

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2003

AN ACT

AMENDING SECTION 11-496, ARIZONA REVISED STATUTES; AMENDING TITLE 48, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 39; RELATING TO REVITALIZATION DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
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 48-6815 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:

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

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

38 3. "DISTRICT" MEANS A TAX LEVYING REVITALIZATION DISTRICT FORMED
39 PURSUANT TO THIS ARTICLE.

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

41 5. "ENHANCED MUNICIPAL SERVICES" MEANS PUBLIC SERVICE PROVIDED WITHIN
42 THE DISTRICT AT A HIGHER LEVEL OR TO A GREATER DEGREE THAN PROVIDED OUTSIDE
43 THE DISTRICT.

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

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

3 8. "INFRASTRUCTURE" MEANS ALL IMPROVEMENTS LISTED IN THIS PARAGRAPH
4 THAT WILL RESULT IN A BENEFICIAL USE PRINCIPALLY TO LAND WITHIN THE
5 GEOGRAPHICAL LIMITS OF THE DISTRICT AND MAY INCLUDE A DISTRICT'S SHARE OF ANY
6 IMPROVEMENTS LISTED IN THIS PARAGRAPH IF THE DISTRICT BOARD DETERMINES SUCH
7 SHARE IS PROPORTIONATE TO THE BENEFICIAL USE OF SUCH IMPROVEMENTS TO LAND
8 WITHIN THE GEOGRAPHICAL LIMITS OF THE DISTRICT, IMPROVEMENTS WITHIN OR
9 OUTSIDE THE GEOGRAPHICAL LIMITS OF THE DISTRICT, NECESSARY OR INCIDENTAL
10 WORK, WHETHER NEWLY CONSTRUCTED, RENOVATED OR EXISTING, AND ALL NECESSARY OR
11 DESIRABLE APPURTENANCES. INFRASTRUCTURE IMPROVEMENTS ARE:

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

14 (b) DRAINAGE AND FLOOD CONTROL SYSTEMS, INCLUDING COLLECTION,
15 TRANSPORT, DIVERSION, STORAGE, DETENTION, RETENTION, DISPERSAL, USE AND
16 DISCHARGE.

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

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

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

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

25 (g) BUILDINGS AND FACILITIES.

26 (h) LIGHTING SYSTEMS.

27 (i) TRAFFIC CONTROL SYSTEMS AND DEVICES, INCLUDING SIGNALS, CONTROLS,
28 MARKINGS AND SIGNAGE.

29 (j) LAND CLEARANCE ACTIVITIES, DEMOLITION OF BUILDINGS AND FACILITIES
30 AND ENVIRONMENTAL REMEDIATION.

31 (k) EQUIPMENT, VEHICLES, FURNISHINGS AND OTHER PERSONALTY RELATED TO
32 THE ITEMS LISTED IN THIS PARAGRAPH.

33 9. "INFRASTRUCTURE PURPOSE" MEANS:

34 (a) PLANNING, DESIGN, ENGINEERING, CONSTRUCTION, DEMOLITION,
35 ACQUISITION OR INSTALLATION OF INFRASTRUCTURE.

36 (b) ACQUIRING, CONVERTING, RENOVATING OR IMPROVING EXISTING FACILITIES
37 FOR INFRASTRUCTURE.

38 (c) ACQUIRING INTERESTS IN REAL PROPERTY FOR INFRASTRUCTURE.

39 (d) ESTABLISHING, MAINTAINING AND REPLENISHING RESERVES FROM ANY
40 SOURCE DESCRIBED IN SECTION 48-6812 OR FROM ANY OTHER SOURCE IN ORDER TO
41 SECURE PAYMENT OF DEBT SERVICE ON BONDS.

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

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

- 1 (g) REFINANCING ANY BONDS WITH NEW BONDS.
2 (h) ISSUING BONDS TO FINANCE INFRASTRUCTURE PURPOSES.
3 (i) INCURRING EXPENSES OF THE DISTRICT INCIDENT TO AND REASONABLY
4 NECESSARY TO CARRY OUT THE PURPOSES SPECIFIED IN THIS PARAGRAPH.
5 10. "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN AND INCLUDES AN
6 INDIAN TRIBE OR COMMUNITY.
7 11. "OWNER" MEANS THE PERSON WHO, ON THE DAY THE ACTION, ELECTION OR
8 PROCEEDING IS BEGUN OR HELD, APPEARS TO BE THE OWNER OF REAL PROPERTY AS
9 SHOWN ON THE PROPERTY TAX ASSESSMENT ROLL.
10 12. "REVENUE BONDS" MEANS THOSE BONDS THAT ARE ISSUED PURSUANT TO THIS
11 ARTICLE AND THAT ARE SECURED BY A PLEDGE OF REVENUES OF THE DISTRICT OR
12 REVENUES COLLECTED BY THE COUNTY OR MUNICIPALITY AND RETURNED TO THE
13 DISTRICT.
14 13. "TREASURER" INCLUDES ANY PERSON OR OFFICIAL WHO PERFORMS THE DUTIES
15 OF TREASURER OF THE MUNICIPALITY OR ANY PERSON APPOINTED BY THE DISTRICT
16 BOARD AS THE DISTRICT TREASURER.
17 48-6802. Resolution of intent; eligible participants; district
18 board
19 A. IF THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE, AND ON
20 PRESENTATION OF A PETITION SIGNED BY THE OWNERS OF AT LEAST FIFTY-ONE PER
21 CENT OF THE NET ASSESSED VALUE OF THE PROPERTY PROPOSED TO BE INCLUDED IN THE
22 DISTRICT, THE GOVERNING BODY OF ONE OR MORE MUNICIPALITIES MAY ADOPT A
23 RESOLUTION DECLARING ITS INTENTION TO FORM A DISTRICT TO INCLUDE PROPERTY
24 WITHIN THE CORPORATE BOUNDARIES OF THE DISTRICT. THE RESOLUTION SHALL STATE
25 THE FOLLOWING:
26 1. THE AREA OR AREAS TO BE INCLUDED IN THE DISTRICT.
27 2. THE PURPOSES FOR WHICH THE DISTRICT IS TO BE FORMED.
28 3. THAT A GENERAL PLAN FOR THE DISTRICT IS ON FILE WITH THE CLERK.
29 4. THE DATE, TIME AND PLACE OF THE HEARING TO BE HELD ON THE FORMATION
30 OF THE DISTRICT.
31 5. THE PLACE WHERE WRITTEN OBJECTIONS TO THE FORMATION OF THE DISTRICT
32 MAY BE FILED.
33 6. THAT FORMATION OF THE DISTRICT MAY RESULT IN THE LEVY OF TAXES OR
34 ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS CONSTRUCTED BY THE DISTRICT AND
35 FOR THEIR OPERATION AND MAINTENANCE.
36 7. A REFERENCE TO THIS ARTICLE.
37 8. THAT THE DISTRICT WILL BE GOVERNED BY DIRECTORS CHOSEN PURSUANT TO
38 THIS ARTICLE.
39 B. BEFORE ADOPTING A RESOLUTION UNDER THIS SECTION, A GENERAL PLAN FOR
40 THE DISTRICT SHALL BE FILED WITH THE CLERK SETTING OUT A GENERAL DESCRIPTION
41 OF THE IMPROVEMENTS FOR WHICH THE DISTRICT IS PROPOSED TO BE FORMED AND THE
42 AREAS TO BE IMPROVED.

1 C. A DISTRICT MAY BE FORMED PURSUANT TO THIS ARTICLE IN A COUNTY WITH
2 A POPULATION OF MORE THAN TWO MILLION PERSONS. THE DISTRICT SHALL BE
3 GOVERNED BY AN INITIAL DISTRICT BOARD APPOINTED BY THE GOVERNING BODY OF EACH
4 PARTICIPATING ENTITY AS FOLLOWS:

5 1. IF ONE MUNICIPALITY IS PARTICIPATING IN THE DISTRICT, THE GOVERNING
6 BODY OF THAT MUNICIPALITY SHALL APPOINT THREE PERSONS TO SERVE ON THE INITIAL
7 BOARD OF DIRECTORS, AT LEAST TWO OF WHOM SHALL OWN REAL PROPERTY IN THE
8 DISTRICT.

9 2. IF TWO OR MORE MUNICIPALITIES ARE PARTICIPATING IN THE DISTRICT,
10 THE GOVERNING BODY OF EACH MUNICIPALITY SHALL EACH APPOINT ONE PERSON TO
11 SERVE ON THE INITIAL BOARD OF DIRECTORS AND THOSE TWO INITIAL BOARD MEMBERS
12 SHALL NAME A THIRD MEMBER WHO IS AN OWNER OF REAL PROPERTY IN THE DISTRICT.

13 D. THE INITIAL BOARD OF DIRECTORS SHALL SERVE A TERM OF ONE YEAR AND
14 SHALL DEVELOP BYLAWS FOR THE OPERATION OF THE DISTRICT, INCLUDING BYLAWS
15 REGARDING THE ELECTION OF THE SUBSEQUENT MEMBERS OF THE BOARD OF DIRECTORS.
16 BYLAWS FOR THE DISTRICT SHALL REQUIRE THAT MEMBERSHIP ON THE BOARD OF
17 DIRECTORS REMAINS AT THREE DIRECTORS AND THAT AT LEAST TWO OF THE MEMBERS OF
18 THE BOARD OF DIRECTORS SHALL BE OWNERS OF REAL PROPERTY IN THE DISTRICT AND
19 SHALL PROVIDE FOR A PROCESS OF NOMINATING AND ELECTING MEMBERS TO THE BOARD
20 OF DIRECTORS. SUBSEQUENT MEMBERS OF THE BOARD OF DIRECTORS SHALL SERVE A
21 TERM OF FOUR YEARS.

22 48-6803. Notice

23 A. THE CLERK SHALL EXECUTE A NOTICE, WHICH SHALL READ SUBSTANTIALLY AS
24 FOLLOWS:

25 TO WHOM IT MAY CONCERN:

26 THE GOVERNING BODY OF THE CITY OF _____, ON
27 _____ (DATE), ADOPTED THE ATTACHED RESOLUTION DECLARING ITS
28 INTENTION TO FORM A TAX LEVYING REVITALIZATION DISTRICT. A
29 HEARING ON FORMATION WILL BE HELD ON _____ (DATE), AT _____ (TIME)
30 AT _____ (LOCATION). ALL PERSONS OWNING OR CLAIMING AN INTEREST
31 IN PROPERTY IN THE PROPOSED DISTRICT WHO OBJECT TO THE INCLUSION
32 OF THEIR LAND IN THE DISTRICT, TO THE FORMATION OF THE DISTRICT
33 OR TO THE CONTENTS OF THE GENERAL PLAN MUST FILE A WRITTEN
34 OBJECTION WITH THE UNDERSIGNED AT THE FOLLOWING ADDRESS BEFORE
35 THE TIME SET FOR THE HEARING.

36 (DATE) _____

37 _____
38 CLERK

39 _____
40 ADDRESS

41 (NAME OF MUNICIPALITY OR COUNTY)

42 B. A COPY OF THE RESOLUTION DECLARING THE GOVERNING BODY'S INTENTION
43 TO FORM THE DISTRICT, SHALL BE ATTACHED TO THE NOTICE AND THE CLERK SHALL
44 CAUSE A COPY TO BE MAILED TO THE OWNERS OF REAL PROPERTY IN THE DISTRICT AS
45 SHOWN ON THE MOST RECENT PROPERTY TAX ASSESSMENT ROLL AND TO ALL OTHER

1 PERSONS CLAIMING AN INTEREST IN SUCH PROPERTY WHO HAVE FILED A WRITTEN
2 REQUEST FOR A COPY OF THE NOTICE WITHIN THE SIX MONTHS PRECEDING OR AT ANY
3 TIME FOLLOWING THE ADOPTION OF THE RESOLUTION OF INTENT TO FORM THE DISTRICT.
4 THE CLERK SHALL ALSO PUBLISH A COPY OF THE NOTICE AND RESOLUTION AT LEAST
5 ONCE IN THE OFFICIAL NEWSPAPER OF THE MUNICIPALITY, IF THERE IS ONE, OR, IF
6 THERE IS NO OFFICIAL NEWSPAPER OF THE MUNICIPALITY, IN A NEWSPAPER OF GENERAL
7 CIRCULATION IN THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED. THE MAILING
8 AND PUBLICATION SHALL BE COMPLETED AT LEAST TWENTY DAYS BEFORE THE DATE SET
9 FOR HEARING. THE CLERK SHALL EXECUTE AN AFFIDAVIT OF MAILING STATING THE
10 DATE OF MAILING AND THE NAMES AND ADDRESSES OF THE PERSONS TO WHOM THE
11 NOTICES AND COPIES OF THE RESOLUTIONS WERE MAILED. THE CLERK SHALL OBTAIN AN
12 AFFIDAVIT FROM THE NEWSPAPER IN WHICH THE PUBLICATION WAS MADE. THE CLERK
13 SHALL CAUSE BOTH AFFIDAVITS TO BE PLACED IN THE OFFICIAL RECORDS OF THE
14 MUNICIPALITY. THE AFFIDAVITS ARE CONCLUSIVE EVIDENCE OF THE MAILING AND
15 PUBLISHING OF NOTICE. NOTICE SHALL NOT BE HELD INVALID FOR FAILURE OF
16 DELIVERY TO THE ADDRESSEE.

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

22 48-6804. Hearing on objections

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

28 1. THAT THE OBJECTOR'S PROPERTY WOULD NOT BE BENEFITED FROM THE
29 IMPROVEMENTS SET FORTH IN THE GENERAL PLAN AND THAT THE PROPERTY SHOULD BE
30 EXCLUDED FROM THE DISTRICT.

31 2. THAT THE DISTRICT SHOULD NOT BE FORMED, STATING THE SPECIFIC
32 REASONS.

33 3. THAT THE GENERAL PLAN SHOULD BE MODIFIED, STATING THE REASONS FOR
34 MODIFICATION.

35 B. AT THE HEARING, INCLUDING ANY ADJOURNMENTS OR CONTINUANCES, THE
36 GOVERNING BODY SHALL HEAR AND PASS ONLY ON THE WRITTEN OBJECTIONS AND THE
37 TESTIMONY AND EVIDENCE PRESENTED IN SUPPORT OF OR OPPOSITION TO THE
38 OBJECTIONS.

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

43 D. THE MINUTES OR A COPY OF A WRITTEN TRANSCRIPT OR A TAPE RECORDING
44 OF THE PROCEEDINGS OF A HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE
45 OPEN TO PUBLIC INSPECTION THREE WORKING DAYS AFTER THE CONCLUSION OF A

1 HEARING. ANY PERSON MAY REQUEST TO EXAMINE OR BE FURNISHED COPIES,
2 PRINTOUTS, PHOTOGRAPHS, TRANSCRIPTS OR RECORDINGS OF A HEARING DURING REGULAR
3 OFFICE HOURS OF THE GOVERNING BODY. THE CUSTODIAN OF THE RECORDS SHALL
4 FURNISH THE COPIES, PRINTOUTS, PHOTOGRAPHS, TRANSCRIPTS OR RECORDINGS AND MAY
5 CHARGE A REASONABLE FEE THAT DOES NOT EXCEED THE ACTUAL COST OF REPRODUCING
6 THE ITEM REQUESTED.

7 48-6805. Resolution forming district

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

14 48-6806. Judicial review

15 A. AN OWNER OR OTHER PERSON CLAIMING AN INTEREST IN THE PROPERTY WHO
16 FILED A WRITTEN OBJECTION AND WHO PRESENTED TESTIMONY OR EVIDENCE AT THE
17 HEARING MAY SEEK REVIEW OF THE ORDER FORMING THE DISTRICT AND THE DECISION OF
18 THE GOVERNING BODY AT THE HEARING BY FILING, WITHIN THIRTY DAYS AFTER THE
19 ADOPTION OF THE RESOLUTION PRESCRIBED IN SECTION 48-6805 THAT FORMED THE
20 DISTRICT, A PETITION FOR SPECIAL ACTION WITH THE COURT OF APPEALS. THE
21 SPECIAL ACTION SHALL BE GOVERNED BY THE RULES OF CIVIL PROCEDURE RELATING TO
22 SPECIAL ACTIONS SO FAR AS APPLICABLE AND NOT IN CONFLICT WITH THIS
23 ARTICLE. THE GOVERNING BODY SHALL TRANSMIT THE TRANSCRIPT OF THE HEARING,
24 THE ORDER FORMING THE DISTRICT AND THE AFFIDAVITS OF MAILING AND PUBLICATION
25 OF THE NOTICE AND RESOLUTION OF INTENT TO FORM THE DISTRICT TO THE COURT OF
26 APPEALS. THE PETITIONER SHALL BEAR THE COST OF PREPARING THE RECORD FOR
27 APPEAL. THE COURT OF APPEALS SHALL PLACE THE SPECIAL ACTION ON ITS CALENDAR
28 AND GIVE IT PRECEDENCE FOR HEARING OVER ALL OTHER CIVIL ACTIONS EXCEPT
29 ELECTION CONTESTS. THE REVIEW SHALL BE LIMITED TO A REVIEW OF THE TRANSCRIPT
30 OF THE HEARING, THE ORDER FORMING THE DISTRICT AND THE AFFIDAVITS OF MAILING
31 AND PUBLICATION OF THE NOTICE AND RESOLUTION DECLARING THE GOVERNING BODY'S
32 INTENTION TO FORM THE DISTRICT. THE COURT MAY REVIEW, ON THE MERITS, WHETHER
33 THE FORMATION OF THE DISTRICT AND THE ADOPTION OF THE GENERAL PLAN COMPLIED
34 WITH THIS ARTICLE AND THE LAWS AND CONSTITUTION OF THIS STATE AND WHETHER
35 LAND IS BENEFITED BY THE DISTRICT.

36 B. LAND IN AN AREA DELETED BY ORDER OF THE COURT OR IN A DISTRICT
37 ORDERED BY THE COURT TO NOT BE FORMED MAY NOT BE INCLUDED IN A REVITALIZATION
38 DISTRICT FOR ONE YEAR AFTER THE DATE THE COURT'S ORDER IS ENTERED UNLESS
39 OTHERWISE PROVIDED IN THE COURT'S ORDER OR OTHERWISE AGREED TO BY THE OWNER.

40 48-6807. Formation

41 A. IF THE FORMATION OF THE DISTRICT IS APPROVED, THE GOVERNING BODY OF
42 EACH ENTITY ON ADOPTION OF THE RESOLUTION FORMING THE DISTRICT SHALL APPOINT
43 THE INITIAL DIRECTORS OF THE DISTRICT BOARD, SET THE DISTRICT BOUNDARIES AND
44 ORDER THAT A MAP SHOWING THE DISTRICT BOUNDARIES BE DRAWN AND A COPY OF THE
45 ORDER FORMING THE DISTRICT BE DELIVERED TO THE COUNTY ASSESSOR AND THE BOARD

1 OF SUPERVISORS OF THE COUNTY IN WHICH THE DISTRICT IS LOCATED AND TO THE
2 DEPARTMENT OF REVENUE. A NOTICE OF THE FORMATION SHOWING THE NUMBER AND DATE
3 OF THE ORDER AND GIVING A DESCRIPTION OF THE LAND INCLUDED IN THE DISTRICT
4 SHALL BE RECORDED WITH THE COUNTY RECORDER. THE DISTRICT SHALL NOT BE DEEMED
5 FORMED UNTIL A RESOLUTION IS APPROVED BY EACH PARTICIPATING CITY, TOWN OR
6 INDIAN TRIBE OR COMMUNITY.

7 B. ON ITS FORMATION, THE DISTRICT IS A SPECIAL PURPOSE DISTRICT FOR
8 PURPOSES OF ARTICLE IX, SECTION 19, CONSTITUTION OF ARIZONA, A TAX LEVYING
9 PUBLIC IMPROVEMENT DISTRICT FOR THE PURPOSES OF ARTICLE XIII, SECTION 7,
10 CONSTITUTION OF ARIZONA, AND A MUNICIPAL CORPORATION FOR ALL PURPOSES OF
11 TITLE 35, CHAPTER 3, ARTICLES 3, 3.1, 3.2, 4 AND 5. EXCEPT AS OTHERWISE
12 PROVIDED IN THIS SECTION, A DISTRICT IS CONSIDERED TO BE A MUNICIPAL
13 CORPORATION AND POLITICAL SUBDIVISION OF THIS STATE, SEPARATE AND APART FROM
14 THE MUNICIPALITY. NOTWITHSTANDING ANY OTHER LAW, A DISTRICT FORMED PURSUANT
15 TO THIS ARTICLE DOES NOT HAVE THE POWER OF EMINENT DOMAIN AND DOES NOT HAVE
16 THE POWER TO ENACT ZONING ORDINANCES.

17 C. ON FORMATION OF THE DISTRICT, THE DISTRICT BOARD SHALL ADMINISTER
18 THE IMPLEMENTATION OF THE GENERAL PLAN FOR THE INFRASTRUCTURE OF THE DISTRICT
19 AND ANY DEVELOPMENT AGREEMENT ENTERED INTO PURSUANT TO SECTION 9-500.05
20 BETWEEN THE GOVERNING BODY AND OWNERS OF LAND IN THE DISTRICT. THE DISTRICT
21 BOARD SHALL BE CONSIDERED A PARTY TO THAT AGREEMENT.

22 48-6808. Powers of a revitalization district

23 A. IN ADDITION TO THE POWERS OTHERWISE GRANTED TO A DISTRICT PURSUANT
24 TO THIS ARTICLE, A DISTRICT MAY TO FURTHER THE IMPLEMENTATION OF THE GENERAL
25 PLAN:

26 1. ENTER INTO CONTRACTS AND SPEND MONIES FOR ANY INFRASTRUCTURE
27 PURPOSE WITH RESPECT TO THE DISTRICT.

28 2. ENTER INTO INTERGOVERNMENTAL AGREEMENTS AS PRESCRIBED IN TITLE 11,
29 CHAPTER 7, ARTICLE 3 FOR THE PLANNING, DESIGN, INSPECTION, OWNERSHIP,
30 CONTROL, MAINTENANCE, OPERATION OR REPAIR OF INFRASTRUCTURE OR THE PROVISION
31 OF ENHANCED MUNICIPAL SERVICES BY THE MUNICIPALITY IN THE DISTRICT, INCLUDING
32 AN INTERGOVERNMENTAL AGREEMENT WITH AN INDIAN TRIBE OR COMMUNITY.

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

36 4. REIMBURSE A MUNICIPALITY FOR PROVIDING ENHANCED MUNICIPAL SERVICES
37 IN THE DISTRICT.

38 5. OPERATE, MAINTAIN AND REPAIR INFRASTRUCTURE.

39 6. ESTABLISH, CHARGE AND COLLECT USER FEES, RATES OR CHARGES FOR THE
40 USE OF ANY INFRASTRUCTURE OR SERVICE.

41 7. EMPLOY STAFF, COUNSEL AND CONSULTANTS.

42 8. REIMBURSE A MUNICIPALITY FOR STAFF AND CONSULTANT SERVICES AND
43 SUPPORT FACILITIES SUPPLIED BY THE MUNICIPALITY.

44 9. ACCEPT GIFTS OR GRANTS AND INCUR AND REPAY LOANS FOR ANY
45 INFRASTRUCTURE PURPOSE.

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

5 11. AFTER APPROVAL AT AN ELECTION HELD PURSUANT TO SECTION 48-6818,
6 LEVY AND ASSESS THE COSTS OF ANY INFRASTRUCTURE PURPOSE ON ANY LAND BENEFITED
7 IN THE DISTRICT.

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

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

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

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

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

22 1. CONTRACT.

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

25 3. ADOPT AND CHANGE A SEAL.

26 4. SUE AND BE SUED.

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

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

34 D. AN AGREEMENT PURSUANT TO SUBSECTION A, PARAGRAPH 10 OF THIS SECTION
35 MAY INCLUDE AGREEMENTS TO REPAY ALL OR PART OF SUCH ADVANCES, FEES AND
36 CHARGES FROM THE PROCEEDS OF BONDS IF ISSUED OR FROM ADVANCES, FEES AND
37 CHARGES COLLECTED FROM OTHER LANDOWNERS OR USERS OR THOSE HAVING A RIGHT TO
38 USE ANY INFRASTRUCTURE. A PERSON DOES NOT HAVE AUTHORITY TO COMPEL THE
39 ISSUANCE OR SALE OF THE BONDS OF THE DISTRICT OR THE EXERCISE OF ANY TAXING
40 POWER OF THE DISTRICT TO MAKE REPAYMENT UNDER ANY AGREEMENT.

41 48-6809. Perpetual succession

42 THE DISTRICT HAS PERPETUAL SUCCESSION, EXCEPT THAT THE DISTRICT MAY BE
43 DISSOLVED AS PROVIDED IN SECTION 48-6819 AND SHALL BE DISSOLVED TEN YEARS
44 AFTER THE DATE OF FORMATION UNLESS THE GOVERNING BODIES OF THE PARTICIPATING

1 MUNICIPALITIES BY RESOLUTION EXTEND THE DISTRICT BY AN ADDITIONAL PERIOD OF
2 TEN YEARS.

3 48-6810. Records; board of directors; open meetings

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

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

11 B. ON THE EXPIRATION OF THE TERM OF AN APPOINTED DIRECTOR, THE
12 GOVERNING BODY SHALL APPOINT A PERSON TO FILL THE POSITION. IF A VACANCY
13 OCCURS ON THE DISTRICT BOARD BECAUSE OF DEATH, RESIGNATION OR INABILITY OF
14 THE DIRECTOR TO DISCHARGE THE DUTIES OF DIRECTOR, THE VACANCY SHALL BE FILLED
15 BY APPOINTMENT MADE BY THE GOVERNING BODY. A DIRECTOR APPOINTED BY THE
16 GOVERNING BODY SHALL HOLD OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM
17 UNTIL THE MEMBER'S SUCCESSOR IS ELECTED AS OTHERWISE PROVIDED BY LAW AND AS
18 PROVIDED IN THE BY LAWS OF THE DISTRICT. AN APPOINTED DIRECTOR SHALL NOT BE
19 AN ELECTED OFFICIAL OF THE MUNICIPALITY OR INDIAN TRIBE OR COMMUNITY OR AN
20 EMPLOYEE OR AGENT OF THE MUNICIPALITY OR INDIAN TRIBE OR COMMUNITY BUT MAY BE
21 A DIRECTOR OF MORE THAN ONE DISTRICT.

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

24 D. THE DISTRICT CLERK AND DISTRICT TREASURER SHALL BE THE CLERK OF THE
25 MUNICIPALITY OR COUNTY AND THE TREASURER OF THE MUNICIPALITY OR COUNTY,
26 RESPECTIVELY, UNLESS THE DISTRICT BOARD APPOINTS A DISTRICT CLERK AND
27 DISTRICT TREASURER.

28 48-6811. Participation by municipality

29 THE GOVERNING BODY OF THE MUNICIPALITY, BY RESOLUTION, MAY SUMMARILY
30 ORDER THE PARTICIPATION BY THE MUNICIPALITY IN THE COSTS OF ANY
31 INFRASTRUCTURE PURPOSE, INCLUDING THE PAYMENT OF BOND DEBT SERVICE.

32 48-6812. Finances

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

- 35 1. PROCEEDS RECEIVED FROM THE SALE OF BONDS OF THE DISTRICT.
- 36 2. MONIES OF THE MUNICIPALITY OR INDIAN TRIBE OR COMMUNITY CONTRIBUTED
37 TO THE DISTRICT.
- 38 3. ANNUAL TAX LEVIES.
- 39 4. SPECIAL ASSESSMENTS.
- 40 5. STATE OR FEDERAL GRANTS OR CONTRIBUTIONS.
- 41 6. PRIVATE CONTRIBUTIONS.
- 42 7. USER, LANDOWNER AND OTHER FEES AND CHARGES.
- 43 8. PROCEEDS OF LOANS OR ADVANCES.
- 44 9. ANY OTHER MONIES AVAILABLE TO THE DISTRICT BY LAW.

1 48-6813. Budget

2 ON OR BEFORE JULY 15 EACH YEAR, THE DISTRICT TREASURER SHALL PREPARE A
3 PROPOSED BUDGET FOR THE ENSUING FISCAL YEAR TO BE SUBMITTED TO THE DISTRICT
4 BOARD FOR APPROVAL. THE BOARD SHALL INDICATE ITS APPROVAL OF THE BUDGET BY
5 RESOLUTION, WHICH SHALL PROVIDE FOR A HEARING ON THE BUDGET AS APPROVED. THE
6 PARTICIPATING ENTITIES MAY REVIEW THE PROPOSED ANNUAL BUDGET AND MAY SUBMIT
7 WRITTEN COMMENTS TO THE BOARD FOR ITS ASSISTANCE AND INFORMATION IN ADOPTING
8 ITS ANNUAL BUDGET. AT THE CONCLUSION OF THE BUDGET HEARING, THE DISTRICT
9 BOARD, BY RESOLUTION, SHALL ADOPT THE BUDGET AS FINALLY APPROVED BY THE
10 BOARD. THE BUDGET SHALL BE ADOPTED BEFORE OCTOBER 1 EACH YEAR.

11 48-6814. Revenue bonds; fees and charges

12 A. AT ANY TIME AFTER THE HEARING ON FORMATION OF THE DISTRICT, THE
13 DISTRICT BOARD MAY HOLD A HEARING ON THE QUESTION OF AUTHORIZING THE DISTRICT
14 BOARD TO ISSUE REVENUE BONDS OF THE DISTRICT TO PROVIDE MONIES FOR ANY
15 INFRASTRUCTURE PURPOSES CONSISTENT WITH THE GENERAL PLAN.

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

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

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

24 E. THE DISTRICT SHALL PRESCRIBE FEES AND CHARGES, AND SHALL REVISE
25 THEM WHEN NECESSARY, TO GENERATE REVENUE SUFFICIENT, TOGETHER WITH ANY MONIES
26 FROM THE SOURCES DESCRIBED IN SECTION 48-6812, TO PAY WHEN DUE THE PRINCIPAL
27 AND INTEREST OF ALL REVENUE BONDS FOR THE PAYMENT OF WHICH REVENUE HAS BEEN
28 PLEDGED. THE ESTABLISHMENT OR REVISION OF ANY RATES, FEES AND CHARGES SHALL
29 BE IDENTIFIED AND NOTICED CONCURRENTLY WITH THE ANNUAL BUDGET PROCESS OF THE
30 DISTRICT PURSUANT TO SECTION 48-6813.

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

34 G. NO HOLDER OF REVENUE BONDS ISSUED UNDER THIS ARTICLE MAY COMPEL ANY
35 EXERCISE OF THE TAXING POWER OF THE DISTRICT OR MUNICIPALITY TO PAY THE BONDS
36 OR THE INTEREST ON THE BONDS. REVENUE BONDS ISSUED UNDER THIS ARTICLE ARE
37 NOT A DEBT OF THE DISTRICT OR MUNICIPALITY, NOR IS THE PAYMENT OF REVENUE
38 BONDS ENFORCEABLE OUT OF ANY MONIES OTHER THAN THE REVENUE PLEDGED TO THE
39 PAYMENT OF THE BONDS.

40 H. THE DISTRICT MAY ISSUE AND SELL REFUNDING BONDS TO REFUND ANY
41 REVENUE BONDS OF THE DISTRICT.

42 48-6815. Special assessments; assessment lien bonds

43 A. THE DISTRICT BOARD, AFTER APPROVAL AT AN ELECTION HELD AS
44 PRESCRIBED BY SECTION 48-6818, AND PURSUANT TO THE PROCEDURES PRESCRIBED BY
45 SECTIONS 48-576 THROUGH 48-589, AS NEARLY AS PRACTICABLE, OR SUCH OTHER

1 PROCEDURES AS THE DISTRICT BOARD PROVIDES, MAY LEVY BY RESOLUTION AN
2 ASSESSMENT OF THE COSTS OF ANY INFRASTRUCTURE PURPOSE, ANY OPERATION AND
3 MAINTENANCE OF INFRASTRUCTURE OR ANY ENHANCED MUNICIPAL SERVICES ON ANY LAND
4 IN THE DISTRICT BASED ON THE BENEFIT DETERMINED BY THE DISTRICT BOARD TO BE
5 RECEIVED BY THE LAND. BEFORE THE ISSUANCE OF SPECIAL ASSESSMENT BONDS THE
6 DISTRICT MAY ENTER INTO A WRITTEN AGREEMENT WITH A LANDOWNER AS TO THE MANNER
7 IN WHICH THE ASSESSMENT IS TO BE ALLOCATED IF THE LAND IS TO BE DIVIDED INTO
8 MORE THAN ONE PARCEL. IF AN ISSUE OF SPECIAL ASSESSMENT LIEN BONDS FINANCES
9 MORE THAN ONE PURPOSE OR SERVICE, THE BENEFIT RECEIVED BY THE LAND, IN THE
10 DISCRETION OF THE DISTRICT, MAY BE DETERMINED BY REFERENCE TO THE PURPOSES
11 AND SERVICES AS A WHOLE OR INDIVIDUALLY. THE ASSESSMENT MAY BE BASED ON
12 ESTIMATED COSTS AND AMENDED TO REFLECT ACTUAL COSTS, AND THE PREPARATION OF
13 PLANS AND SPECIFICATIONS AND THE AWARDED OF THE CONTRACT ARE NOT A
14 PREREQUISITE TO THE LEVYING OF THE ASSESSMENT. AN OWNER OF LAND ON WHICH AN
15 ASSESSMENT HAS BEEN LEVIED MAY SEEK JUDICIAL REVIEW OF WHETHER THE LAND IS
16 BENEFITED BY THE PROPOSED INFRASTRUCTURE, ON THE MERITS, BY SPECIAL ACTION
17 FILED WITH THE COURT OF APPEALS, WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF
18 THE RESOLUTION.

19 B. AFTER ADOPTION BY THE DISTRICT BOARD OF A RESOLUTION LEVYING A
20 SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT, THE DISTRICT BOARD MAY ISSUE
21 AND SELL SPECIAL ASSESSMENT LIEN BONDS PAYABLE FROM AMOUNTS COLLECTED FROM
22 THE SPECIAL ASSESSMENTS, FROM AMOUNTS AVAILABLE FROM TIME TO TIME IN ANY
23 RESERVE FUND ESTABLISHED FOR THOSE BONDS AND FROM ANY OTHER AMOUNTS AVAILABLE
24 FOR THOSE PURPOSES AS PRESCRIBED BY SECTION 48-6812. THE DISTRICT AND THE
25 COUNTY TREASURER FOR THE COUNTY IN WHICH THE DISTRICT IS LOCATED MAY ENTER
26 INTO AN AGREEMENT FOR THE COUNTY TREASURER TO COLLECT THE DISTRICT'S SPECIAL
27 ASSESSMENTS IN THE MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE
28 COLLECTION AND ENFORCEMENT OF GENERAL TAXES. THE DISTRICT AND THE COUNTY
29 TREASURER MAY PROVIDE BY AGREEMENT FOR THE PAYMENT OF THE COUNTY TREASURER'S
30 COLLECTION EXPENSES DIRECTLY RELATED TO THE LEVY OF THE SPECIAL ASSESSMENT
31 AND, IF SO PROVIDED, THE LEVY OF THE SPECIAL ASSESSMENT MAY INCLUDE AN AMOUNT
32 FOR COMPENSATION OF THE COUNTY TREASURER DIRECTLY RELATED TO THE COLLECTION
33 OF THE SPECIAL ASSESSMENT. THE COMPENSATION RECEIVED BY THE COUNTY TREASURER
34 PURSUANT TO THE AGREEMENT SHALL BE GOVERNED BY SECTION 11-496. THE DISTRICT
35 BOARD MAY ALSO ISSUE AND SELL BOND ANTICIPATION NOTES PURSUANT TO THE
36 PROCEDURES PRESCRIBED IN SECTION 48-2081 OR WITH PROCEDURES AS SIMILAR TO
37 THOSE AS IS PRACTICABLE. THE ASSESSMENT SHALL BE A FIRST LIEN ON THE
38 PROPERTY ASSESSED SUBJECT ONLY TO GENERAL PROPERTY TAXES AND PRIOR SPECIAL
39 ASSESSMENTS. IN THE EVENT OF NONPAYMENT OF AN ASSESSMENT AND EXCEPT AS
40 OTHERWISE PROVIDED IN AN AGREEMENT BETWEEN THE DISTRICT AND THE COUNTY
41 TREASURER PURSUANT TO THIS SECTION, THE PROCEDURES FOR COLLECTION OF
42 DELINQUENT ASSESSMENTS, SALE OF DELINQUENT PROPERTY AND ISSUANCE AND EFFECT
43 OF THE DEED PRESCRIBED BY SECTIONS 48-601 THROUGH 48-607 APPLY, AS NEARLY AS
44 PRACTICABLE, EXCEPT THAT IN NO EVENT IS THE DISTRICT OR THE MUNICIPALITY
45 REQUIRED TO PURCHASE THE DELINQUENT LAND AT THE SALE IF THERE IS NO OTHER

1 PURCHASER. IF THE LANDOWNER OWNS MORE THAN ONE PARCEL IN THE DISTRICT, THE
2 DISTRICT BOARD MAY PROVIDE PROCEDURES FOR THE COLLECTION AND ENFORCEMENT OF
3 ASSESSMENTS AS THE BOARD DEEMS APPROPRIATE BY CONTRACT WITH A LANDOWNER TO
4 PERMIT THE SALE OF ANY OR ALL OF THE LANDOWNER'S PARCELS IN THE DISTRICT IF
5 THE LANDOWNER BECOMES DELINQUENT AS TO ANY PARCEL THAT THE LANDOWNER OWNS IN
6 THE DISTRICT.

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

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

22 48-6816. Terms of bonds

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

42 48-6817. District taxes; annual financial estimate and budget

43 A. AT ANY TIME AFTER THE HEARING ON FORMATION OF THE DISTRICT, THE
44 DISTRICT BOARD, OR, IF BEFORE FORMATION, THE GOVERNING BODY, MAY CALL AN
45 ELECTION TO SUBMIT TO THE PERSONS WHO ARE ELIGIBLE TO VOTE IN THE DISTRICT AS

1 PRESCRIBED IN SECTION 48-6818 THE QUESTION OF AUTHORIZING THE DISTRICT BOARD
2 TO LEVY AN AD VALOREM TAX ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL
3 PROPERTY IN THE DISTRICT AT A RATE OR RATES THAT DO NOT EXCEED THE MAXIMUM
4 RATE OR RATES SPECIFIED IN THE BALLOT. ALL TAXES ATTRIBUTABLE TO THE
5 OPERATION AND MAINTENANCE EXPENSES OF THE DISTRICT, EXCLUDING EXPENSES FOR AN
6 AREA DESCRIBED IN SECTION 48-6808, SUBSECTION D, SHALL NOT EXCEED AN AMOUNT
7 EQUAL TO THIRTY CENTS PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION FOR ALL
8 REAL AND PERSONAL PROPERTY IN THE DISTRICT, UNLESS A HIGHER RATE IS APPROVED
9 BY A VOTE OF THE ELECTORS OF THE DISTRICT, VOTING AT AN ELECTION NOT LESS
10 THAN THREE YEARS AFTER THE DATE OF THE FORMATION OF THE DISTRICT. ONCE
11 APPROVED AT AN ELECTION, THE MAXIMUM RATE REMAINS IN EFFECT UNTIL INCREASED
12 OR DECREASED AT A SUBSEQUENT ELECTION. IF A MAXIMUM RATE IS IN EFFECT, THE
13 DISTRICT BOARD, ON PETITION OF TWENTY-FIVE PER CENT OF THE PERSONS WHO ARE
14 ELIGIBLE TO VOTE IN THE DISTRICT, OR BY THOSE PERSONS OWNING TWENTY-FIVE PER
15 CENT OF THE LAND AREA, SHALL CALL AN ELECTION TO REDUCE THE MAXIMUM TAX RATE
16 BUT NOT BELOW THE LESSER OF THAT RATE DETERMINED BY THE DISTRICT BOARD TO BE
17 NECESSARY TO MAINTAIN THE DISTRICT'S FACILITIES AND IMPROVEMENTS OR THE
18 ACTUAL RATE THEN IN EFFECT. ON THE PRESENTATION TO THE DISTRICT BOARD OF A
19 PETITION SIGNED BY THE OWNERS OF A MAJORITY OF THE PROPERTY IN THE DISTRICT,
20 THE DISTRICT BOARD SHALL ADOPT A RESOLUTION TO REDUCE OR ELIMINATE THE
21 PORTION OF THE TAX, BEGINNING THE NEXT FISCAL YEAR, REQUIRED FOR ONE OR MORE
22 ENHANCED MUNICIPAL SERVICES SPECIFIED IN THE PETITION. SIGNATURES ON A
23 PETITION TO REDUCE OR ELIMINATE A TAX ARE VALID FOR A PERIOD OF SIXTY DAYS.

24 B. THE DISTRICT MAY NOT LEVY, OTHER THAN FOR THE PAYMENT OF DEBT
25 SERVICE ON BONDS, AT A RATE OR RATES IN EXCESS OF THE MAXIMUM RATE THEN IN
26 EFFECT.

27 C. WHEN LEVYING AN AD VALOREM TAX, THE DISTRICT BOARD SHALL MAKE
28 ANNUAL STATEMENTS AND ESTIMATES OF THE OPERATION AND MAINTENANCE EXPENSES OF
29 THE DISTRICT, THE COSTS OF CAPITAL IMPROVEMENTS TO BE FINANCED BY THE TAX
30 LEVY OR LEVIES AND THE AMOUNT OF ALL OTHER EXPENDITURES FOR INFRASTRUCTURE
31 AND ENHANCED MUNICIPAL SERVICES PROPOSED TO BE PAID FROM THE TAX LEVY OR
32 LEVIES AND OF THE AMOUNT TO BE RAISED TO PAY BONDS OF THE DISTRICT, ALL OF
33 WHICH SHALL BE PROVIDED FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES ON
34 THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY IN THE DISTRICT.
35 THE DISTRICT BOARD SHALL FILE THE ANNUAL STATEMENTS AND ESTIMATES WITH THE
36 CLERK. THE DISTRICT BOARD SHALL PUBLISH A NOTICE OF THE FILING OF THE
37 ESTIMATE, SHALL HOLD HEARINGS ON THE PORTIONS OF THE ESTIMATE NOT RELATING TO
38 DEBT SERVICE ON BONDS AND SHALL ADOPT A BUDGET. THE BOARD, ON OR BEFORE THE
39 DATE SET BY LAW FOR CERTIFYING THE ANNUAL BUDGET OF THE COUNTY OR
40 MUNICIPALITY, SHALL FIX, LEVY AND ASSESS THE AMOUNTS TO BE RAISED BY AD
41 VALOREM TAXES OF THE DISTRICT AND SHALL CAUSE CERTIFIED COPIES OF THE ORDER
42 TO BE DELIVERED TO THE BOARD OF SUPERVISORS AND TO THE DEPARTMENT OF
43 REVENUE. ALL STATUTES RELATING TO THE LEVY AND COLLECTION OF GENERAL COUNTY
44 TAXES, INCLUDING THE COLLECTION OF DELINQUENT TAXES AND SALE OF PROPERTY FOR

1 NONPAYMENT OF TAXES, APPLY TO THE DISTRICT TAXES PROVIDED FOR BY THIS
2 SECTION.

3 48-6818. Notice and conduct of elections; eligible voters

4 A. ANY ELECTION UNDER THIS ARTICLE SHALL BE A NONPARTISAN ELECTION
5 CALLED BY POSTING NOTICES IN THREE PUBLIC PLACES WITHIN THE BOUNDARIES OF THE
6 DISTRICT NOT LESS THAN TWENTY DAYS BEFORE THE ELECTION. NOTICE SHALL ALSO BE
7 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY OR IF
8 THERE IS NO NEWSPAPER SO CIRCULATED IN THE MUNICIPALITY IN A NEWSPAPER OF
9 GENERAL CIRCULATION IN THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED ONCE A
10 WEEK FOR TWO CONSECUTIVE WEEKS BEFORE THE ELECTION. THE NOTICE SHALL STATE:

11 1. THE PLACE OF HOLDING THE ELECTION.

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

14 3. IF IT IS AN ASSESSMENT LEVY ELECTION, THE MAXIMUM ASSESSMENT RATE
15 TO BE IMPOSED, THE PURPOSES FOR WHICH THE MONIES RAISED WILL BE USED AND THE
16 EXISTING MAXIMUM ASSESSMENT RATE, IF ANY.

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

18 B. THE DISTRICT BOARD SHALL DETERMINE THE DATE OF THE ELECTION AND THE
19 POLLING PLACES FOR THE ELECTION AND MAY CONSOLIDATE PRECINCTS. THE CLERK OF
20 THE DISTRICT BOARD SHALL PREPARE A LIST OF ELIGIBLE VOTERS IN THE ELECTION.
21 A PROSPECTIVE VOTER SHALL EXECUTE AN AFFIDAVIT STATING THAT THE VOTER IS THE
22 OWNER OF LAND IN THE DISTRICT AND IS QUALIFIED TO VOTE PURSUANT TO THIS
23 SECTION AND STATING THE PARCEL NUMBER OWNED BY THE VOTER. ELECTION BOARD
24 MEMBERS MAY ADMINISTER OATHS OR TAKE ALL AFFIRMATIONS FOR THESE PURPOSES. AN
25 ELECTION HELD PURSUANT TO THIS ARTICLE IS NOT SUBJECT TO TITLE 16, CHAPTER 2,
26 ARTICLE 3.

27 C. ONLY THE OWNERS OF REAL PROPERTY IN THE DISTRICT ARE ELIGIBLE TO
28 VOTE IN AN ELECTION REGARDING AN ASSESSMENT TO BE LEVIED AGAINST THE REAL
29 PROPERTY IN THE DISTRICT AND TO VOTE IN AN ELECTION FOR THE BOARD OF
30 DIRECTORS OF THE DISTRICT. CORPORATIONS, PARTNERSHIPS AND OTHER BUSINESS
31 ENTITIES ARE ELIGIBLE TO VOTE AS PROPERTY OWNERS, BUT ONLY ONE VOTE MAY BE
32 CAST FOR EACH ONE-SEVENTH OF AN ACRE OF REAL PROPERTY IN THE DISTRICT, EXCEPT
33 THAT ANY FRACTION OF OWNERSHIP OF REAL PROPERTY THAT IS LESS THAN ONE-SEVENTH
34 OF AN ACRE ENTITLES THE OWNER TO CAST ONE VOTE.

35 D. EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, THE ELECTION SHALL
36 COMPLY WITH THE GENERAL ELECTION LAWS OF THIS STATE, EXCEPT THAT THE WORDS TO
37 APPEAR ON THE BALLOTS SHALL BE FOR AN ASSESSMENT LEVY ELECTION, "ASSESSMENT,
38 YES" AND "ASSESSMENT, NO". THE RETURNS OF ELECTION SHALL BE MADE TO THE
39 DISTRICT BOARD.

40 E. WITHIN FOURTEEN DAYS AFTER AN ELECTION, THE DISTRICT BOARD SHALL
41 MEET AND CANVASS THE RETURNS, AND IF A MAJORITY OF THE VOTES CAST AT THE
42 ELECTION IS IN FAVOR OF IMPOSING THE ASSESSMENT, THE DISTRICT BOARD SHALL
43 ENTER THAT FACT ON ITS MINUTES. THE CANVASS MAY BE CONTINUED FROM TIME TO
44 TIME. FAILURE OF A MAJORITY TO VOTE IN FAVOR OF THE MATTER SUBMITTED DOES

1 NOT PREJUDICE THE SUBMISSION OF THE SAME OR SIMILAR MATTERS AT A LATER
2 ELECTION.

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

8 48-6819. Dissolution of district

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

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

13 2. EITHER THE DISTRICT HAS NO OBLIGATIONS OR THE MUNICIPALITY HAS
14 ASSUMED ALL OF THE OBLIGATIONS OF THE DISTRICT.

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

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

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

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

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

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

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

31 E. ALL PROPERTY IN THE DISTRICT, EXCEPT FEDERAL, STATE, COUNTY AND
32 MUNICIPAL PROPERTY, REMAINS SUBJECT TO THE LIEN FOR THE PAYMENT OF GENERAL
33 OBLIGATION BONDS, AND ANY PROPERTY SUBJECT TO A SPECIAL ASSESSMENT LIEN
34 REMAINS SUBJECT TO THE LIEN NOTWITHSTANDING DISSOLUTION OF THE DISTRICT. THE
35 DISTRICT MAY NOT BE DISSOLVED IF ANY REVENUE BONDS OF THE DISTRICT REMAIN
36 OUTSTANDING UNLESS AN AMOUNT OF MONEY SUFFICIENT, TOGETHER WITH INVESTMENT
37 INCOME THEREON, TO MAKE ALL PAYMENTS DUE ON THE REVENUE BONDS EITHER AT
38 MATURITY OR PRIOR REDEMPTION HAS BEEN DEPOSITED WITH A TRUSTEE OR ESCROW
39 AGENT AND PLEDGED TO THE PAYMENT AND REDEMPTION OF THE BONDS. THE DISTRICT
40 MAY CONTINUE TO OPERATE AFTER DISSOLUTION ONLY AS NEEDED TO COLLECT MONEY AND
41 MAKE PAYMENTS ON ANY OUTSTANDING BONDS.