

Chapter 12

Creating Bonded Indebtedness

17-12-1 Authority and applicable procedure for issuance of bonds -- Application of proceeds -- Debt limit.

Except as otherwise provided under Section 17-50-303, the county legislative body may contract a bonded indebtedness in the manner and subject to the conditions provided under Title 11, Chapter 14, Local Government Bonding Act. The revenue derived from the sale of bonds shall be applied only to the purpose or purposes specified in the order of the county legislative body. If there is any surplus, it shall be applied to the payment of the bonds. In no event may any county become so indebted to an amount, including existing indebtedness, exceeding 2% of the fair market value, as defined under Section 59-2-102, of the taxable property in the county as computed from the last equalized assessment roll for county purposes prior to the incurring of the indebtedness.

Amended by Chapter 105, 2005 General Session

17-12-2 Bond elections -- Consolidating voting districts and precincts -- Voting places.

The county legislative body may in any bond election consolidate voting districts and precincts and may select for the purposes of such election any voting places which it considers desirable, without regard to regularly established voting precincts and the voting places therefor.

Amended by Chapter 227, 1993 General Session

17-12-3 Additional purposes for which bonds may be issued -- Joint ownership of facilities authorized.

In addition to other purposes for which bonds may be issued, bonds may be issued for the purpose of acquiring, improving or extending systems for the collection, retention and disposition of storm and flood waters, for the acquisition, improvement or extension of public libraries, including equipment, furnishings and books therefor, acquiring or improving facilities for the collection, disposal or incineration of garbage and trash, acquiring, improving, extending, furnishing and equipping auditoriums, sports arenas, stadiums, convention centers and all properties and facilities ordinarily forming part of a so-called convention complex, or any part thereof and for acquiring, improving, extending, furnishing or equipping any improvement or facility which the county is authorized by law to own. Bonds may be issued for the county's share of any such facility to be owned jointly with any municipality or taxing district in the county and such joint ownership is expressly authorized.

Enacted by Chapter 27, 1963 General Session

17-12-4 Bond issue for auditoriums, etc., and "convention complex" facilities -- Board of directors -- Use of revenues from facilities -- Rights of bondholders.

- (1)
- (a) A county legislative body adopting proceedings authorizing the issuance of county bonds for the purpose of acquiring, improving, extending, furnishing, and equipping auditoriums, sports arenas, stadiums, convention centers, and all properties and facilities ordinarily forming part of a so-called "convention complex," or for any part or combination of the foregoing may, by

resolution, provide for the creation of a board of directors which, so long as any of the bonds remain outstanding either in original or refunded form may:

- (i) have complete management and control of the facilities acquired with the proceeds of the bonds; or
 - (ii) act as an advisory board to the county executive and legislative body regarding the management and operation of a property or facility described in Subsection (1)(a).
- (b)
- (i) The board of directors described in Subsection (1)(a) shall have the number of members, possessing such qualifications and selected for such terms, and shall operate pursuant to such rules and regulations as adopted by the county legislative body.
 - (ii) The members of the board of directors described in Subsection (1)(a) shall serve without compensation except for reimbursement of expenses actually incurred in the performance of their duties.
 - (iii) After the appointment and organization of the board of directors, all vacancies thereafter occurring, whether by expiration of term or otherwise, shall be filled by majority vote of the remaining members of the board.
 - (iv) Subject to provisions adopted by the county legislative body, the members of the board of directors may have the powers and duties ordinarily enjoyed by the directors of a private corporation operating similar facilities.
- (2) A county legislative body that adopts proceedings for the purpose of and as described in Subsection (1)(a) shall provide that all revenues of every nature derived from the operation of the facilities so acquired with bond proceeds and not expended in the reasonable and proper costs of maintaining and operating the facilities, including the making of necessary repairs and replacements, be pledged to and utilized for the payment of principal of and interest on the bonds and, if so provided, the creation of a reserve for such purpose.
- (3) This act is adopted for the purpose of eliminating or reducing so far as possible the ad valorem taxes necessary to be levied for the payment of such bonds and for the purpose of improving the security of such bonds, and accordingly the holders of the bonds from time to time shall have a vested and enforceable contract right in the provisions of this act and in the provisions of the bond proceedings adopted pursuant hereto.

Amended by Chapter 41, 2011 General Session