

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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The Committee on Local Government & Veterans Affairs offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Trailer Estates Park and Recreation District. It is the intent of the Legislature in enacting this law to provide a single, comprehensive special act charter for the district, including all current legislative authority granted to the district by its several legislative enactments and any additional authority granted by this act.

Section 2. Chapters 69-1287, 70-796, 72-612, 73-546, 76-420, 76-423, 81-428, 90-447, 94-413, and 96-442, Laws of Florida, are codified, amended, reenacted, and repealed as herein provided.

Section 3. The Trailer Estates Park and Recreation District is re-created and the charter is re-created and

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1 reenacted to read:

2 Section 1. Upon this act becoming a law, all lands
3 described in Section 2 lying in Manatee County, hereinafter
4 described, shall become and be incorporated into and as a park
5 and recreation district, which shall be an independent special
6 taxing district, having the powers and duties herein set
7 forth, under the name of "Trailer Estates Park and Recreation
8 District."

9 Section 2. The lands so to be incorporated being
10 described as follows:

11
12 (a) Trailer Estates Subdivision as recorded in
13 Plat Book 8, page 138, of the Public Records of
14 Manatee County, Florida. First Addition to
15 Trailer Estates Subdivision as recorded in Plat
16 Book 9, page 71, of the Public Records of
17 Manatee County, Florida.

18
19 (b) Second Addition to Trailer Estates
20 Subdivision as recorded in Plat Book 9, page
21 61, of the Public Records of Manatee County,
22 Florida.

23
24 (c) Third Addition to Trailer Estates
25 Subdivision as recorded in Plat Book 10, Page
26 69 of the Public Records of Manatee County,
27 Florida.

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29 (d) Fourth Addition to Trailer Estates
30 Subdivision as recorded in Plat Book 11, page
31 66, of the Public Records of Manatee County,

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Florida.

(e) Fifth Addition to Trailer Estates

Subdivision as recorded in Plat Book 12, page 55, of the Public Records of Manatee County, Florida.

(f) The SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, TWP. 35 S., Rge. 17 E.; LESS: Land Described in Deed Book 380, Page 451, Official Records Book 208, Pages 156 & 157, Official Records Book 240, Pages 167 & 168, all of the Public Records of Manatee County, Florida; ALSO LESS: The South 133 feet and the East 290 feet of said SW 1/4 of the SE 1/4 of the SE 1/4.

(g) A tract of land in the SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, Twp. 35 S. Rge. 17 E. of Manatee County, Florida, more particularly described as follows: From the NW corner of said SW 1/4 of the SE 1/4 of the SE 1/4 of Section 22, run S. 88 degrees 30' East along the North line of said SW 1/4 of the SE 1/4 of the SE 1/4, 14.74 feet; thence run S. 1 degree 48' West, 100 feet for a Point of Beginning; thence run S. 88 degrees 30' East, 130 feet to a point; thence run S. 1 degree 48' West, 50 feet to a point; thence run N. 88 degrees 30' West, 130 feet to a point; thence run N. 1 degree 48' East 50 feet to the Point of Beginning.

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1
2 (h) A tract of land in the SW 1/4 of the SE
3 1/4 of the SE 1/4 of Section 22, Twp. 35 S.
4 Rge. 17 E. of Manatee County, Florida, more
5 particularly described as follows: From the NW
6 corner of said SW 1/4 of the SE 1/4 of the SE
7 1/4 of Section 22, run S. 88 degrees 30' East
8 along the North line of said SW 1/4 of the SE
9 1/4 of the SE 1/4, 14.74 feet; thence run S. 1
10 degree 48' West, 150 feet for a Point of
11 Beginning; thence run S. 88 degrees 30' East,
12 130 feet to a point; thence run S. 1 degree 48'
13 West, 50 feet to a point; thence run N. 88
14 degrees 30' West, 130 feet to a point; thence
15 run N. 1 degree 48' East 50 feet to the Point
16 of Beginning.

17
18 (i) A tract of land in the SW 1/4 of the SE
19 1/4 of the SE 1/4 of Section 22, Twp. 35 S.
20 Rge. 17 E. of Manatee County, Florida, more
21 particularly described as follows: From the NW
22 corner of said SW 1/4 of the SE 1/4 of the SE
23 1/4 of Section 22, run S. 88 degrees 30' East
24 along the North line of said SW 1/4 of the SE
25 1/4 of the SE 1/4, 14.74 feet; thence run S. 1
26 degree 48' West, 200 feet for a Point of
27 Beginning; thence run S. 88 degrees 30' East,
28 130 feet to a point; thence run S. 1 degree 48'
29 West, 50 feet to a point; thence run N. 88
30 degrees 30' West, 130 feet to a point; thence
31 run N. 1 degree 48' East 50 feet to the Point

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1 of Beginning.

2
3 Section 3. The business and affairs of said district
4 shall be conducted and administered by a board of nine
5 trustees (hereinafter referred to as the "trustees") who, upon
6 their annual election, shall organize by electing from their
7 number a chair, two vice chairs, a secretary, and a treasurer.
8 Said trustees shall not receive any compensation for their
9 services but shall be entitled to be reimbursed from funds of
10 the district for any authorized disbursements they may
11 properly incur on behalf of the district. Each trustee
12 authorized to sign checks of the district or otherwise
13 designated to handle its funds shall, before he or she enters
14 upon such duties, execute to the Governor for the benefit of
15 said district, a good and sufficient bond approved by a
16 circuit judge of Manatee County in the sum of \$5,000 with a
17 qualified corporate surety conditioned to faithfully perform
18 the duties of such trustee and account for all funds which may
19 come into his or her hands as such trustee. All premiums for
20 such surety on all bonds shall be paid from the funds of said
21 district.

22 Section 4. Elections shall be held at the usual
23 polling place within the district between the hours of 12 noon
24 and 8 p.m. and shall be conducted and supervised by the
25 supervisor of elections of Manatee County under the rules
26 governing general elections in the county, except as may
27 otherwise be provided herein. Election of the Board of
28 Trustees shall be held annually on the first Tuesday after the
29 first Monday of December, establishing 2-year terms for all
30 trustees, five to be elected in even years to serve 2-year
31 terms and four to be elected in odd years to serve 2-year

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1 terms in order of expiration of terms of office and as
2 required to maintain a full board of nine trustees.

3 Section 5. The only persons qualified to vote in said
4 election shall be owners of record of real property within
5 said district, but they need not be actually residing in the
6 district, nor be residents of the state. The term "owners of
7 record" means record owners appearing on the current rolls of
8 the tax assessor of Manatee County not less than 30 days prior
9 to the date of each election. For the purpose of determining
10 the qualifications of electors, the rolls of the tax assessor
11 of Manatee County shall be presumptive evidence of the record
12 of owners of property within the district, but such
13 presumption may be rebutted by the voter furnishing a recorded
14 deed or facsimile thereof to the supervisor of elections, or
15 his or her designated agent at the polling place, at the time
16 of voting at such election. Application for absentee ballots
17 may be obtained from the supervisor of elections of Manatee
18 County within 45 days prior to each annual election, and shall
19 be counted if actually received by the supervisor of elections
20 by 5 p.m. on the day before the date of each such election.
21 All election ballots shall be prepared by the supervisor of
22 elections of the county. Persons desiring to have their names
23 placed on the ballot for election as trustee of the district
24 shall be qualified electors as defined in this act and shall
25 present a written petition to the supervisor of elections of
26 Manatee County not less than 60 days prior to the date of each
27 election, which petition shall be signed by the candidate and
28 notarized, and signed by not less than 25 persons qualified to
29 vote in said election within the district. Notice of said
30 election setting forth the names of the persons proposed as
31 trustees of the district for the next ensuing 2 years shall be

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1 given by the district in writing addressed to each record
2 owner or owners of each parcel of property within the
3 district, not less than 15 days before the date of each
4 election, and shall also be published by the district one time
5 at least 10 days prior to such election, in a newspaper of
6 general circulation published in the county, and if no
7 newspaper be published in said county, then they shall cause
8 written or printed notices of said election to be posted in
9 five public places within said district. The trustees may
10 appoint inspectors and clerks for the election whose duties
11 shall be the same as similar officers in general elections,
12 except as herein stated. Said election may be by ballot or by
13 voting machine, and if by ballot the same shall be written or
14 printed in black ink on plain paper and shall be substantially
15 in the following form:

16
17 Board of Trustees of the Trailer Estates Park
18 and Recreation District (stating their names
19 and residence addresses)
20

21 and if by voting machine the requirements for the ballot
22 herein described shall be adapted to the use of such voting
23 machine. The nine persons receiving the highest number of
24 votes shall be declared trustees of the district for the
25 ensuing 2 years. Trustees may succeed themselves in office.

26 Section 6. The supervisor of elections of Manatee
27 County shall canvass the return of election and shall announce
28 the results thereon the day following the election. Should
29 there be a deadlock in the balloting, a runoff election shall
30 be held on the 3rd Tuesday of December next following the
31 deadlocked election, except if a deadlock should occur in the

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1 first election as provided hereunder, a runoff election shall
2 be held on the 3rd Tuesday following such deadlocked election.
3 The supervisor of elections shall be entitled to a reasonable
4 fee for conducting each election, payable out of general funds
5 of the district.

6 Section 7. The Board of Trustees shall have the right,
7 power, and authority to levy a special assessment known as a
8 recreation district tax against all taxable real estate
9 situated within said district for the purpose of providing
10 funds for the operation of the district. The trustees shall,
11 on or before April 1 of each year, by resolution, fix the
12 amount of the assessment for the next ensuing year and shall
13 direct the tax assessor of Manatee County to assess and the
14 tax collector of Manatee County to collect such tax as
15 assessed upon each improved residential parcel of property
16 within the district. Prior to the adoption of the resolution
17 fixing the amount of the assessment, the trustees shall hold a
18 public hearing at which time property owners within the
19 district may appear and be heard. Notice of the time and
20 place of the public hearing shall be published once in a
21 newspaper of general circulation within the county at least 21
22 days prior to the public hearing. The county tax assessor
23 shall include on the Manatee County tax roll the special
24 assessment for park and recreation district benefits thus made
25 by the Board of Trustees of the district, and the same shall
26 be collected in the manner and form as provided for collection
27 of county taxes. The county tax collector and the county tax
28 assessor shall each receive compensation for their services
29 regarding such special assessment of 1-1/2 percent of the
30 gross tax receipts instead of the commissions and fees usually
31 earned for the assessment and collection of county taxes.

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1 Further, the services of the tax assessor and the tax
2 collector under this act are hereby declared to be special
3 services performed directly for the district, and any payment
4 therefor shall not be considered of the general income of such
5 official nor come under sections 116.03 and 145.121, Florida
6 Statutes. After deducting therefrom the said fees, the tax
7 collector shall deposit the funds into a depository designated
8 by the Board of Trustees of the district for the account of
9 the district. For the purpose of determining property subject
10 to the district tax, an "improved residential parcel" shall be
11 construed to mean a lot or lots on which a mobile home has
12 been erected as of January 1 of the taxable year. The
13 district tax shall not be an ad valorem tax but rather shall
14 be a unit tax assessed equally against all improved
15 residential parcels.

16 Section 8. The district may acquire and hold property,
17 sue and be sued, enter into contracts, and perform other
18 functions necessary or desirable to the carrying out of the
19 provisions and intent of this act. No debt shall be created
20 without the approval of the Board of Trustees.

21 Section 9. The district tax shall be a lien upon each
22 improved residential parcel of land so assessed until said tax
23 has been paid, and shall be considered a part of the Manatee
24 County tax, subject to the same penalties, charges, fees, and
25 remedies for enforcement and collection as provided by the
26 laws of the state for the collection of such taxes.

27 Section 10. The proceeds for said tax and the funds of
28 the district shall be deposited in the name of the district in
29 a bank or savings and loan association or building and loan
30 association authorized to receive deposits of county funds,
31 which depository shall be designated by resolution of the

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1 Board of Trustees. No funds of the district shall be
2 disbursed save and except by check or draft signed by the
3 chair and treasurer of the board or, in the absence of either,
4 by another trustee designated for that purpose by the board.

5 Section 11. Trustees shall hold office for a term of 2
6 years, and may succeed themselves. All vacancies occurring in
7 the Board of Trustees for any cause shall be filled for the
8 unexpired term by the remaining trustees by the appointment of
9 a successor trustee or trustees from among the qualified
10 electors of said district as herein defined. Any trustee
11 failing to discharge the duties of his or her position may be
12 removed for cause by the Board of Trustees, after due notice
13 and an opportunity to be heard upon charges of malfeasance or
14 misfeasance.

15 Section 12. The fiscal year of the district shall
16 commence January 1. The trustees shall, on or before April 1
17 of each year, prepare an annual financial statement of income
18 and disbursements during the prior fiscal year. On or before
19 April 1 of each year, the trustees shall prepare and adopt an
20 itemized budget showing the amount of money necessary for the
21 operation of the district for the next fiscal year, and the
22 district tax to be assessed and collected upon the taxable
23 property of the district for the next ensuing year. Such
24 financial statement shall be published once during the month
25 of April each year in a newspaper of general circulation
26 within the county. A copy of said statement and a copy of said
27 budget shall also be furnished by mail to each taxpayer within
28 the district within 30 days after its preparation and a copy
29 made available for public inspection at the principal office
30 of the district at reasonable hours.

31 Section 13. The property of the district shall consist

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1 of the recreational hall, shuffleboard courts, marina,
2 playgrounds, walks, and other property and improvements now or
3 hereafter erected or purchased by the trustees for the
4 district, as well as any other real or personal property which
5 the trustees of the district may, in their discretion,
6 determine to be necessary or convenient for the purposes of
7 the district. In addition thereto, for the comfort and
8 convenience of taxpayers within the district, the trustees may
9 in their discretion assume the cost of installing and
10 maintaining entrance parkways and street lighting within the
11 district and may acquire and dispose of any other facilities
12 for the general purpose of the district.

13 Section 14. Persons entitled to use the facilities and
14 property of the district shall be limited to property owners
15 within the district, their family members and guests, and such
16 other persons and groups as the trustees may authorize from
17 time to time.

18 Section 15. The trustees shall supervise all real and
19 personal property owned by the district, and shall have the
20 following powers in addition to those already herein
21 enumerated:

22 (a) To negotiate purchases and to purchase real and
23 personal property on behalf of the district and to pay for
24 such purchases with either cash or by the issuance of bonds or
25 revenue certificates.

26 (b) To determine and fix the tax to be assessed
27 annually within the district.

28 (c) To enter into contracts on behalf of the district.

29 (d) To incur obligations on behalf of the district,
30 including the power to issue bonds, notes, and other evidence
31 of indebtedness of the district for the purpose of obtaining

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1 funds for the operation of the district, including the
2 purchase of land, buildings, and other improvements; provided,
3 however, that the aggregate amount of all obligations of the
4 district payable in any fiscal year shall not exceed the
5 aggregate amount of all revenue received by the district from
6 all sources during such fiscal year. Bonds, notes, or other
7 certificates of indebtedness issued by the district may be
8 secured by the pledge of tax revenues obtained by the
9 district, as well as by mortgage of property owned by the
10 district.

11 (e) To issue its bonds to finance, in whole or in
12 part, the cost of construction, acquisition, or improvements
13 of real and personal property of the district. The trustees,
14 in determining such costs, may include all costs and estimated
15 costs of the issuance of said bonds, all engineering,
16 inspection, fiscal, and legal expenses, all costs of
17 preliminary surveys, plans, maps, and specifications, initial
18 reserve funds for debt service, the costs of the services of
19 persons, firms, corporations, partnerships, or associations
20 employed, or consultants, advisors, engineers, or fiscal,
21 financial, or other experts in the planning, preparation, and
22 financing of the district. The trustees are hereby authorized
23 to employ and to enter into agreements or contracts with
24 consultants, engineers, attorneys, or fiscal, financial, or
25 other experts for the planning, preparation, and financing of
26 the district, or any asset thereof, upon such terms and
27 conditions as the trustees shall deem desirable and proper.
28 The district may pledge to the punctual payment of bonds or
29 revenue certificates issued pursuant to this act, and interest
30 thereon, an amount of the revenue derived from the facilities
31 and services of the district, including acquisitions,

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1 extensions, and improvements thereof sufficient to pay said
2 bonds and the interest thereon as the same shall become due
3 and to create and maintain reasonable reserves therefor.

4 (f) To buy, sell, rent, or lease real and personal
5 property in the name of the district; to deliver purchase
6 money notes and mortgages or to assume the obligation of
7 existing mortgages in connection with the acquisition of
8 property of the district; and to receive gifts of real or
9 personal property.

10 (g) To promulgate reasonable rules and regulations
11 governing the use of the facilities of the district.

12 (h) To provide trash and garbage collection and
13 central television antenna signals and services for the
14 benefit of all persons residing within the district, to own,
15 operate, and maintain the necessary equipment and apparatus,
16 or to contract with others to provide such services, and to
17 hold such franchises as may be necessary or desirable to
18 provide such services.

19 (i) To use district funds in the administration and
20 enforcement of the deed restriction as filed in the Manatee
21 County public records for properties within the district.

22 (j) To recover all costs and reasonable attorney's
23 fees in addition to other appropriate relief should the
24 trustees be the prevailing party in any litigation, and in any
25 appellate proceedings, involving the enforcement of this act
26 and/or the deed restrictions as filed in the Manatee County
27 public records.

28 Section 16. The construction, acquisition, or
29 improvements of real or personal property of the district, or
30 the refunding of any bonds or other obligations issued for
31 such purposes, may be authorized under this act. Bonds may be

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1 authorized to be issued under this act to provide funds for
2 such purposes by resolution or resolutions of the trustees,
3 which may be adopted at the same meeting at which they were
4 introduced and may be adopted by a majority of the members
5 thereof, and shall take effect immediately upon adoption and
6 need not be published or posted. Said bonds shall bear
7 interest at such rate or rates not exceeding 6 percent per
8 annum, payable semiannually, may be in one or more series, may
9 bear such date or dates, may mature at such time or times not
10 exceeding 40 years from their respective dates, may be made
11 payable in such medium of payment, at such place, within or
12 without the state, may carry such registration privileges, may
13 be subject to such terms of redemption, with or without
14 premium, may be executed in such manner, may contain such
15 terms, covenants, and conditions, and may be in such form,
16 either coupon or registered, as such resolution or subsequent
17 resolution may provide. Said bonds may be sold all at one
18 time or in blocks from time to time, at public or private
19 sale, or if refunding bonds, may also be delivered and
20 exchanged for the outstanding obligations to be refunded
21 thereby, in such manner as the trustees shall determine by
22 resolution, and at such price or prices computed according to
23 standard tables of bond value as will yield to the purchasers
24 or the holders of the obligations surrendered in exchange in
25 the case of refunding bonds, income at a rate not exceeding 6
26 percent per annum to the maturity dates of the several bonds
27 so sold or exchanged on the money paid or the principal amount
28 of obligations surrendered therefor to the district. Pending
29 the preparation of the definitive bonds, interim certificates
30 or receipts or temporary bonds in such form and with such
31 provisions as the trustees may determine may be issued to the

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1 purchaser or purchasers of the bonds sold pursuant to this
2 act. Said bonds, and such interim certificates or receipts or
3 temporary bonds, shall be fully negotiable.

4 Section 17. A record shall be kept of all meetings of
5 the Board of Trustees and in such meetings a concurrence of a
6 majority of said trustees shall be necessary for any
7 affirmative action taken by the board. Said trustees may
8 adopt such rules and regulations, not inconsistent with any
9 portion of this act, as they may deem necessary or convenient
10 in and about the transaction of the business of the board and
11 in carrying out the provisions of this act.

12 Section 18. For the general purposes of this act, each
13 parcel of improved residential property in said district is
14 hereby declared to be uniformly and generally benefited by the
15 provisions hereof.

16 Section 19. The district hereby created may be
17 abolished by a majority vote of the qualified electors in the
18 district at an election called by the trustees of the district
19 for such purpose, which election shall be held and notice
20 thereof given under the same requirements as are set forth
21 hereunder for the election of trustees and the levying and
22 collecting of the district tax. However, the district shall
23 not be abolished while it has outstanding indebtedness without
24 first making adequate provisions for the liquidation of such
25 outstanding indebtedness.

26 Section 20. Trustees not guilty of malfeasance in
27 office shall be relieved of any personal liability for any
28 acts done by them while holding office in the district; any
29 trustee who is made a party to any action, suit, or proceeding
30 solely by reason of his or her holding office in the district
31 shall be indemnified by the district against reasonable

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1 expenses, including attorney's fees, incurred by him or her in
2 defending such suit, action, or proceeding, except with
3 respect to matters wherein it shall be adjudged in such
4 proceeding that such trustee is liable for negligence or
5 misconduct in the performance of his or her duties.

6 Section 21. The word "district" means the special park
7 and recreation district hereby organized; the words "board,"
8 "trustees," and "Board of Trustees" mean the Board of Trustees
9 of and for the special park and recreation district hereby
10 created when used in this act, unless otherwise specified.

11 Section 22. (a) Notwithstanding any provisions to the
12 contrary (as may now appear in section 8, section 13, or
13 section 15), the trustees of Trailer Estates Park and
14 Recreation District shall not enter into any contract
15 involving the initial purchase, lease, conveyance, or other
16 manner of acquisition of real or tangible personal property
17 constituting recreational facilities, which presently exist
18 within the territory included in the Trailer Estates Park and
19 Recreation District, in any instance when the cost price or
20 consideration therefor exceeds \$25,000 including all
21 obligations proposed to be assumed in connection with such
22 acquisition, unless:

23 (1) The trustees by two-thirds vote have approved the
24 terms and conditions of such acquisition by written
25 resolution;

26 (2) Within not less than 30 nor more than 60 days
27 after the date of the resolution, the trustees certify the
28 resolution to the supervisor of elections of Manatee County
29 for a referendum election; and

30 (3) A majority of qualified electors of the district
31 voting in a referendum election approve the resolution.

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1 (b) The qualifications of voters, notice, and
2 procedure for this referendum shall be the same as set forth
3 herein for the election of trustees and for special referendum
4 elections.

5 Section 4. Chapters 69-1287, 70-796, 72-612, 73-546,
6 76-420, 76-423, 81-428, 90-447, 94-413, and 96-442, Laws of
7 Florida, are repealed.

8 Section 5. In the event of a conflict of the
9 provisions of this act with the provisions of any other act,
10 the provisions of this act shall control to the extent of such
11 conflict.

12 Section 6. The provisions of this act shall be
13 liberally construed in order to effectively carry out the
14 purpose of this act in the interest of the public.

15 Section 7. This act shall take effect upon becoming a
16 law.

17
18
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 2,
22 remove: the entire title

23
24 and insert:

25 An act relating to the Trailer Estates Park and
26 Recreation District, Manatee County; codifying,
27 reenacting, amending, and repealing special
28 acts relating to the district; providing for
29 the administration of the affairs of said
30 district by a board of nine trustees and
31 defining their powers and duties; providing for

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1 the qualification of electors in the district
2 and for annual election of trustees; providing
3 for removal of trustees and appointment to fill
4 vacancies; providing for the assessment and
5 collection of a recreation district tax
6 assessed against each improved residential
7 parcel of real property within the district;
8 providing that such district tax shall be a
9 lien against each parcel of land so assessed
10 and for the method of collecting such tax;
11 providing for the deposit and disbursement of
12 funds of the district; establishing a fiscal
13 year and providing for publication of annual
14 financial statements; authorizing the trustees
15 of the district to issue bonds and other
16 obligations of the district and to secure the
17 same by pledge of tax revenues and other
18 property of the district; authorizing the
19 trustees of the district to acquire and dispose
20 of real and personal property for the general
21 purpose of the district; authorizing the
22 trustees of the district to promulgate rules
23 and regulations for the use of facilities of
24 the district; providing for the abolishment of
25 the district; providing conditions precedent to
26 the filing of suit against the district or any
27 of the trustees thereof, and relieving
28 individual trustees from personal liability for
29 obligations of the district; defining terms;
30 providing an effective date.
31