

PROPOSED AMENDMENT  
SENATE AMENDMENTS TO S.B. 1371  
(Reference to printed bill)

Strike everything after the enacting clause and insert:

"Section 1. Title 9, Arizona Revised Statutes, is amended by adding chapter 9, to read:

CHAPTER 9

REVENUE ALLOCATION AUTHORITIES

ARTICLE 1. GENERAL PROVISIONS

9-1001. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AUTHORITY" MEANS A REVENUE ALLOCATION AUTHORITY ESTABLISHED BY A CITY OR TOWN PURSUANT TO THIS ARTICLE.

2. "AUTHORITY PLAN" OR "PLAN" MEANS THE PLAN FOR IMPROVEMENTS FOR WHICH THE AUTHORITY IS FORMED AS DESCRIBED IN SECTION 9-1002.

3. "BASE ROLL" MEANS THE ASSESSMENT AND TAX ROLL FOR ALL CLASSES OF TAXABLE PROPERTY ON JANUARY 1 OF THE YEAR IN WHICH THE GOVERNING BODY OF A CITY OR TOWN ADOPTS OR MODIFIES A REVENUE ALLOCATION AUTHORITY PLAN, REDUCED BY THE ASSESSED VALUE OF PROPERTY TAKEN OFF THE ROLL AND INCREASED BY THE ASSESSED VALUE OF PROPERTY ADDED TO THE ROLL AFTER THE DATE OF THE ROLL.

4. "BASE TRANSACTION PRIVILEGE TAX" MEANS THE AMOUNT OF MUNICIPAL TRANSACTION PRIVILEGE TAX COLLECTED BY THE MUNICIPALITY IN WHICH THE AUTHORITY IS LOCATED FOR THE FISCAL YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR IN WHICH THE CITY OR TOWN ADOPTS OR MODIFIES A REVENUE ALLOCATION AUTHORITY PLAN.

5. "BOARD OF DIRECTORS" OR "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.

1           6. "CLERK" MEANS THE OFFICIAL WHO PERFORMS THE DUTIES OF CLERK OF THE  
2 CITY OR TOWN OR ANY PERSON APPOINTED BY THE BOARD OF DIRECTORS TO BE THE  
3 CLERK OF THE AUTHORITY.

4           7. "DEBT SERVICE" MEANS THE PRINCIPAL OF, INTEREST ON AND PREMIUM, IF  
5 ANY, ON BONDS WHEN DUE, WHETHER AT MATURITY OR ON 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           8. "GOVERNING BODY" MEANS THE LEGISLATIVE BODY OF THE CITY OR TOWN IN  
9 WHICH THE AUTHORITY IS ESTABLISHED.

10          9. "INCREMENT VALUE" MEANS THE TOTAL ASSESSED VALUE CALCULATED BY  
11 ADDING THE DIFFERENCES BETWEEN THE CURRENT ASSESSED VALUE OF THE TAXABLE  
12 PROPERTY IN THE AUTHORITY AND THAT PROPERTY'S ASSESSED VALUE ON THE BASE  
13 ROLL, IF THE DIFFERENCE IS A POSITIVE VALUE.

14          10. "OWNER" MEANS THE PERSON WHO, ON THE DAY THE ACTION, ELECTION OR  
15 PROCEEDING IS BEGUN OR HELD, APPEARS TO BE THE OWNER OF REAL PROPERTY AS  
16 SHOWN ON THE PROPERTY TAX ASSESSMENT ROLL.

17          11. "PROJECT" MEANS A PROJECT UNDERTAKEN BY AN AUTHORITY FOR ECONOMIC  
18 DEVELOPMENT, FOR REDUCING THE LOSS OF COMMERCE, INDUSTRY OR EMPLOYMENT, FOR  
19 INCREASING EMPLOYMENT OR FOR ANY COMBINATION PURSUANT TO A REVENUE ALLOCATION  
20 AUTHORITY FINANCING PLAN. PROJECTS ARE LIMITED TO:

21           (a) THE ACQUISITION OF LAND AND IMPROVEMENTS IN THE AUTHORITY.

22           (b) THE DEVELOPMENT, REDEVELOPMENT OR CONSERVATION OF LAND FOR PUBLIC  
23 FACILITIES OR INDUSTRIAL OR COMMERCIAL DEVELOPMENT.

24           (c) FINANCIAL OR OTHER RELOCATION ASSISTANCE FOR PROPERTY OWNERS  
25 DISPLACED AS A RESULT OF CARRYING OUT THE DEVELOPMENT OR REDEVELOPMENT OF A  
26 PROJECT AND OTHER IMPROVEMENTS NECESSARY FOR CARRYING OUT THE PROJECT PLAN,  
27 TOGETHER WITH SITE IMPROVEMENTS THAT ARE NECESSARY FOR THE PREPARATION OF ANY  
28 SITES AND MAKING ANY LAND OR IMPROVEMENTS ACQUIRED IN THE PROJECT AVAILABLE,  
29 FOR OTHER USES UNDER THE REVENUE ALLOCATION AUTHORITY PLAN.

30           (d) THE CONSTRUCTION OF CAPITAL IMPROVEMENTS IN AN AUTHORITY DESIGNED  
31 TO INCREASE OR ENHANCE THE DEVELOPMENT OF COMMERCE OR INDUSTRY.

32           (e) THE REFINANCING OF ANY PROJECT IN THE AUTHORITY.

1 (f) ANY OTHER PROJECTS THE GOVERNING BODY CONSIDERS APPROPRIATE TO  
2 CARRY OUT THE PURPOSES OF THIS ARTICLE.

3 12. "PROJECT COSTS" INCLUDES:

4 (a) CAPITAL COSTS, INCLUDING THE ACTUAL COSTS OF THE CONSTRUCTION OF  
5 CAPITAL IMPROVEMENTS AND INFRASTRUCTURE, THE DEMOLITION, ALTERATION,  
6 REMODELING, REPAIR OR RECONSTRUCTION OF EXISTING BUILDINGS, STRUCTURES AND  
7 PERMANENT FIXTURES, REGARDLESS OF WHETHER THE IMPROVEMENTS, FACILITIES,  
8 BUILDINGS, STRUCTURES AND FIXTURES ARE PUBLICALLY OR PRIVATELY OWNED, THE  
9 ACQUISITION OF EQUIPMENT AND THE CLEARING AND GRADING OF LAND.

10 (b) FINANCING COSTS, INCLUDING INTEREST DURING CONSTRUCTION AND  
11 CAPITALIZED DEBT SERVICE OR REPAIR AND REPLACEMENT OR OTHER APPROPRIATE  
12 RESERVES.

13 (c) REAL PROPERTY ASSEMBLY COSTS, AS ANY DEFICIT INCURRED FROM THE  
14 SALE OR LEASE BY THE MUNICIPALITY OF REAL OR PERSONAL PROPERTY WITHIN THE  
15 AUTHORITY.

16 (d) PROFESSIONAL SERVICE COSTS, INCLUDING COSTS INCURRED FOR  
17 ARCHITECTURAL, PLANNING, ENGINEERING AND LEGAL ADVICE AND SERVICES.

18 (e) DIRECT ADMINISTRATIVE COSTS, INCLUDING REASONABLE CHARGES FOR THE  
19 TIME SPENT BY MUNICIPAL EMPLOYEES IN CONNECTION WITH THE IMPLEMENTATION OF A  
20 PROJECT PLAN.

21 (f) RELOCATION COSTS.

22 (g) OTHER RELATED COSTS INCIDENTAL TO ANY OF THE LISTED COSTS.

23 13. "RELATED COSTS" MEANS COSTS AND EXPENSES, EXCLUSIVE OF THE ACTUAL  
24 COST OF CONSTRUCTING AND FINANCING IMPROVEMENTS THAT ARE RELATED TO  
25 ESTABLISHING THE AUTHORITY AND REIMBURSEMENT OF SUMS ADVANCED BY THE  
26 MUNICIPALITY FOR CONSTRUCTING AND FINANCING IMPROVEMENTS, EXPENDED FOR  
27 ATTAINING THE PURPOSES AND GOALS FOR WHICH THE AUTHORITY WAS CREATED.

28 14. "REVENUE ALLOCATION AUTHORITY PLAN" OR "PLAN" MEANS A PLAN ADOPTED  
29 BY A CITY OR TOWN PURSUANT TO SECTION 9-1003, AS IT CURRENTLY EXISTS,  
30 INCLUDING ANY METHOD OR METHODS OF FINANCING THE PLAN.

1           15. "REVENUE BONDS" MEANS BONDS THAT ARE ISSUED PURSUANT TO ARTICLE 2  
2 OF THIS CHAPTER AND THAT ARE SECURED BY A PLEDGE OF REVENUES OF THE AUTHORITY  
3 OR REVENUES COLLECTED BY THE CITY OR TOWN AND PAID TO THE DISTRICT.

4           16. "TAX" OR "TAXES" MEANS ALL PROPERTY TAX LEVIES BY ALL TAXING  
5 JURISDICTIONS ON TAXABLE PROPERTY.

6           17. "TAXABLE PROPERTY" MEANS TAXABLE REAL PROPERTY, IMPROVEMENTS AND  
7 PERSONAL PROPERTY INCLUDED ON THE ASSESSMENT ROLL.

8           18. "TREASURER" MEANS THE PERSON OR OFFICIAL WHO PERFORMS THE DUTIES OF  
9 TREASURER OF THE MUNICIPALITY OR ANY PERSON APPOINTED BY THE AUTHORITY BOARD  
10 AS THE AUTHORITY TREASURER.

11           9-1002. Formation of authority; board; change in boundaries

12           A. IF THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE, AND ON  
13 PRESENTATION OF A PETITION SIGNED BY THE OWNERS OF AT LEAST FIFTY-ONE PER  
14 CENT OF THE LAND AREA PROPOSED TO BE INCLUDED IN THE AUTHORITY, THE GOVERNING  
15 BODY OF A CITY OR TOWN MAY ADOPT A RESOLUTION DECLARING ITS INTENTION TO FORM  
16 A REVENUE ALLOCATION AUTHORITY TO INCLUDE CONTIGUOUS PROPERTY. THE  
17 RESOLUTION SHALL STATE THE FOLLOWING:

18           1. THE AREA TO BE INCLUDED IN THE AUTHORITY.  
19           2. THE PURPOSES FOR WHICH THE AUTHORITY IS TO BE FORMED.  
20           3. THAT THE REVENUE ALLOCATION AUTHORITY PLAN IS ON FILE WITH THE  
21 CLERK.

22           4. THE DATE, TIME AND PLACE OF THE HEARING TO BE HELD ON THE FORMATION  
23 OF THE AUTHORITY.

24           5. THE PLACE WHERE WRITTEN OBJECTIONS TO THE FORMATION OF THE  
25 AUTHORITY MAY BE FILED.

26           6. THAT FORMATION OF THE AUTHORITY MAY RESULT IN A REVENUE ALLOCATION  
27 FINANCING PROVISION THAT WILL CAUSE PROPERTY TAXES RESULTING FROM ANY  
28 INCREASES IN EQUALIZED ASSESSED VALUATION IN EXCESS OF THE EQUALIZED ASSESSED  
29 VALUATION AS SHOWN ON THE BASE ROLL TO BE ALLOCATED TO THE REVENUE ALLOCATION  
30 AUTHORITY, AND THAT AN AGREEMENT ON ADMINISTRATION OF A REVENUE ALLOCATION  
31 FINANCING PROVISION HAS BEEN NEGOTIATED WITH THE CITY OR TOWN FORMING THE  
32 AUTHORITY.

7. THAT THE FORMATION OF THE AUTHORITY IS CONSISTENT WITH THE GROWTH AREA, COST OF DEVELOPMENT, CONSERVATION, REHABILITATION AND REDEVELOPMENT AND THE NEIGHBORHOOD AND REVITALIZATION ELEMENTS OF THE GENERAL PLAN OF THE CITY OR TOWN.

8. A REFERENCE TO THIS ARTICLE.

9. THAT THE AUTHORITY WILL BE GOVERNED BY DIRECTORS APPOINTED BY THE GOVERNING BODY OR THAT THE GOVERNING BODY OF THE CITY OR TOWN WILL SERVE AS THE GOVERNING BODY OF THE AUTHORITY.

B. THE AUTHORITY SHALL BE GOVERNED BY A BOARD OF DIRECTORS APPOINTED BY THE GOVERNING BODY OF THE CITY OR TOWN CONSISTING OF FIVE PERSONS NAMED BY THE GOVERNING BODY, OR THE GOVERNING BODY MAY ELECT TO ACT AS THE BOARD OF DIRECTORS. THE ORGANIZATION OF THE BOARD OF DIRECTORS SHALL BE INCLUDED IN THE RESOLUTION OF INTENT TO FORM THE DISTRICT.

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

TO WHOM IT MAY CONCERN:

THE GOVERNING BODY OF THE CITY OR TOWN OF \_\_\_\_\_, ON  
\_\_\_\_\_(DATE)\_\_\_\_\_, ADOPTED THE ATTACHED RESOLUTION DECLARING THE  
INTENTION TO FORM A REVENUE ALLOCATION AUTHORITY. A HEARING ON  
FORMATION WILL BE HELD ON \_\_\_\_\_(DATE)\_\_\_\_\_, AT \_\_\_\_\_(TIME)\_\_\_\_\_ AT  
\_\_\_\_\_(LOCATION)\_\_\_\_\_. ALL PERSONS OWNING OR CLAIMING AN INTEREST IN  
PROPERTY IN THE PROPOSED DISTRICT WHO OBJECT TO THE INCLUSION OF  
THEIR LAND IN THE DISTRICT, WHO OBJECT TO THE FORMATION OF THE  
DISTRICT OR WHO OBJECT TO THE CONTENTS OF THE REVENUE ALLOCATION  
AUTHORITY PLAN MUST FILE A WRITTEN OBJECTION WITH THE UNDERSIGNED  
AT THE FOLLOWING ADDRESS BEFORE THE TIME SET FOR THE HEARING.

(DATE) \_\_\_\_\_

CLERK

(ADDRESS)

(NAME OF MUNICIPALITY)\_\_\_\_\_

1           D. A COPY OF THE RESOLUTION DECLARING THE GOVERNING BODY'S INTENTION  
2 TO FORM THE AUTHORITY SHALL BE ATTACHED TO THE NOTICE, AND THE CLERK SHALL  
3 CAUSE A COPY TO BE MAILED TO THE OWNERS OF REAL PROPERTY IN THE AUTHORITY AS  
4 SHOWN ON THE MOST RECENT ASSESSMENT ROLL AND TO ALL OTHER PERSONS CLAIMING AN  
5 INTEREST IN SUCH PROPERTY WHO HAVE FILED A WRITTEN REQUEST FOR A COPY OF THE  
6 NOTICE WITHIN THE SIX MONTHS BEFORE OR AT ANY TIME FOLLOWING THE ADOPTION OF  
7 THE RESOLUTION OF INTENT TO FORM THE AUTHORITY. THE CLERK SHALL ALSO PUBLISH  
8 A COPY OF THE NOTICE AND RESOLUTION AT LEAST ONCE IN THE OFFICIAL NEWSPAPER  
9 OF THE CITY OR TOWN, IF THERE IS ONE, OR, IF THERE IS NO OFFICIAL NEWSPAPER,  
10 IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE CITY OR TOWN  
11 IS LOCATED. THE MAILING AND PUBLICATION MUST BE COMPLETED AT LEAST TWENTY  
12 DAYS BEFORE THE DATE SET FOR HEARING. THE CLERK SHALL EXECUTE AN AFFIDAVIT  
13 OF MAILING STATING THE DATE OF MAILING AND THE NAMES AND ADDRESSES OF THE  
14 PERSONS TO WHOM THE NOTICES AND COPIES OF THE RESOLUTIONS WERE MAILED. THE  
15 CLERK SHALL OBTAIN AN AFFIDAVIT FROM THE NEWSPAPER IN WHICH THE PUBLICATION  
16 WAS MADE. THE CLERK SHALL CAUSE BOTH AFFIDAVITS TO BE PLACED IN THE OFFICIAL  
17 RECORDS OF THE CITY OR TOWN. THE AFFIDAVITS ARE CONCLUSIVE EVIDENCE OF THE  
18 MAILING AND PUBLISHING OF NOTICE. NOTICE SHALL NOT BE HELD INVALID FOR  
19 FAILURE OF DELIVERY TO THE ADDRESSEE. IF THE CLERK DETERMINES THAT THE  
20 PERSON LISTED ON THE ASSESSMENT ROLL IS NO LONGER THE OWNER AND THE NAME AND  
21 ADDRESS OF THE SUCCESSOR OWNER BECOME KNOWN, THE CLERK SHALL CAUSE A COPY OF  
22 THE NOTICE AND RESOLUTION TO BE MAILED TO THE SUCCESSOR OWNER AS SOON AS  
23 PRACTICABLE AFTER LEARNING OF THE CHANGE OF OWNERSHIP.

24           E. ANY OWNER OF TAXABLE PROPERTY IN THE PROPOSED AUTHORITY MAY FILE A  
25 WRITTEN OBJECTION WITH THE CLERK BEFORE 5:00 P.M. ON THE BUSINESS DAY  
26 PRECEDING THE DATE SET FOR THE HEARING. THE OBJECTION MAY RAISE EITHER OR  
27 BOTH OF THE FOLLOWING:

28           1. THAT THE OBJECTOR'S PROPERTY WOULD NOT BE BENEFITED FROM THE  
29 IMPROVEMENTS LISTED IN THE REVENUE ALLOCATION AUTHORITY PLAN AND THAT THE  
30 PROPERTY SHOULD BE EXCLUDED FROM THE AUTHORITY.

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

1           3. THAT THE REVENUE ALLOCATION AUTHORITY PLAN SHOULD BE MODIFIED,  
2           STATING THE REASONS FOR MODIFICATION.

3           F. AT THE HEARING, INCLUDING ANY ADJOURNMENTS OR CONTINUANCES, THE  
4           GOVERNING BODY SHALL HEAR AND PASS ONLY ON THE WRITTEN OBJECTIONS AND THE  
5           TESTIMONY AND EVIDENCE PRESENTED IN SUPPORT OF OR OPPOSITION TO THE  
6           OBJECTIONS.

7           G. TESTIMONY AT THE HEARING NEED NOT BE UNDER OATH, UNLESS REQUESTED  
8           BY A PROPERTY OWNER OR REQUIRED BY THE GOVERNING BOARD. REQUESTS BY PROPERTY  
9           OWNERS MUST BE MADE IN WRITING AND BE FILED WITH OR SERVED ON THE CLERK  
10          BEFORE THE HEARING BEGINS OR THE REQUEST IS CONSIDERED TO BE WAIVED.

11          H. THE MINUTES OR A COPY OF A WRITTEN TRANSCRIPT OR A TAPE RECORDING  
12          OF THE PROCEEDINGS OF A HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE  
13          OPEN TO PUBLIC INSPECTION THREE WORKING DAYS AFTER THE HEARING. ANY PERSON  
14          MAY REQUEST TO EXAMINE OR BE FURNISHED COPIES, PRINTOUTS, PHOTOGRAPHS,  
15          TRANSCRIPTS OR RECORDINGS OF A HEARING DURING REGULAR OFFICE HOURS OF THE  
16          GOVERNING BODY. THE CUSTODIAN OF THE RECORDS SHALL FURNISH THE MATERIALS AND  
17          MAY CHARGE A REASONABLE FEE THAT DOES NOT EXCEED THE ACTUAL COST OF  
18          REPRODUCING THE ITEM REQUESTED.

19          I. AFTER THE HEARING, THE GOVERNING BODY MAY ADOPT A RESOLUTION  
20          ORDERING THE FORMATION OF THE AUTHORITY, DELETING ANY PROPERTY DETERMINED NOT  
21          TO BE NECESSARY OR MODIFYING THE REVENUE ALLOCATION AUTHORITY PLAN AND THEN  
22          ORDERING THE FORMATION OF THE AUTHORITY OR DETERMINING THAT THE AUTHORITY NOT  
23          BE FORMED. A RESOLUTION ORDERING FORMATION OF THE AUTHORITY SHALL STATE THE  
24          NAMES AND TERMS OF OFFICE OF THE INITIAL DIRECTORS OR, IF THE GOVERNING BODY  
25          ELECTS TO SERVE AS THE GOVERNING BODY OF THE DISTRICT, THAT DETERMINATION  
26          SHALL BE INCLUDED IN THE ORDER OF FORMATION.

27          J. IF THE FORMATION OF THE AUTHORITY IS APPROVED, THE GOVERNING BODY  
28          SHALL ORDER THE FORMATION, APPOINT THE INITIAL BOARD OF DIRECTORS, SET THE  
29          BOUNDARIES OF THE AUTHORITY AND ORDER THAT A MAP SHOWING THE BOUNDARIES BE  
30          DRAWN AND A COPY OF THE ORDER FORMING THE AUTHORITY BE DELIVERED TO THE BOARD  
31          OF SUPERVISORS OF THE COUNTY IN WHICH THE AUTHORITY IS LOCATED AND TO THE  
32          DEPARTMENT OF REVENUE. THE AUTHORITY MUST BE LOCATED ENTIRELY WITHIN THE

1 EXTERIOR BOUNDARIES OF THE CITY OR TOWN AND MAY INCLUDE NONCONTIGUOUS  
2 AREAS. A NOTICE OF THE FORMATION SHOWING THE NUMBER AND DATE OF THE ORDER  
3 AND GIVING A DESCRIPTION OF THE LAND INCLUDED IN THE AUTHORITY SHALL BE  
4 RECORDED WITH THE COUNTY RECORDER.

5 K. AN AREA MAY BE DELETED FROM THE AUTHORITY OR AN AREA CONTIGUOUS TO  
6 THE EXISTING AUTHORITY ADDED TO THE AUTHORITY FOLLOWING THE SAME PROCEDURE  
7 PRESCRIBED BY THIS SECTION FOR THE FORMATION OF THE AUTHORITY AND ADOPTION OF  
8 A RESOLUTION BY THE GOVERNING BODY OF THE CITY OR TOWN. THE CITY OR TOWN  
9 SHALL IMMEDIATELY NOTIFY THE DEPARTMENT OF REVENUE OF ANY DELETIONS FROM AND  
10 ADDITIONS TO THE AUTHORITY OCCURRING UNDER THIS SUBSECTION.

11 L. ON ITS FORMATION, THE AUTHORITY IS A CORPORATE AND POLITICAL BODY  
12 AND, EXCEPT AS OTHERWISE LIMITED, MODIFIED OR PROVIDED BY THIS CHAPTER, HAS  
13 ALL OF THE RIGHTS, POWERS AND IMMUNITIES OF MUNICIPAL CORPORATIONS, INCLUDING  
14 AS PROVIDED BY TITLE 35, CHAPTER 3, ARTICLES 3, 3.1, 3.2, 4 AND 5. EXCEPT AS  
15 OTHERWISE PROVIDED IN THIS CHAPTER, AN AUTHORITY IS CONSIDERED TO BE A  
16 MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THIS STATE, SEPARATE AND  
17 APART FROM THE CITY OR TOWN.

18 M. THE FORMATION OF A REVENUE ALLOCATION AUTHORITY, THE ADOPTION OF A  
19 REVENUE ALLOCATION PLAN, THE ISSUING OF REVENUE BONDS AND THE IMPOSITION OF  
20 USE CHARGES PURSUANT TO THIS CHAPTER ARE DECLARED TO BE A PUBLIC BENEFIT.

21 N. THE AUTHORITY HAS PERPETUAL SUCCESSION.

22 9-1003. Revenue allocation authority plan

23 A. BEFORE ADOPTING A RESOLUTION TO ESTABLISH AN AUTHORITY PURSUANT TO  
24 SECTION 9-1002, THE CITY OR TOWN MUST ADOPT A REVENUE ALLOCATION AUTHORITY  
25 PLAN, FILED WITH THE CLERK, PROVIDING A GENERAL DESCRIPTION OF THE OPERATION  
26 AND FINANCING OF THE AUTHORITY, THE CAPITAL IMPROVEMENTS AND OTHER PROJECTS  
27 FOR WHICH THE AUTHORITY IS PROPOSED TO BE FORMED AND THE GEOGRAPHICAL  
28 LOCATION AND BOUNDARIES OF THE AUTHORITY.

29 B. THE CLERK SHALL POST NOTICE OF THE FILING OF THE PLAN IN THE  
30 LOCATIONS DESIGNATED BY THE CITY OR TOWN FOR POSTING OF OFFICIAL NOTICES AND  
31 AGENDAS. THE GOVERNING BODY SHALL HOLD A PUBLIC HEARING ON THE PLAN.

1 C. ANY SUBSEQUENT MODIFICATION OF THE PLAN MUST BE FILED, NOTICED AND  
2 BE SUBJECT TO A PUBLIC HEARING IN THE SAME MANNER AS THE ADOPTION OF THE  
3 ORIGINAL PLAN.

4 9-1004. Powers

5 IN ADDITION TO THE POWERS OTHERWISE GRANTED TO AN AUTHORITY PURSUANT TO  
6 THIS CHAPTER, TO FURTHER THE REVENUE ALLOCATION AUTHORITY PLAN, THE AUTHORITY  
7 MAY:

8 1. ENTER INTO CONTRACTS AND SPEND MONIES FOR ANY PROJECT PURPOSE WITH  
9 RESPECT TO THE AUTHORITY.

10 2. ENTER INTO INTERGOVERNMENTAL AGREEMENTS PURSUANT TO TITLE 11,  
11 CHAPTER 7, ARTICLE 3 FOR PLANNING, DESIGNING, INSPECTING, OWNING,  
12 CONTROLLING, MAINTAINING, OPERATING AND REPAIRING PROJECTS IN THE AUTHORITY.

13 3. SELL, LEASE OR OTHERWISE DISPOSE OF PROPERTY IF THE SALE, LEASE OR  
14 CONVEYANCE IS NOT A VIOLATION OF THE TERMS OF ANY CONTRACT OR BOND RESOLUTION  
15 OF THE AUTHORITY.

16 4. REIMBURSE THE CITY OR TOWN FOR PROVIDING SERVICES TO THE AUTHORITY.

17 5. PLAN, DESIGN, INSPECT, OWN, CONTROL, MAINTAIN, OPERATE AND REPAIR  
18 PROJECTS.

19 6. ESTABLISH, CHARGE AND COLLECT USER FEES, RATES OR CHARGES FOR THE  
20 USE OF ANY PROJECT IN THE AUTHORITY.

21 7. EMPLOY STAFF, COUNSEL AND CONSULTANTS.

22 8. ACCEPT GIFTS OR GRANTS AND INCUR AND REPAY LOANS FOR ANY PROJECT  
23 PURPOSE.

24 9. ENTER INTO AGREEMENTS WITH THE CITY OR TOWN FOR THE ALLOCATION OF  
25 THE TAX ON INCREMENT VALUE OF PROPERTY IN THE AUTHORITY.

26 10. BY RESOLUTION, PLEDGE AN ALLOCATION OF INCREMENT VALUE TO FINANCE  
27 THE COSTS OF ANY PROJECT IN THE AUTHORITY.

28 11. PAY THE FINANCIAL, LEGAL AND ADMINISTRATIVE COSTS OF THE AUTHORITY.

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

1           13. WITH THE CONSENT OF THE GOVERNING BODY OF THE CITY OR TOWN THAT  
2 FORMED THE AUTHORITY:

3           (a) ENTER INTO AGREEMENTS WITH PERSONS OUTSIDE OF THE AUTHORITY TO  
4 PROVIDE SERVICES TO PERSONS AND PROPERTY OUTSIDE OF THE AUTHORITY.

5           (b) USE PUBLIC EASEMENTS AND RIGHTS-OF-WAY IN OR ACROSS PUBLIC  
6 PROPERTY, ROADWAYS, HIGHWAYS, STREETS OR OTHER THOROUGHFARES AND OTHER PUBLIC  
7 EASEMENTS AND RIGHTS-OF-WAY, WHETHER IN OR OUT OF THE GEOGRAPHICAL LIMITS OF  
8 THE AUTHORITY OR THE CITY OR TOWN.

9           14. ADOPT AND CHANGE A SEAL.

10          15. SUE AND BE SUED.

11          16. ENTER INTO DEVELOPMENT AGREEMENTS, AS DEFINED IN SECTION 9-500.05  
12 TO CARRY OUT THE POWERS AND DUTIES OF THE AUTHORITY AS SET FORTH IN THIS  
13 CHAPTER.

14          17. ADMINISTER, IN A REASONABLE MANNER, THE IMPLEMENTATION OF THE  
15 REVENUE ALLOCATION AUTHORITY PLAN.

16          9-1005. Records: open meetings

17          A. THE AUTHORITY SHALL KEEP THE FOLLOWING RECORDS, WHICH SHALL BE OPEN  
18 TO PUBLIC INSPECTION:

19           1. MINUTES OF ALL MEETINGS OF THE BOARD OF DIRECTORS.

20           2. ALL RESOLUTIONS.

21           3. ACCOUNTS SHOWING ALL MONIES RECEIVED AND DISBURSED.

22           4. THE ANNUAL BUDGET.

23           5. ALL OTHER RECORDS REQUIRED TO BE MAINTAINED BY LAW.

24          B. IF BOARD OF DIRECTORS IS APPOINTED BY THE GOVERNING BODY OF THE  
25 CITY OR TOWN, EACH DIRECTOR SHALL SERVE FOR A TERM OF SIX YEARS, EXCEPT THAT  
26 TWO DIRECTORS INITIALLY APPOINTED BY THE GOVERNING BODY, SELECTED BY LOT,  
27 SHALL SERVE FOR A TERM OF FOUR YEARS. ON THE EXPIRATION OF THE TERM OF AN  
28 APPOINTED DIRECTOR, THE GOVERNING BODY SHALL APPOINT A PERSON TO FILL THE  
29 POSITION. IF A VACANCY OCCURS BECAUSE OF DEATH, RESIGNATION OR INABILITY OF  
30 THE DIRECTOR TO DISCHARGE THE DUTIES OF DIRECTOR, THE VACANCY SHALL BE FILLED  
31 BY INTERIM APPOINTMENT MADE BY THE GOVERNING BODY FOR THE REMAINDER OF THE  
32 UNEXPIRED TERM UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED. AN APPOINTED

1 DIRECTOR SHALL NOT BE AN ELECTED OFFICIAL OF THE CITY OR TOWN, UNLESS THE  
2 GOVERNING BODY OF THE CITY OR TOWN SERVES AS THE BOARD OF DIRECTORS OF THE  
3 AUTHORITY.

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

6 D. THE CLERK AND TREASURER OF THE AUTHORITY SHALL BE THE CLERK AND THE  
7 FINANCE DIRECTOR OF THE CITY OR TOWN, RESPECTIVELY, UNLESS THE BOARD OF  
8 DIRECTORS APPOINTS A SEPARATE CLERK AND TREASURER OF THE AUTHORITY. THE  
9 GOVERNING BODY OF THE CITY OR TOWN MAY DESIGNATE ITS MUNICIPAL MANAGER AND  
10 MUNICIPAL ATTORNEY TO SERVE AS THE MANAGER AND COUNSEL OF THE AUTHORITY.

11 9-1006. Dissolution of authority

12 A. AN AUTHORITY MAY BE DISSOLVED BY THE BOARD OF DIRECTORS BY A  
13 RESOLUTION OF THE BOARD IF THE FOLLOWING CONDITIONS EXIST:

14 1. ALL OF THE PROPERTY OWNED BY THE DISTRICT HAS BEEN OR WILL BE  
15 CONVEYED TO A CITY OR TOWN.

16 2. EITHER THE AUTHORITY HAS NO OBLIGATIONS OR THE CITY OR TOWN HAS  
17 ASSUMED ALL OF THE OBLIGATIONS OF THE AUTHORITY.

18 B. THE BOARD OF DIRECTORS SHALL COMPLY WITH THE CONDITIONS PRESCRIBED  
19 BY SUBSECTION A AND SHALL DISSOLVE THE AUTHORITY IF BOTH OF THE FOLLOWING  
20 OCCUR:

21 1. THE BOARD OF DIRECTORS HAS CONSENTED TO COMPLY WITH THE CONDITIONS  
22 PRESCRIBED BY SUBSECTION A AND DETERMINES THAT THE AUTHORITY HAS BEEN  
23 INACTIVE FOR AT LEAST FIVE CONSECUTIVE YEARS AND HAS NO FUTURE PURPOSE.

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

26 C. THE AUTHORITY MAY NOT BE DISSOLVED IF ANY REVENUE BONDS OF THE  
27 AUTHORITY REMAIN OUTSTANDING UNLESS AN AMOUNT OF MONEY SUFFICIENT, TOGETHER  
28 WITH INVESTMENT INCOME, TO MAKE ALL PAYMENTS DUE ON THE REVENUE BONDS EITHER  
29 AT MATURITY OR PRIOR REDEMPTION HAS BEEN DEPOSITED WITH A TRUSTEE OR ESCROW  
30 AGENT AND PLEDGED TO THE PAYMENT AND REDEMPTION OF THE BONDS. THE AUTHORITY  
31 MAY CONTINUE TO OPERATE AFTER DISSOLUTION ONLY AS NEEDED TO COLLECT MONEY AND  
32 MAKE PAYMENTS ON ANY OUTSTANDING BONDS.

ARTICLE 2. FINANCIAL PROVISIONS AND BONDING

9-1031. Financing projects: sources of revenue: general fund

A. THE PROJECTS TO BE CONSTRUCTED OR ACQUIRED PURSUANT TO THE REVENUE ALLOCATION AUTHORITY PLAN MAY BE FINANCED FROM ONE OR MORE OF THE FOLLOWING REVENUE SOURCES:

1. PROCEEDS FROM THE SALE OF REVENUE BONDS OF THE AUTHORITY.

2. TAX REVENUES FROM THE INCREMENT VALUE OF TAXABLE REAL AND PERSONAL PROPERTY ALLOCATED BY THE CITY OR TOWN TO THE AUTHORITY ACCORDING TO THE REVENUE ALLOCATION AUTHORITY PLAN.

3. INCREMENTAL INCREASES IN TRANSACTION PRIVILEGE TAX REVENUE ACCORDING TO THE REVENUE ALLOCATION AUTHORITY PLAN.

4. STATE, FEDERAL AND PRIVATE GRANTS AND CONTRIBUTIONS.

5. ANY OTHER MONIES LAWFULLY AVAILABLE TO THE AUTHORITY.

B. ALL MONIES RECEIVED BY THE AUTHORITY PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE DEPOSITED AND HELD IN A GENERAL FUND OF THE AUTHORITY. THE BOARD OF DIRECTORS MAY SEGREGATE THE GENERAL FUND INTO SEPARATE AND EXCLUSIVE ACCOUNTS AND SUBACCOUNTS AS NECESSARY TO ACCOMMODATE THE FINANCIAL REQUIREMENTS OF THE AUTHORITY.

C. THE AUTHORITY HAS NO POWER TO LEVY ITS OWN TAXES.

D. THE AUTHORITY MAY ESTABLISH, CHARGE AND COLLECT USER FEES, RATES OR CHARGES FOR THE USE OF ANY PROJECT IN THE AUTHORITY AS PROVIDED BY SECTION 9-1004, PARAGRAPH 6.

E. THE AUTHORITY SHALL NOT INCUR ANY PLEDGE OF REVENUES AS A GENERAL OBLIGATION OF THE AUTHORITY. THE AUTHORITY SHALL NOT PLEDGE REVENUES OTHER THAN THE INCREMENT OF TRANSACTION PRIVILEGE TAXES IMPOSED BY THE CITY OR TOWN FORMING THE AUTHORITY.

9-1032. Statements and estimates of expenses: annual budget

A. THE BOARD SHALL MAKE ANNUAL STATEMENTS AND ESTIMATES OF THE OPERATION AND MAINTENANCE EXPENSES OF THE AUTHORITY, THE COSTS OF PROJECTS TO BE FINANCED AND THE AMOUNT OF ALL OTHER PROPOSED EXPENDITURES TO BE PAID FROM THE INCREMENT OF TRANSACTION PRIVILEGE TAXES IMPOSED BY THE CITY OR TOWN FORMING THE AUTHORITY. THE STATEMENTS AND ESTIMATES SHALL INCLUDE THE AMOUNT

1 OF ALL OTHER PROPOSED EXPENDITURES FOR MAINTENANCE AND OPERATION OF THE  
2 AUTHORITY TO BE PAID FROM OTHER SOURCES OF REVENUE. THE BOARD SHALL FILE THE  
3 ANNUAL STATEMENTS AND ESTIMATES WITH THE CLERK, PUBLISH A NOTICE OF THE  
4 FILING OF THE ESTIMATE AND HOLD HEARINGS ON THE PORTIONS OF THE ESTIMATE NOT  
5 RELATING TO DEBT SERVICE ON BONDS.

6 B. ON OR BEFORE JULY 1 OF EACH YEAR, THE AUTHORITY TREASURER SHALL  
7 PREPARE A PROPOSED BUDGET OF TENTATIVE EXPENDITURES AND REVENUES FOR THE  
8 ENSUING FISCAL YEAR TO BE SUBMITTED TO THE DISTRICT BOARD FOR APPROVAL.

9 C. THE BOARD SHALL HOLD A PUBLIC HEARING ON THE PROPOSED BUDGET. THE  
10 GOVERNING BODY OF THE PARTICIPATING CITY OR TOWN MAY REVIEW THE PROPOSED  
11 ANNUAL BUDGET AND MAY SUBMIT WRITTEN COMMENTS TO THE BOARD FOR ITS ASSISTANCE  
12 AND INFORMATION. THE BOARD SHALL THEN DIRECT THAT THE PROPOSED ANNUAL BUDGET  
13 BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE DISTRICT.

14 D. AT LEAST FOURTEEN DAYS AFTER THE HEARING, BUT NO LATER THAN OCTOBER  
15 1, THE BOARD MUST ADOPT THE FINAL BUDGET FOR THE FISCAL YEAR. THE ADOPTED  
16 BUDGET MAY NOT EXCEED THE PROPOSED BUDGET OF TENTATIVE REVENUES AND  
17 EXPENDITURES.

18 9-1033. Revenue bonds

19 A. AT ANY TIME AFTER THE AUTHORITY IS ORGANIZED, THE BOARD OF  
20 DIRECTORS MAY HOLD A HEARING ON THE QUESTION OF AUTHORIZING THE ISSUANCE OF  
21 REVENUE BONDS OF THE AUTHORITY TO PROVIDE MONIES FOR ANY PROJECT CONSISTENT  
22 WITH THE REVENUE ALLOCATION AUTHORITY PLAN.

23 B. IF AUTHORIZED BY AN ELECTION HELD PURSUANT TO SECTION 9-1034, THE  
24 BOARD MAY:

25 1. ISSUE AND SELL REVENUE BONDS OF THE AUTHORITY IF APPROVED BY  
26 RESOLUTION OF THE BOARD.

27 2. ENTER INTO AN INTERGOVERNMENTAL AGREEMENT UNDER THIS ARTICLE TO  
28 PERMIT AN INDUSTRIAL DEVELOPMENT AUTHORITY FORMED UNDER TITLE 35, CHAPTER 5  
29 TO ISSUE BONDS FOR A PROJECT IN THE AUTHORITY PLAN AND TO PLEDGE REVENUES OF  
30 THE AUTHORITY FOR REPAYMENT OF THE INDUSTRIAL DEVELOPMENT AUTHORITY BONDS,  
31 THE EXPENSES OF ISSUING THE BONDS AND FUNDING DEBT SERVICE RESERVE ACCOUNTS  
32 AND BOND INSURANCE.

1           3. PLEDGE TO THE PAYMENT OF ITS REVENUE BONDS ANY REVENUES OF THE  
2 AUTHORITY OR REVENUES TO BE COLLECTED BY THE MUNICIPALITY IN TRUST FOR THE  
3 AUTHORITY AND PAID TO THE AUTHORITY.

4           C. THE AUTHORITY SHALL PRESCRIBE, AND REVISE AS NECESSARY, FEES AND  
5 CHARGES TO GENERATE REVENUE SUFFICIENT, TOGETHER WITH ANY MONIES FROM THE  
6 SOURCES DESCRIBED IN SECTION 9-1031, TO PAY WHEN DUE THE PRINCIPAL AND  
7 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 AUTHORITY PURSUANT TO SECTION 9-1032.

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

14           E. THE AUTHORITY OR THE CITY OR TOWN SHALL NOT BE COMPELLED TO  
15 EXERCISE ANY TAXING POWER TO PAY THE BONDS OR THE INTEREST ON THE BONDS.  
16 REVENUE BONDS ISSUED UNDER THIS ARTICLE ARE NOT A DEBT OF THE AUTHORITY, THE  
17 CITY OR TOWN OR THIS STATE, NOR IS THE PAYMENT OF REVENUE BONDS ENFORCEABLE  
18 OUT OF ANY MONIES OTHER THAN THE REVENUE PLEDGED TO THE PAYMENT OF THE BONDS.

19           F. THE AUTHORITY MAY ISSUE AND SELL REFUNDING BONDS TO REFUND ANY  
20 REVENUE BONDS OF THE AUTHORITY.

21           9-1034. Election to approve revenue bonds: acreage voting

22           A. AT ANY TIME AFTER THE HEARING ON FORMATION OF THE AUTHORITY, THE  
23 BOARD OF DIRECTORS, OR, IF BEFORE FORMATION, THE GOVERNING BODY OF THE CITY  
24 OR TOWN, MAY CALL AN ELECTION TO SUBMIT TO THE QUALIFIED ELECTORS OF THE  
25 AUTHORITY AND THE OWNERS OF TAXABLE REAL AND PERSONAL PROPERTY IN THE  
26 AUTHORITY, THE QUESTION OF AUTHORIZING THE MUNICIPALITY TO ALLOCATE A PORTION  
27 OF THE INCREMENT VALUE OF AD VALOREM TAX ON THE TAXABLE REAL AND PERSONAL  
28 PROPERTY IN THE AUTHORITY OR THE ALLOCATION OF THE INCREMENT OF MUNICIPAL  
29 TRANSACTION PRIVILEGE TAX REVENUES ABOVE THE BASE TRANSACTION PRIVILEGE TAX  
30 REVENUES TO FUND THE PROJECT OR PROJECTS DESCRIBED IN THE REVENUE ALLOCATION  
31 AUTHORITY PLAN.

1           B. IF THE AUTHORITY INTENDS TO ISSUE ONE OF MORE SERIES OF REVENUE  
2 BONDS, THE BOARD MAY SUBMIT THE QUESTION OF AUTHORIZING THE ISSUANCE OF ONE  
3 OR MORE SERIES OF REVENUE BONDS FOR PROJECTS CONTAINED IN THE REVENUE  
4 ALLOCATION AUTHORITY PLAN.

5           C. NOTICE OF THE ELECTION SHALL BE GIVEN BY POSTING NOTICES IN THREE  
6 PUBLIC PLACES IN THE AUTHORITY AT LEAST TWENTY DAYS BEFORE THE ELECTION.  
7 NOTICE SHALL ALSO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
8 MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED ONE A WEEK FOR TWO CONSECUTIVE  
9 WEEKS BEFORE THE ELECTION. THE NOTICE SHALL INCLUDE:

10           1. THE PLACE OF HOLDING THE ELECTION.

11           2. THE HOURS DURING THE DAY, AT LEAST SIX, IN WHICH THE POLLS WILL BE  
12 OPENED.

13           3. THAT AN AUTHORITY PLAN IS ON FILE IN THE OFFICE OF THE CLERK OF THE  
14 MUNICIPALITY IN WHICH THE DISTRICT IS LOCATED.

15           D. THE BOARD OF DIRECTORS OR THE GOVERNING BODY OF THE MUNICIPALITY  
16 SHALL DETERMINE THE DATE OF THE ELECTION, THE POLLING PLACES FOR THE ELECTION  
17 AND MAY CONSOLIDATE COUNTY PRECINCTS. EXCEPT AS OTHERWISE PROVIDED, THE  
18 ELECTION SHALL COMPLY WITH THE GENERAL ELECTION LAWS OF THIS STATE.

19           E. EACH OWNER OF TAXABLE REAL AND PERSONAL PROPERTY IN THE AUTHORITY  
20 SHALL HAVE ONE VOTE FOR EACH ONE-FIFTH ACRE, OR LESSER PORTION ROUNDED UPWARD  
21 TO THE NEAREST ONE-FIFTH ACRE, OWNED BY THAT PERSON.

22           F. IF NO PERSON HAS REGISTERED TO VOTE IN THE AUTHORITY WITHIN FIFTY  
23 DAYS IMMEDIATELY PRECEDING ANY SCHEDULED ELECTION DATE, ANY ELECTION REQUIRED  
24 TO BE HELD PURSUANT TO THIS ARTICLE SHALL BE HELD WITH THE VOTE OF THE OWNERS  
25 OF THE LAND.

26           G. THE BALLOT SHALL CONTAIN THE WORDS "DISTRICT, YES" AND "DISTRICT,  
27 NO", AND FOR BONDS "BONDS, YES" AND "BONDS, NO".

28           H. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, IF A PETITION  
29 APPROVING FORMATION OF THE AUTHORITY HAS BEEN SIGNED BY ALL OF THE OWNERS OF  
30 TAXABLE REAL AND PERSONAL PROPERTY IN THE PROPOSED AUTHORITY, THE  
31 MUNICIPALITY MAY WAIVE ANY OR ALL REQUIREMENTS FOR HOLDING AN ELECTION.

1 I. THE CITY OR TOWN GOVERNING BODY SHALL CANVASS RETURNS OF THE  
2 ELECTION WITHIN FOURTEEN DAYS AFTER AN ELECTION.

3 9-1035. Terms of bonds

4 A. THE BOARD OF DIRECTORS SHALL PRESCRIBE THE DENOMINATIONS OF THE  
5 BONDS, THE SIZE OF EACH ISSUE, THE MATURITIES, INTEREST PAYMENT DATES AND  
6 INTEREST RATES, WHETHER FIXED OR VARIABLE. THE BONDS MAY BE SOLD BY  
7 COMPETITIVE BID, INCLUDING AN ONLINE BIDDING PROCESS, OR NEGOTIATED SALE FOR  
8 PUBLIC OR PRIVATE OFFERING AT, BELOW OR ABOVE PAR. IF THE BONDS ARE SOLD  
9 BELOW PAR, THE AGGREGATE AMOUNT OF DISCOUNT AND INTEREST TO BE PAID ON THE  
10 BONDS SHALL NOT EXCEED THE AMOUNT OF INTEREST THAT WOULD HAVE BEEN PAYABLE ON  
11 THOSE BONDS PURSUANT TO THE MATURITY SCHEDULE PRESCRIBED BY THE BOARD AT THE  
12 MAXIMUM RATE SET OUT IN THE BOND RESOLUTION. FOR THE PURPOSES OF THIS  
13 SUBSECTION, "ONLINE BIDDING PROCESS" MEANS A PROCUREMENT PROCESS IN WHICH THE  
14 BOARD RECEIVES BIDS ELECTRONICALLY OVER THE INTERNET IN A REAL-TIME,  
15 COMPETITIVE BIDDING EVENT.

16 B. THE PROCEEDS OF THE SALES SHALL BE DEPOSITED WITH THE AUTHORITY  
17 TREASURER, OR WITH A TRUSTEE OR AGENT DESIGNATED BY THE BOARD OF DIRECTORS,  
18 TO THE CREDIT OF THE AUTHORITY TO BE WITHDRAWN FOR THE PURPOSES PROVIDED BY  
19 THIS CHAPTER. PENDING THAT USE, THE PROCEEDS MAY BE INVESTED AS DETERMINED  
20 BY THE BOARD. THE BOARD MAY PLACE ANY RESTRICTIONS ON INVESTMENT YIELD ON  
21 THE BONDS OR ANY MONIES PLEDGED TO PAY THE BONDS IF NECESSARY TO COMPLY WITH  
22 FEDERAL INCOME TAX LAWS AND REGULATIONS TO GAIN ANY FEDERAL TAX BENEFITS  
23 AVAILABLE WITH RESPECT TO THE BONDS. MONIES SHALL BE INVESTED UNDER THIS  
24 SUBSECTION IN A MANNER THAT AVOIDS ARBITRAGE PENALTIES PRESCRIBED BY FEDERAL  
25 LAW.

26 C. THE BONDS MAY CONTAIN SUCH TERMS, CONDITIONS, COVENANTS AND  
27 AGREEMENTS AS THE BOARD CONSIDERS PROPER. THE BONDS MAY BE PAYABLE FROM ANY  
28 COMBINATION OF SOURCES DESCRIBED IN THIS CHAPTER AND AS SPECIFIED IN THE  
29 BONDS IF ALL APPLICABLE REQUIREMENTS ARE MET.

30 D. BONDS ISSUED UNDER THIS ARTICLE ARE DECLARED TO BE ISSUED FOR AN  
31 ESSENTIAL PUBLIC AND GOVERNMENTAL PURPOSE.

1 E. IF ANY OF THE PUBLIC OFFICIALS WHOSE SIGNATURES APPEAR ON BONDS  
2 ISSUED UNDER THIS ARTICLE NO LONGER HOLD OFFICE WHEN THE BONDS ARE DELIVERED,  
3 THE SIGNATURES REMAIN VALID AND SUFFICIENT FOR ALL PURPOSES.

4 F. BONDS ISSUED UNDER THIS CHAPTER ARE FULLY NEGOTIABLE WITHIN THE  
5 MEANING AND FOR ALL PURPOSES OF THE UNIFORM COMMERCIAL CODE REGARDLESS OF  
6 WHETHER THE BONDS ACTUALLY CONSTITUTE NEGOTIABLE INSTRUMENTS UNDER THE  
7 UNIFORM COMMERCIAL CODE.

8 G. IN ANY LEGAL ACTION OR PROCEEDING INVOLVING THE VALIDITY OR  
9 ENFORCEABILITY OF ANY BOND, OR THE SECURITY OF ANY BOND, ISSUED UNDER THIS  
10 ARTICLE, ANY SUCH BOND RECITING IN SUBSTANCE THAT IT HAS BEEN ISSUED IN  
11 CONNECTION WITH A PROJECT OF THE AUTHORITY IS CONCLUSIVELY DEEMED TO HAVE  
12 BEEN ISSUED FOR THAT PURPOSE AND THE PROJECT IS CONCLUSIVELY DEEMED TO HAVE  
13 BEEN PLANNED, LOCATED AND CARRIED OUT AS PROVIDED BY THIS ARTICLE.

14 H. BONDS ISSUED UNDER THIS ARTICLE:

15 1. ARE GOVERNMENT OBLIGATION SECURITIES SUITABLE FOR INVESTMENT BY:

16 (a) PUBLIC OFFICERS AND BODIES OF THIS STATE AND OF COUNTIES,  
17 MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS OF THIS STATE.

18 (b) INSURANCE COMPANIES, ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN  
19 INSURANCE BUSINESS.

20 (c) FINANCIAL INSTITUTIONS, INVESTMENT COMPANIES AND OTHER PERSONS  
21 CARRYING ON A BANKING BUSINESS.

22 (d) FIDUCIARIES.

23 (e) ALL OTHER PERSONS WHO ARE AUTHORIZED TO INVEST IN GOVERNMENT  
24 OBLIGATIONS.

25 2. ARE SECURITIES THAT MAY BE DEPOSITED WITH PUBLIC OFFICERS OR BODIES  
26 OF THIS STATE AND COUNTIES, MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS  
27 OF THIS STATE FOR PURPOSES THAT REQUIRE THE DEPOSIT OF GOVERNMENT BONDS OR  
28 OBLIGATIONS.

29 I. IT IS THE PURPOSE OF THIS SECTION TO AUTHORIZE ANY PERSONS,  
30 POLITICAL SUBDIVISIONS AND OFFICERS, PUBLIC OR PRIVATE, TO USE ANY FUNDS  
31 OWNED OR CONTROLLED BY THEM FOR THE PURCHASE OF ANY SUCH BONDS OR OTHER  
32 OBLIGATIONS. NOTHING CONTAINED IN THIS SECTION WITH REGARD TO LEGAL

1 INVESTMENTS SHALL BE CONSTRUED AS RELIEVING ANY PERSON OF ANY DUTY OF  
2 EXERCISING REASONABLE CARE IN SELECTING SECURITIES.

3 J. EXCEPT TO THE EXTENT OF MONIES DEPOSITED IN A SPECIAL FUND OR FUNDS  
4 UNDER THIS ARTICLE AND PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF AND  
5 INTEREST ON BONDS OR OTHER OBLIGATIONS, THE AUTHORITY, THE CITY OR TOWN  
6 ESTABLISHING THE AUTHORITY, THIS STATE AND ANY OTHER POLITICAL SUBDIVISION OF  
7 THE STATE ARE NOT LIABLE ON ANY SUCH BONDS OR OBLIGATIONS. THE BONDS AND  
8 OTHER OBLIGATIONS:

9 1. DO NOT GIVE RISE TO ANY GENERAL OBLIGATION OR LIABILITY OF THE  
10 DISTRICT, THE CITY OR TOWN, THIS STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.

11 2. DO NOT GIVE RISE TO A CHARGE AGAINST THEIR GENERAL CREDIT OR TAXING  
12 POWERS.

13 3. ARE NOT PAYABLE OUT OF ANY FUNDS OR PROPERTIES OTHER THAN THE  
14 SPECIAL FUND OR FUNDS PLEDGED BY THE AUTHORITY FOR THAT PURPOSE.

15 4. DO NOT CONSTITUTE AN INDEBTEDNESS OR THE PLEDGING OF FAITH AND  
16 CREDIT WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY DEBT LIMITATION  
17 OR RESTRICTION.

18 K. NO DIRECT OR COLLATERAL ACTION ATTACKING OR OTHERWISE QUESTIONING  
19 THE VALIDITY OF A REVENUE ALLOCATION AUTHORITY, A PROJECT, THE ADOPTION OR  
20 APPROVAL OF A REVENUE ALLOCATION AUTHORITY PLAN, ANY BONDS ISSUED UNDER THIS  
21 ARTICLE OR ANY OF THE FINDINGS OR DETERMINATIONS OF THE GOVERNING BODY OF A  
22 CITY OR TOWN IN CONNECTION WITH THE AUTHORITY, PROJECT, PLAN OR BONDS MAY BE  
23 BROUGHT BEFORE THE EFFECTIVE DATE OF THE RESOLUTION ADOPTING THE REVENUE  
24 ALLOCATION AUTHORITY PLAN. NO DIRECT OR COLLATERAL ACTION ATTACKING OR  
25 OTHERWISE QUESTIONING THE VALIDITY OF BONDS ISSUED PURSUANT TO THIS ARTICLE  
26 MAY BE BROUGHT BEFORE THE EFFECTIVE DATE OF THE RESOLUTION AUTHORIZING THE  
27 BONDS. FOR A PERIOD OF THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE  
28 RESOLUTION AUTHORIZING THE BONDS, ANY PERSON IN INTEREST HAS THE RIGHT TO  
29 CONTEST THE LEGALITY OF THE RESOLUTION OR PROCEEDING OR ANY BONDS THAT MAY BE  
30 AUTHORIZED. NO CONTEST OR PROCEEDING TO QUESTION THE VALIDITY OR LEGALITY OF  
31 ANY RESOLUTION OR PROCEEDING, OR ANY BONDS THAT MAY BE AUTHORIZED, PASSED OR  
32 ADOPTED UNDER THIS ARTICLE MAY BE BROUGHT IN ANY COURT BY ANY PERSON FOR ANY

1 CAUSE AFTER THE EXPIRATION OF THIRTY DAYS AFTER THE EFFECTIVE DATE OF THE  
2 RESOLUTION OR PROCEEDING. AFTER THAT TIME THE VALIDITY, LEGALITY AND  
3 REGULARITY OF THE RESOLUTION OR PROCEEDING OR ANY AUTHORIZED BONDS IS  
4 CONCLUSIVELY PRESUMED.

5 L. THE POWERS CONFERRED BY THIS ARTICLE ARE SUPPLEMENTAL AND  
6 ALTERNATIVE TO OTHER POWERS CONFERRED BY LAW. THIS ARTICLE IS INTENDED AS AN  
7 INDEPENDENT AND COMPREHENSIVE CONFERRAL OF POWERS TO ACCOMPLISH THE PURPOSES  
8 OF THIS CHAPTER."

9 Amend title to conform

JOHN NELSON

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02/09/2011  
4:14 PM  
C: dmt