

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1021

By: Bingman of the Senate

and

McCullough of the House

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8
9 2ND CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to cities and towns; amending 11 O.S.
11 2001, Sections 21-106, 21-109 and 22-103, which
12 relate to failure to grant request in annexation
13 petition, taxation of annexed territory and service
14 of notice or process on municipality; excluding
15 certain tracts of land from municipal taxation;
16 requiring notice served on certain person; amending
17 11 O.S. 2001, Sections 39-102, 39-103, 39-103.1, 39-
18 109, 39-110, 39-112, 39-113, 39-115 and 39-116, which
19 relate to definitions, creation of improvement
20 districts, additional improvement districts, award of
21 contract, apportionment of cost, assessments, use of
22 revenues, bonds, and duty of city relative to
23 assessments and bonds; modifying certain definition;
24 adding certain type of improvement permitted for
improvement districts; modifying termination
procedure; adding certain method of making
improvements by a governing body or district;
modifying method of determining certain assessment;
adding authorization to set certain interest rates;
modifying use of revenues; adding certain public
trust as entity authorized to issue certain bonds;
specifying requirements of certain bonds; adding
certain maturation date; prohibiting contest of
certain ordinance or resolution after certain time
period; authorizing a city to contract with certain
entity; exempting certain persons from certain
liability; and providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY 11 O.S. 2001, Section 21-106, is
3 amended to read as follows:

4 Section 21-106. If the governing body fails to grant the
5 request contained in a petition for annexation within thirty (30)
6 days after the last publication of the notice, or refuses to grant
7 the request, the petitioners may file their petition with the clerk
8 of the district court in the county in which the situs of the
9 municipal government is located. Notice of the filing shall be
10 served upon a deputy municipal clerk and upon the mayor together
11 with a notice of the time and place that the district court will
12 hear the petition. The notice must be given at least ten (10) days
13 before the date of the hearing. The hearing on the petition may be
14 held at a regular or special term of the district court or by the
15 court in vacation.

16 SECTION 2. AMENDATORY 11 O.S. 2001, Section 21-109, is
17 amended to read as follows:

18 Section 21-109. A. Tracts of land in excess of forty (40)
19 acres which are annexed to a municipality and used for industrial or
20 commercial purposes shall not be subject to ~~municipal taxes ad~~
21 valorem taxes at the municipal rate. Tracts of annexed land in
22 excess of five (5) acres which are used by persons engaged in
23 farming or ranching, and all farm animals and livestock, and all
24 agricultural implements and machinery and household goods located on

1 the land, shall not be subject to municipal taxes unless the
2 municipality furnishes services to these tracts as are ordinarily
3 furnished to municipal residents. Tracts of land with an area of
4 width no greater than three hundred twenty-six (326) feet at the
5 widest point which are annexed to a municipality shall not be
6 subject to municipal taxes, unless such tracts are annexed pursuant
7 to paragraph 2 of subsection A of Section 21-103 of this title. No
8 land which is used for agricultural purposes may be taken within the
9 limits of a town and taxed at a greater rate than land which is
10 adjacent to but outside the town limits.

11 B. On any annexation after July 1, 1998, the revenue and
12 taxation ordinances of any municipality and the licensing and
13 regulatory authority of any municipality shall not apply or extend
14 to any military installation located on federal property which has
15 been annexed in part or in whole by a municipality.

16 SECTION 3. AMENDATORY 11 O.S. 2001, Section 22-103, is
17 amended to read as follows:

18 Section 22-103. Any notice or process affecting a municipality
19 shall be served upon the municipal clerk, or in his or her absence
20 then upon a deputy municipal clerk ~~or~~ and upon the mayor.

21 SECTION 4. AMENDATORY 11 O.S. 2001, Section 39-102, is
22 amended to read as follows:

23 Section 39-102. As used in the Improvement District Act, the
24 singular includes the plural and:

- 1 1. "Acquired" means the acquisition of property or interests in
2 property by purchase, gift, condemnation or other lawful means;
- 3 2. "City" means any city or town incorporated pursuant to the
4 laws of Oklahoma;
- 5 3. "Engineer" means a city engineer, city official, employee or
6 other person competent to advise and assist the governing body in
7 planning and making an improvement;
- 8 4. "Cost" means any cost necessarily or reasonably incurred in
9 making the improvement, including but not limited to cost of:
- 10 a. preparation of preliminary reports,
11 b. preparation of plans and specifications,
12 c. preparation and publication of notices of hearings,
13 resolutions, ordinances and other proceedings,
14 d. fees and expenses for engineers, attorneys, laborers
15 and other personal services, ~~and~~
16 e. rights-of-way, materials and other lawful expenses
17 incurred in making any improvement, and
18 f. capitalized interest, funding of reserves, premiums
19 for reserve surety bonds, and obtaining bond
20 insurance, letters of credit or other credit
21 enhancements or liquidity instruments;
- 22 5. "District" means an area designated by the governing body
23 to be benefited by an improvement and subjected to payment of
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1 special assessments for all or a portion of the cost of the
2 improvement;

3 6. "Governing body" means the city council, city commission or
4 board of trustees of an incorporated city or town;

5 7. "Improve" means to construct, reconstruct, maintain,
6 restore, replace, renew, repair, install, equip, extend, purchase,
7 alter or otherwise perform any work which provides a new facility,
8 or enhances, extends or restores the value or usefulness of an
9 existing facility;

10 8. "Improvement" means any type of improvement made by
11 authority of this Improvement District Act and includes
12 reimprovement of any prior improvement made pursuant to any other
13 act;

14 9. "Mail" means by first-class mail;

15 10. "Trustee" means a city acting pursuant to this act;

16 11. "Street" means any highway, street, alley, boulevard,
17 avenue, right-of-way, public ground, or other public facility, or
18 any part thereof; and

19 12. "Publish" or "publication" means printing in a newspaper
20 which maintains an office in the city or town and is of general
21 circulation within the city or town, or, if there is no newspaper
22 which maintains an office in the city or town, a newspaper of
23 general circulation within the city or town and in two (2) separate
24 issues thereof, at least seven (7) days apart.

1 SECTION 5. AMENDATORY 11 O.S. 2001, Section 39-103, is
2 amended to read as follows:

3 Section 39-103. The governing body of any city may create one
4 or more districts for the purpose of making or causing to be made
5 any improvement or combination of improvements that confer special
6 benefit upon property within the district. Such improvement or
7 combination of improvements may include the following, without
8 limitation because of enumeration:

9 1. Acquisition of property or interest in property when
10 necessary for any of the purposes authorized by the Improvement
11 District Act;

12 2. Opening, creating, widening and extending or altering of
13 streets to improve paving, and surfacing, constructing and
14 reconstructing gutters, curbs, sidewalks, crosswalks, driveway
15 entrances and structures, drainage facilities, and service
16 connections from sewers, water, gas, electricity and other utility
17 mains, conduits or pipes;

18 3. Constructing or improving main and lateral storm water
19 drains and sanitary sewer systems and facilities;

20 4. Installation or improvement of street lights and street
21 lighting systems;

22 5. Construction or improvement of water mains and waterworks
23 systems;

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1 6. Improvement of parks, playgrounds and recreational
2 facilities;

3 7. Improvement of any street, parking or other facility by
4 landscaping, or planting of trees, shrubs and other plants;

5 8. Constructing or improving dikes, levees and other flood
6 control works, gates, lift stations, bridges and streets appurtenant
7 thereto;

8 9. Constructing or improving vehicle and pedestrian bridges,
9 overpasses and tunnels;

10 10. Constructing or improving retaining walls and area walls on
11 public ways or land abutting thereon;

12 11. Constructing or improving property for off-street parking
13 facilities, including construction and equipment of buildings
14 thereon; ~~or~~

15 12. Constructing or improving pedestrian malls; or

16 13. Constructing or improving offsite facilities or
17 infrastructure serving all or a portion of land within a district;
18 notwithstanding that, such facilities or infrastructure may also
19 serve areas outside a district, but subject to cost apportionment
20 requirements of subsection A of Section 39-110 of this title.

21 SECTION 6. AMENDATORY 11 O.S. 2001, Section 39-103.1, is
22 amended to read as follows:

23 Section 39-103.1 A. In addition to those purposes set out in
24 Section 39-103 of this title, the governing body of any municipality

1 having a population of more than one thousand five hundred (1,500)
2 may create one or more districts and levy assessments for the
3 purpose of providing or causing to be provided any maintenance,
4 cleaning, security, shuttle service, upkeep, marketing, management
5 or other services which confer special benefits upon property within
6 the district by preserving, enhancing or extending the value or
7 usefulness of any improvement described in Section 39-103 of this
8 title, whether or not the improvement was financed or constructed
9 pursuant to this act and such governing body may exclude or modify
10 such assessments according to benefits received on properties which
11 are exempt from ad valorem taxation, except those assessments
12 provided for by Section 39-103 of this title. In addition, such
13 districts may also be used to fund maintenance, management,
14 marketing and other services being provided through an active Main
15 Street Program recognized as such by the Oklahoma Department of
16 Commerce. General street repair and maintenance on any street used
17 by vehicular traffic shall not be made a part of any assessments
18 provided for hereunder.

19 B. If the governing body determines that it is desirable to
20 continue to provide or cause to be provided the improvements and
21 services authorized by this section, the governing body shall
22 annually prepare and cause to be filed in the office of the
23 municipal clerk an assessment roll containing, among other things:

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1 1. The name and address of the last-known owner of each tract
2 or parcel of land to be assessed, or if the name of the owner is
3 unknown, state "unknown". The name and address of the owner of each
4 tract of land shall be obtained from the records of the county
5 treasurer;

6 2. A description of the tract or parcel of land to be assessed;
7 and

8 3. The amount of the assessment against each tract or parcel of
9 land.

10 If after filing the assessment roll, it appears that the amount
11 of the assessment against any tract or parcel of land shall be
12 increased, the governing body shall by resolution set a time and
13 place for the assessment hearing at which an owner may object to the
14 amount of the assessment.

15 C. Not more than thirty (30) days nor less than ten (10) days
16 before the day of the hearing, the municipal clerk, the deputy
17 municipal clerk or the engineer shall mail the notice of the hearing
18 on the assessment roll to the owner of the tract or parcel of land
19 on which the amount of assessment is increased. Proof of the
20 mailing is to be made by affidavit by the municipal clerk, the
21 deputy municipal clerk or the engineer, which shall be filed in the
22 office of the municipal clerk. Failure of the owner to receive any
23 notice shall not invalidate any of the proceedings authorized in the
24 Improvement District Act. Notice of the hearing shall also be

1 published. The last publication shall be at least seven (7) days
2 prior to the day of the hearing. Such service by publication shall
3 be verified by an affidavit of the publisher which is to be filed in
4 the office of the municipal clerk.

5 D. No district created under this section shall continue beyond
6 the date that final payment of all principal, interest and other
7 amounts due in connection with bonds issued by that district has
8 been made, or if no bonds have been issued by the district, beyond
9 the date that is ~~longer than ten (10)~~ thirty (30) years after the
10 adoption of the resolution creating the district, unless re-created
11 as provided in ~~this act~~ Section 39-101 et seq. of this title for
12 creation of districts. Provided, that, at any time after its
13 creation, and provided further that, no bonds or other financial
14 obligations of a district are then outstanding, the district shall
15 cease to exist if:

- 16 1. The governing body by resolution terminates the district; or
- 17 2. The owners of a majority in area of the tracts or parcels of
18 land within the district and a majority of the owners of record of
19 property within the district petition in writing to terminate the
20 district.

21 Such termination shall take effect at the end of the fiscal year
22 in which the governing body adopts such resolution or determines the
23 validity of such petition. Nothing herein shall excuse a tract or
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1 parcel of land from its liability for deferred payments or any
2 assessment.

3 SECTION 7. AMENDATORY 11 O.S. 2001, Section 39-109, is
4 amended to read as follows:

5 Section 39-109. After the governing body creates a district,
6 the governing body may proceed, either to make the improvement by
7 force accounting, or call for sealed bids on the proposed
8 improvement, or where the district comprises land owned by a single
9 party, developer, or other legal entity that has petitioned for the
10 creation of the district, contract with that single party, developer
11 or other legal entity to make the improvement for future dedication
12 or other conveyance to the city; provided, however, in the case of
13 the districts created pursuant to Section 39-103.1 of this title and
14 except as otherwise provided in this section, the governing body may
15 contract for said services without calling for sealed bids or force
16 accounting. The notice shall state the manner of payment to the
17 contractor and whether the contractor will be paid in money, in
18 bonds or in a proportion of money and bonds for making the
19 improvement. The governing body may to the extent that funds are
20 available authorize payments to the contractor during the
21 construction of the improvement provided that the payments do not
22 exceed the amount of work completed and that ten percent (10%) of
23 such payments shall be retained by the city pending final acceptance
24 by the city of the improvement. The term "improvement" as used in

1 this section and Sections 101 through 136 of Title 61 of the
2 Oklahoma Statutes shall not include any services or maintenance
3 authorized and provided pursuant to Section 39-103.1 of this title.

4 SECTION 8. AMENDATORY 11 O.S. 2001, Section 39-110, is
5 amended to read as follows:

6 Section 39-110. A. ~~After the contract has been awarded and the~~
7 ~~governing body determines the total cost of the improvement to the~~
8 ~~city, the~~ Following a hearing held pursuant to Section 39-108 of
9 this title, the governing body shall determine ~~what~~ the maximum
10 portion of the total estimated cost of the improvement that shall be
11 assessed against benefited tracts or parcels of land or, if a
12 contract for construction or acquisition of improvements has already
13 been awarded, the portion of the total actual cost of the
14 improvement to be assessed against such tracts or parcels. The
15 maximum annual assessment may include the estimated costs of the
16 administration and collection of assessments and the administration
17 of associated bonds or other related funds. The governing body may
18 use funds from any source, public or private, to pay for all or a
19 portion of the assessment or the cost of the improvement. The
20 assessment, including the cost of the improvement at an
21 intersection, shall not exceed the estimated benefit to the tract or
22 parcel of land assessed. Provided, however, the cost per front foot
23 to be assessed against the benefiting property for paving a street,
24 for paving alone, shall not exceed the cost per front foot assessed

1 for paving a street that does not exceed thirty-six (36) feet in
2 width.

3 B. With the assistance of the engineer, the governing body
4 shall prepare and cause to be filed in the office of the city clerk
5 an assessment roll containing, among other things:

6 1. The name and address of the last-known owner of each tract
7 or parcel of land to be assessed, or if the name of the owner is
8 unknown, state "unknown". The name and address of the owner of each
9 tract of land shall be obtained from the records of the county
10 treasurer;

11 2. A description of the tract or parcel of land to be assessed;
12 and

13 3. The amount of the assessment against each tract or parcel of
14 land.

15 C. After the filing of the assessment roll, the governing body
16 shall, by resolution, set a time and place for the assessment
17 hearing when an owner may object to the amount of the assessment.

18 D. Not more than thirty (30) days nor less than ten (10) days
19 before the day of the hearing, the city clerk, ~~his~~ the city clerk's
20 deputy or the engineer shall mail the notice of the hearing on the
21 assessment roll to the owner of the tract or parcel of land being
22 assessed the cost of the improvement. Proof of the mailing is to be
23 made by affidavit of the city clerk, ~~his~~ the city clerk's deputy or
24 the engineer, which shall be filed in the office of the city clerk.

1 Failure of the owner to receive any notice shall not invalidate any
2 of the proceedings authorized in the Improvement District Act.
3 Notice of the hearing shall also be published. The last publication
4 shall be at least seven (7) days prior to the day of the hearing.
5 Such service by publication shall be verified by an affidavit of the
6 publisher which is to be filed in the office of the city clerk.

7 E. Any property which shall be owned by the city, town or
8 county, or any board of education or school district, shall be
9 treated and considered the same as the property of other owners, and
10 such city, town, county, school district or board of education
11 within such district to be assessed may pay the total assessment
12 against its property without interest within thirty (30) days from
13 the date of the publication of the ordinance levying the assessment,
14 or, in the event the same is not paid in full without interest
15 within said thirty-day period, such city, town, county, school
16 district or board of education shall annually provide by the levy of
17 taxes a sufficient sum to pay the maturing installments of
18 assessments and interest thereon.

19 SECTION 9. AMENDATORY 11 O.S. 2001, Section 39-112, is
20 amended to read as follows:

21 Section 39-112. A. The governing body may by ordinance:

22 1. Establish the time and terms of paying the assessment or an
23 installment on the assessment;

24

1 2. Set a rate of interest not exceeding ten percent (10%) per
2 annum upon deferred payments of the assessment which shall commence
3 from the date of publication of the ordinance ratifying the
4 assessment; and

5 3. Set interest rates not exceeding ten percent (10%) per annum
6 upon the outstanding principal amount of bonds issued by a district
7 pursuant to Section 39-115 of this title; and

8 ~~3.~~ 4. Fix penalties to be charged for delinquent payment of an
9 installment on an assessment.

10 B. After the publication of the ordinance ratifying an
11 assessment levied as provided in Section ~~44~~ 39-111 of this ~~act~~
12 title, the assessment with any interest or penalty accruing on such
13 assessment shall constitute a lien upon the tract or parcel of land
14 so assessed. Such lien shall be coequal with the lien for ad
15 valorem taxes and the lien of other improvement districts, and be
16 superior to all other liens, claims and titles. Unmatured
17 installments are not deemed to be within the terms of any general
18 covenant or warranty. All purchasers, mortgagees or encumbrancers
19 of a tract or parcel of land so assessed shall acquire the tract or
20 parcel of land subject to the lien so created.

21 C. Within sixty (60) days after the publication of the
22 ordinance ratifying an assessment roll, the city clerk shall
23 prepare, sign, attest with the municipal seal and record in the
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1 office of the county clerk a claim of lien for any unpaid amount due
2 and assessed against a tract or parcel of land.

3 D. Any tract or parcel so assessed shall not be relieved from
4 the assessment or lien by the sale of the tract or parcel of land
5 for taxes or any other assessment, subject to the provisions of
6 Section ~~19~~ 39-119 of this ~~act~~ title. The statute of limitations
7 shall not begin to run against an assessment until after the last
8 installment of the assessment becomes due.

9 E. The fact that an improvement is omitted in front of any
10 tract or parcel of land does not invalidate a lien or assessment
11 made against any other tract or parcel of land.

12 F. A delinquent installment of an assessment shall be
13 foreclosed and the tract or parcel of land concerned be sold in the
14 manner provided by law for foreclosure of mortgages on land. If, at
15 the sale, there is no better bidder for the tract or parcel of land
16 the municipality shall bid in the tract or parcel of land for the
17 amount due on the assessment plus any interest, penalties or costs
18 which have accrued against the assessment. Any real estate sold
19 under any order, judgment or decree of court to satisfy the lien may
20 be redeemed by the owner or his assignee at any time within one (1)
21 year of the date of sale by paying to the purchaser thereof or
22 assignee the amount paid with interest from the date of purchase at
23 the rate of twelve percent (12%) per annum.

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1 SECTION 10. AMENDATORY 11 O.S. 2001, Section 39-113, is
2 amended to read as follows:

3 Section 39-113. A. All money received by the city from any
4 special assessment or assessment within a district shall be held in
5 a special fund and used to:

6 1. Pay the cost of the improvement for which the assessment was
7 made;

8 2. Reimburse the city for any work performed or cost incurred
9 by the city in constructing the improvement; or

10 3. Pay the interest and principal due on any outstanding
11 negotiable bonds, including replenishment of debt service reserves,
12 reimbursements to bond insurers or other providers of credit
13 enhancement, and other payments required in connection with bonds
14 issued to pay for improvements.

15 B. Any person who uses money in a district fund other than as
16 provided in this section is guilty of a felony and shall be punished
17 by a fine not exceeding One Thousand Dollars (\$1,000.00) or by
18 imprisonment in the State Penitentiary for not more than two (2)
19 years, or by both such fine and imprisonment, in the discretion of
20 the court.

21 SECTION 11. AMENDATORY 11 O.S. 2001, Section 39-115, is
22 amended to read as follows:

23 Section 39-115. A. To pay all or any part of the cost of the
24 improvement, the governing body may issue, in the name of the city

1 or a public trust entity acting on behalf of the city, bonds in one
2 or more series and in ~~an amount~~ amounts not exceeding the total cost
3 of the improvement financed by each series, including costs of
4 issuance, capitalized interest, funding of reserves, premiums for
5 reserve surety bonds, and obtaining bond insurance, letters of
6 credit or other credit enhancement or liquidity instruments in
7 connection with each series. If the bonds recite that:

8 1. The proceedings relating to making the improvement and
9 levying the assessments to pay for the improvement have been done in
10 compliance with law; and

11 2. All prerequisites to the fixing of the assessment lien
12 against the tract or parcel of land benefited by the improvement
13 have been performed;
14 such recital shall be conclusive evidence of the facts recited.

15 B. The bonds shall:

16 1. Recite the terms and conditions for their issuance;

17 2. Be payable from the money collected from the assessment
18 authorized in Section ~~44~~ 39-111 of this ~~act~~ title; ~~and~~

19 3. Bear a rate of interest not less than two percent (2%) of
20 the rate of interest on the deferred installments of the assessment;
21 and

22 4. Mature not later than thirty (30) years after the date of
23 issuance of the bonds of a particular series.

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1 C. Payment of the bonds issued for a storm sewer, lighting,
2 street, alley, curb, gutter or sidewalk improvement may be
3 supplemented from gasoline tax money remitted by the State of
4 Oklahoma on or before a date not more than twelve (12) months after
5 the last deferred installment of an assessment is due from the owner
6 of a tract or parcel of land so assessed. Payment of the bonds
7 issued for a water, sewer, gas, electric or other improvement may be
8 supplemented from the funds received by the water, sewer, gas,
9 electric or other facility on or before a date not more than twelve
10 (12) months after the last deferred installment of an assessment is
11 due from the owner of a tract or parcel of land so assessed.

12 D. The bonds may be issued to the contractor in payment for the
13 construction of the improvement or may be issued and sold:

14 1. In payment of the city's proportion of the cost of the
15 improvement;

16 2. In payment of the proportionate cost if the improvement is
17 done in cooperation with another governmental agency;

18 3. In payment of the construction of the improvement done under
19 contract; or

20 4. In reimbursement to the city if the city constructed the
21 improvement with city owned or leased equipment and city employees.

22 E. Any city may contract for the issuance and sale of bonds or
23 assignable certificates.

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1 F. Bonds or assignable certificates may be sold at a public or
2 private sale at a discount.

3 G. After the passage of thirty (30) days from the publication
4 of the ordinance or resolution authorizing the issuance of district
5 bonds, any action attacking the validity of any proceedings had or
6 taken by the governing body of the city preliminary to and in the
7 authorization and issuance of the bonds described in the notice is
8 perpetually barred.

9 SECTION 12. AMENDATORY 11 O.S. 2001, Section 39-116, is
10 amended to read as follows:

11 Section 39-116. A. Whenever a district has been created and
12 bonds have been issued to finance the improvement, a city shall
13 either itself, or acting through a third party administrator:

- 14 ~~1. Act as agent for the collection of the assessments;~~
15 ~~2. Collect the assessments annually or semiannually;~~
16 ~~3. 2. Act as trustee for the benefit of the holders of the~~
17 bonds; provided that, the city may contract with a bank with trust
18 powers to act as trustees;

- 19 ~~4. 3. Annually prepare a statement which shall:~~
20 a. be available for inspection in the office of the city
21 treasurer,
22 b. reflect the financial condition of the district,
23 c. list all the delinquencies existing at that time, and
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1 d. institute proceedings to foreclose the assessment lien
2 against any tract or parcel of land which is
3 delinquent in the payment of the assessment or
4 installment of an assessment for a period of more than
5 one (1) year. In lieu of the foreclosure of a lien
6 against any tract or parcel of land which is
7 delinquent in the payment of an assessment or
8 installment of an assessment for a period of more than
9 one (1) year, a city may accept a deed to the property
10 subject to the lien if the owner of the property
11 tenders the deed to the municipality.

12 B. If more than one district is created, the money from
13 assessments in each district shall be kept in a separate fund and
14 used for the payment of principal and interest of the bonds
15 outstanding against that district. Nothing herein shall prevent the
16 appointment and compensation by the district of a registrar,
17 transfer, authenticating, paying or other agents to effect the
18 transfer of ownership, change of payee of any bond issued by the
19 district and to maintain books and records relating thereto.

20 C. Neither any member of the governing body of a city creating
21 a district nor any person acting on behalf of the city or district,
22 while acting within the scope of his or her authority, shall be
23 subject to any personal liability for any action taken or omitted
24 within that scope of authority.

SECTION 13. This act shall become effective November 1, 2007.

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