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APR 17 1991

WAYS & MEANS CALENDAR

HOUSE FILE 690

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 102)

(SUCCESSOR TO HF 495)

Passed House, Date 4/19/91 (p. 1391) Passed Senate, Date 4/30/91 (p. 1566)

Vote: Ayes 88 Nays 5 Vote: Ayes 49 Nays 0

Approved May 22, 1991

A BILL FOR

1 An Act relating to the creation of an interstate metropolitan
2 authority, by specifying the powers and duties of the
3 authority, by authorizing certain counties to join the
4 authority, by providing for the imposition of a sales and
5 services tax, by providing for the issuance of revenue bonds,
6 by authorizing the imposition of fines for certain violations,
7 and by providing an effective date.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 690

HOUSE FILE 690

H-3679

1 Amend House File 690 as follows:
2 1. Page 3, line 7, by striking the word "twenty"
3 and inserting the following: "ten".

By DVORSKY of Johnson

H-3679 FILED APRIL 17, 1991
Adopted 4/19/91 (p. 1391)

HOUSE FILE 690

H-3688

1 Amend House File 690 as follows:
2 1. Page 14, line 17, by inserting after the word
3 "expended" the following: "and the date of expiration
4 of the tax".

By WISSING of Scott
GRUBBS of Scott

H-3688 FILED APRIL 17, 1991
Adopted 4/19/91

TLSB 1409HZ 74

tj/jw/5

S.F. _____ H.F. 690

1 DIVISION II
2 QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY
3 Section 1. NEW SECTION. 330B.2 CITATION.
4 Chapter 330B, division II, may be cited as the "Quad Cities
5 Interstate Metropolitan Authority Act".
6 Sec. 2. NEW SECTION. 330B.3 PURPOSES.
7 1. Chapter 330B, division II, is enabling legislation for
8 the quad cities interstate metropolitan authority compact, a
9 compact entered into by the states of Illinois and Iowa as
10 provided in section 330B.1.
11 2. The authority shall engage in operations and services
12 that can best be conducted on an area basis benefiting the
13 entire greater metropolitan area, and at the same time
14 improving the quality of life for the greater metropolitan
15 area. The authority may include the following areas of
16 operation and service:
17 a. Intermodal water port operations.
18 b. Waste disposal systems.
19 c. Mass transit.
20 d. Airports.
21 e. Bridges.
22 f. Parks and recreation.
23 g. Related facilities, fixtures, equipment, and property
24 necessary, appurtenant, or incidental to the operations and
25 services specified in paragraphs "a" through "g". The
26 authority shall be supportive of, and refrain from unnecessary
27 and unreasonable competition with, private sector operations
28 when possible.
29 3. The establishment, maintenance, and operation of safe,
30 adequate, and necessary metropolitan facilities, and the
31 creation of the authority having powers necessary or desirable
32 for the establishment, maintenance, and operation of the
33 metropolitan facilities beneficial to the territory of the
34 authority, and the powers and the corporate purposes and
35 functions of the authority are public and governmental in

1 nature and essential to the public interest in the territory
2 of the authority.
3 Sec. 3. NEW SECTION. 330B.4 DEFINITIONS.
4 As used in this chapter, unless the context otherwise
5 requires:
6 1. "Authority" means the quad cities interstate
7 metropolitan authority created as provided in this division.
8 2. "Board" means the board of commissioners of the
9 authority.
10 3. "Cost" of any project for a metropolitan facility
11 includes construction contract costs and the costs of
12 engineering, architectural, technical, and legal services,
13 preliminary reports, property valuations, estimates, plans,
14 specifications, notices, acquisition of real and personal
15 property, consequential damages or costs, easements, rights-
16 of-way, supervision, inspection, testing, publications,
17 printing and sale of bonds, if any, and provisions for
18 contingencies.
19 4. "Greater metropolitan area" means the combined area of
20 Rock Island county, Illinois, and Scott county, Iowa.
21 5. "Metropolitan area" means Rock Island county, Illinois,
22 as a separate and distinct area, or Scott county, Iowa, as a
23 separate and distinct area, or each as a part of the greater
24 metropolitan area.
25 6. "Metropolitan facility" means a structure, fixture,
26 equipment, or property of any kind or nature related to or
27 connected with an intermodal water port, waste disposal
28 system, mass transit system, airport, park, recreation, or
29 bridge, which the authority may construct, acquire, own,
30 lease, or operate, including all related facilities necessary,
31 appurtenant, or incidental to the facilities.
32 7. "Person" means an individual, firm, partnership,
33 corporation, company, association, or joint stock association,
34 and includes any trustee, receiver, assignee, or personal
35 representative of any of the entities.

1 8. "Waste disposal system" means a facility or service for
2 collection, transportation, processing, storage, or disposal
3 of solid waste including a facility or service established
4 pursuant to chapter 28G.
5 Sec. 4. NEW SECTION. 330B.5 PETITION AND PUBLIC HEARING.
6 1. Upon petition of eligible electors of a metropolitan
7 area equal in number to at least twenty percent of the persons
8 who voted in the last general election held in the
9 metropolitan area for the office of president of the United
10 States or governor, the governing body of the county shall
11 adopt a resolution signifying its intention to initiate the
12 question of participating in the creation of an authority and
13 shall publish the resolution at least once in a newspaper of
14 general circulation in the metropolitan area giving notice of
15 a hearing to be held on the question of the metropolitan
16 area's entry into the authority. The resolution shall be
17 published at least fourteen days prior to the date of hearing,
18 and shall contain all of the following information:
19 a. Intention to join in the creation of the authority
20 pursuant to this division.
21 b. That the greater metropolitan area will include Rock
22 Island county, Illinois, and Scott county, Iowa, which have
23 expressed their interest in the creation of the authority.
24 c. Name of the authority.
25 d. Place, date, and time of hearing.
26 2. After the hearing, if the governing body of a
27 metropolitan area wishes to proceed in the creation of or to
28 join the authority, the governing body shall direct the proper
29 election authority to submit the proposition to the electorate
30 of the metropolitan area as provided in section 330B.6.
31 Sec. 5. NEW SECTION. 330B.6 ELECTION.
32 1. Upon receipt of the resolution, the county commissioner
33 of elections shall place the proposition on the ballot of a
34 special election but not at a general election, called by the
35 governing body of the metropolitan area. At the election, the

1 proposition shall be submitted in substantially the following
2 form:
3 "Shall the Quad Cities Interstate Metropolitan Authority be
4 established effective on the _____ day of
5 _____, 19__?
6 YES _____ NO _____"
7 2. Notice of the election shall be given by publication as
8 required in section 49.53 in a newspaper of general
9 circulation in the metropolitan area. At the election, the
10 ballot used for submission of the proposition shall be
11 substantially the form for submitting special questions at
12 general elections.
13 3. The proposition is approved if the vote in favor of the
14 proposition is a simple majority of the total votes cast on
15 the proposition in the metropolitan area.
16 4. If the proposition is approved, the governing body of
17 the county shall enact an ordinance authorizing the joining of
18 the authority.
19 Sec. 6. NEW SECTION. 330B.7 BOARD OF COMMISSIONERS --
20 APPOINTMENT.
21 1. The authority established under this division shall be
22 governed by a board of commissioners appointed as provided in
23 subsection 2. The appointment of the commissioners shall be
24 made in writing and shall indicate the legal residence of the
25 appointee.
26 2. The board of commissioners of an authority shall
27 consist of sixteen members, eight members of which shall be
28 residents of the metropolitan area of each state which is a
29 party to the authority. Five members appointed from each
30 metropolitan area shall be elected city or county officers.
31 The mayor of each city having a population of at least eighty
32 thousand within the metropolitan area shall appoint, with the
33 consent of the city council, four members to the board of
34 commissioners. The mayor of each city having a population of
35 at least forty thousand, but less than eighty thousand, within

1 the metropolitan area shall appoint, with the consent of the
2 city council, two members to the board of commissioners. The
3 mayor of each city having a population of at least nineteen
4 thousand, but less than forty thousand, within the
5 metropolitan area shall appoint, with the consent of the city
6 council, one member to the board of commissioners. The
7 remaining members appointed from each state shall be appointed
8 by the chairperson of the governing body of the county within
9 the metropolitan area, with consent of the governing body,
10 from cities having less than nineteen thousand population and
11 areas outside the corporate limits of cities.
12 3. If a city increases to a population that would enable
13 an additional appointment to be made, a member appointed by
14 the chairperson of the governing body of the county and having
15 the least tenure shall be removed from the board of
16 commissioners. If a city decreases to a population warranting
17 fewer members, the appointee having the least tenure of that
18 city shall be removed from the board of commissioners and the
19 chairperson of the governing body of the county in which that
20 city is located shall make a new appointment as provided in
21 subsection 2. If more members than are required to be removed
22 have the same tenure, the removal shall be determined by lot.
23 4. The membership of the board of commissioners shall be
24 gender balanced if possible. The appointing authorities shall
25 comply with the requirements of section 69.16A or to similar
26 laws of the state of Illinois as determined by the appointing
27 authorities. The appointing authorities shall also provide
28 representation for racial groups residing in the metropolitan
29 area based on the ratio of the racial population to the
30 population as a whole.
31 Sec. 7. NEW SECTION. 330B.8 COMMISSIONERS -- TERMS OF
32 OFFICE.
33 1. All initial appointments of commissioners shall be made
34 within thirty days after the establishment of the authority.
35 The authority is considered established when the proposition

1 is approved by the voters under section 330B.6. Each
2 appointment shall be in writing and a certificate of
3 appointment signed by the appointing officer shall be filed
4 and made a matter of record in the office of the county
5 recorder. A commissioner shall be appointed for a term of two
6 years and shall qualify within ten days after appointment by
7 acceptance and the taking of an oath or affirmation to
8 faithfully perform the duties of office. Members initially
9 appointed to the board of commissioners shall serve from date
10 of appointment until June 30 of one or two years after the
11 date of appointment and shall draw lots to determine the terms
12 for which each shall be appointed. Lots shall be drawn so
13 that four commissioners from the metropolitan area shall serve
14 in each of two classes. Thereafter, commissioners shall be
15 appointed for two-year terms beginning on July 1 of the year
16 of appointment. However, a commissioner who is also an
17 elected officer shall have a term of office that runs
18 concurrent and consistent with the elective office.
19 2. Within forty-five days after any vacancy occurs on the
20 board by death, resignation, change of residence to outside of
21 the metropolitan area, or for any other cause, a successor
22 shall be appointed in the same manner as the commissioner's
23 predecessor was appointed for the unexpired term of office.
24 Commissioners and board officers of the board shall serve
25 until a successor is appointed and qualifies. A vacancy
26 exists when a commissioner who is also an elected officer
27 leaves elective office and a former city or county elective
28 officer is ineligible to serve as a commissioner for two years
29 after leaving elective office.
30 Sec. 8. NEW SECTION. 330B.9 ORGANIZATION -- OFFICERS --
31 MEETINGS -- COMPENSATION.
32 1. The board of commissioners may exercise all of its
33 legislative and executive powers granted under this division.
34 Within thirty days after the appointment of the initial
35 commissioners, the board shall meet and elect a chairperson

1 from among its members for a term of one year. The
2 chairperson's position shall alternate annually between a
3 commissioner from one state to a commissioner from the other
4 state. The board shall also select a secretary, treasurer,
5 and other officers or employees as necessary for the
6 accomplishment of its corporate objectives, none of whom need
7 be a commissioner. The board, at its first meeting, shall
8 define by ordinance the first and subsequent fiscal years of
9 the authority, and shall adopt a corporate seal and bylaws,
10 which shall determine the times for the annual election of
11 officers and for other regular and special meetings of the
12 board. The bylaws shall contain the rules for the transaction
13 of other business of the authority and for amending the
14 bylaws.
15 2. Each commissioner of the authority shall devote the
16 amount of time to the duties of office as the faithful
17 discharge of the duties may require. The board shall
18 reimburse a commissioner for actual and necessary expenses
19 incurred in the performance of official duties as approved by
20 the board. A commissioner shall not receive a salary or per
21 diem for the performance of official duties.
22 3. Each commissioner shall comply with restrictions
23 relating to conflicts of interests or acceptance of gifts as
24 provided in chapter 68B or to similar laws of the state of
25 Illinois as determined by the board.
26 4. The commissioners shall conduct the meetings as public
27 meetings with appropriate notice pursuant to chapter 21 or to
28 similar laws of the state of Illinois as determined by the
29 board.
30 5. The board shall keep and maintain its records as public
31 records pursuant to chapter 22 or to similar laws of the state
32 of Illinois as determined by the board.
33 Sec. 9. NEW SECTION. 330B.10 RIGHTS AND POWERS.
34 The authority constitutes a municipal corporation and body
35 politic separate from any other municipality, state, or other

1 public or governmental agency. The authority has the
2 following express powers, subject to any restrictions or
3 limitations contained in this division, and all other powers
4 incidental, necessary, convenient, or desirable to carry out
5 and effectuate the express powers to:
6 1. Sue and be sued.
7 2. Locate, acquire, own, establish, operate, and maintain
8 one or more metropolitan facilities upon any land or body of
9 water within its corporate limits, and to construct, develop,
10 expand, extend, and improve any metropolitan facility. A new
11 metropolitan facility, such as a sanitary landfill or
12 infectious waste disposal facility shall not be established
13 without site approval of the city council or board of
14 supervisors which governs the city or county in which the
15 proposed site is to be located.
16 3. Acquire, within the corporate limits of the authority,
17 and in fee simple, rights in and over land or water, and
18 easements upon, over, or across land or water, and leasehold
19 interests in land or water, and tangible and intangible
20 personal property, used or useful for the location,
21 establishment, maintenance, development, expansion, extension,
22 or improvement of one or more metropolitan facilities. The
23 acquisition may be by dedication, purchase, gift, agreement,
24 lease, or by condemnation if within corporate limits of the
25 authority. The authority may acquire land in fee simple
26 subject to a mortgage and as part of the purchase price may
27 assume the payment of the indebtedness secured by the
28 mortgage. Land may be acquired, possessed, and used for its
29 purposes by the authority, under a written contract for a deed
30 conveying merchantable title and providing that the deed shall
31 be placed in escrow and be delivered upon payment of the
32 purchase price and containing other terms as are reasonably
33 incident to the contract. Personal property may be purchased
34 on an installment contract basis or lease-purchase contract.
35 4. Operate, maintain, manage, lease with or without a

1 lease-purchase option, sublease, and make and enter into
2 contracts for the use, operation, or management of, and enact
3 regulations for the operation, management, or use of, a
4 metropolitan facility. The administrative expenses of the
5 authority shall not exceed one percent of rents, tolls, fees,
6 or charges collected by the authority from its operations.
7 5. Fix, charge, and collect reasonable rentals, tolls,
8 fees, and charges for the use of a metropolitan facility or
9 any part of a metropolitan facility. Rentals, tolls, fees, or
10 charges fixed and collected for the use of a metropolitan
11 facility shall be used for the construction, reconstruction,
12 repair, maintenance, or operation of that metropolitan
13 facility only.
14 6. Establish and maintain streets and approaches on
15 property of the authority.
16 7. Remove and relocate hazards or structures on property
17 of the authority.
18 8. Restrict and reduce the height of objects or buildings
19 on property of the authority.
20 9. Accept grants, contributions, or loans from, and enter
21 into contracts, leases, or other transactions with, a city,
22 county, state, or federal government.
23 10. Borrow money and issue bonds, notes, certificates, or
24 other evidences of indebtedness for the purpose of
25 accomplishing any of the corporate purposes, which obligations
26 may be payable from other sources as provided in this
27 division, and refund or advance refund any of the evidences of
28 indebtedness with bonds, notes, certificates, or other
29 evidences of indebtedness, which refunding or advanced
30 refunding obligations may be payable from taxes or from any
31 other source, subject to compliance with any condition or
32 limitation set forth in this division. The indebtedness of
33 the authority shall not exceed one percent of the assessed
34 value of the taxable property of the greater metropolitan
35 area.

11. Employ or enter into contracts for the employment of any person for professional services, necessary or desirable for the accomplishment of the corporate objectives of the authority or the proper administration, management, protection, or control of its property.

12. Regulate traffic, speed, movement, and mooring of vessels on property of the authority.

13. Regulate traffic, speed, movement, and parking of motor vehicles upon property of the authority and employ parking meters, signs, and other devices in the regulation of the motor vehicles.

14. Contract for police and fire protection.

15. Establish, by ordinance of the board, all regulations for the execution of the powers specified in this division, for the government of the authority, and for the protection of any metropolitan facility within the jurisdiction of the authority, or deemed necessary or desirable to effect its corporate objectives. An ordinance may provide for the revocation, cancellation, or suspension of an existing privilege or franchise as a penalty for a second or subsequent violation by the holder or franchisee of a regulation pertaining to the enjoyment, use, or exercise of the privilege or franchise. The use of a metropolitan facility of the authority shall be subject to the reasonable regulation and control of the authority and upon the reasonable terms and conditions as established by the board.

16. Establish a general operating fund and other funds as necessary.

17. Do all acts and things necessary or convenient for the promotion of its business and the general welfare of the authority, in order to carry out the powers granted to it by this chapter or any other laws. The authority has no power to pledge the taxing power of this state or any political subdivision or agency of this state.

Bonds and notes issued by the authority are payable solely

1 and only out of the moneys, assets, or revenues of the
2 authority, and as provided in the agreement with bondholders
3 or noteholders pledging any particular moneys, assets, or
4 revenues. Bonds or notes are not an obligation of this state
5 or any political subdivision of this state other than the
6 authority within the meaning of any constitutional or
7 statutory debt limitations, but are special obligations of the
8 authority payable solely and only from the sources provided in
9 this division, and the authority shall not pledge the credit
10 or taxing power of this state or any political subdivision of
11 this state other than the authority, or make its debts payable
12 out of any moneys except those of the authority.
13 Sec. 10. NEW SECTION. 330B.11 REGULATIONS -- ORDINANCES.
14 1. Regulations adopted pursuant to section 330B.10 shall
15 be contained in an ordinance which shall be placed on file in
16 the office of the authority in typewritten or printed form for
17 public inspection not less than fifteen days before adoption.
18 The ordinance may impose fines as the board deems appropriate
19 of not more than one hundred dollars upon conviction or guilty
20 plea for each violation, and may provide that, in case of
21 continuing violation, each day during which a violation occurs
22 or continues constitutes a separate offense.
23 2. All fines, when collected for violations of an
24 ordinance of the authority, shall be paid into a debt service
25 account or an equipment replacement account.
26 Sec. 11. NEW SECTION. 330B.12 EMINENT DOMAIN PROCEDURES.
27 If land in fee simple, rights in land, air, or water,
28 easements or other interests in land, air, water, property, or
29 property rights are acquired or sought to be acquired by the
30 authority by condemnation, the condemnation procedure shall be
31 in accordance with the eminent domain statutes of the state in
32 which the affected property is located.
33 Sec. 12. NEW SECTION. 330B.13 AUTHORITY PROCEDURES.
34 Action of the board of a legislative character, including
35 the adoption of regulations, shall be in the form of an

1 ordinance, and after adoption shall be filed with the
2 secretary and shall be made a matter of public record in the
3 office of the authority. Other action of the board shall be
4 by resolution, motion, or in other appropriate form.
5 Executive or ministerial duties may be delegated to one or
6 more commissioners or to an authorized officer, employee,
7 agent, or other representative of the authority. Ten
8 commissioners, five members from each state within the greater
9 metropolitan area, constitute a quorum to conduct business and
10 an affirmative vote of a majority of the commissioners from
11 each metropolitan area is required to adopt or approve an
12 action of the board. The enacting clause of any ordinance
13 shall be substantially as follows: "Be it ordained by the
14 Board of Commissioners of the Quad Cities Interstate
15 Metropolitan Authority".
16 Sec. 13. NEW SECTION. 330B.14 OFFICIAL RECORDS AND
17 OFFICER BONDS.
18 The board shall provide for the safekeeping of its
19 permanent records and for the recording of the corporate
20 action of the authority. The board shall keep a true and
21 accurate account of its receipts and an annual audit shall be
22 made of its books, records, and accounts by state or private
23 auditors. All officers and employees authorized to receive or
24 retain the custody of moneys or to sign vouchers, checks,
25 warrants, or evidences of indebtedness binding upon the
26 authority shall furnish surety bond for the faithful
27 performance of their duties and the faithful accounting for
28 all moneys that may come into their custody in an amount to be
29 fixed and in a form to be approved by the board.
30 Sec. 14. NEW SECTION. 330B.15 CHANGE OF NAME.
31 The board may change the name of the authority by
32 ordinance. A certified copy of the ordinance shall be filed
33 with the appropriate state office and the county recorder or
34 equivalent county officer of each county in which the
35 authority or part of the authority is located. The name

1 change shall be effective on the date of the filing.
2 Sec. 15. NEW SECTION. 330B.16 BUDGET AND APPROPRIATION.
3 Annually, the board shall prepare and adopt a budget and
4 provide appropriations as follows:
5 1. The budget shall show the amount required for each
6 class of proposed expenditures, a comparison of the amounts
7 proposed to be expended with the amounts expended for like
8 purposes for the two preceding years, if available, and the
9 sources of revenue.
10 2. Not less than twenty days before the date that a budget
11 must be certified as determined by the board and not less than
12 ten days before the date set for the hearing under subsection
13 3, the board shall file the budget with the treasurer of the
14 authority. The treasurer shall post a copy of the budget in
15 the authority offices for public inspection and comment.
16 3. The board shall set a time and place for a public
17 hearing on the budget before the final certification date and
18 shall publish notice of the hearing not less than ten nor more
19 than twenty days prior to the hearing in one or more
20 newspapers serving the greater metropolitan area. Proof of
21 publication shall be filed with and preserved by the
22 treasurer.
23 4. At the hearing, any resident or taxpayer of the greater
24 metropolitan area may present to the board objections to or
25 arguments in favor of any part of the budget.
26 5. After the hearing, the board shall adopt by resolution
27 a budget and shall direct the treasurer to properly certify
28 and file the budget.
29 6. The board shall appropriate, by resolution, the amounts
30 deemed necessary for the ensuing fiscal year. All revenue
31 from taxes, fees, tolls, rental, charges, bonds, or any other
32 source shall be appropriated and used only for the specific
33 metropolitan facility project for which it was collected.
34 Increases or decreases in these appropriations do not require
35 a budget amendment, but may be provided by resolution at a

1 regular meeting of the board.
2 Sec. 16. NEW SECTION. 330B.17 LOCAL SALES AND SERVICES
3 TAX.
4 If an authority is established as provided in section
5 330B.6 and after approval of a referendum by a simple majority
6 of votes cast in each metropolitan area in favor of the sales
7 and services tax, the governing board of a county in this
8 state within a metropolitan area which is part of the
9 authority shall impose, at the request of the authority, a
10 local sales and services tax at the rate of one-fourth of one
11 percent on gross receipts taxed by this state under chapter
12 422, division IV, within the metropolitan area located in this
13 state. The referendum shall be called by resolution of the
14 board and shall be held as provided in section 330B.6 to the
15 extent applicable. The ballot proposition shall contain a
16 statement as to the specific purpose or purposes for which the
17 revenues shall be expended. The local sales and services tax
18 shall be imposed on the same basis, with the same exceptions,
19 and following the same administrative procedures as provided
20 for a county under sections 422B.8 and 422B.9. The amount of
21 the sale, for the purposes of determining the amount of the
22 local sales and services tax under this section, does not
23 include the amount of any local sales and services tax imposed
24 under sections 422B.8 and 422B.9. The treasurer of state
25 shall credit the local sales and services tax receipts and
26 interest and penalties to the authority's account. Moneys in
27 this account shall be remitted quarterly to the authority.
28 The proceeds of the tax imposed under this section shall be
29 used only for the construction, reconstruction, or repair of
30 metropolitan facilities as specified in the referendum. The
31 local sales and services tax imposed under this section may be
32 suspended for not less than a fiscal quarter or more than one
33 year by action of the board. The suspension may be renewed or
34 continued by the board, but the board shall act on the
35 suspension at least annually. The local sales and services

1 tax may also be repealed by a petition and favorable
2 referendum following the procedures and requirements of
3 sections 330B.5 and 330B.6 as applicable. The board shall
4 give the department of revenue and finance at least forty
5 days' notice of the repeal, suspension, or reinstatement of
6 the tax and the effective dates for imposition, suspension, or
7 repeal of the tax shall be as provided in section 422B.9.
8 Sec. 17. NEW SECTION. 330B.18 BONDS AND NOTES PAYABLE
9 FROM REVENUE.
10 1. The bonds issued by the board pursuant to this division
11 shall be authorized by resolution of the board after approval
12 is voted by a simple majority of the total votes cast on the
13 proposition in each metropolitan area, and shall be either
14 term or serial bonds, shall bear the date, mature at the time,
15 not exceeding forty years from their respective dates, bear
16 interest at the rate, not exceeding the rate permitted under
17 chapter 74A or the rate authorized by another state within the
18 greater metropolitan area, whichever rate is lower, payable
19 monthly or semiannually, be in the denominations, be in the
20 form, either coupon or fully registered, shall carry the
21 registration, exchangeability and interchangeability
22 privileges, be payable in the medium of payment and at the
23 place, within or without the state, be subject to the terms of
24 redemption and be entitled to the priorities on the revenues,
25 rates, fees, rentals, or other charges or receipts of the
26 authority as the resolution may provide. The bonds shall be
27 executed either by manual or facsimile signature by the
28 officers as the authority shall determine, provided that the
29 bonds shall bear at least one signature which is manually
30 executed on the bond, and the coupons attached to the bonds
31 shall bear the facsimile signature of the officer as
32 designated by the authority and the bonds shall have the seal
33 of the authority, affixed, imprinted, reproduced, or
34 lithographed on the bond, all as may be prescribed in a
35 resolution. The bonds shall be sold at public sale or private

1 sale at the price as the authority shall determine to be in
2 the best interests of the authority provided that the bonds
3 shall not be sold at less than ninety-eight percent of the par
4 value of the bond, plus accrued interest and provided that the
5 net interest cost shall not exceed that permitted by
6 applicable state law. Pending the preparation of definitive
7 bonds, interim certificates or temporary bonds may be issued
8 to the purchaser of the bonds, and may contain the terms and
9 conditions as the board may determine.
10 2. The board, after the issuance of bonds, may borrow
11 moneys for the purposes for which the bonds are to be issued
12 in anticipation of the receipt of the proceeds of the sale of
13 the bonds and within the authorized maximum amount of the bond
14 issue. Any loan shall be paid within three years after the
15 date of the initial loan. Bond anticipation notes shall be
16 issued for all moneys so borrowed under this section, and the
17 notes may be renewed, but all the renewal notes shall mature
18 within the time above limited for the payment of the initial
19 loan. The notes shall be authorized by resolution of the
20 board and shall be in the denominations, shall bear interest
21 at the rate not exceeding the maximum rate permitted by the
22 resolution authorizing the issuance of the bonds, shall be in
23 the form and shall be executed in the manner, all as the
24 authority prescribes. The notes shall be sold at public or
25 private sale or, if the notes are renewal notes, they may be
26 exchanged for notes outstanding on the terms as the board
27 determines. The board may retire any notes from the revenues
28 derived from its metropolitan facilities or from other moneys
29 of the authority which are lawfully available or from a
30 combination of revenues and other available moneys, in lieu of
31 retiring them by means of bond proceeds. However, before the
32 retirement of the notes by any means other than the issuance
33 of bonds, the board shall amend or repeal the resolution
34 authorizing the issuance of the bonds, in anticipation of the
35 proceeds of the sale of the notes, so as to reduce the

1 authorized amount of the bond issue by the amount of the notes
2 so retired. The amendatory or repealing resolution shall take
3 effect upon its passage.
4 3. Any resolution authorizing the issuance of any bonds
5 may contain provisions which shall be part of the contract
6 with the holders of the bonds, as to:
7 a. The pledging of all or any part of the revenues, rates,
8 fees, rentals, or other charges or receipts of the authority
9 derived by the authority from all or any of its metropolitan
10 facilities.
11 b. The construction, improvement, operations, extensions,
12 enlargement, maintenance, repair, or lease of metropolitan
13 facilities and the duties of the authority with reference to
14 the facilities.
15 c. Limitations on the purposes to which the proceeds of
16 the bonds, or of any loan or grant by the federal government
17 or the state government or the county or any city in the
18 county, may be applied.
19 d. The fixing, charging, establishing, and collecting of
20 rates, fees, rentals, or other charges for use of the services
21 and facilities of the metropolitan facilities of an authority,
22 or any part of the facilities.
23 e. The setting aside of reserves or sinking funds or
24 repair and replacement funds or other funds and the regulation
25 and disposition of the funds.
26 f. Limitations on the issuance of additional bonds.
27 g. The terms and provisions of any deed of trust,
28 mortgage, or indenture securing the bonds or under which the
29 bonds may be issued.
30 h. Any other or additional agreements with the holders of
31 the bonds as are customary and proper and which in the
32 judgment of the authority will make the bonds more marketable.
33 4. The board of the authority may enter into any deeds of
34 trust, mortgages, indentures, or other agreements, with any
35 bank or trust company or any other lender within or without

1 the state as security for the bonds, and may assign and pledge
2 all or any of the revenues, rates, fees, rentals, or other
3 charges or receipts of the authority. The deeds of trust,
4 mortgages, indentures, or other agreements may contain the
5 provisions as may be customary in the instruments, or, as the
6 board may authorize, including, but without limitation,
7 provisions as to:
8 a. The construction, improvement, operation, leasing,
9 maintenance, and repair of the metropolitan facilities and
10 duties of the board with reference to the facilities.
11 b. The application of funds and the safeguarding and
12 investment of funds on hand or on deposit.
13 c. The appointment of consulting engineers or architects
14 and approval by the holders of the bonds.
15 d. The rights and remedies of the trustee and the holders
16 of the bonds.
17 e. The terms and provisions of the bonds or the resolution
18 authorizing the issuance of the bonds.
19 Any of the bonds issued pursuant to this section are
20 negotiable instruments, and have all the qualities and
21 incidents of negotiable instruments and are exempt from state
22 taxation.
23 Sec. 18. NEW SECTION. 330B.19 EXISTING JURISDICTIONS.
24 Existing jurisdictions, including those involving airports,
25 mass transit, river bridges, waste disposal systems, and
26 intermodal water ports within their jurisdictional boundaries,
27 are protected from incorporation by the authority and shall
28 not be incorporated in the authority except by their
29 respective governing bodies. However, an existing
30 jurisdiction may negotiate with the authority to take over its
31 entire powers, incomes, and debts. The authority may assume
32 the powers, income, and debts for any type of facility
33 authorized by this division.
34 Sec. 19. NEW SECTION. 330B.20 COOPERATION WITH OTHER
35 GOVERNMENTS.

1 The authority may apply for and receive a grant or loan of
2 moneys or other financial aid from the state or federal
3 government or from any state or federal agency, department,
4 bureau, or board, necessary or useful for the undertaking,
5 performance, or execution of any of its corporate objectives
6 or purposes, and the authority may undertake the acquisition,
7 establishment, construction, development, expansion,
8 extension, or improvement of metropolitan facilities within
9 its corporate limits or within or upon any body of water
10 within the corporate limits aided by, in cooperation with, or
11 as a joint enterprise with the state or federal governments or
12 with the aid of, or in cooperation with, or as a joint project
13 with the state and federal governments. The authority shall
14 assure, in compliance with any state or federal requirements
15 or directives, that the proceeds of a state or federal grant,
16 loan, or other financial assistance for the provision of
17 facilities or services are used for the express purpose of the
18 financial assistance and to the specific benefit of service
19 areas or persons as designated by the local, state, or federal
20 funding provider.
21 Sec. 20. NEW SECTION. 330B.21 TRANSFER OF EXISTING
22 FACILITIES.
23 1. Any county, city, commission, authority, or person may
24 sell, lease, lend, grant, or convey to the authority, a
25 facility or any part of a facility, or any interest in real or
26 personal property which may be used by an authority in the
27 construction, improvement, maintenance, leasing, or operation
28 of any metropolitan facilities. Any county, city, commission,
29 authority, or person may transfer and assign over to the
30 authority a contract which may have been awarded by the
31 county, city, commission, authority, or person for the
32 construction of facilities not begun or, if begun, not
33 completed.
34 2. A proposed action of the board, and a proposed
35 agreement to acquire, shall be approved by the governing body

1 of the owner of the facilities. If the governing body of a
2 county, city, commission, or authority desires to sell, lease,
3 lend, grant, or convey to the authority a facility or any part
4 of a facility, the governing body shall adopt a resolution
5 signifying its intention to do so and shall publish the
6 resolution at least one time in a newspaper of general
7 circulation in the county and in a newspaper or newspapers, if
8 necessary, of general circulation in the area served by the
9 county, city, commission, or authority giving notice of a
10 hearing to be held on the question of the sale, lease, loan,
11 grant, or conveyance. The resolution shall be published at
12 least fourteen days prior to the date of hearing. After the
13 hearing and if in the public interest, the county, city,
14 commission, or authority shall enact an ordinance authorizing
15 the sale, lease, loan, grant, or conveyance.
16 3. An owner transferring an existing facility to the
17 authority under this section shall notify the board of and
18 make provision in the transfer documents for, where necessary,
19 existing rights, liens, securities, and rights of reentry
20 belonging to the state or federal government.
21 4. This section, without reference to any other law, shall
22 be deemed complete authority for the acquisition by agreement,
23 of a facility as provided in subsection 1, and no proceedings
24 or other action shall be required except as prescribed in this
25 division.
26 Sec. 21. NEW SECTION. 330B.22 FUNDS OF THE AUTHORITY.
27 Moneys of an authority shall be paid to the treasurer of
28 the authority who shall not commingle the moneys with any
29 other moneys, but shall deposit them in a separate account or
30 accounts. Moneys in the accounts shall be paid out on check
31 of the treasurer on requisition of the chairperson of the
32 authority, or of another person as the authority may authorize
33 to make the requisition. An authority may deposit any of its
34 rates, fees, rentals, or other charges, receipts, or income
35 with any bank or trust company that is federally insured and

1 may deposit the proceeds of any bonds issued with any bank or
2 trust company that is federally insured, all as may be
3 provided in any agreement with the holders of bonds issued
4 under this division.
5 Sec. 22. NEW SECTION. 330B.23 AWARD OF CONTRACTS.
6 All contracts entered into by an authority for the
7 construction, reconstruction, and improvement of metropolitan
8 facilities shall be entered into pursuant to and shall comply
9 with applicable state laws. However, if an authority
10 determines an emergency exists, it may enter into contracts
11 obligating the authority for not in excess of one hundred
12 thousand dollars per emergency without regard to the
13 requirements of applicable state laws and the authority may
14 proceed with the necessary action as expeditiously as possible
15 to the extent necessary to resolve the emergency.
16 Sec. 23. NEW SECTION. 330B.24 EXEMPTION FROM TAXATION.
17 Since an authority is performing essential governmental
18 functions, an authority is not required to pay any taxes or
19 assessments of any kind or nature upon any property required
20 or used by it for its purposes, or any rates, fees, rentals,
21 receipts, or incomes at any time received by it, and the bonds
22 issued by an authority, their transfer, and the income,
23 including any profits made on the sale of the bonds, is
24 deductible in determining net income for the purposes of the
25 state individual and corporate income tax under divisions II
26 and III of chapter 422, and shall not be taxed by any
27 political subdivision of this state.
28 Sec. 24. NEW SECTION. 330B.25 DISSOLUTION -- REFERENDUM.
29 The authority shall be dissolved only by a majority vote in
30 a referendum undertaken in a manner similar to the referendum
31 provided for in section 330B.6. The board shall call, upon
32 its own motion or petition of the eligible electors as
33 provided in section 330B.5, for an election to approve or
34 disapprove the dissolution. The authority shall provide by
35 ordinance for the disposal of any remaining property, the

1 proceeds of which shall first be applied against any
2 outstanding obligation of the authority. The remaining
3 balance shall be divided between the counties included in the
4 authority and credited to the general fund of the respective
5 counties.
6 Sec. 25. NEW SECTION. 330B.26 SUPREMACY OF COMPACT.
7 The provisions of this division II are subject to all of
8 the provisions of the quad cities interstate metropolitan
9 authority compact provided for in section 330B.1.
10 Sec. 26. EFFECTIVE DATE. This Act, being deemed of
11 immediate importance, takes effect upon enactment.
12 EXPLANATION
13 This bill provides enabling legislation for the creation of
14 the "Quad Cities Interstate Metropolitan Authority" by a
15 county in this state included in the "Quad Cities Interstate
16 Metropolitan Compact" (Scott county, Iowa, and Rock Island
17 county, Illinois). The interstate metropolitan authority is
18 granted authority to construct, maintain, and operate public
19 airports, bridges, water ports, waste disposal systems, mass
20 transit systems, parks and recreation, and related facilities
21 within the corporate limits of the authority in lieu of the
22 operations by the cities, counties, commissions, and
23 authorities which may carry out these responsibilities
24 currently.
25 Upon receipt of a petition and after a public hearing on a
26 proposition to create an interstate metropolitan authority,
27 the governing body of a county within a metropolitan area may
28 submit a proposition to its electorate to approve the creation
29 of the authority. The authority is created as a separate
30 corporate entity with a governing body consisting of 16
31 members appointed by the counties and certain cities within
32 the greater metropolitan area. Each city having a population
33 of at least 19,000 and less than 40,000 shall appoint 1
34 member, each city having a population of 40,000 and less than
35 80,000 shall appoint 2 members, and each city having a

population of 80,000 or more shall appoint 4 members. The remainder of the members shall be appointed by the respective counties involved. Five members appointed from a metropolitan area shall be elected city or county officers.

The interstate metropolitan authority has two methods of financing its projects: revenue bonds; and the local sales and services taxes. After the authority is established, the authority may request a referendum to approve the imposition of a sales and services tax of one-fourth of one percent for construction, reconstruction, or repair of metropolitan facilities.

The authority may contract for police and fire protection within its jurisdiction and the authority may adopt ordinances or resolutions imposing fines not exceeding $100 for violations. The property and revenues of the authority are exempt from taxation. Provisions are also made for the dissolution of an authority and dispositions of its properties and obligations.

The bill takes effect upon enactment.

Ways - Means Amend (3642) + Do Pass 4/29/91 (J 1555)

HOUSE FILE 690
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 102)
(SUCCESSOR TO HF 495)

(As Amended and Passed by the House April 19, 1991)

Passed House, Date 5/2/91 (J. 2004) Passed Senate, Date 4/30/91 (J 1566)
Vote: Ayes 93 Nays 5 Vote: Ayes 49 Nays 0
Approved May 22, 1991

A BILL FOR

1 An Act relating to the creation of an interstate metropolitan
2 authority, by specifying the powers and duties of the
3 authority, by authorizing certain counties to join the
4 authority, by providing for the imposition of a sales and
5 services tax, by providing for the issuance of revenue bonds,
6 by authorizing the imposition of fines for certain violations,
7 and by providing an effective date.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9
10 House Amendments _____
11
12
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16
17
18
19

TLSB 1409HZ 74
-5/jw/5

1 DIVISION II
2 QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY
3 Section 1. NEW SECTION. 330B.2 CITATION.
4 Chapter 330B, division II, may be cited as the "Quad Cities
5 Interstate Metropolitan Authority Act".
6 Sec. 2. NEW SECTION. 330B.3 PURPOSES.
7 1. Chapter 330B, division II, is enabling legislation for
8 the quad cities interstate metropolitan authority compact, a
9 compact entered into by the states of Illinois and Iowa as
10 provided in section 330B.1.
11 2. The authority shall engage in operations and services
12 that can best be conducted on an area basis benefiting the
13 entire greater metropolitan area, and at the same time
14 improving the quality of life for the greater metropolitan
15 area. The authority may include the following areas of
16 operation and service:
17 a. Intermodal water port operations.
18 b. Waste disposal systems.
19 c. Mass transit.
20 d. Airports.
21 e. Bridges.
22 f. Parks and recreation.
23 g. Related facilities, fixtures, equipment, and property
24 necessary, appurtenant, or incidental to the operations and
25 services specified in paragraphs "a" through "g". The
26 authority shall be supportive of, and refrain from unnecessary
27 and unreasonable competition with, private sector operations
28 when possible.
29 3. The establishment, maintenance, and operation of safe,
30 adequate, and necessary metropolitan facilities, and the
31 creation of the authority having powers necessary or desirable
32 for the establishment, maintenance, and operation of the
33 metropolitan facilities beneficial to the territory of the
34 authority, and the powers and the corporate purposes and
35 functions of the authority are public and governmental in

1 nature and essential to the public interest in the territory
2 of the authority.
3 Sec. 3. NEW SECTION. 330B.4 DEFINITIONS.
4 As used in this chapter, unless the context otherwise
5 requires:
6 1. "Authority" means the quad cities interstate
7 metropolitan authority created as provided in this division.
8 2. "Board" means the board of commissioners of the
9 authority.
10 3. "Cost" of any project for a metropolitan facility
11 includes construction contract costs and the costs of
12 engineering, architectural, technical, and legal services,
13 preliminary reports, property valuations, estimates, plans,
14 specifications, notices, acquisition of real and personal
15 property, consequential damages or costs, easements, rights-
16 of-way, supervision, inspection, testing, publications,
17 printing and sale of bonds, if any, and provisions for
18 contingencies.
19 4. "Greater metropolitan area" means the combined area of
20 Rock Island county, Illinois, and Scott county, Iowa.
21 5. "Metropolitan area" means Rock Island county, Illinois,
22 as a separate and distinct area, or Scott county, Iowa, as a
23 separate and distinct area, or each as a part of the greater
24 metropolitan area.
25 6. "Metropolitan facility" means a structure, fixture,
26 equipment, or property of any kind or nature related to or
27 connected with an intermodal water port, waste disposal
28 system, mass transit system, airport, park, recreation, or
29 bridge, which the authority may construct, acquire, own,
30 lease, or operate, including all related facilities necessary,
31 appurtenant, or incidental to the facilities.
32 7. "Person" means an individual, firm, partnership,
33 corporation, company, association, or joint stock association,
34 and includes any trustee, receiver, assignee, or personal
35 representative of any of the entities.

1 8. "Waste disposal system" means a facility or service for
2 collection, transportation, processing, storage, or disposal
3 of solid waste including a facility or service established
4 pursuant to chapter 28G.
5 Sec. 4. NEW SECTION. 330B.5 PETITION AND PUBLIC HEARING.
6 1. Upon petition of eligible electors of a metropolitan
7 area equal in number to at least ten percent of the persons
8 who voted in the last general election held in the
9 metropolitan area for the office of president of the United
10 States or governor, the governing body of the county shall
11 adopt a resolution signifying its intention to initiate the
12 question of participating in the creation of an authority and
13 shall publish the resolution at least once in a newspaper of
14 general circulation in the metropolitan area giving notice of
15 a hearing to be held on the question of the metropolitan
16 area's entry into the authority. The resolution shall be
17 published at least fourteen days prior to the date of hearing,
18 and shall contain all of the following information:
19 a. Intention to join in the creation of the authority
20 pursuant to this division.
21 b. That the greater metropolitan area will include Rock
22 Island county, Illinois, and Scott county, Iowa, which have
23 expressed their interest in the creation of the authority.
24 c. Name of the authority.
25 d. Place, date, and time of hearing.
26 2. After the hearing, if the governing body of a
27 metropolitan area wishes to proceed in the creation of or to
28 join the authority, the governing body shall direct the proper
29 election authority to submit the proposition to the electorate
30 of the metropolitan area as provided in section 330B.6.
31 Sec. 5. NEW SECTION. 330B.6 ELECTION.
32 1. Upon receipt of the resolution, the county commissioner
33 of elections shall place the proposition on the ballot of a
34 special election but not at a general election, called by the
35 governing body of the metropolitan area. At the election, the

1 proposition shall be submitted in substantially the following
2 form:
3 "Shall the Quad Cities Interstate Metropolitan Authority be
4 established effective on the _____ day of
5 _____, 19__?
6 YES _____ NO _____"
7 2. Notice of the election shall be given by publication as
8 required in section 49.53 in a newspaper of general
9 circulation in the metropolitan area. At the election, the
10 ballot used for submission of the proposition shall be
11 substantially the form for submitting special questions at
12 general elections.
13 3. The proposition is approved if the vote in favor of the
14 proposition is a simple majority of the total votes cast on
15 the proposition in the metropolitan area.
16 4. If the proposition is approved, the governing body of
17 the county shall enact an ordinance authorizing the joining of
18 the authority.
19 Sec. 6. NEW SECTION. 330B.7 BOARD OF COMMISSIONERS --
20 APPOINTMENT.
21 1. The authority established under this division shall be
22 governed by a board of commissioners appointed as provided in
23 subsection 2. The appointment of the commissioners shall be
24 made in writing and shall indicate the legal residence of the
25 appointee.
26 2. The board of commissioners of an authority shall
27 consist of sixteen members, eight members of which shall be
28 residents of the metropolitan area of each state which is a
29 party to the authority. Five members appointed from each
30 metropolitan area shall be elected city or county officers.
31 The mayor of each city having a population of at least eighty
32 thousand within the metropolitan area shall appoint, with the
33 consent of the city council, four members to the board of
34 commissioners. The mayor of each city having a population of
35 at least forty thousand, but less than eighty thousand, within

1 the metropolitan area shall appoint, with the consent of the
2 city council, two members to the board of commissioners. The
3 mayor of each city having a population of at least nineteen
4 thousand, but less than forty thousand, within the
5 metropolitan area shall appoint, with the consent of the city
6 council, one member to the board of commissioners. The
7 remaining members appointed from each state shall be appointed
8 by the chairperson of the governing body of the county within
9 the metropolitan area, with consent of the governing body,
10 from cities having less than nineteen thousand population and
11 areas outside the corporate limits of cities.
12 3. If a city increases to a population that would enable
13 an additional appointment to be made, a member appointed by
14 the chairperson of the governing body of the county and having
15 the least tenure shall be removed from the board of
16 commissioners. If a city decreases to a population warranting
17 fewer members, the appointee having the least tenure of that
18 city shall be removed from the board of commissioners and the
19 chairperson of the governing body of the county in which that
20 city is located shall make a new appointment as provided in
21 subsection 2. If more members than are required to be removed
22 have the same tenure, the removal shall be determined by lot.
23 4. The membership of the board of commissioners shall be
24 gender balanced if possible. The appointing authorities shall
25 comply with the requirements of section 69.16A or to similar
26 laws of the state of Illinois as determined by the appointing
27 authorities. The appointing authorities shall also provide
28 representation for racial groups residing in the metropolitan
29 area based on the ratio of the racial population to the
30 population as a whole.
31 Sec. 7. NEW SECTION. 330B.8 COMMISSIONERS -- TERMS OF
32 OFFICE.
33 1. All initial appointments of commissioners shall be made
34 within thirty days after the establishment of the authority.
35 The authority is considered established when the proposition

1 is approved by the voters under section 330B.6. Each
2 appointment shall be in writing and a certificate of
3 appointment signed by the appointing officer shall be filed
4 and made a matter of record in the office of the county
5 recorder. A commissioner shall be appointed for a term of two
6 years and shall qualify within ten days after appointment by
7 acceptance and the taking of an oath or affirmation to
8 faithfully perform the duties of office. Members initially
9 appointed to the board of commissioners shall serve from date
10 of appointment until June 30 of one or two years after the
11 date of appointment and shall draw lots to determine the terms
12 for which each shall be appointed. Lots shall be drawn so
13 that four commissioners from the metropolitan area shall serve
14 in each of two classes. Thereafter, commissioners shall be
15 appointed for two-year terms beginning on July 1 of the year
16 of appointment. However, a commissioner who is also an
17 elected officer shall have a term of office that runs
18 concurrent and consistent with the elective office.
19 2. Within forty-five days after any vacancy occurs on the
20 board by death, resignation, change of residence to outside of
21 the metropolitan area, or for any other cause, a successor
22 shall be appointed in the same manner as the commissioner's
23 predecessor was appointed for the unexpired term of office.
24 Commissioners and board officers of the board shall serve
25 until a successor is appointed and qualifies. A vacancy
26 exists when a commissioner who is also an elected officer
27 leaves elective office and a former city or county elective
28 officer is ineligible to serve as a commissioner for two years
29 after leaving elective office.
30 Sec. 8. NEW SECTION. 330B.9 ORGANIZATION -- OFFICERS --
31 MEETINGS -- COMPENSATION.
32 1. The board of commissioners may exercise all of its
33 legislative and executive powers granted under this division.
34 Within thirty days after the appointment of the initial
35 commissioners, the board shall meet and elect a chairperson

1 from among its members for a term of one year. The
2 chairperson's position shall alternate annually between a
3 commissioner from one state to a commissioner from the other
4 state. The board shall also select a secretary, treasurer,
5 and other officers or employees as necessary for the
6 accomplishment of its corporate objectives, none of whom need
7 be a commissioner. The board, at its first meeting, shall
8 define by ordinance the first and subsequent fiscal years of
9 the authority, and shall adopt a corporate seal and bylaws,
10 which shall determine the times for the annual election of
11 officers and for other regular and special meetings of the
12 board. The bylaws shall contain the rules for the transaction
13 of other business of the authority and for amending the
14 bylaws.
15 2. Each commissioner of the authority shall devote the
16 amount of time to the duties of office as the faithful
17 discharge of the duties may require. The board shall
18 reimburse a commissioner for actual and necessary expenses
19 incurred in the performance of official duties as approved by
20 the board. A commissioner shall not receive a salary or per
21 diem for the performance of official duties.
22 3. Each commissioner shall comply with restrictions
23 relating to conflicts of interests or acceptance of gifts as
24 provided in chapter 68B or to similar laws of the state of
25 Illinois as determined by the board.
26 4. The commissioners shall conduct the meetings as public
27 meetings with appropriate notice pursuant to chapter 21 or to
28 similar laws of the state of Illinois as determined by the
29 board.
30 5. The board shall keep and maintain its records as public
31 records pursuant to chapter 22 or to similar laws of the state
32 of Illinois as determined by the board.
33 Sec. 9. NEW SECTION. 330B.10 RIGHTS AND POWERS.
34 The authority constitutes a municipal corporation and body
35 politic separate from any other municipality, state, or other

1 public or governmental agency. The authority has the
2 following express powers, subject to any restrictions or
3 limitations contained in this division, and all other powers
4 incidental, necessary, convenient, or desirable to carry out
5 and effectuate the express powers to:
6 1. Sue and be sued.
7 2. Locate, acquire, own, establish, operate, and maintain
8 one or more metropolitan facilities upon any land or body of
9 water within its corporate limits, and to construct, develop,
10 expand, extend, and improve any metropolitan facility. A new
11 metropolitan facility, such as a sanitary landfill or
12 infectious waste disposal facility shall not be established
13 without site approval of the city council or board of
14 supervisors which governs the city or county in which the
15 proposed site is to be located.
16 3. Acquire, within the corporate limits of the authority,
17 and in fee simple, rights in and over land or water, and
18 easements upon, over, or across land or water, and leasehold
19 interests in land or water, and tangible and intangible
20 personal property, used or useful for the location,
21 establishment, maintenance, development, expansion, extension,
22 or improvement of one or more metropolitan facilities. The
23 acquisition may be by dedication, purchase, gift, agreement,
24 lease, or by condemnation if within corporate limits of the
25 authority. The authority may acquire land in fee simple
26 subject to a mortgage and as part of the purchase price may
27 assume the payment of the indebtedness secured by the
28 mortgage. Land may be acquired, possessed, and used for its
29 purposes by the authority, under a written contract for a deed
30 conveying merchantable title and providing that the deed shall
31 be placed in escrow and be delivered upon payment of the
32 purchase price and containing other terms as are reasonably
33 incident to the contract. Personal property may be purchased
34 on an installment contract basis or lease-purchase contract.
35 4. Operate, maintain, manage, lease with or without a

1 lease-purchase option, sublease, and make and enter into
2 contracts for the use, operation, or management of, and enact
3 regulations for the operation, management, or use of, a
4 metropolitan facility. The administrative expenses of the
5 authority shall not exceed one percent of rents, tolls, fees,
6 or charges collected by the authority from its operations.
7 5. Fix, charge, and collect reasonable rentals, tolls,
8 fees, and charges for the use of a metropolitan facility or
9 any part of a metropolitan facility. Rentals, tolls, fees, or
10 charges fixed and collected for the use of a metropolitan
11 facility shall be used for the construction, reconstruction,
12 repair, maintenance, or operation of that metropolitan
13 facility only.
14 6. Establish and maintain streets and approaches on
15 property of the authority.
16 7. Remove and relocate hazards or structures on property
17 of the authority.
18 8. Restrict and reduce the height of objects or buildings
19 on property of the authority.
20 9. Accept grants, contributions, or loans from, and enter
21 into contracts, leases, or other transactions with, a city,
22 county, state, or federal government.
23 10. Borrow money and issue bonds, notes, certificates, or
24 other evidences of indebtedness for the purpose of
25 accomplishing any of the corporate purposes, which obligations
26 may be payable from other sources as provided in this
27 division, and refund or advance refund any of the evidences of
28 indebtedness with bonds, notes, certificates, or other
29 evidences of indebtedness, which refunding or advanced
30 refunding obligations may be payable from taxes or from any
31 other source, subject to compliance with any condition or
32 limitation set forth in this division. The indebtedness of
33 the authority shall not exceed one percent of the assessed
34 value of the taxable property of the greater metropolitan
35 area.

1 11. Employ or enter into contracts for the employment of
2 any person for professional services, necessary or desirable
3 for the accomplishment of the corporate objectives of the
4 authority or the proper administration, management,
5 protection, or control of its property.
6 12. Regulate traffic, speed, movement, and mooring of
7 vessels on property of the authority.
8 13. Regulate traffic, speed, movement, and parking of
9 motor vehicles upon property of the authority and employ
10 parking meters, signs, and other devices in the regulation of
11 the motor vehicles.
12 14. Contract for police and fire protection.
13 15. Establish, by ordinance of the board, all regulations
14 for the execution of the powers specified in this division,
15 for the government of the authority, and for the protection of
16 any metropolitan facility within the jurisdiction of the
17 authority, or deemed necessary or desirable to effect its
18 corporate objectives. An ordinance may provide for the
19 revocation, cancellation, or suspension of an existing
20 privilege or franchise as a penalty for a second or subsequent
21 violation by the holder or franchisee of a regulation
22 pertaining to the enjoyment, use, or exercise of the privilege
23 or franchise. The use of a metropolitan facility of the
24 authority shall be subject to the reasonable regulation and
25 control of the authority and upon the reasonable terms and
26 conditions as established by the board.
27 16. Establish a general operating fund and other funds as
28 necessary.
29 17. Do all acts and things necessary or convenient for the
30 promotion of its business and the general welfare of the
31 authority, in order to carry out the powers granted to it by
32 this chapter or any other laws. The authority has no power to
33 pledge the taxing power of this state or any political
34 subdivision or agency of this state.
35 Bonds and notes issued by the authority are payable solely

1 and only out of the moneys, assets, or revenues of the
2 authority, and as provided in the agreement with bondholders
3 or noteholders pledging any particular moneys, assets, or
4 revenues. Bonds or notes are not an obligation of this state
5 or any political subdivision of this state other than the
6 authority within the meaning of any constitutional or
7 statutory debt limitations, but are special obligations of the
8 authority payable solely and only from the sources provided in
9 this division, and the authority shall not pledge the credit
10 or taxing power of this state or any political subdivision of
11 this state other than the authority, or make its debts payable
12 out of any moneys except those of the authority.
13 Sec. 10. NEW SECTION. 330B.11 REGULATIONS -- ORDINANCES.
14 1. Regulations adopted pursuant to section 330B.10 shall
15 be contained in an ordinance which shall be placed on file in
16 the office of the authority in typewritten or printed form for
17 public inspection not less than fifteen days before adoption.
18 The ordinance may impose fines as the board deems appropriate
19 of not more than one hundred dollars upon conviction or guilty
20 plea for each violation, and may provide that, in case of
21 continuing violation, each day during which a violation occurs
22 or continues constitutes a separate offense.
23 2. All fines, when collected for violations of an
24 ordinance of the authority, shall be paid into a debt service
25 account or an equipment replacement account.
26 Sec. 11. NEW SECTION. 330B.12 EMINENT DOMAIN PROCEDURES.
27 If land in fee simple, rights in land, air, or water,
28 easements or other interests in land, air, water, property, or
29 property rights are acquired or sought to be acquired by the
30 authority by condemnation, the condemnation procedure shall be
31 in accordance with the eminent domain statutes of the state in
32 which the affected property is located.
33 Sec. 12. NEW SECTION. 330B.13 AUTHORITY PROCEDURES.
34 Action of the board of a legislative character, including
35 the adoption of regulations, shall be in the form of an

1 ordinance, and after adoption shall be filed with the
2 secretary and shall be made a matter of public record in the
3 office of the authority. Other action of the board shall be
4 by resolution, motion, or in other appropriate form.
5 Executive or ministerial duties may be delegated to one or
6 more commissioners or to an authorized officer, employee,
7 agent, or other representative of the authority. Ten
8 commissioners, five members from each state within the greater
9 metropolitan area, constitute a quorum to conduct business and
10 an affirmative vote of a majority of the commissioners from
11 each metropolitan area is required to adopt or approve an
12 action of the board. The enacting clause of any ordinance
13 shall be substantially as follows: "Be it ordained by the
14 Board of Commissioners of the Quad Cities Interstate
15 Metropolitan Authority".
16 Sec. 13. NEW SECTION. 330B.14 OFFICIAL RECORDS AND
17 OFFICER BONDS.
18 The board shall provide for the safekeeping of its
19 permanent records and for the recording of the corporate
20 action of the authority. The board shall keep a true and
21 accurate account of its receipts and an annual audit shall be
22 made of its books, records, and accounts by state or private
23 auditors. All officers and employees authorized to receive or
24 retain the custody of moneys or to sign vouchers, checks,
25 warrants, or evidences of indebtedness binding upon the
26 authority shall furnish surety bond for the faithful
27 performance of their duties and the faithful accounting for
28 all moneys that may come into their custody in an amount to be
29 fixed and in a form to be approved by the board.
30 Sec. 14. NEW SECTION. 330B.15 CHANGE OF NAME.
31 The board may change the name of the authority by
32 ordinance. A certified copy of the ordinance shall be filed
33 with the appropriate state office and the county recorder or
34 equivalent county officer of each county in which the
35 authority or part of the authority is located. The name

1 change shall be effective on the date of the filing.
2 Sec. 15. NEW SECTION. 330B.16 BUDGET AND APPROPRIATION.
3 Annually, the board shall prepare and adopt a budget and
4 provide appropriations as follows:
5 1. The budget shall show the amount required for each
6 class of proposed expenditures, a comparison of the amounts
7 proposed to be expended with the amounts expended for like
8 purposes for the two preceding years, if available, and the
9 sources of revenue.
10 2. Not less than twenty days before the date that a budget
11 must be certified as determined by the board and not less than
12 ten days before the date set for the hearing under subsection
13 3, the board shall file the budget with the treasurer of the
14 authority. The treasurer shall post a copy of the budget in
15 the authority offices for public inspection and comment.
16 3. The board shall set a time and place for a public
17 hearing on the budget before the final certification date and
18 shall publish notice of the hearing not less than ten nor more
19 than twenty days prior to the hearing in one or more
20 newspapers serving the greater metropolitan area. Proof of
21 publication shall be filed with and preserved by the
22 treasurer.
23 4. At the hearing, any resident or taxpayer of the greater
24 metropolitan area may present to the board objections to or
25 arguments in favor of any part of the budget.
26 5. After the hearing, the board shall adopt by resolution
27 a budget and shall direct the treasurer to properly certify
28 and file the budget.
29 6. The board shall appropriate, by resolution, the amounts
30 deemed necessary for the ensuing fiscal year. All revenue
31 from taxes, fees, tolls, rental, charges, bonds, or any other
32 source shall be appropriated and used only for the specific
33 metropolitan facility project for which it was collected.
34 Increases or decreases in these appropriations do not require
35 a budget amendment, but may be provided by resolution at a

1 regular meeting of the board.
2 Sec. 16. NEW SECTION. 330B.17 LOCAL SALES AND SERVICES
3 TAX.
4 If an authority is established as provided in section
5 330B.6 and after approval of a referendum by a simple majority
6 of votes cast in each metropolitan area in favor of the sales
7 and services tax, the governing board of a county in this
8 state within a metropolitan area which is part of the
9 authority shall impose, at the request of the authority, a
10 local sales and services tax at the rate of one-fourth of one
11 percent on gross receipts taxed by this state under chapter
12 422, division IV, within the metropolitan area located in this
13 state. The referendum shall be called by resolution of the
14 board and shall be held as provided in section 330B.6 to the
15 extent applicable. The ballot proposition shall contain a
16 statement as to the specific purpose or purposes for which the
17 revenues shall be expended and the date of expiration of the
18 tax. The local sales and services tax shall be imposed on the
19 same basis, with the same exceptions, and following the same
20 administrative procedures as provided for a county under
21 sections 422B.8 and 422B.9. The amount of the sale, for the
22 purposes of determining the amount of the local sales and
23 services tax under this section, does not include the amount
24 of any local sales and services tax imposed under sections
25 422B.8 and 422B.9. The treasurer of state shall credit the
26 local sales and services tax receipts and interest and
27 penalties to the authority's account. Moneys in this account
28 shall be remitted quarterly to the authority. The proceeds of
29 the tax imposed under this section shall be used only for the
30 construction, reconstruction, or repair of metropolitan
31 facilities as specified in the referendum. The local sales
32 and services tax imposed under this section may be suspended
33 for not less than a fiscal quarter or more than one year by
34 action of the board. The suspension may be renewed or
35 continued by the board, but the board shall act on the

1 suspension at least annually. The local sales and services
2 tax may also be repealed by a petition and favorable
3 referendum following the procedures and requirements of
4 sections 330B.5 and 330B.6 as applicable. The board shall
5 give the department of revenue and finance at least forty
6 days' notice of the repeal, suspension, or reinstatement of
7 the tax and the effective dates for imposition, suspension, or
8 repeal of the tax shall be as provided in section 422B.9.
9 Sec. 17. NEW SECTION. 330B.18 BONDS AND NOTES PAYABLE
10 FROM REVENUE.
11 1. The bonds issued by the board pursuant to this division
12 shall be authorized by resolution of the board after approval
13 is voted by a simple majority of the total votes cast on the
14 proposition in each metropolitan area, and shall be either
15 term or serial bonds, shall bear the date, mature at the time,
16 not exceeding forty years from their respective dates, bear
17 interest at the rate, not exceeding the rate permitted under
18 chapter 74A or the rate authorized by another state within the
19 greater metropolitan area, whichever rate is lower, payable
20 monthly or semiannually, be in the denominations, be in the
21 form, either coupon or fully registered, shall carry the
22 registration, exchangeability and interchangeability
23 privileges, be payable in the medium of payment and at the
24 place, within or without the state, be subject to the terms of
25 redemption and be entitled to the priorities on the revenues,
26 rates, fees, rentals, or other charges or receipts of the
27 authority as the resolution may provide. The bonds shall be
28 executed either by manual or facsimile signature by the
29 officers as the authority shall determine, provided that the
30 bonds shall bear at least one signature which is manually
31 executed on the bond, and the coupons attached to the bonds
32 shall bear the facsimile signature of the officer as
33 designated by the authority and the bonds shall have the seal
34 of the authority, affixed, imprinted, reproduced, or
35 lithographed on the bond, all as may be prescribed in a

1 resolution. The bonds shall be sold at public sale or private
2 sale at the price as the authority shall determine to be in
3 the best interests of the authority provided that the bonds
4 shall not be sold at less than ninety-eight percent of the par
5 value of the bond, plus accrued interest and provided that the
6 net interest cost shall not exceed that permitted by
7 applicable state law. Pending the preparation of definitive
8 bonds, interim certificates or temporary bonds may be issued
9 to the purchaser of the bonds, and may contain the terms and
10 conditions as the board may determine.
11 2. The board, after the issuance of bonds, may borrow
12 moneys for the purposes for which the bonds are to be issued
13 in anticipation of the receipt of the proceeds of the sale of
14 the bonds and within the authorized maximum amount of the bond
15 issue. Any loan shall be paid within three years after the
16 date of the initial loan. Bond anticipation notes shall be
17 issued for all moneys so borrowed under this section, and the
18 notes may be renewed, but all the renewal notes shall mature
19 within the time above limited for the payment of the initial
20 loan. The notes shall be authorized by resolution of the
21 board and shall be in the denominations, shall bear interest
22 at the rate not exceeding the maximum rate permitted by the
23 resolution authorizing the issuance of the bonds, shall be in
24 the form and shall be executed in the manner, all as the
25 authority prescribes. The notes shall be sold at public or
26 private sale or, if the notes are renewal notes, they may be
27 exchanged for notes outstanding on the terms as the board
28 determines. The board may retire any notes from the revenues
29 derived from its metropolitan facilities or from other moneys
30 of the authority which are lawfully available or from a
31 combination of revenues and other available moneys, in lieu of
32 retiring them by means of bond proceeds. However, before the
33 retirement of the notes by any means other than the issuance
34 of bonds, the board shall amend or repeal the resolution
35 authorizing the issuance of the bonds, in anticipation of the

1 proceeds of the sale of the notes, so as to reduce the
2 authorized amount of the bond issue by the amount of the notes
3 so retired. The amendatory or repealing resolution shall take
4 effect upon its passage.
5 3. Any resolution authorizing the issuance of any bonds
6 may contain provisions which shall be part of the contract
7 with the holders of the bonds, as to:
8 a. The pledging of all or any part of the revenues, rates,
9 fees, rentals, or other charges or receipts of the authority
10 derived by the authority from all or any of its metropolitan
11 facilities.
12 b. The construction, improvement, operations, extensions,
13 enlargement, maintenance, repair, or lease of metropolitan
14 facilities and the duties of the authority with reference to
15 the facilities.
16 c. Limitations on the purposes to which the proceeds of
17 the bonds, or of any loan or grant by the federal government
18 or the state government or the county or any city in the
19 county, may be applied.
20 d. The fixing, charging, establishing, and collecting of
21 rates, fees, rentals, or other charges for use of the services
22 and facilities of the metropolitan facilities of an authority,
23 or any part of the facilities.
24 e. The setting aside of reserves or sinking funds or
25 repair and replacement funds or other funds and the regulation
26 and disposition of the funds.
27 f. Limitations on the issuance of additional bonds.
28 g. The terms and provisions of any deed of trust,
29 mortgage, or indenture securing the bonds or under which the
30 bonds may be issued.
31 h. Any other or additional agreements with the holders of
32 the bonds as are customary and proper and which in the
33 judgment of the authority will make the bonds more marketable.
34 4. The board of the authority may enter into any deeds of
35 trust, mortgages, indentures, or other agreements, with any

1 bank or trust company or any other lender within or without
2 the state as security for the bonds, and may assign and pledge
3 all or any of the revenues, rates, fees, rentals, or other
4 charges or receipts of the authority. The deeds of trust,
5 mortgages, indentures, or other agreements may contain the
6 provisions as may be customary in the instruments, or, as the
7 board may authorize, including, but without limitation,
8 provisions as to:
9 a. The construction, improvement, operation, leasing,
10 maintenance, and repair of the metropolitan facilities and
11 duties of the board with reference to the facilities.
12 b. The application of funds and the safeguarding and
13 investment of funds on hand or on deposit.
14 c. The appointment of consulting engineers or architects
15 and approval by the holders of the bonds.
16 d. The rights and remedies of the trustee and the holders
17 of the bonds.
18 e. The terms and provisions of the bonds or the resolution
19 authorizing the issuance of the bonds.
20 Any of the bonds issued pursuant to this section are
21 negotiable instruments, and have all the qualities and
22 incidents of negotiable instruments and are exempt from state
23 taxation.
24 Sec. 18. NEW SECTION. 330B.19 EXISTING JURISDICTIONS.
25 Existing jurisdictions, including those involving airports,
26 mass transit, river bridges, waste disposal systems, and
27 intermodal water ports within their jurisdictional boundaries,
28 are protected from incorporation by the authority and shall
29 not be incorporated in the authority except by their
30 respective governing bodies. However, an existing
31 jurisdiction may negotiate with the authority to take over its
32 entire powers, incomes, and debts. The authority may assume
33 the powers, income, and debts for any type of facility
34 authorized by this division.
35 Sec. 19. NEW SECTION. 330B.20 COOPERATION WITH OTHER

1 GOVERNMENTS.
2 The authority may apply for and receive a grant or loan of
3 moneys or other financial aid from the state or federal
4 government or from any state or federal agency, department,
5 bureau, or board, necessary or useful for the undertaking,
6 performance, or execution of any of its corporate objectives
7 or purposes, and the authority may undertake the acquisition,
8 establishment, construction, development, expansion,
9 extension, or improvement of metropolitan facilities within
10 its corporate limits or within or upon any body of water
11 within the corporate limits aided by, in cooperation with, or
12 as a joint enterprise with the state or federal governments or
13 with the aid of, or in cooperation with, or as a joint project
14 with the state and federal governments. The authority shall
15 assure, in compliance with any state or federal requirements
16 or directives, that the proceeds of a state or federal grant,
17 loan, or other financial assistance for the provision of
18 facilities or services are used for the express purpose of the
19 financial assistance and to the specific benefit of service
20 areas or persons as designated by the local, state, or federal
21 funding provider.
22 Sec. 20. NEW SECTION. 330B.21 TRANSFER OF EXISTING
23 FACILITIES.
24 1. Any county, city, commission, authority, or person may
25 sell, lease, lend, grant, or convey to the authority, a
26 facility or any part of a facility, or any interest in real or
27 personal property which may be used by an authority in the
28 construction, improvement, maintenance, leasing, or operation
29 of any metropolitan facilities. Any county, city, commission,
30 authority, or person may transfer and assign over to the
31 authority a contract which may have been awarded by the
32 county, city, commission, authority, or person for the
33 construction of facilities not begun or, if begun, not
34 completed.
35 2. A proposed action of the board, and a proposed

1 agreement to acquire, shall be approved by the governing body
2 of the owner of the facilities. If the governing body of a
3 county, city, commission, or authority desires to sell, lease,
4 lend, grant, or convey to the authority a facility or any part
5 of a facility, the governing body shall adopt a resolution
6 signifying its intention to do so and shall publish the
7 resolution at least one time in a newspaper of general
8 circulation in the county and in a newspaper or newspapers, if
9 necessary, of general circulation in the area served by the
10 county, city, commission, or authority giving notice of a
11 hearing to be held on the question of the sale, lease, loan,
12 grant, or conveyance. The resolution shall be published at
13 least fourteen days prior to the date of hearing. After the
14 hearing and if in the public interest, the county, city,
15 commission, or authority shall enact an ordinance authorizing
16 the sale, lease, loan, grant, or conveyance.
17 3. An owner transferring an existing facility to the
18 authority under this section shall notify the board of and
19 make provision in the transfer documents for, where necessary,
20 existing rights, liens, securities, and rights of reentry
21 belonging to the state or federal government.
22 4. This section, without reference to any other law, shall
23 be deemed complete authority for the acquisition by agreement,
24 of a facility as provided in subsection 1, and no proceedings
25 or other action shall be required except as prescribed in this
26 division.
27 Sec. 21. NEW SECTION. 330B.22 FUNDS OF THE AUTHORITY.
28 Moneys of an authority shall be paid to the treasurer of
29 the authority who shall not commingle the moneys with any
30 other moneys, but shall deposit them in a separate account or
31 accounts. Moneys in the accounts shall be paid out on check
32 of the treasurer on requisition of the chairperson of the
33 authority, or of another person as the authority may authorize
34 to make the requisition. An authority may deposit any of its
35 rates, fees, rentals, or other charges, receipts, or income

1 with any bank or trust company that is federally insured and
2 may deposit the proceeds of any bonds issued with any bank or
3 trust company that is federally insured, all as may be
4 provided in any agreement with the holders of bonds issued
5 under this division.
6 Sec. 22. NEW SECTION. 330B.23 AWARD OF CONTRACTS.
7 All contracts entered into by an authority for the
8 construction, reconstruction, and improvement of metropolitan
9 facilities shall be entered into pursuant to and shall comply
10 with applicable state laws. However, if an authority
11 determines an emergency exists, it may enter into contracts
12 obligating the authority for not in excess of one hundred
13 thousand dollars per emergency without regard to the
14 requirements of applicable state laws and the authority may
15 proceed with the necessary action as expeditiously as possible
16 to the extent necessary to resolve the emergency.
17 Sec. 23. NEW SECTION. 330B.24 EXEMPTION FROM TAXATION.
18 Since an authority is performing essential governmental
19 functions, an authority is not required to pay any taxes or
20 assessments of any kind or nature upon any property required
21 or used by it for its purposes, or any rates, fees, rentals,
22 receipts, or incomes at any time received by it, and the bonds
23 issued by an authority, their transfer, and the income,
24 including any profits made on the sale of the bonds, is
25 deductible in determining net income for the purposes of the
26 state individual and corporate income tax under divisions II
27 and III of chapter 422, and shall not be taxed by any
28 political subdivision of this state.
29 Sec. 24. NEW SECTION. 330B.25 DISSOLUTION -- REFERENDUM.
30 The authority shall be dissolved only by a majority vote in
31 a referendum undertaken in a manner similar to the referendum
32 provided for in section 330B.6. The board shall call, upon
33 its own motion or petition of the eligible electors as
34 provided in section 330B.5, for an election to approve or
35 disapprove the dissolution. The authority shall provide by

1 ordinance for the disposal of any remaining property, the
2 proceeds of which shall first be applied against any
3 outstanding obligation of the authority. The remaining
4 balance shall be divided between the counties included in the
5 authority and credited to the general fund of the respective
6 counties.
7 Sec. 25. NEW SECTION. 330B.26 SUPREMACY OF COMPACT.
8 The provisions of this division II are subject to all of
9 the provisions of the quad cities interstate metropolitan
10 authority compact provided for in section 330B.1.
11 Sec. 26. EFFECTIVE DATE. This Act, being deemed of
12 immediate importance, takes effect upon enactment.
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HOUSE FILE 690

S-3642

1 Amend House File 690, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 29, by striking the word "Five"
4 and inserting the following: "At least four but not
5 more than five".
6 2. Page 9, by striking lines 4 through 6 and
7 inserting the following: "metropolitan facility."
8 3. Page 9, line 13, by striking the word "only"
9 and inserting the following: "or the construction,
10 reconstruction, repair, maintenance, or operation of
11 similar metropolitan facilities".
12 4. Page 9, by striking lines 32 through 35 and
13 inserting the following: "limitation set forth in
14 this division."
15 5. Page 11, line 14, by striking the figure "1."
16 6. Page 11, by striking lines 23 through 25.
17 7. Page 13, line 32, by striking the word "only".
18 8. Page 13, line 33, by inserting after the word
19 "collected" the following: "or similar metropolitan
20 facility projects".
21 9. Page 15, by striking lines 12 through 14 and
22 inserting the following: "shall be authorized by
23 resolution of the board and shall be either".
24 10. By striking page 21, line 30 through page 22,
25 line 6 and inserting the following:
26 "1. The authority shall be dissolved only by a
27 majority vote in a referendum undertaken in a manner
28 similar to the referendum provided for in section
29 330B.6. The board shall call, upon its own motion, by
30 petition of the eligible electors as provided in
31 section 330B.5, or by action of the governing body of
32 either metropolitan area, for an election to approve
33 or disapprove the dissolution of the authority.
34 2. The proposition is approved if the vote in
35 favor of the proposition is a simple majority of the
36 total votes cast on the proposition in either one of
37 the metropolitan areas.
38 3. The authority shall provide by ordinance for
39 the disposal of any remaining property, the proceeds
40 of which shall first be applied against any
41 outstanding obligation of the authority. The
42 remaining balance shall be divided between the
43 counties included in the authority and credited to the
44 general fund of the respective counties."

By COMMITTEE ON WAYS AND MEANS
WILLIAM W. DIELEMAN, Chairperson

S-3642 FILED APRIL 29, 1991
Adopted 4/30/91 (S 1560)

SENATE AMENDMENT TO HOUSE FILE 690

H-3987

1 Amend House File 690, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, line 29, by striking the word "Five"
4 and inserting the following: "At least four but not
5 more than five".
6 2. Page 9, by striking lines 4 through 6 and
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25 line 6 and inserting the following:
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28 similar to the referendum provided for in section
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30 petition of the eligible electors as provided in
31 section 330B.5, or by action of the governing body of
32 either metropolitan area, for an election to approve
33 or disapprove the dissolution of the authority.
34 2. The proposition is approved if the vote in
35 favor of the proposition is a simple majority of the
36 total votes cast on the proposition in either one of
37 the metropolitan areas.
38 3. The authority shall provide by ordinance for
39 the disposal of any remaining property, the proceeds
40 of which shall first be applied against any
41 outstanding obligation of the authority. The
42 remaining balance shall be divided between the
43 counties included in the authority and credited to the
44 general fund of the respective counties."

RECEIVED FROM THE SENATE

H-3987 FILED APRIL 30, 1991

House concurred 5/2/91 (SJ 2004)

HSB 102

LOCAL GOVERNMENT

HOUSE FILE 495 and 698
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON DVORSKY)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the creation of an interstate metropolitan
2 authority, by specifying the powers and duties of the
3 authority, by authorizing certain counties to join the
4 authority, by providing for the imposition of a sales and
5 services tax, by providing for the issuance of revenue bonds,
6 by authorizing the imposition of fines for certain violations,
7 and by providing an effective date.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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TLSB 1409HC 74
tj/jw/5

S.F. _____ H.F. _____

1 DIVISION II
2 QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY
3 Section 1. NEW SECTION. 330B.2 CITATION.
4 Chapter 330B, division II, may be cited as the "Quad Cities
5 Interstate Metropolitan Authority Act".
6 Sec. 2. NEW SECTION. 330B.3 PURPOSES.
7 1. Chapter 330B, division II, is enabling legislation for
8 the quad cities interstate metropolitan authority compact, a
9 compact entered into by the states of Illinois and Iowa as
10 provided in section 330B.1.
11 2. The authority shall engage in operations and services
12 that can best be conducted on an area basis benefiting the
13 entire greater metropolitan area, and at the same time
14 improving the quality of life for the greater metropolitan
15 area. The authority shall include the following areas of
16 operation and service:
17 a. Intermodal water port operations and full development
18 of the Mississippi river.
19 b. Waste disposal systems.
20 c. Mass transit.
21 d. Airports.
22 e. Bridges.
23 f. Parks and recreation.
24 g. Related facilities, fixtures, equipment, and property
25 necessary, appurtenant, or incidental to the operations and
26 services specified in paragraphs "a" through "f". The
27 authority shall be supportive of, and refrain from unnecessary
28 and unreasonable competition with, private sector operations
29 when possible.
30 3. The establishment, maintenance, and operation of safe,
31 adequate, and necessary metropolitan facilities, and the
32 creation of the authority having powers necessary or desirable
33 for the establishment, maintenance, and operation of the
34 metropolitan facilities beneficial to the territory of the
35 authority, and the powers and the corporate purposes and

1 functions of the authority are public and governmental in
2 nature and essential to the public interest in the territory
3 of the authority.
4 Sec. 3. NEW SECTION. 330B.4 DEFINITIONS.
5 As used in this chapter, unless the context otherwise
6 requires:
7 1. "Authority" means the quad cities interstate
8 metropolitan authority created as provided in this division.
9 2. "Board" means the board of commissioners of the
10 authority.
11 3. "Cost" of any project for a metropolitan facility
12 includes construction contract costs and the costs of
13 engineering, architectural, technical, and legal services,
14 preliminary reports, property valuations, estimates, plans,
15 specifications, notices, acquisition of real and personal
16 property, consequential damages or costs, easements, rights-
17 of-way, supervision, inspection, testing, publications,
18 printing and sale of bonds, if any, and provisions for
19 contingencies.
20 4. "Greater metropolitan area" means the combined area of
21 Rock Island county, Illinois, and Scott county, Iowa.
22 5. "Metropolitan area" means Rock Island county, Illinois,
23 as a separate and distinct area, or Scott county, Iowa, as a
24 separate and distinct area, or each as a part of the greater
25 metropolitan area.
26 6. "Metropolitan facility" means a structure, fixture,
27 equipment, or property of any kind or nature related to or
28 connected with an intermodal water port, waste disposal
29 system, mass transit system, airport, park, recreation, or
30 bridge, which the authority may construct, acquire, own,
31 lease, or operate, including all related facilities necessary,
32 appurtenant, or incidental to the facilities.
33 7. "Person" means an individual, firm, partnership,
34 corporation, company, association, or joint stock association,
35 and includes any trustee, receiver, assignee, or personal

1 representative of any of the entities.
2 8. "Waste disposal system" means a facility or service for
3 collection, transportation, processing, storage, or disposal
4 of solid waste including a facility or service established
5 pursuant to chapter 28G.
6 Sec. 4. NEW SECTION. 330B.5 PETITION AND PUBLIC HEARING.
7 1. Upon petition of eligible electors of a metropolitan
8 area equal in number to at least ten percent of the persons
9 who voted in the last general election held in the
10 metropolitan area for the office of president of the United
11 States or governor, or when the governing body of a county in
12 this state within a metropolitan area desires to participate
13 in the creation of an authority, the governing body of the
14 county shall adopt a resolution signifying its intention to
15 initiate the question of participating in the creation of an
16 authority and shall publish the resolution at least once in a
17 newspaper of general circulation in the metropolitan area
18 giving notice of a hearing to be held on the question of the
19 metropolitan area's entry into the authority. The resolution
20 shall be published at least fourteen days prior to the date of
21 hearing, and shall contain all of the following information:
22 a. Intention to join in the creation of the authority
23 pursuant to this division.
24 b. That the greater metropolitan area will include Rock
25 Island county, Illinois, and Scott county, Iowa, which have
26 expressed their interest in the creation of the authority.
27 c. Name of the authority.
28 d. Place, date, and time of hearing.
29 2. After the hearing, if the governing body of a
30 metropolitan area wishes to proceed in the creation of or to
31 join the authority, the governing body shall direct the county
32 commissioner of elections to submit the proposition to the
33 electorate of the metropolitan area as provided in section
34 330B.6.
35 Sec. 5. NEW SECTION. 330B.6 ELECTION.

1 1. Upon receipt of the resolution, the county commissioner
2 of elections shall place the proposition on the ballot of a
3 general or special election called by the governing body of
4 the metropolitan area. At the election, the proposition shall
5 be submitted in substantially the following form:
6 "Shall the Quad Cities Interstate Metropolitan Authority be
7 established effective on the _____ day of
8 _____, 19__?
9 YES _____ NO _____"
10 2. Notice of the election shall be given by publication as
11 required in section 49.53 in a newspaper of general
12 circulation in the metropolitan area. At the election, the
13 ballot used for submission of the proposition shall be
14 substantially the form for submitting special questions at
15 general elections.
16 3. The proposition is approved if the vote in favor of the
17 proposition is a simple majority of the total votes cast on
18 the proposition in the metropolitan area.
19 4. If the proposition is approved, the governing body of
20 the county shall enact an ordinance authorizing the joining of
21 the authority.
22 Sec. 6. NEW SECTION. 330B.7 BOARD OF COMMISSIONERS --
23 APPOINTMENT.
24 1. The authority established under this division shall be
25 governed by a board of commissioners appointed as provided in
26 subsection 2. The appointment of the commissioners shall be
27 made in writing and shall indicate the legal residence of the
28 appointee.
29 2. The board of commissioners of an authority shall
30 consist of sixteen members, eight members of which shall be
31 residents of the metropolitan area of each state which is a
32 party to the authority. At least four members appointed from
33 each metropolitan area shall be elected city or county
34 officers. The mayor of each city having a population of at
35 least eighty thousand within the metropolitan area shall

1 appoint, with the consent of the city council, four members to
2 the board of commissioners. The mayor of each city having a
3 population of at least forty thousand, but less than eighty
4 thousand, within the metropolitan area shall appoint, with the
5 consent of the city council, two members to the board of
6 commissioners. The mayor of each city having a population of
7 at least nineteen thousand, but less than forty thousand,
8 within the metropolitan area shall appoint, with the consent
9 of the city council, one member to the board of commissioners.
10 The remaining members appointed from each state shall be
11 appointed by the chairperson of the governing body of the
12 county within the metropolitan area, with consent of the
13 governing body, from cities having less than nineteen thousand
14 population and areas outside the corporate limits of cities.
15 3. If a city increases to a population that would enable
16 an additional appointment to be made, a member appointed by
17 the chairperson of the governing body of the county and having
18 the least tenure shall be removed from the board of
19 commissioners. If a city decreases to a population warranting
20 fewer members, the appointee having the least tenure of that
21 city shall be removed from the board of commissioners and the
22 chairperson of the governing body of the county in which that
23 city is located shall make a new appointment as provided in
24 subsection 2. If more members than are required to be removed
25 have the same tenure, the removal shall be determined by lot.
26 Sec. 7. NEW SECTION. 330B.8 COMMISSIONERS -- TERMS OF
27 OFFICE.
28 1. All initial appointments of commissioners shall be made
29 within thirty days after the establishment of the authority.
30 The authority is considered established when the proposition
31 is approved by the voters under section 330B.6. Each
32 appointment shall be in writing and a certificate of
33 appointment signed by the appointing officer shall be filed
34 and made a matter of record in the office of the county
35 recorder. A commissioner shall be appointed for a term of

1 four years and shall qualify within ten days after appointment
2 by acceptance and the taking of an oath or affirmation to
3 faithfully perform the duties of office. Members initially
4 appointed to the board of commissioners shall serve from date
5 of appointment until June 30 of one, two, three, or four years
6 after the date of appointment and shall draw lots to determine
7 the terms for which each shall be appointed. Lots shall be
8 drawn so that two commissioners from the metropolitan area
9 shall serve in each of four classes. Thereafter,
10 commissioners shall be appointed for four-year terms beginning
11 on July 1 of the year of appointment.
12 2. Within forty-five days after any vacancy occurs on the
13 board by death, resignation, change of residence to outside of
14 the metropolitan area, or for any other cause, a successor
15 shall be appointed in the same manner as the commissioner's
16 predecessor was appointed for the unexpired term of office.
17 Commissioners and board officers of the board shall serve
18 until a successor is appointed and qualifies.
19 Sec. 8. NEW SECTION. 330B.9 ORGANIZATION -- OFFICERS --
20 MEETINGS -- COMPENSATION.
21 1. The board of commissioners may exercise all of its
22 legislative and executive powers granted under this division.
23 Within thirty days after the appointment of the initial
24 commissioners, the board shall meet and elect a chairperson.
25 The board shall also select a secretary, treasurer, and other
26 officers or employees as necessary for the accomplishment of
27 its corporate objectives, none of whom need be a commissioner.
28 The board, at its first meeting, shall define by ordinance the
29 first and subsequent fiscal years of the authority, and shall
30 adopt a corporate seal and bylaws, which shall determine the
31 times for the annual election of officers and for other
32 regular and special meetings of the board. The bylaws shall
33 contain the rules for the transaction of other business of the
34 authority and for amending the bylaws.
35 2. Each commissioner of the authority shall devote the

1 amount of time to the duties of office as the faithful
2 discharge of the duties may require. The board shall
3 reimburse a commissioner for actual expenses incurred in the
4 performance of official duties as approved by the board.
5 Sec. 9. NEW SECTION. 330B.10 RIGHTS AND POWERS.
6 The authority constitutes a municipal corporation and body
7 politic separate from any other municipality, state, or other
8 public or governmental agency. The authority has the
9 following express powers, subject to any restrictions or
10 limitations contained in this division, and all other powers
11 incidental, necessary, convenient, or desirable to carry out
12 and effectuate the express powers to:
13 1. Sue and be sued.
14 2. Locate, acquire, own, establish, operate, and maintain
15 one or more metropolitan facilities upon any land or body of
16 water within its corporate limits, and to construct, develop,
17 expand, extend, and improve any metropolitan facility. A new
18 sanitary landfill or infectious waste disposal facility shall
19 not be established without site approval of the city council
20 or board of supervisors which governs the city or county in
21 which the proposed site is to be located.
22 3. Acquire, within the corporate limits of the authority,
23 and in fee simple, rights in and over land or water, and
24 easements upon, over, or across land or water, and leasehold
25 interests in land or water, and tangible and intangible
26 personal property, used or useful for the location,
27 establishment, maintenance, development, expansion, extension,
28 or improvement of one or more metropolitan facilities. The
29 acquisition may be by dedication, purchase, gift, agreement,
30 lease, or by condemnation if within corporate limits of the
31 authority. The authority may acquire land in fee simple
32 subject to a mortgage and as part of the purchase price may
33 assume the payment of the indebtedness secured by the
34 mortgage. Land may be acquired, possessed, and used for its
35 purposes by the authority, under a written contract for a deed

1 conveying merchantable title and providing that the deed shall
2 be placed in escrow and be delivered upon payment of the
3 purchase price and containing other terms as are reasonably
4 incident to the contract. Personal property may be purchased
5 on an installment contract basis.
6 4. Operate, maintain, manage, lease, sublease, and make
7 and enter into contracts for the use, operation, or management
8 of, and enact regulations for the operation, management, or
9 use of, a metropolitan facility.
10 5. Fix, charge, and collect reasonable rentals, tolls,
11 fees, and charges for the use of a metropolitan facility or
12 any part of a metropolitan facility.
13 6. Establish and maintain streets and approaches on
14 property of the authority.
15 7. Remove and relocate hazards or structures on property
16 of the authority.
17 8. Restrict and reduce the height of objects or buildings
18 on property of the authority.
19 9. Accept grants, contributions, or loans from, and enter
20 into contracts, leases, or other transactions with, a city,
21 county, state, or federal government.
22 10. Borrow money and issue bonds, notes, certificates, or
23 other evidences of indebtedness for the purpose of
24 accomplishing any of the corporate purposes, which obligations
25 may be payable from other sources as provided in this
26 division, and refund or advance refund any of the evidences of
27 indebtedness with bonds, notes, certificates, or other
28 evidences of indebtedness, which refunding or advanced
29 refunding obligations may be payable from taxes or from any
30 other source, subject to compliance with any condition or
31 limitation set forth in this division.
32 11. Employ or enter into contracts for the employment of
33 any person for professional services, necessary or desirable
34 for the accomplishment of the corporate objectives of the
35 authority or the proper administration, management,

1 protection, or control of its property.
2 12. Regulate traffic, speed, movement, and mooring of
3 vessels on property of the authority.
4 13. Regulate traffic, speed, movement, and parking of
5 motor vehicles upon property of the authority and employ
6 parking meters, signs, and other devices in the regulation of
7 the motor vehicles.
8 14. Police its property, exercise police powers in respect
9 to its property or in respect to the enforcement of any
10 regulation enacted by ordinance of the authority and,
11 pertaining to property of the authority, employ and establish,
12 maintain, and equip a security force for fire and police
13 protection of property of the authority, and provide that the
14 personnel of the security force shall perform other tasks
15 relating to the maintenance and operation of that property and
16 facilities. The members of the security force are peace
17 officers and have all powers possessed by a peace officer of
18 this state, but they may exercise the powers of a peace
19 officer only within the area of jurisdiction of the authority
20 when the exercise is required for the protection of properties
21 of the authority and interests, its personnel and persons
22 utilizing its facilities, and otherwise, within its
23 jurisdiction, when specifically requested by appropriate
24 federal, state, or local law enforcement officials. The
25 members of the security force shall be persons who have
26 successfully completed an approved training course or approved
27 training program offered at a police training school or
28 academy established under chapter 80B or as otherwise provided
29 by the laws of another state within the greater metropolitan
30 area. The members of the security force shall not serve or
31 execute civil processes.
32 15. Establish, by ordinance of the board, all regulations
33 for the execution of the powers specified in this division,
34 for the government of the authority, and for the protection of
35 any metropolitan facility within the jurisdiction of the

1 authority, or deemed necessary or desirable to effect its
2 corporate objectives. An ordinance may provide for the
3 revocation, cancellation, or suspension of an existing
4 privilege or franchise as a penalty for a second or subsequent
5 violation by the holder or franchisee of a regulation
6 pertaining to the enjoyment, use, or exercise of the privilege
7 or franchise. The use of a metropolitan facility of the
8 authority shall be subject to the reasonable regulation and
9 control of the authority and upon the reasonable terms and
10 conditions as established by the board.
11 16. Establish a general operating fund and other funds as
12 necessary.
13 17. Do all acts and things necessary or convenient for the
14 promotion of its business and the general welfare of the
15 authority, in order to carry out the powers granted to it by
16 this chapter or any other laws. The authority has no power to
17 pledge the taxing power of this state or any political
18 subdivision or agency of this state.
19 Bonds and notes issued by the authority are payable solely
20 and only out of the moneys, assets, or revenues of the
21 authority, and as provided in the agreement with bondholders
22 or noteholders pledging any particular moneys, assets, or
23 revenues. Bonds or notes are not an obligation of this state
24 or any political subdivision of this state other than the
25 authority within the meaning of any constitutional or
26 statutory debt limitations, but are special obligations of the
27 authority payable solely and only from the sources provided in
28 this division, and the authority shall not pledge the credit
29 or taxing power of this state or any political subdivision of
30 this state other than the authority, or make its debts payable
31 out of any moneys except those of the authority.
32 Sec. 10. NEW SECTION. 330B.11 REGULATIONS -- ORDINANCES.
33 1. Regulations adopted pursuant to section 330B.10 shall
34 be contained in an ordinance which shall be placed on file in
35 the office of the authority in typewritten or printed form for

1 public inspection not less than fifteen days before adoption.
2 The ordinance may impose fines as the board deems appropriate
3 of not more than one hundred dollars upon conviction or guilty
4 plea for each violation, and may provide that, in case of
5 continuing violation, each day during which a violation occurs
6 or continues constitutes a separate offense.
7 2. All fines, when collected for violations of an
8 ordinance of the authority, shall be paid into the general
9 operating fund of the authority.
10 Sec. 11. NEW SECTION. 330B.12 EMINENT DOMAIN PROCEDURES.
11 If land in fee simple, rights in land, air, or water,
12 easements or other interests in land, air, water, property, or
13 property rights are acquired or sought to be acquired by the
14 authority by condemnation, the condemnation procedure shall be
15 in accordance with the eminent domain statutes of the state in
16 which the affected property is located.
17 Sec. 12. NEW SECTION. 330B.13 AUTHORITY PROCEDURES.
18 Action of the board of a legislative character, including
19 the adoption of regulations, shall be in the form of an
20 ordinance, and after adoption shall be filed with the
21 secretary and shall be made a matter of public record in the
22 office of the authority. Other action of the board shall be
23 by resolution, motion, or in other appropriate form.
24 Executive or ministerial duties may be delegated to one or
25 more commissioners or to an authorized officer, employee,
26 agent, or other representative of the authority. Ten
27 commissioners, five members from each state within the greater
28 metropolitan area, constitute a quorum to conduct business and
29 the affirmative vote of a simple majority of the total
30 membership of the board is required to adopt or approve an
31 action except when a vote is taken by the authority on
32 admission of a new or existing jurisdiction or facility, as
33 applicable, to the authority, and under those circumstances,
34 an affirmative vote of a majority of the commissioners from
35 each metropolitan area is required. The enacting clause of

1 any ordinance shall be substantially as follows: "Be it
2 ordained by the Board of Commissioners of the Quad Cities
3 Interstate Metropolitan Authority".
4 Sec. 13. NEW SECTION. 330B.14 OFFICIAL RECORDS AND
5 OFFICER BONDS.
6 The board shall provide for the safekeeping of its
7 permanent records and for the recording of the corporate
8 action of the authority. The board shall keep a true and
9 accurate account of its receipts and an annual audit shall be
10 made of its books, records, and accounts by state or private
11 auditors. All officers and employees authorized to receive or
12 retain the custody of moneys or to sign vouchers, checks,
13 warrants, or evidences of indebtedness binding upon the
14 authority shall furnish surety bond for the faithful
15 performance of their duties and the faithful accounting for
16 all moneys that may come into their custody in an amount to be
17 fixed and in a form to be approved by the board.
18 Sec. 14. NEW SECTION. 330B.15 CHANGE OF NAME.
19 The board may change the name of the authority by
20 ordinance. A certified copy of the ordinance shall be filed
21 with the appropriate state office and the county recorder or
22 equivalent county officer of each county in which the
23 authority or part of the authority is located. The name
24 change shall be effective on the date of the filing.
25 Sec. 15. NEW SECTION. 330B.16 BUDGET AND APPROPRIATION.
26 Annually, the board shall prepare and adopt a budget and
27 provide appropriations as follows:
28 1. The budget shall show the amount required for each
29 class of proposed expenditures, a comparison of the amounts
30 proposed to be expended with the amounts expended for like
31 purposes for the two preceding years, if available, and the
32 revenues from sources other than property taxation.
33 2. Not less than twenty days before the date that a budget
34 must be certified as determined by the board and not less than
35 ten days before the date set for the hearing under subsection

1 3, the board shall file the budget with the treasurer of the
2 authority. The treasurer shall post a copy of the budget in
3 the authority offices for public inspection and comment.
4 3. The board shall set a time and place for a public
5 hearing on the budget before the final certification date and
6 shall publish notice of the hearing not less than ten nor more
7 than twenty days prior to the hearing in one or more
8 newspapers serving the greater metropolitan area. Proof of
9 publication shall be filed with and preserved by the
10 treasurer. A levy is not valid unless the notice is published
11 and filed.
12 4. At the hearing, any resident or taxpayer of the greater
13 metropolitan area may present to the board objections to or
14 arguments in favor of any part of the budget.
15 5. After the hearing, the board shall adopt by resolution
16 a budget and certification of taxes for the next fiscal year
17 and shall direct the treasurer to properly certify and file
18 the budget and certification of taxes as adopted. The board
19 shall not certify a tax in excess of the estimate published
20 and a greater tax than that adopted shall not be levied or
21 collected. A budget and certification of taxes adopted for
22 the following fiscal year becomes effective on the first day
23 of that year.
24 6. The board shall appropriate, by resolution, the amounts
25 deemed necessary for each of the different offices and
26 departments during the ensuing fiscal year. Increases or
27 decreases in these appropriations do not require a budget
28 amendment, but may be provided by resolution at a regular
29 meeting of the board.
30 Sec. 16. NEW SECTION. 330B.17 LOCAL SALES AND SERVICES
31 TAX.
32 If an authority is established as provided in section
33 330B.6 and after approval of a referendum by a simple majority
34 of votes cast in each metropolitan area in favor of the sales
35 and services tax, the governing board of a county in this

1 state within a metropolitan area which is part of the
2 authority shall impose, at the request of the authority, a
3 local sales and services tax at the rate of one-fourth of one
4 percent on gross receipts taxed by this state under chapter
5 422, division IV, within the metropolitan area located in this
6 state. The referendum shall be called by resolution of the
7 board and shall be held as provided in section 330B.6 to the
8 extent applicable. The ballot proposition shall contain a
9 statement as to the specific purpose or purposes for which the
10 revenues shall be expended. The local sales and services tax
11 shall be imposed on the same basis, with the same exceptions,
12 and following the same administrative procedures as provided
13 for a county under sections 422B.8 and 422B.9. The amount of
14 the sale, for the purposes of determining the amount of the
15 local sales and services tax under this section, does not
16 include the amount of any local sales and services tax imposed
17 under sections 422B.8 and 422B.9. The treasurer of state
18 shall credit the local sales and services tax receipts and
19 interest and penalties to the authority's account. Moneys in
20 this account shall be remitted quarterly to the authority.
21 The proceeds of the tax imposed under this section shall be
22 used only for the construction, reconstruction, or repair of
23 metropolitan facilities. The local sales and services tax
24 imposed under this section may be suspended for not less than
25 a fiscal quarter or more than one year by action of the board.
26 The suspension may be renewed or continued by the board, but
27 the board shall act on the suspension at least annually. The
28 local sales and services tax may also be repealed by a
29 petition and favorable referendum following the procedures and
30 requirements of sections 330B.5 and 330B.6 as applicable. The
31 board shall give the department of revenue and finance at
32 least forty days' notice of the repeal, suspension, or
33 reinstatement of the tax and the effective dates for
34 imposition, suspension, or repeal of the tax shall be as
35 provided in section 422B.9.

1 Sec. 17. NEW SECTION. 330B.18 BONDS AND NOTES PAYABLE
2 FROM REVENUE.
3 1. The bonds issued by the board pursuant to this division
4 shall be authorized by resolution of the board after approval
5 is voted by a simple majority of the total votes cast on the
6 proposition in each metropolitan area, and shall be either
7 term or serial bonds, shall bear the date, mature at the time,
8 not exceeding forty years from their respective dates, bear
9 interest at the rate, not exceeding the rate permitted under
10 chapter 74A or the rate authorized by another state within the
11 greater metropolitan area, whichever rate is lower, payable
12 semiannually, be in the denominations, be in the form, either
13 coupon or fully registered, shall carry the registration,
14 exchangeability and interchangeability privileges, be payable
15 in the medium of payment and at the place, within or without
16 the state, be subject to the terms of redemption and be
17 entitled to the priorities on the revenues, rates, fees,
18 rentals, or other charges or receipts of the authority as the
19 resolution may provide. The bonds shall be executed either by
20 manual or facsimile signature by the officers as the authority
21 shall determine, provided that the bonds shall bear at least
22 one signature which is manually executed on the bond, and the
23 coupons attached to the bonds shall bear the facsimile
24 signature of the officer as designated by the authority and
25 the bonds shall have the seal of the authority, affixed,
26 imprinted, reproduced, or lithographed on the bond, all as may
27 be prescribed in a resolution. The bonds shall be sold at
28 public sale at the price as the authority shall determine to
29 be in the best interests of the authority provided that the
30 bonds shall not be sold at less than the par value of the
31 bond, plus accrued interest and provided that the net interest
32 cost shall not exceed that permitted by applicable state law.
33 Pending the preparation of definitive bonds, interim
34 certificates or temporary bonds may be issued to the purchaser
35 of the bonds, and may contain the terms and conditions as the

1 board may determine.
2 2. The board, after the issuance of bonds, may borrow
3 moneys for the purposes for which the bonds are to be issued
4 in anticipation of the receipt of the proceeds of the sale of
5 the bonds and within the authorized maximum amount of the bond
6 issue. Any loan shall be paid within three years after the
7 date of the initial loan. Bond anticipation notes shall be
8 issued for all moneys so borrowed under this section, and the
9 notes may be renewed, but all the renewal notes shall mature
10 within the time above limited for the payment of the initial
11 loan. The notes shall be authorized by resolution of the
12 board and shall be in the denominations, shall bear interest
13 at the rate not exceeding the maximum rate permitted by the
14 resolution authorizing the issuance of the bonds, shall be in
15 the form and shall be executed in the manner, all as the
16 authority prescribes. The notes shall be sold at public or
17 private sale or, if the notes are renewal notes, they may be
18 exchanged for notes outstanding on the terms as the board
19 determines. The board may retire any notes from the revenues
20 derived from its metropolitan facilities or from other moneys
21 of the authority which are lawfully available or from a
22 combination of revenues and other available moneys, in lieu of
23 retiring them by means of bond proceeds. However, before the
24 retirement of the notes by any means other than the issuance
25 of bonds, the board shall amend or repeal the resolution
26 authorizing the issuance of the bonds, in anticipation of the
27 proceeds of the sale of the notes, so as to reduce the
28 authorized amount of the bond issue by the amount of the notes
29 so retired. The amendatory or repealing resolution shall take
30 effect upon its passage.
31 3. Any resolution authorizing the issuance of any bonds
32 may contain provisions which shall be part of the contract
33 with the holders of the bonds, as to:
34 a. The pledging of all or any part of the revenues, rates,
35 fees, rentals, or other charges or receipts of the authority

1 derived by the authority from all or any of its metropolitan
2 facilities.
3 b. The construction, improvement, operations, extensions,
4 enlargement, maintenance, repair, or lease of metropolitan
5 facilities and the duties of the authority with reference to
6 the facilities.
7 c. Limitations on the purposes to which the proceeds of
8 the bonds, or of any loan or grant by the federal government
9 or the state government or the county or any city in the
10 county, may be applied.
11 d. The fixing, charging, establishing, and collecting of
12 rates, fees, rentals, or other charges for use of the services
13 and facilities of the metropolitan facilities of an authority,
14 or any part of the facilities.
15 e. The setting aside of reserves or sinking funds or
16 repair and replacement funds or other funds and the regulation
17 and disposition of the funds.
18 f. Limitations on the issuance of additional bonds.
19 g. The terms and provisions of any deed of trust,
20 mortgage, or indenture securing the bonds or under which the
21 bonds may be issued.
22 h. Any other or additional agreements with the holders of
23 the bonds as are customary and proper and which in the
24 judgment of the authority will make the bonds more marketable.
25 4. The board of the authority may enter into any deeds of
26 trust, mortgages, indentures, or other agreements, with any
27 bank or trust company or any other lender within or without
28 the state as security for the bonds, and may assign and pledge
29 all or any of the revenues, rates, fees, rentals, or other
30 charges or receipts of the authority. The deeds of trust,
31 mortgages, indentures, or other agreements may contain the
32 provisions as may be customary in the instruments, or, as the
33 board may authorize, including, but without limitation,
34 provisions as to:
35 a. The construction, improvement, operation, leasing,

1 maintenance, and repair of the metropolitan facilities and
2 duties of the board with reference to the facilities.
3 b. The application of funds and the safeguarding and
4 investment of funds on hand or on deposit.
5 c. The appointment of consulting engineers or architects
6 and approval by the holders of the bonds.
7 d. The rights and remedies of the trustee and the holders
8 of the bonds.
9 e. The terms and provisions of the bonds or the resolution
10 authorizing the issuance of the bonds.
11 Any of the bonds issued pursuant to this section are
12 negotiable instruments, and have all the qualities and
13 incidents of negotiable instruments.
14 Sec. 18. NEW SECTION. 330B.19 EXISTING JURISDICTIONS.
15 Existing jurisdictions, including those involving airports,
16 mass transit, river bridges, waste disposal systems, and
17 intermodal water ports within their jurisdictional boundaries,
18 are protected from incorporation by the authority and shall
19 not be incorporated in the authority except by their
20 respective governing bodies. However, an existing
21 jurisdiction may negotiate with the authority to take over its
22 entire powers, incomes, and debts. The authority may assume
23 the powers, income, and debts for any type of facility
24 authorized by this division.
25 Sec. 19. NEW SECTION. 330B.20 COOPERATION WITH OTHER
26 GOVERNMENTS.
27 The authority may apply for and receive a grant or loan of
28 moneys or other financial aid from the state or federal
29 government or from any state or federal agency, department,
30 bureau, or board, necessary or useful for the undertaking,
31 performance, or execution of any of its corporate objectives
32 or purposes, and the authority may undertake the acquisition,
33 establishment, construction, development, expansion,
34 extension, or improvement of metropolitan facilities within
35 its corporate limits or within or upon any body of water

1 within the corporate limits aided by, in cooperation with, or
2 as a joint enterprise with the state or federal governments or
3 with the aid of, or in cooperation with, or as a joint project
4 with the state and federal governments. The authority shall
5 assure, in compliance with any state or federal requirements
6 or directives, that the proceeds of a state or federal grant,
7 loan, or other financial assistance for the provision of
8 facilities or services are used for the express purpose of the
9 financial assistance and to the specific benefit of service
10 areas or persons as designated by the local, state, or federal
11 funding provider.
12 Sec. 20. NEW SECTION. 330B.21 TRANSFER OF EXISTING
13 FACILITIES.
14 1. Any county, city, commission, authority, or person may
15 sell, lease, lend, grant, or convey to the authority, a
16 facility or any part of a facility, or any interest in real or
17 personal property which may be used by an authority in the
18 construction, improvement, maintenance, leasing, or operation
19 of any metropolitan facilities. Any county, city, commission,
20 authority, or person may transfer and assign over to the
21 authority a contract which may have been awarded by the
22 county, city, commission, authority, or person for the
23 construction of facilities not begun or, if begun, not
24 completed.
25 2. A proposed action of the board, and a proposed
26 agreement to acquire, shall be approved by the governing body
27 of the owner of the facilities. If the governing body of a
28 county, city, commission, or authority desires to sell, lease,
29 lend, grant, or convey to the authority a facility or any part
30 of a facility, the governing body shall adopt a resolution
31 signifying its intention to do so and shall publish the
32 resolution at least one time in a newspaper of general
33 circulation in the county and in a newspaper or newspapers, if
34 necessary, of general circulation in the area served by the
35 county, city, commission, or authority giving notice of a

1 hearing to be held on the question of the sale, lease, loan,
2 grant, or conveyance. The resolution shall be published at
3 least fourteen days prior to the date of hearing. After the
4 hearing and if in the public interest, the county, city,
5 commission, or authority shall enact an ordinance authorizing
6 the sale, lease, loan, grant, or conveyance.
7 3. An owner transferring an existing facility to the
8 authority under this section shall notify the board of and
9 make provision in the transfer documents for, where necessary,
10 existing rights, liens, securities, and rights of reentry
11 belonging to the state or federal government.
12 4. This section, without reference to any other law, shall
13 be deemed complete authority for the acquisition by agreement,
14 of a facility as provided in subsection 1, and no proceedings
15 or other action shall be required except as prescribed in this
16 division.
17 Sec. 21. NEW SECTION. 330B.22 FUNDS OF THE AUTHORITY.
18 Moneys of an authority shall be paid to the treasurer of
19 the authority who shall not commingle the moneys with any
20 other moneys, but shall deposit them in a separate account or
21 accounts. Moneys in the accounts shall be paid out on check
22 of the treasurer on requisition of the chairperson of the
23 authority, or of another person as the authority may authorize
24 to make the requisition. An authority may deposit any of its
25 rates, fees, rentals, or other charges, receipts, or income
26 with any bank or trust company that is federally insured and
27 may deposit the proceeds of any bonds issued with any bank or
28 trust company that is federally insured, all as may be
29 provided in any agreement with the holders of bonds issued
30 under this division.
31 Sec. 22. NEW SECTION. 330B.23 AWARD OF CONTRACTS.
32 All contracts entered into by an authority for the
33 construction, reconstruction, and improvement of metropolitan
34 facilities shall be entered into pursuant to and shall comply
35 with applicable state laws. However, if an authority

1 determines an emergency exists, it may enter into contracts
2 obligating the authority for not in excess of one hundred
3 thousand dollars per emergency without regard to the
4 requirements of applicable state laws and the authority may
5 proceed with the necessary action as expeditiously as possible
6 to the extent necessary to resolve the emergency.
7 Sec. 23. NEW SECTION. 330B.24 EXEMPTION FROM TAXATION.
8 Since an authority is performing essential governmental
9 functions, an authority is not required to pay any taxes or
10 assessments of any kind or nature upon any property required
11 or used by it for its purposes, or any rates, fees, rentals,
12 receipts, or incomes at any time received by it, and the bonds
13 issued by an authority, their transfer, and the income,
14 including any profits made on the sale of bonds, shall be free
15 from taxation of any kind by this state, or any political
16 subdivision or taxing agency or instrumentality of this state.
17 Sec. 24. NEW SECTION. 330B.25 DISSOLUTION -- REFERENDUM.
18 The authority shall be dissolved only by a majority vote in
19 a referendum undertaken in a manner similar to the referendum
20 provided for in section 330B.6. The board shall initiate the
21 petition calling for an election to approve or disapprove the
22 dissolution. The authority shall provide by ordinance for the
23 disposal of any remaining property, the proceeds of which
24 shall first be applied against any outstanding obligation of
25 the authority. The remaining balance shall be divided between
26 the counties included in the authority and credited to the
27 general fund of the respective counties.
28 Sec. 25. NEW SECTION. 330B.26 SUPREMACY OF COMPACT.
29 The provisions of this division II are subject to all of
30 the provisions of the quad cities interstate metropolitan
31 authority compact provided for in section 330B.1.
32 Sec. 26. EFFECTIVE DATE. This Act, being deemed of
33 immediate importance, takes effect upon enactment.
34 EXPLANATION
35 This bill provides enabling legislation for the creation of

1 the "Quad Cities Interstate Metropolitan Authority" by a
2 county in this state included in the "Quad Cities Interstate
3 Metropolitan Compact" (Scott county, Iowa, and Rock Island
4 county, Illinois). The interstate metropolitan authority is
5 granted authority to construct, maintain, and operate public
6 airports, bridges, water ports, waste disposal systems, mass
7 transit systems, parks and recreation, and related facilities
8 within the corporate limits of the authority in lieu of the
9 operations by the cities, counties, commissions, and
10 authorities which may carry out these responsibilities
11 currently.
12 Upon receipt of a petition and after a public hearing on a
13 proposition to create an interstate metropolitan authority,
14 the governing body of a county within a metropolitan area may
15 submit a proposition to its electorate to approve the creation
16 of the authority. The authority is created as a separate
17 corporate entity with a governing body consisting of 16
18 members appointed by the counties and certain cities within
19 the greater metropolitan area. Each city having a population
20 of at least 19,000 and less than 40,000 shall appoint 1
21 member, each city having a population of 40,000 and less than
22 80,000 shall appoint 2 members, and each city having a
23 population of 80,000 or more shall appoint 4 members. The
24 remainder of the members shall be appointed by the respective
25 counties involved. At least four members appointed from a
26 metropolitan area shall be elected city or county officers.
27 The interstate metropolitan authority has two methods of
28 financing its projects: revenue bonds; and the local sales
29 and services taxes. After the authority is established, the
30 authority may request a referendum to approve the imposition
31 of a sales and services tax of one-fourth of one percent for
32 construction, reconstruction, or repair of metropolitan fa-
33 cilities.
34 The authority will have the same general powers of a
35 municipal corporation with regard to its facilities including

limited police powers within its jurisdiction and the authority may adopt ordinances or resolutions imposing fines not exceeding $100 for violations. The property and revenues of the authority are exempt from taxation. Provisions are also made for the dissolution of an authority and dispositions of its properties and obligations.

The bill takes effect upon enactment.

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AN ACT

RELATING TO THE CREATION OF AN INTERSTATE METROPOLITAN AUTHORITY, BY SPECIFYING THE POWERS AND DUTIES OF THE AUTHORITY, BY AUTHORIZING CERTAIN COUNTIES TO JOIN THE AUTHORITY, BY PROVIDING FOR THE IMPOSITION OF A SALES AND SERVICES TAX, BY PROVIDING FOR THE ISSUANCE OF REVENUE BONDS, BY AUTHORIZING THE IMPOSITION OF FINES FOR CERTAIN VIOLATIONS, AND BY PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION II

QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY

Section 1. NEW SECTION. 330B.2 CITATION.

Chapter 330B, division II, may be cited as the "Quad Cities Interstate Metropolitan Authority Act".

Sec. 2. NEW SECTION. 330B.3 PURPOSES.

1. Chapter 330B, division II, is enabling legislation for the quad cities interstate metropolitan authority compact, a compact entered into by the states of Illinois and Iowa as provided in section 330B.1.

2. The authority shall engage in operations and services that can best be conducted on an area basis benefiting the entire greater metropolitan area, and at the same time improving the quality of life for the greater metropolitan area. The authority may include the following areas of operation and service:

a. Intermodal water port operations.

b. Waste disposal systems.

c. Mass transit.

d. Airports.

e. Bridges.

f. Parks and recreation.

g. Related facilities, fixtures, equipment, and property necessary, appurtenant, or incidental to the operations and services specified in paragraphs "a" through "g". The authority shall be supportive of, and refrain from unnecessary and unreasonable competition with, private sector operations when possible.

3. The establishment, maintenance, and operation of safe, adequate, and necessary metropolitan facilities, and the creation of the authority having powers necessary or desirable for the establishment, maintenance, and operation of the metropolitan facilities beneficial to the territory of the authority, and the powers and the corporate purposes and functions of the authority are public and governmental in nature and essential to the public interest in the territory of the authority.

Sec. 3. NEW SECTION. 330B.4 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Authority" means the quad cities interstate metropolitan authority created as provided in this division.

2. "Board" means the board of commissioners of the authority.

3. "Cost" of any project for a metropolitan facility includes construction contract costs and the costs of engineering, architectural, technical, and legal services, preliminary reports, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds, if any, and provisions for contingencies.

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4. "Greater metropolitan area" means the combined area of Rock Island county, Illinois, and Scott county, Iowa.

5. "Metropolitan area" means Rock Island county, Illinois, as a separate and distinct area, or Scott county, Iowa, as a separate and distinct area, or each as a part of the greater metropolitan area.

6. "Metropolitan facility" means a structure, fixture, equipment, or property of any kind or nature related to or connected with an intermodal water port, waste disposal system, mass transit system, airport, park, recreation, or bridge, which the authority may construct, acquire, own, lease, or operate, including all related facilities necessary, appurtenant, or incidental to the facilities.

7. "Person" means an individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative of any of the entities.

8. "Waste disposal system" means a facility or service for collection, transportation, processing, storage, or disposal of solid waste including a facility or service established pursuant to chapter 28G.

Sec. 4. NEW SECTION. 330B.5 PETITION AND PUBLIC HEARING.

1. Upon petition of eligible electors of a metropolitan area equal in number to at least ten percent of the persons who voted in the last general election held in the metropolitan area for the office of president of the United States or governor, the governing body of the county shall adopt a resolution signifying its intention to initiate the question of participating in the creation of an authority and shall publish the resolution at least once in a newspaper of general circulation in the metropolitan area giving notice of a hearing to be held on the question of the metropolitan area's entry into the authority. The resolution shall be published at least fourteen days prior to the date of hearing, and shall contain all of the following information:

a. Intention to join in the creation of the authority pursuant to this division.

b. That the greater metropolitan area will include Rock Island county, Illinois, and Scott county, Iowa, which have expressed their interest in the creation of the authority.

c. Name of the authority.

d. Place, date, and time of hearing.

2. After the hearing, if the governing body of a metropolitan area wishes to proceed in the creation of or to join the authority, the governing body shall direct the proper election authority to submit the proposition to the electorate of the metropolitan area as provided in section 330B.6.

Sec. 5. NEW SECTION. 330B.6 ELECTION.

1. Upon receipt of the resolution, the county commissioner of elections shall place the proposition on the ballot of a special election but not at a general election, called by the governing body of the metropolitan area. At the election, the proposition shall be submitted in substantially the following form:

"Shall the Quad Cities Interstate Metropolitan Authority be established effective on the _____ day of _____, 19__?

YES _____ NO _____"

2. Notice of the election shall be given by publication as required in section 49.53 in a newspaper of general circulation in the metropolitan area. At the election, the ballot used for submission of the proposition shall be substantially the form for submitting special questions at general elections.

3. The proposition is approved if the vote in favor of the proposition is a simple majority of the total votes cast on the proposition in the metropolitan area.

4. If the proposition is approved, the governing body of the county shall enact an ordinance authorizing the joining of the authority.

Sec. 6. NEW SECTION. 330B.7 BOARD OF COMMISSIONERS -- APPOINTMENT.

1. The authority established under this division shall be governed by a board of commissioners appointed as provided in subsection 2. The appointment of the commissioners shall be made in writing and shall indicate the legal residence of the appointee.

2. The board of commissioners of an authority shall consist of sixteen members, eight members of which shall be residents of the metropolitan area of each state which is a party to the authority. At least four but not more than five members appointed from each metropolitan area shall be elected city or county officers. The mayor of each city having a population of at least eighty thousand within the metropolitan area shall appoint, with the consent of the city council, four members to the board of commissioners. The mayor of each city having a population of at least forty thousand, but less than eighty thousand, within the metropolitan area shall appoint, with the consent of the city council, two members to the board of commissioners. The mayor of each city having a population of at least nineteen thousand, but less than forty thousand, within the metropolitan area shall appoint, with the consent of the city council, one member to the board of commissioners. The remaining members appointed from each state shall be appointed by the chairperson of the governing body of the county within the metropolitan area, with consent of the governing body, from cities having less than nineteen thousand population and areas outside the corporate limits of cities.

3. If a city increases to a population that would enable an additional appointment to be made, a member appointed by the chairperson of the governing body of the county and having the least tenure shall be removed from the board of commissioners. If a city decreases to a population warranting fewer members, the appointee having the least tenure of that city shall be removed from the board of commissioners and the chairperson of the governing body of the county in which that

city is located shall make a new appointment as provided in subsection 2. If more members than are required to be removed have the same tenure, the removal shall be determined by lot.

4. The membership of the board of commissioners shall be gender balanced if possible. The appointing authorities shall comply with the requirements of section 69.16A or to similar laws of the state of Illinois as determined by the appointing authorities. The appointing authorities shall also provide representation for racial groups residing in the metropolitan area based on the ratio of the racial population to the population as a whole.

Sec. 7. NEW SECTION. 330B.8 COMMISSIONERS -- TERMS OF OFFICE.

1. All initial appointments of commissioners shall be made within thirty days after the establishment of the authority. The authority is considered established when the proposition is approved by the voters under section 330B.6. Each appointment shall be in writing and a certificate of appointment signed by the appointing officer shall be filed and made a matter of record in the office of the county recorder. A commissioner shall be appointed for a term of two years and shall qualify within ten days after appointment by acceptance and the taking of an oath or affirmation to faithfully perform the duties of office. Members initially appointed to the board of commissioners shall serve from date of appointment until June 30 of one or two years after the date of appointment and shall draw lots to determine the terms for which each shall be appointed. Lots shall be drawn so that four commissioners from the metropolitan area shall serve in each of two classes. Thereafter, commissioners shall be appointed for two-year terms beginning on July 1 of the year of appointment. However, a commissioner who is also an elected officer shall have a term of office that runs concurrent and consistent with the elective office.

2. Within forty-five days after any vacancy occurs on the board by death, resignation, change of residence to outside of

the metropolitan area, or for any other cause, a successor shall be appointed in the same manner as the commissioner's predecessor was appointed for the unexpired term of office. Commissioners and board officers of the board shall serve until a successor is appointed and qualifies. A vacancy exists when a commissioner who is also an elected officer leaves elective office and a former city or county elective officer is ineligible to serve as a commissioner for two years after leaving elective office.

Sec. 8. NEW SECTION. 330B.9 ORGANIZATION -- OFFICERS -- MEETINGS -- COMPENSATION.

1. The board of commissioners may exercise all of its legislative and executive powers granted under this division. Within thirty days after the appointment of the initial commissioners, the board shall meet and elect a chairperson from among its members for a term of one year. The chairperson's position shall alternate annually between a commissioner from one state to a commissioner from the other state. The board shall also select a secretary, treasurer, and other officers or employees as necessary for the accomplishment of its corporate objectives, none of whom need be a commissioner. The board, at its first meeting, shall define by ordinance the first and subsequent fiscal years of the authority, and shall adopt a corporate seal and bylaws, which shall determine the times for the annual election of officers and for other regular and special meetings of the board. The bylaws shall contain the rules for the transaction of other business of the authority and for amending the bylaws.

2. Each commissioner of the authority shall devote the amount of time to the duties of office as the faithful discharge of the duties may require. The board shall reimburse a commissioner for actual and necessary expenses incurred in the performance of official duties as approved by the board. A commissioner shall not receive a salary or per diem for the performance of official duties.

3. Each commissioner shall comply with restrictions relating to conflicts of interests or acceptance of gifts as provided in chapter 68B or to similar laws of the state of Illinois as determined by the board.

4. The commissioners shall conduct the meetings as public meetings with appropriate notice pursuant to chapter 21 or to similar laws of the state of Illinois as determined by the board.

5. The board shall keep and maintain its records as public records pursuant to chapter 22 or to similar laws of the state of Illinois as determined by the board.

Sec. 9. NEW SECTION. 330B.10 RIGHTS AND POWERS.

The authority constitutes a municipal corporation and body politic separate from any other municipality, state, or other public or governmental agency. The authority has the following express powers, subject to any restrictions or limitations contained in this division, and all other powers incidental, necessary, convenient, or desirable to carry out and effectuate the express powers to:

1. Sue and be sued.

2. Locate, acquire, own, establish, operate, and maintain one or more metropolitan facilities upon any land or body of water within its corporate limits, and to construct, develop, expand, extend, and improve any metropolitan facility. A new metropolitan facility, such as a sanitary landfill or infectious waste disposal facility shall not be established without site approval of the city council or board of supervisors which governs the city or county in which the proposed site is to be located.

3. Acquire, within the corporate limits of the authority, and in fee simple, rights in and over land or water, and easements upon, over, or across land or water, and leasehold interests in land or water, and tangible and intangible personal property, used or useful for the location, establishment, maintenance, development, expansion, extension, or improvement of one or more metropolitan facilities. The

acquisition may be by dedication, purchase, gift, agreement, lease, or by condemnation if within corporate limits of the authority. The authority may acquire land in fee simple subject to a mortgage and as part of the purchase price may assume the payment of the indebtedness secured by the mortgage. Land may be acquired, possessed, and used for its purposes by the authority, under a written contract for a deed conveying merchantable title and providing that the deed shall be placed in escrow and be delivered upon payment of the purchase price and containing other terms as are reasonably incident to the contract. Personal property may be purchased on an installment contract basis or lease-purchase contract.

4. Operate, maintain, manage, lease with or without a lease-purchase option, sublease, and make and enter into contracts for the use, operation, or management of, and enact regulations for the operation, management, or use of, a metropolitan facility.

5. Fix, charge, and collect reasonable rentals, tolls, fees, and charges for the use of a metropolitan facility or any part of a metropolitan facility. Rentals, tolls, fees, or charges fixed and collected for the use of a metropolitan facility shall be used for the construction, reconstruction, repair, maintenance, or operation of that metropolitan facility or the construction, reconstruction, repair, maintenance, or operation of similar metropolitan facilities.

6. Establish and maintain streets and approaches on property of the authority.

7. Remove and relocate hazards or structures on property of the authority.

8. Restrict and reduce the height of objects or buildings on property of the authority.

9. Accept grants, contributions, or loans from, and enter into contracts, leases, or other transactions with, a city, county, state, or federal government.

10. Borrow money and issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of

accomplishing any of the corporate purposes, which obligations may be payable from other sources as provided in this division, and refund or advance refund any of the evidences of indebtedness with bonds, notes, certificates, or other evidences of indebtedness, which refunding or advanced refunding obligations may be payable from taxes or from any other source, subject to compliance with any condition or limitation set forth in this division.

11. Employ or enter into contracts for the employment of any person for professional services, necessary or desirable for the accomplishment of the corporate objectives of the authority or the proper administration, management, protection, or control of its property.

12. Regulate traffic, speed, movement, and mooring of vessels on property of the authority.

13. Regulate traffic, speed, movement, and parking of motor vehicles upon property of the authority and employ parking meters, signs, and other devices in the regulation of the motor vehicles.

14. Contract for police and fire protection.

15. Establish, by ordinance of the board, all regulations for the execution of the powers specified in this division, for the government of the authority, and for the protection of any metropolitan facility within the jurisdiction of the authority, or deemed necessary or desirable to effect its corporate objectives. An ordinance may provide for the revocation, cancellation, or suspension of an existing privilege or franchise as a penalty for a second or subsequent violation by the holder or franchisee of a regulation pertaining to the enjoyment, use, or exercise of the privilege or franchise. The use of a metropolitan facility of the authority shall be subject to the reasonable regulation and control of the authority and upon the reasonable terms and conditions as established by the board.

16. Establish a general operating fund and other funds as necessary.

17. Do all acts and things necessary or convenient for the promotion of its business and the general welfare of the authority, in order to carry out the powers granted to it by this chapter or any other laws. The authority has no power to pledge the taxing power of this state or any political subdivision or agency of this state.

Bonds and notes issued by the authority are payable solely and only out of the moneys, assets, or revenues of the authority, and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets, or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in this division, and the authority shall not pledge the credit or taxing power of this state or any political subdivision of this state other than the authority, or make its debts payable out of any moneys except those of the authority.

Sec. 10. NEW SECTION. 330B.11 REGULATIONS -- ORDINANCES.

Regulations adopted pursuant to section 330B.10 shall be contained in an ordinance which shall be placed on file in the office of the authority in typewritten or printed form for public inspection not less than fifteen days before adoption. The ordinance may impose fines as the board deems appropriate of not more than one hundred dollars upon conviction or guilty plea for each violation, and may provide that, in case of continuing violation, each day during which a violation occurs or continues constitutes a separate offense.

Sec. 11. NEW SECTION. 330B.12 EMINENT DOMAIN PROCEDURES.

If land in fee simple, rights in land, air, or water, easements or other interests in land, air, water, property, or property rights are acquired or sought to be acquired by the authority by condemnation, the condemnation procedure shall be in accordance with the eminent domain statutes of the state in which the affected property is located.

Sec. 12. NEW SECTION. 330B.13 AUTHORITY PROCEDURES

Action of the board of a legislative character, including the adoption of regulations, shall be in the form of an ordinance, and after adoption shall be filed with the secretary and shall be made a matter of public record in the office of the authority. Other action of the board shall be by resolution, motion, or in other appropriate form. Executive or ministerial duties may be delegated to one or more commissioners or to an authorized officer, employee, agent, or other representative of the authority. Ten commissioners, five members from each state within the greater metropolitan area, constitute a quorum to conduct business and an affirmative vote of a majority of the commissioners from each metropolitan area is required to adopt or approve an action of the board. The enacting clause of any ordinance shall be substantially as follows: "Be it ordained by the Board of Commissioners of the Quad Cities Interstate Metropolitan Authority".

Sec. 13. NEW SECTION. 330B.14 OFFICIAL RECORDS AND OFFICER BONDS.

The board shall provide for the safekeeping of its permanent records and for the recording of the corporate action of the authority. The board shall keep a true and accurate account of its receipts and an annual audit shall be made of its books, records, and accounts by state or private auditors. All officers and employees authorized to receive or retain the custody of moneys or to sign vouchers, checks, warrants, or evidences of indebtedness binding upon the authority shall furnish surety bond for the faithful performance of their duties and the faithful accounting for all moneys that may come into their custody in an amount to be fixed and in a form to be approved by the board.

Sec. 14. NEW SECTION. 330B.15 CHANGE OF NAME.

The board may change the name of the authority by ordinance. A certified copy of the ordinance shall be filed with the appropriate state office and the county recorder or equivalent county officer of each county in which the

authority or part of the authority is located. The name change shall be effective on the date of the filing.

Sec. 15. NEW SECTION. 330B.16 BUDGET AND APPROPRIATION.

Annually, the board shall prepare and adopt a budget and provide appropriations as follows:

1. The budget shall show the amount required for each class of proposed expenditures, a comparison of the amounts proposed to be expended with the amounts expended for like purposes for the two preceding years, if available, and the sources of revenue.

2. Not less than twenty days before the date that a budget must be certified as determined by the board and not less than ten days before the date set for the hearing under subsection 3, the board shall file the budget with the treasurer of the authority. The treasurer shall post a copy of the budget in the authority offices for public inspection and comment.

3. The board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in one or more newspapers serving the greater metropolitan area. Proof of publication shall be filed with and preserved by the treasurer.

4. At the hearing, any resident or taxpayer of the greater metropolitan area may present to the board objections to or arguments in favor of any part of the budget.

5. After the hearing, the board shall adopt by resolution a budget and shall direct the treasurer to properly certify and file the budget.

6. The board shall appropriate, by resolution, the amounts deemed necessary for the ensuing fiscal year. All revenue from taxes, fees, tolls, rental, charges, bonds, or any other source shall be appropriated and used for the specific metropolitan facility project for which it was collected or similar metropolitan facility projects. Increases or decreases in these appropriations do not require a budget

amendment, but may be provided by resolution at a regular meeting of the board.

Sec. 16. NEW SECTION. 330B.17 LOCAL SALES AND SERVICES TAX.

If an authority is established as provided in section 330B.6 and after approval of a referendum by a simple majority of votes cast in each metropolitan area in favor of the sales and services tax, the governing board of a county in this state within a metropolitan area which is part of the authority shall impose, at the request of the authority, a local sales and services tax at the rate of one-fourth of one percent on gross receipts taxed by this state under chapter 422, division IV, within the metropolitan area located in this state. The referendum shall be called by resolution of the board and shall be held as provided in section 330B.6 to the extent applicable. The ballot proposition shall contain a statement as to the specific purpose or purposes for which the revenues shall be expended and the date of expiration of the tax. The local sales and services tax shall be imposed on the same basis, with the same exceptions, and following the same administrative procedures as provided for a county under sections 422B.8 and 422B.9. The amount of the sale, for the purposes of determining the amount of the local sales and services tax under this section, does not include the amount of any local sales and services tax imposed under sections 422B.8 and 422B.9. The treasurer of state shall credit the local sales and services tax receipts and interest and penalties to the authority's account. Moneys in this account shall be remitted quarterly to the authority. The proceeds of the tax imposed under this section shall be used only for the construction, reconstruction, or repair of metropolitan facilities as specified in the referendum. The local sales and services tax imposed under this section may be suspended for not less than a fiscal quarter or more than one year by action of the board. The suspension may be renewed or continued by the board, but the board shall act on the

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suspension at least annually. The local sales and services tax may also be repealed by a petition and favorable referendum following the procedures and requirements of sections 330B.5 and 330B.6 as applicable. The board shall give the department of revenue and finance at least forty days' notice of the repeal, suspension, or reinstatement of the tax and the effective dates for imposition, suspension, or repeal of the tax shall be as provided in section 422B.9.

Sec. 17. NEW SECTION. 330B.18 BONDS AND NOTES PAYABLE FROM REVENUE.

1. The bonds issued by the board pursuant to this division shall be authorized by resolution of the board and shall be either term or serial bonds, shall bear the date, mature at the time, not exceeding forty years from their respective dates, bear interest at the rate, not exceeding the rate permitted under chapter 74A or the rate authorized by another state within the greater metropolitan area, whichever rate is lower, payable monthly or semiannually, be in the denominations, be in the form, either coupon or fully registered, shall carry the registration, exchangeability and interchangeability privileges, be payable in the medium of payment and at the place, within or without the state, be subject to the terms of redemption and be entitled to the priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as the resolution may provide. The bonds shall be executed either by manual or facsimile signature by the officers as the authority shall determine, provided that the bonds shall bear at least one signature which is manually executed on the bond, and the coupons attached to the bonds shall bear the facsimile signature of the officer as designated by the authority and the bonds shall have the seal of the authority, affixed, imprinted, reproduced, or lithographed on the bond, all as may be prescribed in a resolution. The bonds shall be sold at public sale or private sale at the price as the authority shall determine to be in the best interests of the authority

provided that the bonds shall not be sold at less than ninety-eight percent of the par value of the bond, plus accrued interest and provided that the net interest cost shall not exceed that permitted by applicable state law. Pending the preparation of definitive bonds, interim certificates or temporary bonds may be issued to the purchaser of the bonds, and may contain the terms and conditions as the board may determine.

2. The board, after the issuance of bonds, may borrow moneys for the purposes for which the bonds are to be issued in anticipation of the receipt of the proceeds of the sale of the bonds and within the authorized maximum amount of the bond issue. Any loan shall be paid within three years after the date of the initial loan. Bond anticipation notes shall be issued for all moneys so borrowed under this section, and the notes may be renewed, but all the renewal notes shall mature within the time above limited for the payment of the initial loan. The notes shall be authorized by resolution of the board and shall be in the denominations, shall bear interest at the rate not exceeding the maximum rate permitted by the resolution authorizing the issuance of the bonds, shall be in the form and shall be executed in the manner, all as the authority prescribes. The notes shall be sold at public or private sale or, if the notes are renewal notes, they may be exchanged for notes outstanding on the terms as the board determines. The board may retire any notes from the revenues derived from its metropolitan facilities or from other moneys of the authority which are lawfully available or from a combination of revenues and other available moneys, in lieu of retiring them by means of bond proceeds. However, before the retirement of the notes by any means other than the issuance of bonds, the board shall amend or repeal the resolution authorizing the issuance of the bonds, in anticipation of the proceeds of the sale of the notes, so as to reduce the authorized amount of the bond issue by the amount of the notes so retired. The amendatory or repealing resolution shall take effect upon its passage.

3. Any resolution authorizing the issuance of any bonds may contain provisions which shall be part of the contract with the holders of the bonds, as to:

a. The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority derived by the authority from all or any of its metropolitan facilities.

b. The construction, improvement, operations, extensions, enlargement, maintenance, repair, or lease of metropolitan facilities and the duties of the authority with reference to the facilities.

c. Limitations on the purposes to which the proceeds of the bonds, or of any loan or grant by the federal government or the state government or the county or any city in the county, may be applied.

d. The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the metropolitan facilities of an authority, or any part of the facilities.

e. The setting aside of reserves or sinking funds or repair and replacement funds or other funds and the regulation and disposition of the funds.

f. Limitations on the issuance of additional bonds.

g. The terms and provisions of any deed of trust, mortgage, or indenture securing the bonds or under which the bonds may be issued.

h. Any other or additional agreements with the holders of the bonds as are customary and proper and which in the judgment of the authority will make the bonds more marketable.

4. The board of the authority may enter into any deeds of trust, mortgages, indentures, or other agreements, with any bank or trust company or any other lender within or without the state as security for the bonds, and may assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. The deeds of trust, mortgages, indentures, or other agreements may contain the

provisions as may be customary in the instruments, or, as the board may authorize, including, but without limitation, provisions as to:

a. The construction, improvement, operation, leasing, maintenance, and repair of the metropolitan facilities and duties of the board with reference to the facilities.

b. The application of funds and the safeguarding and investment of funds on hand or on deposit.

c. The appointment of consulting engineers or architects and approval by the holders of the bonds.

d. The rights and remedies of the trustee and the holders of the bonds.

e. The terms and provisions of the bonds or the resolution authorizing the issuance of the bonds.

Any of the bonds issued pursuant to this section are negotiable instruments, and have all the qualities and incidents of negotiable instruments and are exempt from state taxation.

Sec. 18. NEW SECTION. 330B.19 EXISTING JURISDICTIONS.

Existing jurisdictions, including those involving airports, mass transit, river bridges, waste disposal systems, and intermodal water ports within their jurisdictional boundaries, are protected from incorporation by the authority and shall not be incorporated in the authority except by their respective governing bodies. However, an existing jurisdiction may negotiate with the authority to take over its entire powers, incomes, and debts. The authority may assume the powers, income, and debts for any type of facility authorized by this division.

Sec. 19. NEW SECTION. 330B.20 COOPERATION WITH OTHER GOVERNMENTS.

The authority may apply for and receive a grant or loan of moneys or other financial aid from the state or federal government or from any state or federal agency, department, bureau, or board, necessary or useful for the undertaking, performance, or execution of any of its corporate objectives

or purposes, and the authority may undertake the acquisition, establishment, construction, development, expansion, extension, or improvement of metropolitan facilities within its corporate limits or within or upon any body of water within the corporate limits aided by, in cooperation with, or as a joint enterprise with the state or federal governments or with the aid of, or in cooperation with, or as a joint project with the state and federal governments. The authority shall assure, in compliance with any state or federal requirements or directives, that the proceeds of a state or federal grant, loan, or other financial assistance for the provision of facilities or services are used for the express purpose of the financial assistance and to the specific benefit of service areas or persons as designated by the local, state, or federal funding provider.

Sec. 20. NEW SECTION. 330B.21 TRANSFER OF EXISTING FACILITIES.

1. Any county, city, commission, authority, or person may sell, lease, lend, grant, or convey to the authority, a facility or any part of a facility, or any interest in real or personal property which may be used by an authority in the construction, improvement, maintenance, leasing, or operation of any metropolitan facilities. Any county, city, commission, authority, or person may transfer and assign over to the authority a contract which may have been awarded by the county, city, commission, authority, or person for the construction of facilities not begun or, if begun, not completed.

2. A proposed action of the board, and a proposed agreement to acquire, shall be approved by the governing body of the owner of the facilities. If the governing body of a county, city, commission, or authority desires to sell, lease, lend, grant, or convey to the authority a facility or any part of a facility, the governing body shall adopt a resolution signifying its intention to do so and shall publish the resolution at least one time in a newspaper of general

circulation in the county and in a newspaper or newspapers, if necessary, of general circulation in the area served by the county, city, commission, or authority giving notice of a hearing to be held on the question of the sale, lease, loan, grant, or conveyance. The resolution shall be published at least fourteen days prior to the date of hearing. After the hearing and if in the public interest, the county, city, commission, or authority shall enact an ordinance authorizing the sale, lease, loan, grant, or conveyance.

3. An owner transferring an existing facility to the authority under this section shall notify the board of and make provision in the transfer documents for, where necessary, existing rights, liens, securities, and rights of reentry belonging to the state or federal government.

4. This section, without reference to any other law, shall be deemed complete authority for the acquisition by agreement, of a facility as provided in subsection 1, and no proceedings or other action shall be required except as prescribed in this division.

Sec. 21. NEW SECTION. 330B.22 FUNDS OF THE AUTHORITY.

Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle the moneys with any other moneys, but shall deposit them in a separate account or accounts. Moneys in the accounts shall be paid out on check of the treasurer on requisition of the chairperson of the authority, or of another person as the authority may authorize to make the requisition. An authority may deposit any of its rates, fees, rentals, or other charges, receipts, or income with any bank or trust company that is federally insured and may deposit the proceeds of any bonds issued with any bank or trust company that is federally insured, all as may be provided in any agreement with the holders of bonds issued under this division.

Sec. 22. NEW SECTION. 330B.23 AWARD OF CONTRACTS.

All contracts entered into by an authority for the construction, reconstruction, and improvement of metropolitan

facilities shall be entered into pursuant to and shall comply with applicable state laws. However, if an authority determines an emergency exists, it may enter into contracts obligating the authority for not in excess of one hundred thousand dollars per emergency without regard to the requirements of applicable state laws and the authority may proceed with the necessary action as expeditiously as possible to the extent necessary to resolve the emergency.

Sec. 23. NEW SECTION. 330B.24 EXEMPTION FROM TAXATION.

Since an authority is performing essential governmental functions, an authority is not required to pay any taxes or assessments of any kind or nature upon any property required or used by it for its purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by an authority, their transfer, and the income, including any profits made on the sale of the bonds, is deductible in determining net income for the purposes of the state individual and corporate income tax under divisions II and III of chapter 422, and shall not be taxed by any political subdivision of this state.

Sec. 24. NEW SECTION. 330B.25 DISSOLUTION REFERENDUM.

1. The authority shall be dissolved only by a majority vote in a referendum undertaken in a manner similar to the referendum provided for in section 330B.6. The board shall call, upon its own motion, by petition of the eligible electors as provided in section 330B.5, or by action of the governing body of either metropolitan area, for an election to approve or disapprove the dissolution of the authority.

2. The proposition is approved if the vote in favor of the proposition is a simple majority of the total votes cast on the proposition in either one of the metropolitan areas.

3. The authority shall provide by ordinance for the disposal of any remaining property, the proceeds of which shall first be applied against any outstanding obligation of the authority. The remaining balance shall be divided between the counties included in the authority and credited to the general fund of the respective counties.

Sec. 25. NEW SECTION. 330B.26 SUPREMACY OF COMPACT.

The provisions of this division II are subject to all of the provisions of the quad cities interstate metropolitan authority compact provided for in section 330B.1.

Sec. 26. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 690, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 22, 1991

TERRY E. BRANSTAD
Governor

HF 690