

Senate Engrossed House Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

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

CHAPTER 310

# **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 AND A PETITION SIGNED BY AT LEAST FIFTY-ONE PER CENT OF THE PROPERTY  
23 OWNERS IN THE AREA PROPOSED TO BE INCLUDED IN THE DISTRICT, THE GOVERNING  
24 BODY OF ONE OR MORE MUNICIPALITIES MAY ADOPT A RESOLUTION DECLARING ITS  
25 INTENTION TO FORM A DISTRICT TO INCLUDE PROPERTY WITHIN THE CORPORATE  
26 BOUNDARIES OF THE DISTRICT. THE RESOLUTION SHALL STATE THE FOLLOWING:

- 27 1. THE AREA OR AREAS TO BE INCLUDED IN THE DISTRICT.
- 28 2. THE PURPOSES FOR WHICH THE DISTRICT IS TO BE FORMED.
- 29 3. THAT A GENERAL PLAN FOR THE DISTRICT IS ON FILE WITH THE CLERK.
- 30 4. THE DATE, TIME AND PLACE OF THE HEARING TO BE HELD ON THE FORMATION
- 31 OF THE DISTRICT.
- 32 5. THE PLACE WHERE WRITTEN OBJECTIONS TO THE FORMATION OF THE DISTRICT
- 33 MAY BE FILED.
- 34 6. THAT FORMATION OF THE DISTRICT MAY RESULT IN THE LEVY OF TAXES OR
- 35 ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS CONSTRUCTED BY THE DISTRICT AND
- 36 FOR THEIR OPERATION AND MAINTENANCE.
- 37 7. A REFERENCE TO THIS ARTICLE.
- 38 8. THAT THE DISTRICT WILL BE GOVERNED BY DIRECTORS CHOSEN PURSUANT TO
- 39 THIS ARTICLE.

40 B. BEFORE ADOPTING A RESOLUTION UNDER THIS SECTION, A GENERAL PLAN FOR  
41 THE DISTRICT SHALL BE FILED WITH THE CLERK SETTING OUT A GENERAL DESCRIPTION  
42 OF THE IMPROVEMENTS FOR WHICH THE DISTRICT IS PROPOSED TO BE FORMED AND THE  
43 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. THE DISTRICT SHALL NOT BE USED TO FINANCE OR FACILITATE THE  
29 ACQUISITION, OPERATION, MAINTENANCE, CONSTRUCTION OR OPERATION OF A SPORTS  
30 STADIUM OR OTHER SPORTS FACILITY THAT IS DESIGNED FOR OR USED BY A  
31 PROFESSIONAL SPORTS TEAM, INCLUDING A CLUBHOUSE, A PRACTICE FACILITY OR ANY  
32 OTHER RELATED FACILITY OR ON-SITE INFRASTRUCTURE OR RELATED PARKING  
33 FACILITIES FOR THOSE PURPOSES.

34           D. PUBLIC INFRASTRUCTURE OTHER THAN PERSONALTY MAY BE LOCATED ONLY IN  
35 OR ON LANDS OWNED BY THE STATE, A COUNTY, A MUNICIPALITY OR THE DISTRICT OR  
36 DEDICATED OR OTHERWISE DESIGNATED AS PUBLIC ROADWAYS, HIGHWAYS, STREETS,  
37 THOROUGHFARES, EASEMENTS OR RIGHTS-OF-WAY, WHETHER IN OR OUT OF THE DISTRICT  
38 OR THE MUNICIPALITY. PERSONALTY MAY BE USED ONLY FOR PURPOSES AUTHORIZED BY  
39 THE DISTRICT BOARD.

40           E. AN AGREEMENT PURSUANT TO SUBSECTION A, PARAGRAPH 10 OF THIS SECTION  
41 MAY INCLUDE AGREEMENTS TO REPAY ALL OR PART OF SUCH ADVANCES, FEES AND  
42 CHARGES FROM THE PROCEEDS OF BONDS IF ISSUED OR FROM ADVANCES, FEES AND  
43 CHARGES COLLECTED FROM OTHER LANDOWNERS OR USERS OR THOSE HAVING A RIGHT TO  
44 USE ANY INFRASTRUCTURE. A PERSON DOES NOT HAVE AUTHORITY TO COMPEL THE

1 ISSUANCE OR SALE OF THE BONDS OF THE DISTRICT OR THE EXERCISE OF ANY TAXING  
2 POWER OF THE DISTRICT TO MAKE REPAYMENT UNDER ANY AGREEMENT.

3 48-6809. Perpetual succession

4 THE DISTRICT HAS PERPETUAL SUCCESSION, EXCEPT THAT THE DISTRICT MAY BE  
5 DISSOLVED AS PROVIDED IN SECTION 48-6819 AND SHALL BE DISSOLVED TEN YEARS  
6 AFTER THE DATE OF FORMATION UNLESS THE GOVERNING BODIES OF THE PARTICIPATING  
7 MUNICIPALITIES BY RESOLUTION EXTEND THE DISTRICT BY AN ADDITIONAL PERIOD OF  
8 TEN YEARS.

9 48-6810. Records; board of directors; open meetings

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

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

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

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

30 D. THE DISTRICT CLERK AND DISTRICT TREASURER SHALL BE THE CLERK OF THE  
31 MUNICIPALITY OR COUNTY AND THE TREASURER OF THE MUNICIPALITY OR COUNTY,  
32 RESPECTIVELY, UNLESS THE DISTRICT BOARD APPOINTS A DISTRICT CLERK AND  
33 DISTRICT TREASURER.

34 48-6811. Participation by municipality

35 THE GOVERNING BODY OF THE MUNICIPALITY, BY RESOLUTION, MAY SUMMARILY  
36 ORDER THE PARTICIPATION BY THE MUNICIPALITY IN THE COSTS OF ANY  
37 INFRASTRUCTURE PURPOSE, INCLUDING THE PAYMENT OF BOND DEBT SERVICE.

38 48-6812. Finances

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

- 41 1. PROCEEDS RECEIVED FROM THE SALE OF BONDS OF THE DISTRICT.
- 42 2. MONIES OF THE MUNICIPALITY OR INDIAN TRIBE OR COMMUNITY CONTRIBUTED  
43 TO THE DISTRICT.
- 44 3. ANNUAL TAX LEVIES.
- 45 4. SPECIAL ASSESSMENTS.

- 1           5. STATE OR FEDERAL GRANTS OR CONTRIBUTIONS.
- 2           6. PRIVATE CONTRIBUTIONS.
- 3           7. USER, LANDOWNER AND OTHER FEES AND CHARGES.
- 4           8. PROCEEDS OF LOANS OR ADVANCES.
- 5           9. ANY OTHER MONIES AVAILABLE TO THE DISTRICT BY LAW.
- 6           48-6813. Budget

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

16           48-6814. Revenue bonds; fees and charges

17           A. AT ANY TIME AFTER THE HEARING ON FORMATION OF THE DISTRICT, THE  
18 DISTRICT BOARD MAY HOLD A HEARING ON THE QUESTION OF AUTHORIZING THE DISTRICT  
19 BOARD TO ISSUE REVENUE BONDS OF THE DISTRICT TO PROVIDE MONIES FOR ANY  
20 INFRASTRUCTURE PURPOSES CONSISTENT WITH THE GENERAL PLAN.

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

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

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

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

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

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

1 H. THE DISTRICT MAY ISSUE AND SELL REFUNDING BONDS TO REFUND ANY  
2 REVENUE BONDS OF THE DISTRICT.

3 48-6815. Special assessments; assessment lien bonds

4 A. THE DISTRICT BOARD, AFTER APPROVAL AT AN ELECTION HELD AS  
5 PRESCRIBED BY SECTION 48-6818, AND PURSUANT TO THE PROCEDURES PRESCRIBED BY  
6 SECTIONS 48-576 THROUGH 48-589, AS NEARLY AS PRACTICABLE, OR SUCH OTHER  
7 PROCEDURES AS THE DISTRICT BOARD PROVIDES, MAY LEVY BY RESOLUTION AN  
8 ASSESSMENT OF THE COSTS OF ANY INFRASTRUCTURE PURPOSE, ANY OPERATION AND  
9 MAINTENANCE OF INFRASTRUCTURE OR ANY ENHANCED MUNICIPAL SERVICES ON ANY LAND  
10 IN THE DISTRICT BASED ON THE BENEFIT DETERMINED BY THE DISTRICT BOARD TO BE  
11 RECEIVED BY THE LAND. BEFORE THE ISSUANCE OF SPECIAL ASSESSMENT BONDS THE  
12 DISTRICT MAY ENTER INTO A WRITTEN AGREEMENT WITH A LANDOWNER AS TO THE MANNER  
13 IN WHICH THE ASSESSMENT IS TO BE ALLOCATED IF THE LAND IS TO BE DIVIDED INTO  
14 MORE THAN ONE PARCEL. IF AN ISSUE OF SPECIAL ASSESSMENT LIEN BONDS FINANCES  
15 MORE THAN ONE PURPOSE OR SERVICE, THE BENEFIT RECEIVED BY THE LAND, IN THE  
16 DISCRETION OF THE DISTRICT, MAY BE DETERMINED BY REFERENCE TO THE PURPOSES  
17 AND SERVICES AS A WHOLE OR INDIVIDUALLY. THE ASSESSMENT MAY BE BASED ON  
18 ESTIMATED COSTS AND AMENDED TO REFLECT ACTUAL COSTS, AND THE PREPARATION OF  
19 PLANS AND SPECIFICATIONS AND THE AWARDED OF THE CONTRACT ARE NOT A  
20 PREREQUISITE TO THE LEVYING OF THE ASSESSMENT. AN OWNER OF LAND ON WHICH AN  
21 ASSESSMENT HAS BEEN LEVIED MAY SEEK JUDICIAL REVIEW OF WHETHER THE LAND IS  
22 BENEFITED BY THE PROPOSED INFRASTRUCTURE, ON THE MERITS, BY SPECIAL ACTION  
23 FILED WITH THE COURT OF APPEALS, WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF  
24 THE RESOLUTION.

25 B. AFTER ADOPTION BY THE DISTRICT BOARD OF A RESOLUTION LEVYING A  
26 SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT, THE DISTRICT BOARD MAY ISSUE  
27 AND SELL SPECIAL ASSESSMENT LIEN BONDS PAYABLE FROM AMOUNTS COLLECTED FROM  
28 THE SPECIAL ASSESSMENTS, FROM AMOUNTS AVAILABLE FROM TIME TO TIME IN ANY  
29 RESERVE FUND ESTABLISHED FOR THOSE BONDS AND FROM ANY OTHER AMOUNTS AVAILABLE  
30 FOR THOSE PURPOSES AS PRESCRIBED BY SECTION 48-6812. THE DISTRICT AND THE  
31 COUNTY TREASURER FOR THE COUNTY IN WHICH THE DISTRICT IS LOCATED MAY ENTER  
32 INTO AN AGREEMENT FOR THE COUNTY TREASURER TO COLLECT THE DISTRICT'S SPECIAL  
33 ASSESSMENTS IN THE MANNER AND BY THE OFFICERS PROVIDED BY LAW FOR THE  
34 COLLECTION AND ENFORCEMENT OF GENERAL TAXES. THE DISTRICT AND THE COUNTY  
35 TREASURER MAY PROVIDE BY AGREEMENT FOR THE PAYMENT OF THE COUNTY TREASURER'S  
36 COLLECTION EXPENSES DIRECTLY RELATED TO THE LEVY OF THE SPECIAL ASSESSMENT  
37 AND, IF SO PROVIDED, THE LEVY OF THE SPECIAL ASSESSMENT MAY INCLUDE AN AMOUNT  
38 FOR COMPENSATION OF THE COUNTY TREASURER DIRECTLY RELATED TO THE COLLECTION  
39 OF THE SPECIAL ASSESSMENT. THE COMPENSATION RECEIVED BY THE COUNTY TREASURER  
40 PURSUANT TO THE AGREEMENT SHALL BE GOVERNED BY SECTION 11-496. THE DISTRICT  
41 BOARD MAY ALSO ISSUE AND SELL BOND ANTICIPATION NOTES PURSUANT TO THE  
42 PROCEDURES PRESCRIBED IN SECTION 48-2081 OR WITH PROCEDURES AS SIMILAR TO  
43 THOSE AS IS PRACTICABLE. THE ASSESSMENT SHALL BE A FIRST LIEN ON THE  
44 PROPERTY ASSESSED SUBJECT ONLY TO GENERAL PROPERTY TAXES AND PRIOR SPECIAL  
45 ASSESSMENTS. IN THE EVENT OF NONPAYMENT OF AN ASSESSMENT AND EXCEPT AS

1 OTHERWISE PROVIDED IN AN AGREEMENT BETWEEN THE DISTRICT AND THE COUNTY  
2 TREASURER PURSUANT TO THIS SECTION, THE PROCEDURES FOR COLLECTION OF  
3 DELINQUENT ASSESSMENTS, SALE OF DELINQUENT PROPERTY AND ISSUANCE AND EFFECT  
4 OF THE DEED PRESCRIBED BY SECTIONS 48-601 THROUGH 48-607 APPLY, AS NEARLY AS  
5 PRACTICABLE, EXCEPT THAT IN NO EVENT IS THE DISTRICT OR THE MUNICIPALITY  
6 REQUIRED TO PURCHASE THE DELINQUENT LAND AT THE SALE IF THERE IS NO OTHER  
7 PURCHASER. IF THE LANDOWNER OWNS MORE THAN ONE PARCEL IN THE DISTRICT, THE  
8 DISTRICT BOARD MAY PROVIDE PROCEDURES FOR THE COLLECTION AND ENFORCEMENT OF  
9 ASSESSMENTS AS THE BOARD DEEMS APPROPRIATE BY CONTRACT WITH A LANDOWNER TO  
10 PERMIT THE SALE OF ANY OR ALL OF THE LANDOWNER'S PARCELS IN THE DISTRICT IF  
11 THE LANDOWNER BECOMES DELINQUENT AS TO ANY PARCEL THAT THE LANDOWNER OWNS IN  
12 THE DISTRICT.

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

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

28 48-6816. Terms of bonds

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

1 ASSESSMENTS OF THE TYPES DESCRIBED IN THIS ARTICLE AND AS SPECIFIED IN THE  
2 BONDS IF ALL APPLICABLE REQUIREMENTS ARE MET.

3 48-6817. District taxes; annual financial estimate and budget

4 A. AT ANY TIME AFTER THE HEARING ON FORMATION OF THE DISTRICT, THE  
5 DISTRICT BOARD, OR, IF BEFORE FORMATION, THE GOVERNING BODY, MAY CALL AN  
6 ELECTION TO SUBMIT TO THE PERSONS WHO ARE ELIGIBLE TO VOTE IN THE DISTRICT AS  
7 PRESCRIBED IN SECTION 48-6818 THE QUESTION OF AUTHORIZING THE DISTRICT BOARD  
8 TO LEVY AN AD VALOREM TAX ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL  
9 PROPERTY IN THE DISTRICT AT A RATE OR RATES THAT DO NOT EXCEED THE MAXIMUM  
10 RATE OR RATES SPECIFIED IN THE BALLOT. ALL TAXES ATTRIBUTABLE TO THE  
11 OPERATION AND MAINTENANCE EXPENSES OF THE DISTRICT, EXCLUDING EXPENSES FOR AN  
12 AREA DESCRIBED IN SECTION 48-6808, SUBSECTION E, SHALL NOT EXCEED AN AMOUNT  
13 EQUAL TO THIRTY CENTS PER ONE HUNDRED DOLLARS OF ASSESSED VALUATION FOR ALL  
14 REAL AND PERSONAL PROPERTY IN THE DISTRICT, UNLESS A HIGHER RATE IS APPROVED  
15 BY A PETITION SIGNED BY THE OWNERS OF AT LEAST FIFTY-ONE PER CENT OF THE NET  
16 ASSESSED VALUE OF THE PROPERTY OF THE DISTRICT AND A PETITION SIGNED BY AT  
17 LEAST FIFTY-ONE PER CENT OF THE PROPERTY OWNERS OF THE DISTRICT. THE  
18 DISTRICT BOARD BY SIMPLE MAJORITY VOTE MAY REDUCE OR ELIMINATE ANY PORTION OF  
19 THE TAX IMPOSED BY THE DISTRICT.

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

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

43 48-6818. Notice and conduct of elections; eligible voters

44 A. ANY ELECTION UNDER THIS ARTICLE SHALL BE A NONPARTISAN ELECTION  
45 CALLED BY POSTING NOTICES IN THREE PUBLIC PLACES WITHIN THE BOUNDARIES OF THE

1 DISTRICT NOT LESS THAN TWENTY DAYS BEFORE THE ELECTION. NOTICE SHALL ALSO BE  
2 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY OR IF  
3 THERE IS NO NEWSPAPER SO CIRCULATED IN THE MUNICIPALITY IN A NEWSPAPER OF  
4 GENERAL CIRCULATION IN THE COUNTY IN WHICH THE MUNICIPALITY IS LOCATED ONCE A  
5 WEEK FOR TWO CONSECUTIVE WEEKS BEFORE THE ELECTION. THE NOTICE SHALL STATE:

6 1. THE PLACE OF HOLDING THE ELECTION.

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

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

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

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

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

30 D. EXCEPT AS OTHERWISE PROVIDED BY THIS ARTICLE, THE ELECTION SHALL  
31 COMPLY WITH THE GENERAL ELECTION LAWS OF THIS STATE, EXCEPT THAT THE WORDS TO  
32 APPEAR ON THE BALLOTS SHALL BE FOR AN ASSESSMENT LEVY ELECTION, "ASSESSMENT,  
33 YES" AND "ASSESSMENT, NO". THE RETURNS OF ELECTION SHALL BE MADE TO THE  
34 DISTRICT BOARD.

35 E. WITHIN FOURTEEN DAYS AFTER AN ELECTION, THE DISTRICT BOARD SHALL  
36 MEET AND CANVASS THE RETURNS, AND IF A MAJORITY OF THE VOTES CAST AT THE  
37 ELECTION IS IN FAVOR OF IMPOSING THE ASSESSMENT, THE DISTRICT BOARD SHALL  
38 ENTER THAT FACT ON ITS MINUTES. THE CANVASS MAY BE CONTINUED FROM TIME TO  
39 TIME. FAILURE OF A MAJORITY TO VOTE IN FAVOR OF THE MATTER SUBMITTED DOES  
40 NOT PREJUDICE THE SUBMISSION OF THE SAME OR SIMILAR MATTERS AT A LATER  
41 ELECTION.

42 F. IF A PERSON LISTED ON THE ASSESSMENT ROLL IS NO LONGER THE OWNER OF  
43 LAND IN THE DISTRICT AND THE NAME OF THE SUCCESSOR OWNER BECOMES KNOWN AND IS  
44 VERIFIED BY RECORDED DEED OR OTHER SIMILAR EVIDENCE OF TRANSFER OF OWNERSHIP,

1 THE SUCCESSOR OWNER IS DEEMED TO BE THE OWNER FOR THE PURPOSES OF THIS  
2 ARTICLE.

3 48-6819. Dissolution of district

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

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

8 2. EITHER THE DISTRICT HAS NO OBLIGATIONS OR THE MUNICIPALITY HAS  
9 ASSUMED ALL OF THE OBLIGATIONS OF THE DISTRICT.

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

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

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

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

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

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

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

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

37 F. IF A PROPOSAL FOR DISSOLUTION IS APPROVED AND THE DISTRICT IS AN  
38 ARIZONA STATE RETIREMENT SYSTEM EMPLOYER BEFORE THE DISSOLUTION, THE  
39 GOVERNING BODY OF THE DISTRICT SHALL NOTIFY THE DIRECTOR OF THE ARIZONA STATE  
40 RETIREMENT SYSTEM OF THE DISSOLUTION.

APPROVED BY THE GOVERNOR MAY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2010.

Passed the House March 23, 2010

Passed the Senate April 29, 2010

by the following vote: 42 Ayes,

by the following vote: 21 Ayes,

12 Nays, 6 Not Voting

6 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

Approved this \_\_\_\_\_ day of

~~\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

H.B. 2003

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 29, 2010,

by the following vote: 38 Ayes,

20 Nays, 2 Not Voting

[Signature]  
Speaker of the House

Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2010,

at 9:10 o'clock A. M.

[Signature]  
Secretary to the Governor

Approved this 11<sup>th</sup> day of

May, 2010,

at 12:40 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2003

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12<sup>th</sup> day of May, 2010,

at 9:35 o'clock a M.

[Signature]  
Secretary of State