED BY APPOINTMENT
25 MADE BY THE GOVERNING BODY. A DIRECTOR APPOINTED BY THE GOVERNING BODY SHALL
26 HOLD OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM UNTIL THE MEMBER'S
27 SUCCESSOR IS APPOINTED. AN APPOINTED DIRECTOR SHALL NOT BE AN ELECTED
28 OFFICIAL OF THE MUNICIPALITY OR INDIAN TRIBE OR COMMUNITY OR AN EMPLOYEE OR
29 AGENT OF THE MUNICIPALITY OR INDIAN TRIBE OR COMMUNITY BUT MAY BE A DIRECTOR
30 OF MORE THAN ONE DISTRICT.

31 C. THE BOARD OF DIRECTORS SHALL COMPLY WITH TITLE 38, CHAPTER 3,
32 ARTICLE 3.1 AS A SEPARATE POLITICAL SUBDIVISION.

33 D. THE DISTRICT CLERK AND DISTRICT TREASURER SHALL BE THE CLERK OF THE
34 MUNICIPALITY OR COUNTY AND THE TREASURER OF THE MUNICIPALITY OR COUNTY,
35 RESPECTIVELY, UNLESS THE DISTRICT BOARD APPOINTS A DISTRICT CLERK AND
36 DISTRICT TREASURER.

1 48-6810. Participation by municipality

2 THE GOVERNING BODY OF THE MUNICIPALITY, BY RESOLUTION, MAY SUMMARILY
3 ORDER THE PARTICIPATION BY THE MUNICIPALITY IN THE COSTS OF ANY PUBLIC
4 INFRASTRUCTURE PURPOSE.

5 48-6811. Finances

6 THE PROJECTS TO BE CONSTRUCTED OR ACQUIRED AS SHOWN IN THE GENERAL PLAN
7 MAY BE FINANCED FROM THE FOLLOWING SOURCES OF REVENUE:

- 8 1. PROCEEDS RECEIVED FROM THE SALE OF BONDS OF THE DISTRICT.
- 9 2. MONIES OF THE MUNICIPALITY OR INDIAN TRIBE OR COMMUNITY CONTRIBUTED
10 TO THE DISTRICT.
- 11 3. ANNUAL TAX LEVIES.
- 12 4. SPECIAL ASSESSMENTS.
- 13 5. STATE OR FEDERAL GRANTS OR CONTRIBUTIONS.
- 14 6. PRIVATE CONTRIBUTIONS.
- 15 7. USER, LANDOWNER AND OTHER FEES AND CHARGES.
- 16 8. PROCEEDS OF LOANS OR ADVANCES.
- 17 9. ANY OTHER MONIES AVAILABLE TO THE DISTRICT BY LAW.

18 48-6812. Budget

19 ON OR BEFORE JULY 15 EACH YEAR, THE DISTRICT TREASURER SHALL PREPARE A
20 PROPOSED BUDGET FOR THE ENSUING FISCAL YEAR TO BE SUBMITTED TO THE DISTRICT
21 BOARD FOR APPROVAL. THE BOARD SHALL INDICATE ITS APPROVAL OF THE BUDGET BY
22 RESOLUTION, WHICH SHALL PROVIDE FOR A HEARING ON THE BUDGET AS APPROVED. THE
23 PARTICIPATING ENTITIES MAY REVIEW THE PROPOSED ANNUAL BUDGET AND MAY SUBMIT
24 WRITTEN COMMENTS TO THE BOARD FOR ITS ASSISTANCE AND INFORMATION IN ADOPTING
25 ITS ANNUAL BUDGET. AT THE CONCLUSION OF THE BUDGET HEARING, THE DISTRICT
26 BOARD, BY RESOLUTION, SHALL ADOPT THE BUDGET AS FINALLY APPROVED BY THE
27 BOARD. THE BUDGET SHALL BE ADOPTED BEFORE OCTOBER 1 EACH YEAR.

28 48-6813. Revenue bonds; fees and charges

29 A. AT ANY TIME AFTER THE HEARING ON FORMATION OF THE DISTRICT, THE
30 DISTRICT BOARD MAY HOLD A HEARING ON THE QUESTION OF AUTHORIZING THE DISTRICT
31 BOARD TO ISSUE REVENUE BONDS OF THE DISTRICT TO PROVIDE MONIES FOR ANY PUBLIC
32 INFRASTRUCTURE PURPOSES CONSISTENT WITH THE GENERAL PLAN.

33 B. IF REVENUE BONDS ARE APPROVED BY RESOLUTION, THE DISTRICT BOARD MAY
34 ISSUE AND SELL REVENUE BONDS OF THE DISTRICT.

35 C. IF THE BONDS ARE TO BE SOLD IN A PUBLIC OFFERING, NO BONDS MAY BE
36 ISSUED BY THE DISTRICT UNLESS THE BONDS RECEIVE ONE OF THE FOUR HIGHEST
37 INVESTMENT GRADE RATINGS BY A NATIONALLY RECOGNIZED BOND RATING AGENCY.

1 D. THE DISTRICT BOARD MAY PLEDGE TO THE PAYMENT OF ITS REVENUE BONDS
2 ANY REVENUES OF THE DISTRICT OR REVENUES TO BE COLLECTED BY THE MUNICIPALITY
3 IN TRUST FOR THE DISTRICT AND RETURNED TO THE DISTRICT.

4 E. THE DISTRICT SHALL PRESCRIBE FEES AND CHARGES, AND SHALL REVISE
5 THEM WHEN NECESSARY, TO GENERATE REVENUE SUFFICIENT, TOGETHER WITH ANY MONIES
6 FROM THE SOURCES DESCRIBED IN SECTION 48-6811, TO PAY WHEN DUE THE PRINCIPAL
7 AND INTEREST OF ALL REVENUE BONDS FOR THE PAYMENT OF WHICH REVENUE HAS BEEN
8 PLEDGED. THE ESTABLISHMENT OR REVISION OF ANY RATES, FEES AND CHARGES SHALL
9 BE IDENTIFIED AND NOTICED CONCURRENTLY WITH THE ANNUAL BUDGET PROCESS OF THE
10 DISTRICT PURSUANT TO SECTION 48-6812.

11 F. IF, IN THE RESOLUTION OF THE DISTRICT BOARD, THE REVENUES TO BE
12 PLEDGED WERE LIMITED TO CERTAIN TYPES OF REVENUES, ONLY THOSE TYPES OF
13 REVENUES MAY BE PLEDGED AND ONLY THOSE REVENUES MUST BE MAINTAINED.

14 G. NO HOLDER OF REVENUE BONDS ISSUED UNDER THIS ARTICLE MAY COMPEL ANY
15 EXERCISE OF THE TAXING POWER OF THE DISTRICT OR MUNICIPALITY TO PAY THE BONDS
16 OR THE INTEREST ON THE BONDS. REVENUE BONDS ISSUED UNDER THIS ARTICLE ARE
17 NOT A DEBT OF THE DISTRICT OR MUNICIPALITY, NOR IS THE PAYMENT OF REVENUE
18 BONDS ENFORCEABLE OUT OF ANY MONIES OTHER THAN THE REVENUE PLEDGED TO THE
19 PAYMENT OF THE BONDS.

20 H. THE DISTRICT MAY ISSUE AND SELL REFUNDING BONDS TO REFUND ANY
21 REVENUE BONDS OF THE DISTRICT.

22 48-6814. Special assessments; assessment lien bonds

23 A. THE DISTRICT BOARD, BY RESOLUTION AND PURSUANT TO THE PROCEDURES
24 PRESCRIBED BY SECTIONS 48-576 THROUGH 48-589, AS NEARLY AS PRACTICABLE, OR
25 SUCH OTHER PROCEDURES AS THE DISTRICT BOARD PROVIDES, MAY LEVY AN ASSESSMENT
26 OF THE COSTS OF ANY PUBLIC INFRASTRUCTURE PURPOSE, ANY OPERATION AND
27 MAINTENANCE OF PUBLIC INFRASTRUCTURE OR ANY ENHANCED MUNICIPAL SERVICES ON
28 ANY LAND IN THE DISTRICT BASED ON THE BENEFIT DETERMINED BY THE DISTRICT
29 BOARD TO BE RECEIVED BY THE LAND. BEFORE THE ISSUANCE OF SPECIAL ASSESSMENT
30 BONDS THE DISTRICT MAY ENTER INTO A WRITTEN AGREEMENT WITH A LANDOWNER AS TO
31 THE MANNER IN WHICH THE ASSESSMENT IS TO BE ALLOCATED IF THE LAND IS TO BE
32 DIVIDED INTO MORE THAN ONE PARCEL. IF AN ISSUE OF SPECIAL ASSESSMENT LIEN
33 BONDS FINANCES MORE THAN ONE PURPOSE OR SERVICE, THE BENEFIT RECEIVED BY THE
34 LAND, IN THE DISCRETION OF THE DISTRICT, MAY BE DETERMINED BY REFERENCE TO
35 THE PURPOSES AND SERVICES AS A WHOLE OR INDIVIDUALLY. THE ASSESSMENT MAY BE
36 BASED ON ESTIMATED COSTS AND AMENDED TO REFLECT ACTUAL COSTS, AND THE
37 PREPARATION OF PLANS AND SPECIFICATIONS AND THE AWARDED OF THE CONTRACT ARE

1 NOT A PREREQUISITE TO THE LEVYING OF THE ASSESSMENT. AN OWNER OF LAND ON
2 WHICH AN ASSESSMENT HAS BEEN LEVIED MAY SEEK JUDICIAL REVIEW OF WHETHER THE
3 LAND IS BENEFITED BY THE PROPOSED INFRASTRUCTURE, ON THE MERITS, BY SPECIAL
4 ACTION FILED WITH THE COURT OF APPEALS, WITHIN THIRTY DAYS OF THE EFFECTIVE
5 DATE OF THE RESOLUTION.

6 B. AFTER ADOPTION BY THE DISTRICT BOARD OF A RESOLUTION LEVYING A
7 SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT PURSUANT TO SECTION 48-6807,
8 SUBSECTION A, PARAGRAPH 11, THE DISTRICT BOARD MAY ISSUE AND SELL SPECIAL
9 ASSESSMENT LIEN BONDS PAYABLE FROM AMOUNTS COLLECTED FROM THE SPECIAL
10 ASSESSMENTS, FROM AMOUNTS AVAILABLE FROM TIME TO TIME IN ANY RESERVE FUND
11 ESTABLISHED FOR THOSE BONDS AND FROM ANY OTHER AMOUNTS AVAILABLE FOR THOSE
12 PURPOSES AS PRESCRIBED BY SECTION 48-6811. THE DISTRICT AND THE COUNTY
13 TREASURER FOR THE COUNTY IN WHICH THE DISTRICT IS LOCATED MAY ENTER INTO AN
14 AGREEMENT FOR THE COUNTY TREASURER TO COLLECT THE DISTRICT'S SPECIAL
15 ASSESSMENTS IN THE MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE
16 COLLECTION AND ENFORCEMENT OF GENERAL TAXES. THE DISTRICT AND THE COUNTY
17 TREASURER MAY PROVIDE BY AGREEMENT FOR THE PAYMENT OF THE COUNTY TREASURER'S
18 COLLECTION EXPENSES DIRECTLY RELATED TO THE LEVY OF THE SPECIAL ASSESSMENT
19 AND, IF SO PROVIDED, THE LEVY OF THE SPECIAL ASSESSMENT MAY INCLUDE AN AMOUNT
20 FOR COMPENSATION OF THE COUNTY TREASURER DIRECTLY RELATED TO THE COLLECTION
21 OF THE SPECIAL ASSESSMENT. THE COMPENSATION RECEIVED BY THE COUNTY TREASURER
22 PURSUANT TO THE AGREEMENT SHALL BE GOVERNED BY SECTION 11-496. THE DISTRICT
23 BOARD MAY ALSO ISSUE AND SELL BOND ANTICIPATION NOTES PURSUANT TO THE
24 PROCEDURES PRESCRIBED IN SECTION 48-2081 OR WITH PROCEDURES AS SIMILAR TO
25 THOSE AS IS PRACTICABLE. THE ASSESSMENT SHALL BE A FIRST LIEN ON THE
26 PROPERTY ASSESSED SUBJECT ONLY TO GENERAL PROPERTY TAXES AND PRIOR SPECIAL
27 ASSESSMENTS. IN THE EVENT OF NONPAYMENT OF AN ASSESSMENT AND EXCEPT AS
28 OTHERWISE PROVIDED IN AN AGREEMENT BETWEEN THE DISTRICT AND THE COUNTY
29 TREASURER PURSUANT TO THIS SECTION, THE PROCEDURES FOR COLLECTION OF
30 DELINQUENT ASSESSMENTS, SALE OF DELINQUENT PROPERTY AND ISSUANCE AND EFFECT
31 OF THE SUPERINTENDENT'S DEED PRESCRIBED BY SECTIONS 48-601 THROUGH 48-607
32 APPLY, AS NEARLY AS PRACTICABLE, EXCEPT THAT IN NO EVENT IS THE DISTRICT OR
33 THE MUNICIPALITY REQUIRED TO PURCHASE THE DELINQUENT LAND AT THE SALE IF
34 THERE IS NO OTHER PURCHASER. IF THE LANDOWNER OWNS MORE THAN ONE PARCEL IN
35 THE DISTRICT, THE DISTRICT BOARD MAY PROVIDE PROCEDURES FOR THE COLLECTION
36 AND ENFORCEMENT OF ASSESSMENTS AS THE BOARD DEEMS APPROPRIATE BY CONTRACT
37 WITH A LANDOWNER TO PERMIT THE SALE OF ANY OR ALL OF THE LANDOWNER'S PARCELS

1 IN THE DISTRICT IF THE LANDOWNER BECOMES DELINQUENT AS TO ANY PARCEL THAT THE
2 LANDOWNER OWNS IN THE DISTRICT.

3 C. ON ADOPTION OF THE RESOLUTION, BUT BEFORE ISSUANCE OF THE SPECIAL
4 ASSESSMENT LIEN BONDS, THE DISTRICT MAY DIRECT THE TREASURER TO MAKE DEMAND
5 ON THE OWNERS OF THE PROPERTY SO ASSESSED, AS SHOWN ON THE PROPERTY TAX ROLL,
6 FOR ADVANCE PAYMENT OF THE AMOUNT ASSESSED. THE DEMAND SHALL STATE A DATE
7 NOT LESS THAN TWENTY DAYS AFTER THE DATE OF ADOPTION OF THE ORDINANCE AFTER
8 WHICH THE TREASURER MAY REFUSE TO ACCEPT ADVANCE PAYMENTS OF THE ASSESSMENT.
9 THE TREASURER SHALL CERTIFY TO THE CLERK ON OR AFTER THE DATE SPECIFIED IN
10 THE DEMAND THE AMOUNT COLLECTED AND THE ASSESSMENTS REMAINING UNPAID AGAINST
11 EACH PARCEL OF LAND ASSESSED. SPECIAL ASSESSMENT LIEN BONDS MAY NOT BE
12 ISSUED IN AN AMOUNT IN EXCESS OF THE AMOUNT ASSESSED IN THE ORDINANCE OR, IF
13 ADVANCE PAYMENTS ARE DEMANDED, THE AMOUNT CERTIFIED TO THE CLERK. THE
14 DISTRICT MAY ADOPT PROCEDURES FOR PREPAYMENT AND PROVISIONS FOR PAYMENT AND
15 REALLOCATION OF ASSESSMENTS.

16 D. THE DISTRICT MAY ISSUE AND SELL REFUNDING BONDS TO REFUND ANY
17 SPECIAL ASSESSMENT BONDS OF THE DISTRICT.

18 48-6815. Terms of bonds

19 WITH RESPECT TO ANY BONDS THE DISTRICT BOARD SHALL PRESCRIBE THE
20 DENOMINATIONS OF THE BONDS, THE SIZE OF EACH ISSUE AND THE FORM OF THE BONDS
21 AND SHALL ESTABLISH THE MATURITIES, INTEREST PAYMENT DATES AND INTEREST
22 RATES, WHETHER FIXED OR VARIABLE, NOT EXCEEDING THE MAXIMUM RATE STATED IN
23 THE NOTICE OF THE ELECTION OR THE RESOLUTION OF THE DISTRICT BOARD. THE
24 BONDS MAY BE SOLD BY COMPETITIVE BID OR NEGOTIATED SALE FOR PUBLIC OR PRIVATE
25 OFFERING AT, BELOW OR ABOVE PAR. IF THE BONDS ARE SOLD BELOW PAR, THE
26 AGGREGATE AMOUNT OF DISCOUNT AND INTEREST TO BE PAID ON THE BONDS SHALL NOT
27 EXCEED THE AMOUNT OF INTEREST THAT WOULD HAVE BEEN PAYABLE ON THOSE BONDS
28 PURSUANT TO THE MATURITY SCHEDULE PRESCRIBED BY THE DISTRICT BOARD AT THE
29 MAXIMUM RATE SET OUT IN THE BOND RESOLUTION. THE PROCEEDS OF THE SALES SHALL
30 BE DEPOSITED WITH THE TREASURER, OR WITH A TRUSTEE OR AGENT DESIGNATED BY THE
31 DISTRICT BOARD, TO THE CREDIT OF THE DISTRICT TO BE WITHDRAWN FOR THE
32 PURPOSES PROVIDED BY THIS ARTICLE. PENDING THAT USE, THE PROCEEDS MAY BE
33 INVESTED AS DETERMINED BY THE DISTRICT. THE BONDS MAY CONTAIN SUCH TERMS,
34 CONDITIONS, COVENANTS AND AGREEMENTS AS THE DISTRICT BOARD DEEMS PROPER. THE
35 BONDS MAY BE PAYABLE FROM ANY COMBINATION OF TAXES, REVENUES OR SPECIAL
36 ASSESSMENTS OF THE TYPES DESCRIBED IN THIS ARTICLE AND AS SPECIFIED IN THE
37 BONDS IF ALL APPLICABLE REQUIREMENTS ARE MET.

1 48-6816. District taxes: annual financial estimate and budget

2 A. AT ANY TIME AFTER THE HEARING ON FORMATION OF THE DISTRICT, THE
3 DISTRICT BOARD, OR, IF BEFORE FORMATION, THE GOVERNING BODY, MAY CALL AN
4 ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT THE QUESTION OF
5 AUTHORIZING THE DISTRICT BOARD TO LEVY AN AD VALOREM TAX ON THE ASSESSED
6 VALUE OF ALL THE REAL AND PERSONAL PROPERTY IN THE DISTRICT AT A RATE OR
7 RATES THAT DO NOT EXCEED THE MAXIMUM RATE OR RATES SPECIFIED IN THE BALLOT.
8 ALL TAXES ATTRIBUTABLE TO THE OPERATION AND MAINTENANCE EXPENSES OF THE
9 DISTRICT, EXCLUDING EXPENSES FOR AN AREA DESCRIBED IN SECTION 48-6807,
10 SUBSECTION D, SHALL NOT EXCEED AN AMOUNT EQUAL TO THIRTY CENTS PER ONE
11 HUNDRED DOLLARS OF ASSESSED VALUATION FOR ALL REAL AND PERSONAL PROPERTY IN
12 THE DISTRICT, UNLESS A HIGHER RATE IS APPROVED BY A VOTE OF THE ELECTORS OF
13 THE DISTRICT, VOTING AT AN ELECTION NOT LESS THAN THREE YEARS AFTER THE DATE
14 OF THE FORMATION OF THE DISTRICT. THE ELECTION MAY BE HELD IN CONJUNCTION
15 WITH THE FORMATION ELECTION. ONCE APPROVED AT AN ELECTION, THE MAXIMUM RATE
16 REMAINS IN EFFECT UNTIL INCREASED OR DECREASED AT A SUBSEQUENT ELECTION. IF
17 A MAXIMUM RATE IS IN EFFECT, THE DISTRICT BOARD, ON PETITION OF TWENTY-FIVE
18 PER CENT OF THE QUALIFIED ELECTORS OF THE DISTRICT, OR BY THOSE PERSONS
19 OWNING TWENTY-FIVE PER CENT OF THE LAND AREA, SHALL CALL AN ELECTION TO
20 REDUCE THE MAXIMUM TAX RATE BUT NOT BELOW THE LESSER OF THAT RATE DETERMINED
21 BY THE DISTRICT BOARD TO BE NECESSARY TO MAINTAIN THE DISTRICT'S FACILITIES
22 AND IMPROVEMENTS OR THE ACTUAL RATE THEN IN EFFECT. ON THE PRESENTATION TO
23 THE DISTRICT BOARD OF A PETITION SIGNED BY THE OWNERS OF A MAJORITY OF THE
24 PROPERTY IN THE DISTRICT, THE DISTRICT BOARD SHALL ADOPT A RESOLUTION TO
25 REDUCE OR ELIMINATE THE PORTION OF THE TAX, BEGINNING THE NEXT FISCAL YEAR,
26 REQUIRED FOR ONE OR MORE ENHANCED MUNICIPAL SERVICES SPECIFIED IN THE
27 PETITION. SIGNATURES ON A PETITION TO REDUCE OR ELIMINATE A TAX ARE VALID
28 FOR A PERIOD OF SIXTY DAYS.

29 B. THE DISTRICT MAY NOT LEVY, OTHER THAN FOR THE PAYMENT OF DEBT
30 SERVICE ON GENERAL OBLIGATION BONDS, AT A RATE OR RATES IN EXCESS OF THE
31 MAXIMUM RATE THEN IN EFFECT.

32 C. WHEN LEVYING AN AD VALOREM TAX, THE DISTRICT BOARD SHALL MAKE
33 ANNUAL STATEMENTS AND ESTIMATES OF THE OPERATION AND MAINTENANCE EXPENSES OF
34 THE DISTRICT, THE COSTS OF CAPITAL IMPROVEMENTS TO BE FINANCED BY THE TAX
35 LEVY OR LEVIES AND THE AMOUNT OF ALL OTHER EXPENDITURES FOR PUBLIC
36 INFRASTRUCTURE AND ENHANCED MUNICIPAL SERVICES PROPOSED TO BE PAID FROM THE
37 TAX LEVY OR LEVIES AND OF THE AMOUNT TO BE RAISED TO PAY GENERAL OBLIGATION

1 BONDS OF THE DISTRICT, ALL OF WHICH SHALL BE PROVIDED FOR BY THE LEVY AND
2 COLLECTION OF AD VALOREM TAXES ON THE ASSESSED VALUE OF ALL THE REAL AND
3 PERSONAL PROPERTY IN THE DISTRICT. THE DISTRICT BOARD SHALL FILE THE ANNUAL
4 STATEMENTS AND ESTIMATES WITH THE CLERK. THE DISTRICT BOARD SHALL PUBLISH A
5 NOTICE OF THE FILING OF THE ESTIMATE, SHALL HOLD HEARINGS ON THE PORTIONS OF
6 THE ESTIMATE NOT RELATING TO DEBT SERVICE ON GENERAL OBLIGATION BONDS AND
7 SHALL ADOPT A BUDGET. THE BOARD, ON OR BEFORE THE DATE SET BY LAW FOR
8 CERTIFYING THE ANNUAL BUDGET OF THE COUNTY OR MUNICIPALITY, SHALL FIX, LEVY
9 AND ASSESS THE AMOUNTS TO BE RAISED BY AD VALOREM TAXES OF THE DISTRICT AND
10 SHALL CAUSE CERTIFIED COPIES OF THE ORDER TO BE DELIVERED TO THE BOARD OF
11 SUPERVISORS AND TO THE DEPARTMENT OF REVENUE. ALL STATUTES RELATING TO THE
12 LEVY AND COLLECTION OF GENERAL COUNTY TAXES, INCLUDING THE COLLECTION OF
13 DELINQUENT TAXES AND SALE OF PROPERTY FOR NONPAYMENT OF TAXES, APPLY TO THE
14 DISTRICT TAXES PROVIDED FOR BY THIS SECTION.

15 48-6817. Notice and conduct of elections; eligible voters

16 A. ANY ELECTION UNDER THIS ARTICLE SHALL BE A NONPARTISAN ELECTION
17 CALLED BY POSTING NOTICES IN THREE PUBLIC PLACES WITHIN THE BOUNDARIES OF THE
18 DISTRICT NOT LESS THAN TWENTY DAYS BEFORE THE ELECTION. NOTICE SHALL ALSO BE
19 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY OR IF
20 THERE IS NO NEWSPAPER SO CIRCULATED IN THE MUNICIPALITY IN A NEWSPAPER OF
21 GENERAL CIRCULATION IN THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED ONCE A
22 WEEK FOR TWO CONSECUTIVE WEEKS BEFORE THE ELECTION. THE NOTICE SHALL STATE:

23 1. THE PLACE OF HOLDING THE ELECTION.

24 2. THE HOURS DURING THE DAY, NOT LESS THAN SIX, IN WHICH THE POLLS
25 WILL BE OPEN.

26 3. IF IT IS AN ASSESSMENT LEVY ELECTION, THE MAXIMUM ASSESSMENT RATE
27 PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION TO BE IMPOSED, THE PURPOSES FOR
28 WHICH THE MONIES RAISED WILL BE USED AND THE EXISTING MAXIMUM ASSESSMENT
29 RATE, IF ANY.

30 4. THAT A GENERAL PLAN IS ON FILE WITH THE CLERK.

31 B. THE DISTRICT BOARD SHALL DETERMINE THE DATE OF THE ELECTION AND THE
32 POLLING PLACES FOR THE ELECTION AND MAY CONSOLIDATE PRECINCTS. THE CLERK OF
33 THE DISTRICT BOARD SHALL PREPARE A LIST OF ELIGIBLE VOTERS IN THE ELECTION.
34 A PROSPECTIVE VOTER SHALL EXECUTE AN AFFIDAVIT STATING THAT THE VOTER IS THE
35 OWNER OF LAND IN THE DISTRICT AND IS QUALIFIED TO VOTE PURSUANT TO THIS
36 SECTION AND STATING THE PARCEL NUMBER OWNED BY THE VOTER. ELECTION BOARD
37 MEMBERS MAY ADMINISTER OATHS OR TAKE ALL AFFIRMATIONS FOR THESE PURPOSES. AN

1 ELECTION HELD PURSUANT TO THIS ARTICLE IS NOT SUBJECT TO TITLE 16, CHAPTER 2,
2 ARTICLE 3.

3 C. THE OWNERS OF REAL PROPERTY IN THE DISTRICT ARE ELIGIBLE TO VOTE IN
4 AN ELECTION REGARDING AN ASSESSMENT TO BE LEVIED AGAINST THE REAL PROPERTY IN
5 THE DISTRICT. CORPORATIONS, PARTNERSHIPS AND OTHER BUSINESS ENTITIES ARE
6 ELIGIBLE TO VOTE AS PROPERTY OWNERS, BUT ONLY ONE VOTE MAY BE CAST FOR EACH
7 PARCEL OF REAL PROPERTY IN THE DISTRICT.

8 D. EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, THE ELECTION SHALL
9 COMPLY WITH THE GENERAL ELECTION LAWS OF THIS STATE, EXCEPT THAT THE WORDS TO
10 APPEAR ON THE BALLOTS SHALL BE FOR AN ASSESSMENT LEVY ELECTION, "ASSESSMENT,
11 YES" AND "ASSESSMENT, NO". THE RETURNS OF ELECTION SHALL BE MADE TO THE
12 DISTRICT BOARD.

13 E. WITHIN FOURTEEN DAYS AFTER AN ELECTION, THE DISTRICT BOARD SHALL
14 MEET AND CANVASS THE RETURNS, AND IF A MAJORITY OF THE VOTES CAST AT THE
15 ELECTION IS IN FAVOR OF IMPOSING THE ASSESSMENT, THE DISTRICT BOARD SHALL
16 ENTER THAT FACT ON ITS MINUTES. THE CANVASS MAY BE CONTINUED FROM TIME TO
17 TIME. FAILURE OF A MAJORITY TO VOTE IN FAVOR OF THE MATTER SUBMITTED DOES
18 NOT PREJUDICE THE SUBMISSION OF THE SAME OR SIMILAR MATTERS AT A LATER
19 ELECTION.

20 F. IF A PERSON LISTED ON THE ASSESSMENT ROLL IS NO LONGER THE OWNER OF
21 LAND IN THE DISTRICT AND THE NAME OF THE SUCCESSOR OWNER BECOMES KNOWN AND IS
22 VERIFIED BY RECORDED DEED OR OTHER SIMILAR EVIDENCE OF TRANSFER OF OWNERSHIP,
23 THE SUCCESSOR OWNER IS DEEMED TO BE THE OWNER FOR THE PURPOSES OF THIS
24 ARTICLE.

25 48-6818. Dissolution of district

26 A. THE DISTRICT MAY BE DISSOLVED BY THE DISTRICT BOARD BY A RESOLUTION
27 OF THE DISTRICT BOARD IF THE FOLLOWING CONDITIONS EXIST:

28 1. ALL OF THE PROPERTY OWNED BY THE DISTRICT HAS BEEN OR WILL BE
29 CONVEYED TO A MUNICIPALITY.

30 2. EITHER THE DISTRICT HAS NO OBLIGATIONS OR THE MUNICIPALITY HAS
31 ASSUMED ALL OF THE OBLIGATIONS OF THE DISTRICT.

32 B. THE DISTRICT BOARD SHALL COMPLY WITH THE CONDITIONS PRESCRIBED BY
33 SUBSECTION A AND SHALL DISSOLVE THE DISTRICT IF BOTH OF THE FOLLOWING OCCUR:

34 1. THE GOVERNING BODY HAS CONSENTED TO COMPLY WITH THE CONDITIONS
35 PRESCRIBED BY SUBSECTION A AND EITHER:

36 (a) DISSOLUTION HAS BEEN APPROVED BY A VOTE OF THE QUALIFIED ELECTORS
37 OF THE DISTRICT VOTING IN AN ELECTION CALLED FOR THAT PURPOSE.

1 (b) THE GOVERNING BODY DETERMINES THAT THE DISTRICT HAS BEEN INACTIVE
2 FOR AT LEAST FIVE CONSECUTIVE YEARS AND HAS NO FUTURE PURPOSE.

3 2. THE DISTRICT BOARD ADOPTS A RESOLUTION DISSOLVING THE DISTRICT AND
4 RECORDS THE RESOLUTION IN THE OFFICE OF THE COUNTY RECORDER.

5 C. THE DISTRICT BOARD MAY CALL SUCH AN ELECTION AND SHALL CALL SUCH AN
6 ELECTION IF REQUESTED TO DO SO IN A PETITION SIGNED BY TEN PER CENT OF THE
7 QUALIFIED ELECTORS OF THE DISTRICT.

8 D. THE ELECTION SHALL BE CALLED AND HELD IN THE SAME MANNER AS A BOND
9 OR TAX LEVY ELECTION, EXCEPT THAT THE BALLOT SHALL CONTAIN THE WORDS
10 "DISSOLUTION, YES" AND "DISSOLUTION, NO".

11 E. ALL PROPERTY IN THE DISTRICT, EXCEPT FEDERAL, STATE, COUNTY AND
12 MUNICIPAL PROPERTY, REMAINS SUBJECT TO THE LIEN FOR THE PAYMENT OF GENERAL
13 OBLIGATION BONDS, AND ANY PROPERTY SUBJECT TO A SPECIAL ASSESSMENT LIEN
14 REMAINS SUBJECT TO THE LIEN NOTWITHSTANDING DISSOLUTION OF THE DISTRICT. THE
15 DISTRICT MAY NOT BE DISSOLVED IF ANY REVENUE BONDS OF THE DISTRICT REMAIN
16 OUTSTANDING UNLESS AN AMOUNT OF MONEY SUFFICIENT, TOGETHER WITH INVESTMENT
17 INCOME THEREON, TO MAKE ALL PAYMENTS DUE ON THE REVENUE BONDS EITHER AT
18 MATURITY OR PRIOR REDEMPTION HAS BEEN DEPOSITED WITH A TRUSTEE OR ESCROW
19 AGENT AND PLEDGED TO THE PAYMENT AND REDEMPTION OF THE BONDS. THE DISTRICT
20 MAY CONTINUE TO OPERATE AFTER DISSOLUTION ONLY AS NEEDED TO COLLECT MONEY AND
21 MAKE PAYMENTS ON ANY OUTSTANDING BONDS."

22 Amend title to conform

and, as so amended, it do pass

MICHELE REAGAN
Chairman

2003-se-com
2/17/10
H:jmb

2003MR	2003MR2
02/12/2010	02/15/2010
3:02 PM	04:31 PM
C: myr	C: myr