

## Pima County Code Chapter 3.06 BONDING DISCLOSURE, ACCOUNTABILITY AND IMPLEMENTATION

### Section:

#### **3.06.090 Design, construction, and equipping of county bond projects by other agencies.**

- A. Pursuant to Pima County Code Section 3.06.080, bond projects authorized by the board of supervisors in a bond implementation plan for a special bond election to be designed, constructed, or equipped by another agency using county general obligation bonds to fund a project in whole or part shall be funded by the county only pursuant to a binding contract or intergovernmental agreement executed between Pima County and the implementing agency. Each such project shall be authorized and implemented with a separate agreement. Neither this Code, nor the inclusion of a project in the bond implementation plan gives an agency any contractual rights with respect to a project until a binding agreement is duly approved and executed. The agreement shall authorize the implementing agency to design, construct, or equip the project, subject to compliance with the terms and mutual responsibilities of the parties agreed upon in the agreement. Each agency with an interest in one or more projects in the bond implementation plan is expected to designate an individual to liaison with the County with respect to bond program implementation to facilitate the development of project-specific agreements and other aspects of overall program implementation.
- B. Unless waived by the board of supervisors as being in the best interests of the county and warranted by the circumstances of the bond funded project at issue, the agreement shall include, but not be limited to, provisions establishing the following:
  - 1. That the implementing agency shall operate and maintain the improvements constructed by county bond funds for a period of not less than twenty-five (25) years.
  - 2. That the implementing agency shall sufficiently fund operations and maintenance of the facility, and identify the estimated amount and source of funding for operations and maintenance of the facility.
  - 3. That the implementing agency and the County will conduct regular performance audits to determine if facilities built, operated and maintained by the implementing agency are being maintained in good working order and are being used for the appropriate purposes; and that the County may suspend the allocation of County bond funding for other not-yet-built projects if the performance audit results in a finding of unsatisfactory and facilities are not returned to good working order within 120 days.
  - 4. That the implementing agency shall not charge a fee for use of the constructed improvement that is more than a fee charged by the county for a similar purpose.
  - 5. That the implementing agency agrees to insure the improvements constructed with county bond funds and will replace same them if they are damaged or destroyed.
  - 6. That the implementing agency agrees to make the improvements available to all residents of Pima County without restriction or preference to jurisdiction of residence.
  - 7. That the implementing agency agrees to comply with all provisions of Chapter 3.06 (Bonding Disclosure, Accountability, and Implementation) of the Pima County Code and will provide all reports to the county in a format and schedule agreed upon by the parties.
  - 8. That the county will only transfer county general obligation bond proceeds to the implementing agency upon request from the implementing agency, with full documentation.
  - 9. That the implementing agency agrees to a provision requiring compliance with federal arbitrage regulations.
  - 10. That the implementing agency, by action of its governing body at a public hearing, shall notify the county of events that would require an amendment of the bond implementation plan

ordinance and formally request the board of supervisors to hold a public hearing on the necessary ordinance amendment.

11. The maximum amount of county bond funds allocated to the specific project, and what entity will own improvements as they are constructed.
12. That the implementing agency will pay for any and all project costs in excess of the allocated county bond funds.