

28 Section 2. Section **17-37-4** is amended to read:

29 **17-37-4. Delegation of management and control authority to directors by county**
30 **legislative body -- Contract or lease with private entity for management -- Deposit of money**
31 **collected -- Expenditures -- Recommendations by directors to county legislative body.**

32 (1) Upon the appointment of a planetarium board of directors, the county [~~legislative body~~]
33 executive may delegate to the board of directors the authority to manage and control the functions,
34 activities, operations, maintenance, and repair of any county planetarium, and shall include in its
35 delegation the authority to approve and control all expenditures from the county planetarium fund.
36 Any delegation of authority made to the board of directors under this section [~~shall be by resolution~~
37 ~~of the county legislative body, and~~] shall at all times be subject to the ultimate authority and
38 responsibility of the county [~~legislative body~~] executive for the management and control of all
39 county funds and properties as conferred upon that board by general law applicable to counties.

40 (2) Upon the recommendation of the board of directors, the county may enter into a
41 contract or lease agreement with a private organization or entity for partial or full management,
42 operation and maintenance of any county planetarium and for other planetarium services, which
43 may include providing the physical facilities and equipment for the operation of a planetarium. A
44 contract or lease for such purposes shall not extend for more than a four-year period and shall be
45 subject to annual review by the board of directors to determine if performance is in conformance
46 with the terms of the contract or lease and to establish the level of the subsequent funding pursuant
47 to the contract or lease.

48 (3) All money collected from a county planetarium tax levy shall be deposited in the
49 county treasury to the credit of the county planetarium fund. All money collected from operations
50 of or from donations to any planetarium owned and operated by the county shall also be deposited
51 in the county treasury to the credit of the planetarium fund. Any money collected from operations
52 of a planetarium by a contracting party or lessee shall be used or deposited as the contract or lease
53 may provide. Income or proceeds from any investment by the county treasurer of county
54 planetarium funds shall be credited to the county planetarium fund and used only for planetarium
55 purposes.

56 (4) Expenditures from the county planetarium fund shall be drawn upon by the authorized
57 officers of the county upon presentation of properly authenticated vouchers or documentation of
58 the board of directors or other appropriate planetarium official. The fund shall not be used for any

59 purpose other than to pay the costs of acquiring, constructing, operating, managing, equipping,
60 furnishing, maintaining or repairing a planetarium, including appropriate, reasonable and
61 proportionate costs allocated by the county for support of the planetarium, or to pay the cost of
62 financing and funding a contract or lease agreement for facilities, equipment, management,
63 operation, and maintenance of a planetarium.

64 (5) The board of directors shall provide recommendations to the county [~~legislative body~~]
65 executive with respect to the purchase, lease, exchange, construction, erection, or other acquisition
66 of land, real property improvements, and fixtures or the sale, lease, exchange, or other disposition
67 of land, real property improvements, and fixtures for the use or benefit of a county planetarium.

68 Section 3. Section **17-37-7** is amended to read:

69 **17-37-7. Annual report -- Financial statement.**

70 To the extent that independent accounting records are prepared and maintained by the
71 planetarium, the planetarium board of directors shall make, or in the case of a contracting entity,
72 require that there be made, an annual report to the county executive and the county legislative body
73 on the condition and operation of the planetarium, including a financial statement. The financial
74 statement shall be prepared in accordance with generally accepted accounting principles
75 consistently applied and shall be reviewed by the county auditor. The planetarium shall be included
76 in the annual audit of the county conducted by an independent public accountant as required by
77 Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations and other Local
78 Entities.

Legislative Review Note
as of 1-7-02 2:53 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel