

TITLE 50
MUNICIPAL CORPORATIONS

CHAPTER 31
COMMUNITY INFRASTRUCTURE DISTRICT ACT

50-3101. PURPOSE, RELATIONSHIP WITH OTHER LAWS AND SHORT TITLE. (1) The purpose of this chapter is:

(a) To encourage the funding and construction of regional community infrastructure in advance of actual developmental growth that creates the need for such additional infrastructure;

(b) To provide a means for the advance payment of development impact fees established in [chapter 82, title 67](#), Idaho Code, and the community infrastructure that may be financed thereby; and

(c) To create additional financial tools and financing mechanisms that allow new growth to more expediently pay for itself.

(2) Only community infrastructure to be publicly owned by this state or a political subdivision thereof may be financed pursuant to this chapter.

(3) A community infrastructure district may only be formed pursuant to this chapter by a city in the city's incorporated area, or by a county in an area contained within a city's comprehensive plan with the city's consent.

(4) A community infrastructure district may be formed only after (i) prior review and approval by the governing body of each county or city in which the district is proposed to be located of a petition requesting the formation of the district, and (ii) the necessary approvals for site development under the local land use planning act, sections [67-6501](#) et seq., Idaho Code, and the planning and zoning ordinances of each county and city in which the district is proposed to be located have been obtained; provided however, that where there will be phased development, approvals obtained for the first phase of site development shall be sufficient for the initial creation and organization of the district. The formation of a district pursuant to this chapter shall not prevent the exercise by a county, city or other political subdivision of any of its powers on the same basis as on all other land within its jurisdiction. Notwithstanding the formation of a district, the development of real property located within the district shall remain subject to the provisions of [chapter 65, title 67](#), Idaho Code, and the applicable planning and zoning ordinances of the counties and cities in which the district is located. The formation of a district pursuant to this chapter shall not prevent the subsequent establishment of other districts or the improvement or assessment of land within the district by a county, city or other political subdivision.

(5) This chapter shall be known and cited as the "Community Infrastructure District Act."

[50-3101, added 2008, ch. 410, sec. 1, p. 1140.]

50-3102. DEFINITIONS. As used in this chapter, the following terms shall have the meanings as stated:

(1) "Assessment area" means real property within the boundaries of a community infrastructure district that is the subject of a specific special assessment as set forth in this chapter.

(2) "Community infrastructure" means improvements that have a substantial nexus to the district and directly or indirectly benefit the district. Community infrastructure excludes public improvements fronting individual

single family residential lots. Community infrastructure includes planning, design, engineering, construction, acquisition or installation of such infrastructure, including the costs of applications, impact fees and other fees, permits and approvals related to the construction, acquisition or installation of such infrastructure, and incurring expenses incident to and reasonably necessary to carry out the purposes of this chapter. Community infrastructure includes all public facilities as defined in section [67-8203](#) (24), Idaho Code, and, to the extent not already included within the definition in section [67-8203](#) (24), Idaho Code, the following:

- (a) Highways, parkways, expressways, interstates, or other such designation, interchanges, bridges, crossing structures, and related appurtenances;
- (b) Public parking facilities, including all areas for vehicular use for travel, ingress, egress and parking;
- (c) Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for travel, ingress, egress and parking;
- (d) Public safety facilities;
- (e) Acquiring interests in real property for community infrastructure;
- (f) Financing costs related to the construction of items listed in this subsection; and
- (g) Impact fees.

(3) "Community infrastructure segment" means a separate or a discernible portion of a construction contract attributable to community infrastructure.

(4) "Debt service" means the principal of, interest on and premium, if any, on the bonds, when due, whether at maturity or prior redemption and fees and costs of registrars, trustees, paying agents or other agents necessary to handle the bonds and the costs of credit enhancement or liquidity support.

(5) "District" means a community infrastructure district formed pursuant to this chapter. A district shall only include contiguous property at the time of formation. Land that is connected by only a shoestring or strip of land which comprises a railroad or highway right-of-way shall not be considered contiguous for the purposes of this chapter. Subsequent to a district's formation, a district may include noncontiguous property but only if specifically determined by the district board to have a substantial nexus to the initial district or to the community infrastructure contemplated by the initial district, and then authorized by the district board in its discretion and pursuant to section [50-3106](#), Idaho Code.

(6) "District board" means the board of directors of the district.

(7) "District development agreement" means an agreement between a property owner or developer, the county or city, any other political subdivision of the state, and/or the district. A district development agreement shall be used to establish obligations of the parties to the agreement relating to district financing and development, including: intergovernmental agreements; the ultimate public ownership of the community infrastructure financed by the district; the understanding of the parties with regard to future annexations of property into the district; the total amount of bonds to be issued by the district and the property taxes and special assessments to be levied and imposed to repay the bonds and the provisions regarding the disbursement of bond proceeds; the financial assurances, if any, to be provided with respect to the bonds; impact and other fees imposed by governmental authorities, including credit, prepayment and/or reimbursement with respect thereto; and other matters relating to the community

infrastructure, such as construction, acquisition, planning, design, inspection, ownership and control. A district development agreement shall be in addition to and shall not supplant any development agreement entered into pursuant to section [67-6511A](#), Idaho Code, pursuant to which a governing body may require or permit as a condition of rezoning that an owner or developer make a written commitment concerning the use or development of the subject parcel.

(8) "General plan" means the general plan described in section [50-3103](#)(1), Idaho Code, as the plan may be amended from time to time.

(9) "Governing body" means the county commissioners or city council that by law is constituted as the governing body of the county or city in which the district is located. Reference in this chapter to "governing body or bodies" shall mean the governing body or bodies of each county and city in which the district is located.

(10) "Owner" means the person listed as the owner of real property within the district or a proposed district on the current property rolls in effect at the time that the action, proceeding, hearing or election has begun; provided however, that if a person listed on the property rolls is no longer the owner of real property within the district or a proposed district and the name of the successor owner becomes known and is verified by recorded deed or other similar evidence of transfer of ownership, the successor owner shall be deemed to be the owner for the purposes of this chapter.

(11) "Market value for assessment purposes" means the amount of the last preceding equalized assessment of all taxable property and excludes all property exempt from taxation pursuant to section [63-602G](#), Idaho Code, within the community infrastructure district on the tax rolls completed and available as of the date of approval in the district bond issuance.

(12) "Person" means any entity, individual, corporation, partnership, firm, association, limited liability company, limited liability partnership, trust or other such entities as recognized by the state of Idaho. A "person in interest" is any person who is a qualified elector in the district, who is an owner of real property in the district or who is a real property taxpayer in the district.

(13) "Qualified elector" means a person who possesses all of the qualifications required of electors under the general laws of the state of Idaho and:

(a) Resides within the boundaries of a district or a proposed district and who is a qualified elector. For purposes of this chapter, such elector shall also be known as a "resident qualified elector"; or

(b) Is an owner of real property that is located within the district or a proposed district, who is not a resident qualified elector as set forth above. For purposes of this chapter, such elector shall also be known as an "owner qualified elector."

(14) "Special assessment" means an assessment imposed upon real property located within an assessment area for a specific purpose and of a special benefit to the affected property, collected and enforced in the same manner as property taxes, that may be apportioned according to the direct or indirect special benefits conferred upon the affected property, as well as any or any combination of the following: acreage, square footage, front footage, the cost of providing community infrastructure for the affected property, or any other reasonable method as determined by the district board.

[50-3102, added 2008, ch. 410, sec. 1, p. 1140; am. 2012, ch. 324, sec. 1, p. 884.]

50-3103. CREATION OF DISTRICT. (1) The process for the creation and organization of a community infrastructure district shall be initiated by a petition signed by not less than two-thirds (2/3) of the district residents or by all of the owners of all the lands located in the proposed district. The petition shall be filed with the clerk of the governing body in which the proposed district will be located. If the proposed district will be located within two (2) or more counties and/or cities, a petition conforming to the requirements of this section shall be filed with the clerk of each jurisdiction's governing body. The petition shall state the name of the proposed district and the purpose for which it is formed, state that the formation of the district shall entitle the district to impose special assessments, levy property taxes and impose fees or charges to pay the cost of providing services, and shall be accompanied by a map depicting the boundaries of the proposed district, a legal description of the proposed district and a copy of the proposed general plan. The general plan shall describe or identify the community infrastructure to be financed by the district, the locations of the infrastructure and the estimated cost thereof, the proposed financing methods and the anticipated special assessments, tax levies or other charges, the approvals obtained pursuant to section [50-3101](#) (4), Idaho Code, and may include possible alternatives, modifications or substitutions concerning locations, improvements, financing methods and other information provided in the general plan. The petition shall also include copies of any proposed district development agreement. The petition, together with all maps and other papers filed therewith, shall be open to public inspection in the office of the clerk in each county or city in which the petition is filed, during such business hours as the clerk may direct.

(2) Upon the filing of a petition, the governing body shall give notice of the filing of the petition and of the time and place set for a public hearing on the petition, which hearing shall be at a regular or special meeting held within not less than thirty (30) days nor more than ninety (90) days after the date of the filing of the petition. A notice of the time of the public hearing shall be published by the governing body twice, the first time not less than twelve (12) days prior to the hearing and the second time not less than five (5) days prior to the hearing, in a newspaper of general circulation in each county or city in which the proposed district will be located. A copy of such notice shall also be mailed to each district resident and each owner of real property in the district if known or such owner's agent if known, addressed to such person at his or her post office address if known or, if unknown, to a post office in the county or city where the district is located. Ownership of real property shall be determined as of the date of the adoption of the resolution ordering the hearing. The notice shall state that a community infrastructure district is proposed to be formed, giving the proposed boundaries thereof, and that any person who is a resident of or a real property taxpayer within the proposed district may, on the date fixed for the public hearing, appear and offer any testimony and submit written testimony prior thereto pertaining to the formation of the district and the proposed boundaries thereof. If the district will be located within two (2) or more counties and/or cities, the governing bodies of such counties and/or cities shall coordinate their efforts and shall either hold a public hearing in each county or city in which the proposed district

will be located, or hold a single public meeting in such county or city as the governing bodies shall unanimously agree. The notice shall also state that any political subdivision of this state within whose jurisdiction the proposed district will be located, including, without limitation, a highway district, a school district, a fire district or an ambulance district, may, on the date fixed for the public hearing, appear and offer testimony and submit written testimony prior thereto pertaining to the formation of the district and the proposed boundaries thereof. After hearing and considering any and all of the testimony given, the governing body shall thereupon approve a resolution either denying the petition or granting the same and, if granting the same, shall fix and describe in the resolution the boundaries of the proposed district and order the formation of the same. A resolution granting the petition may also include the approval of any district development agreement that has been approved by the governing body in the process of considering and approving the formation of the district. The boards of county commissioners and/or the city councils, as such governing bodies, are hereby specifically authorized to act in a joint manner for such purposes.

(3) Whenever a petition shall be filed as provided for in this section, the petitioner or petitioners shall deposit with each governing body a sum sufficient to defray the costs of publication and mailing of notice of the public hearing. In the event the district is formed, said petitioner or petitioners shall be entitled to be reimbursed such sum from the district, as a district formation cost related to the community infrastructure, from the district when moneys are available to the district. The amount required to be paid under this subsection shall be determined by each governing body and deposited before publication of the notice.

(4) The governing body may charge the petitioner or petitioners a reasonable fee for the governing body to retain outside advisors to assist the governing body in its consideration of the formation of the district. In the event the district is formed, the petitioner or petitioners shall be entitled to be reimbursed such fee from the district, as a district formation cost related to the community infrastructure, when moneys are available to the district.

[50-3103, added 2008, ch. 410, sec. 1, p. 1143; am. 2012, ch. 324, sec. 2, p. 886.]

50-3104. DISTRICT ORGANIZATION. (1) If the petition for formation of the district is granted, the district shall comply with the filing and recording requirements of section [63-215](#), Idaho Code, and shall also cause a copy of the applicable resolution to be delivered to the county assessor of each county in which the district is located, cause a copy of the applicable resolution to be recorded with the county clerk in each county in which the district is located, and cause a copy of the applicable resolution to be filed with the state tax commission.

(2) Members of the governing body or bodies at the time of formation shall serve as the district board. If the district is located entirely within the boundaries of a city, three (3) members of the city council chosen by the city council shall serve as the district board. If the district is located entirely within the boundaries of a county and outside the boundaries of any city, the county commissioners of the county in which the district is located shall serve as the district board. If the district is located within the jurisdiction of more than one (1) governing body, two (2) members of each governing body shall be appointed by that governing body to serve

on the district board and, in addition, the governing body within whose jurisdiction the largest land area of the district is located shall appoint another member from its governing body to serve as an additional member of the district board, so that the district board will always be comprised of an odd number of members. For purposes of determining which jurisdiction has such largest land area, the land area in the district that is within the incorporated city limits shall be considered as being the land area of the city and shall not be considered as part of the land area of the county in which the city is located. If an area is added to the district pursuant to section [50-3106](#)(2), Idaho Code, and such area is located in a city or county not already represented on the district board, or if the addition of such area changes the jurisdiction in which the largest land area of the district is located, the membership of the district board, at the time of addition of such area, shall be adjusted in conformity with the foregoing. If an area is deleted from the district pursuant to section [50-3106](#)(1), Idaho Code, and, as a result, a county or city no longer has area within the district, or such deletion changes the jurisdiction in which the largest land area of the district is located, the membership of the district board, at the time of deletion of such area, shall be adjusted in conformity with the foregoing. If an area is annexed or deannexed by a city and, as a result, the jurisdiction of a county or city is changed, the membership of the district board at the time of such annexation or deannexation shall be adjusted in conformity with the foregoing. The boards of county commissioners and the city councils, as such governing bodies, are hereby specifically authorized to act in a joint manner for such purposes.

(3) Within thirty (30) days after the date of the resolution ordering formation of the district, and annually thereafter, the district board shall meet and elect a chairman and vice-chairman to act as the officers of the district board. The district board shall, unless otherwise agreed to by a majority of the board, meet in the county or city within which the largest land area of the district is located. The district shall keep the following records, which shall be open to public inspection:

- (a) Minutes of all meetings of the district board;
- (b) All resolutions;
- (c) Accounts showing all moneys received and disbursed;
- (d) The annual budget; and
- (e) All other records required to be maintained by law.

(4) The district manager shall be the manager or equivalent of the city or county, the district treasurer shall be the treasurer of the city or county, the district clerk shall be the district clerk of the city or county, respectively, unless the district board engages an outside firm to perform the tasks of the district's manager, treasurer and clerk as well as other duties as may be prescribed by the district board. Where a district contains multiple county or city jurisdictions, the board shall designate by resolution the manager, treasurer and clerk.

(5) The district manager shall have charge and supervision of the daily operations of the district. The district manager may hire or otherwise employ and terminate the employment of such persons, including professional, supervisory and clerical employees, as may be necessary and authorized by the board.

(6) The treasurer of the district shall have such duties as the district board may prescribe, together with the duty to keep account with the district; to place to the credit of the district all moneys received by him

or her from the collection of special assessments, taxes or from any other sources, and all other moneys belonging to the district, and to pay over all moneys belonging to the district on legally drawn warrants or orders of the district board.

(7) The clerk of the district shall have such duties as the district board may prescribe, together with the duty to conduct district elections and to prepare and distribute legal notices.

(8) The district shall be separate and apart from any county or city. The members of the district board, when serving in their official capacity as members of the district board, shall act on behalf of the district and not as members of a board of county commissioners or as members of a city council.

(9) The district board shall administer in a reasonable manner the implementation of the general plan.

(10) The district shall exist until dissolved pursuant to section [50-3116](#), Idaho Code.

[50-3104, added 2008, ch. 410, sec. 1, p. 1144; am. 2012, ch. 324, sec. 3, p. 887.]

50-3105. DISTRICT POWERS. (1) A district formed pursuant to this chapter, although a political subdivision of this state, is not a governmental entity of general purposes and powers, but is a special limited purposes district, with powers only as permitted under this chapter, which powers include the power to finance community infrastructure consistent with the general plan and, in implementing the general plan, to:

- (a) Enter into contracts and expend moneys for any community infrastructure purposes and/or district operations;
- (b) Enter into intergovernmental agreements as provided for in sections [67-2326](#) through [67-2333](#), Idaho Code;
- (c) Enter into district development agreements;
- (d) Acquire interests in real property and personal property for community infrastructure, within or without the district, and sell, dedicate, lease or otherwise dispose of district property if the sale, dedication, lease or conveyance is not a violation of the terms of any contract or bond covenant of the district;
- (e) Plan, design, engineer, acquire, construct and install community infrastructure, including acquiring, converting, renovating or improving existing facilities;
- (f) Employ and establish and pay compensation for staff, counsel and consultants;
- (g) Reimburse a county, city or other political subdivision of this state for staff and consultant services supplied by the county, city or other political subdivision;
- (h) Accept gifts or grants and incur and repay loans for any community infrastructure;
- (i) Enter into agreements with owners concerning the advance of money by owners for community infrastructure or the granting of real property by the owners for community infrastructure;
- (j) Establish, impose and collect or cause to be collected special assessments on real property located within an assessment area of the district and, in conjunction with the imposition of such assessments, set and collect or cause to be collected administrative fees for community infrastructure;

(k) Levy property taxes on real property located within the district and, in conjunction with the levy of such taxes, set and collect or cause to be collected administrative fees for community infrastructure;

(l) Incur expenses of the district incident to and reasonably necessary to implement the general plan, and pay the same, including the financial, legal and administrative costs of the district;

(m) Borrow money and incur indebtedness and evidence the same by certificates, notes, bonds or debentures, and enter into contracts, agreements and trust indentures to obtain credit enhancement or liquidity support for its bonds and process the issuance, registration, transfer and payment of its bonds and the disbursement and investment of proceeds of its bonds;

(n) Use public easements and rights-of-way in or across public property, roadways, highways, streets or other thoroughfares and other public easements and rights-of-way, whether in or out of the geographical limits of the district, county or city; and

(o) Sue and be sued and prosecute and defend, at law or in equity.

(2) Community infrastructure other than personalty, may be located only in or on lands, easements or rights-of-way publicly owned by this state or a political subdivision thereof.

(3) An agreement pursuant to subsection (1) of this section may include agreements to repay all or part of such advances, fees and charges from the proceeds of bonds if issued, or from advances, fees and charges collected from other owners or users or those having a right to use any community infrastructure. A person does not have authority to compel the issuance or sale of the bonds of the district or the exercise of any taxing power of the district to make repayment under any agreement.

(4) With respect to goods, services or construction to be paid for or financed pursuant to this chapter, the district, as a political subdivision of this state, shall comply with all applicable procurement statutes of this state, including section [67-2320](#), Idaho Code, and [chapter 28, title 67](#), Idaho Code.

[50-3105, added 2008, ch. 410, sec. 1, p. 1146.]

50-3106. CHANGE IN DISTRICT BOUNDARIES -- AMEND GENERAL PLAN. (1) After district formation, an area may be deleted from the district only following notice and hearing in the manner prescribed for the formation hearing, adoption of a resolution of intention to do so by the district board, and by voter approval by the qualified electors as provided in section [50-3112](#), Idaho Code. Lands within the district that are subject to the lien of property taxes, special assessments or other charges imposed pursuant to this chapter shall not be deleted from the district while there are bonds outstanding that are payable by such taxes, assessments or charges.

(2) After district formation, an area may be added to the district upon adoption of a resolution of intention to do so by the district board and the approvals of all the owners of the lands to be added and the governing body of each county or city within which such lands are located, subject to notice, hearing and adoption of a resolution in the manner as required for the formation of a district.

(3) If an area is deleted or added under subsection (1) or (2) of this section, the district board shall attend to the recording and filing requirements set forth in section [63-215](#), Idaho Code, and shall also cause a copy of the applicable resolution to be delivered to the county assessor of

each county in which the district is located, cause a copy of the applicable resolution to be recorded with the county clerk in each county in which the district is located, and cause a copy of the applicable resolution to be filed with the state tax commission.

(4) The district board, following notice and hearing in the manner prescribed for the formation hearing, may amend the general plan in any manner that it determines will not substantially reduce the benefits to be received by any land within the district from the community infrastructure upon completion of the work to be performed under the general plan. No election shall be required for the purposes of this subsection.

[50-3106, added 2008, ch. 410, sec. 1, p. 1147.]

50-3107. FINANCES. (1) Only community infrastructure to be publicly owned by this state or a political subdivision thereof may be financed pursuant to this chapter.

(2) Community infrastructure to be financed or acquired, or publicly or privately constructed pursuant to this chapter shall be subject to the required bidding procedures for any Idaho public agency.

(3) Community infrastructure shown in the general plan may be financed from the following sources of revenue:

- (a) Proceeds received from the sale of bonds of the district;
- (b) Moneys of a county or city contributed to the district;
- (c) Property taxes or special assessments;
- (d) State or federal grants or contributions;
- (e) Private contributions;
- (f) User, landowner and other fees and charges;
- (g) Proceeds of loans or advances; and
- (h) Any other moneys available to the district by law.

(4) The amount of indebtedness evidenced by general obligation bonds issued pursuant to section [50-3108](#), Idaho Code, special assessment bonds issued pursuant to section [50-3109](#), Idaho Code, and revenue bonds issued pursuant to section [50-3110](#), Idaho Code, shall not exceed the estimated cost of the community infrastructure to be financed with such bonds, plus all costs connected with the issuance and sale of such bonds, including formation costs, credit enhancement and liquidity support fees and costs. The total aggregate outstanding principal amount of general obligation bonds and other indebtedness for which the full faith and credit of the district are pledged shall not affect the general obligation bonding capacity of any county or city in which the district is located.

(5) Bonds issued by a district shall not be a general obligation of this state or any political subdivision thereof, including any county or city in which the district is located and shall not pledge the full faith and credit of this state or any political subdivision thereof, including any county or city in which the district is located.

[50-3107, added 2008, ch. 410, sec. 1, p. 1148.]

50-3108. GENERAL OBLIGATION BONDS -- ELECTION -- MAXIMUM INDEBTEDNESS ALLOWED -- LEVY. (1) After district formation, whenever the district board shall deem it advisable to issue general obligation bonds of the district, the district board shall provide therefor by resolution, which resolution shall specify and set forth the community infrastructure and other costs and expenses approved by the district board consistent with the general plan to

be financed with the bonds, and make provision for the collection of an annual tax sufficient to pay the interest on the bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof as required by the constitution and laws of the state of Idaho.

(2) The resolution shall also provide for holding an election, held in compliance with section [50-3112](#), Idaho Code, to submit to the qualified electors of the district the question of authorizing the district to issue general obligation bonds of the district to provide money for said community infrastructure consistent with the general plan. The ballot used in such election shall be in form substantially as follows: "In favor of issuing bonds to the amount of..... dollars for the purpose stated in Resolution No....," and "Against issuing bonds to the amount of..... dollars for the purpose stated in Resolution No....".

(3) If two-thirds (2/3) of the qualified electors at such election assent to the issuing of the bonds and the incurring of the indebtedness thereby created for the purpose aforesaid, the district board shall thereupon be authorized to issue and create such indebtedness in the manner and for the purposes specified in said resolution, and the bonds shall be issued and sold in the manner provided by the laws of the state of Idaho, and the district board by further resolution shall be entitled to issue and sell the bonds in series or divisions up to the authorized amount without the further vote of the qualified electors, and to issue and sell such bonds at such times and in such amounts as the district board deems appropriate to carry out a community infrastructure project or projects in phases; provided however, that before any issuance of the bonds, including issuance in series or divisions and, in addition to such other determinations made by the district board as it may deem reasonable and prudent, the district board shall also determine whether reasonable financial assurance for the payment of the debt service on the bonds through additional collateral, payment guarantee or otherwise shall be required from a developer. The developer shall be consulted and shall be given a reasonable period of time within which to appear, either in person or in writing, and respond to any proposed financial assurance. If, following such developer's response, the district board determines that reasonable financial assurance shall be required, the district board shall specify the type and amount of the financial assurance required in its resolution.

(4) In no event shall the aggregate outstanding principal amount of general obligation bonds and any other indebtedness for which the full faith and credit of the district are pledged exceed nine percent (9%) of the actual or adjusted market value for assessment purposes on all taxable real property within the district as such valuation existed on December 31 of the previous year.

(5) After the bonds are issued, the district shall enter in its minutes a record of the bonds sold and their number and dates and shall periodically collect the pledged revenues to pay the debt service on the bonds when due.

(6) Bond proceeds received by the district shall be held in a segregated account and shall be disbursed therefrom only for:

(a) The payment of community infrastructure and/or community infrastructure segments approved by the district board and actually completed; or

(b) For the purpose of reimbursing actually paid expenditures relating to community infrastructure as approved by the district board; provided however, that lien releases with respect to the payment made must be ob-

tained from the underlying providers of labor, work, services or materials as a condition to such payment; or

(c) For the payment or reimbursement of governmentally imposed impact fees as approved by the district board.

(7) Completion of community infrastructure may be phased and payment made pursuant to a draw schedule. Bond proceeds shall be expended on the community infrastructure within three (3) years after issuance. Prior to issuance of the bonds, the district board shall determine that such bond proceeds can reasonably be expended within that time.

(8) Each year, prior to the time for the certification required under section [50-3114](#), Idaho Code, the district board shall levy a tax upon all taxable real property within the district, sufficient, together with any money from the sources described in section [50-3107](#)(3), Idaho Code, to pay debt service on the bonds when due. The levy shall be made by resolution entered upon the minutes of the district board, and it shall be the duty of the clerk of the district, immediately after entry of the resolution in the minutes, to transmit to the board of county commissioners in each county in which the district is located the certification required under section [50-3114](#), Idaho Code. Such tax levied shall then be collected and accounted for at the time and in the form and manner as other taxes are collected and accounted for under the laws of this state. Moneys derived from the levy of property taxes to pay the debt service on the bonds shall be kept separately from other funds of the district. A district's levy of property taxes shall constitute a lien on all taxable real property within the district.

(9) The district may issue and sell refunding bonds to refund general obligation bonds of the district authorized by this section. The principal amount of the refunding bonds may be more or less than the principal amount of the bonds being refunded, provided that the proceeds of the refunding bonds are used only for refunding purposes and payment of the costs thereof, and the total obligation of the district is not increased, that is, if the amount of the refunding bonds is more than the principal amount of the bonds being refunded, issuance of the refunding bonds will result in a net present value savings to the district. No election shall be required in connection with the issuance and sale of such refunding bonds. Refunding bonds issued pursuant to this section shall have a final maturity date no later than the final maturity date of the bonds being refunded.

[50-3108, added 2008, ch. 410, sec. 1, p. 1148; am. 2012, ch. 324, sec. 4, p. 889.]

50-3109. SPECIAL ASSESSMENTS -- BONDS. (1) After district formation, upon the submission of a petition signed by no fewer than two-thirds (0.6667) of the owners of all the lands located in a proposed assessment area, the district board shall adopt a resolution ordering that a hearing be held to determine whether a special assessment should be imposed and special assessment bonds be issued to provide money for community infrastructure consistent with the general plan and the exercise by the district board of any of its powers under section [50-3105](#), Idaho Code.

(2) Notice of the hearing shall be posted in three (3) public places within the boundaries of the district not less than thirty (30) days before the hearing. Notice of the hearing shall also be published twice, the first time not less than twelve (12) days prior to the hearing and the second time not less than five (5) days prior to the hearing, in a newspaper of general circulation in each county or city in which the district is located. A copy

of such notice shall also be mailed to each district resident and each owner of real property in the district if known or such owner's agent if known, addressed to such person at his or her post office address if known or, if unknown, to a post office in the county or city where the district is located. Ownership of real property shall be determined as of the date of the adoption of the resolution ordering the hearing. The notice shall include the following:

- (a) A description of the real property to be included within the assessment area;
- (b) A description of the method by which the amount of the proposed special assessment will be determined for each class of real property to which the special assessment is proposed to apply, in sufficient detail to enable the owner of the affected parcel to determine the amount of the special assessment;
- (c) A description of the community infrastructure to be financed with special assessment bonds or revenues; and
- (d) A statement that any person affected by the proposed special assessment may object in writing or in person at the hearing.

(3) If, after the hearing, the district board finds that it will be for the best interest of the district and the real property within the assessment area that the aggregate fair market value of the real property within the assessment area, including the value of the community infrastructure to be financed or paid for with the special assessments, and the infrastructure for which performance bonds or other financial assurances have been received, is at least three (3) times the aggregate principal amount of the special assessment bonds as determined by an MAI appraisal in form and substance acceptable to the district board, the district board shall adopt a resolution approving the imposition of the special assessment and, also by resolution, shall prepare a form of assessment roll numbering each assessment, giving the name, if known, of the owner of each lot or parcel of real property assessed, showing the amount chargeable to each such lot or parcel, and finding that each such lot or parcel is benefited to the amount of assessment imposed thereon. Such resolution shall be the final determination of the regularity, validity and correctness of the assessment roll, of each assessment contained therein, and of the amount thereof imposed on each such lot or parcel. Special assessments may be prepaid and permanently satisfied in whole or in part at any point in time. Prepayment of special assessments shall be paid in cash to the district in the following manner: (i) the interest on such portion to the next date special assessment bonds may be redeemed, plus (ii) the unpaid principal amount of such portion rounded up to the next highest multiple of one thousand dollars (\$1,000), plus (iii) any premium due on such redemption date with respect to such portion, plus (iv) any administrative or other fees charged by the district with respect thereto, less (v) the amount by which any reserve fund associated with the special assessment may be reduced on the redemption date as a result of such prepayment.

(4) Special assessment bonds approved at the hearing shall be issued in the manner provided by the laws of the state of Idaho, and the district board by further resolution shall be entitled to issue and sell the bonds in series or divisions up to the authorized amount without further hearing, and to issue and sell such bonds at such times and in such amounts as the district board deems appropriate to carry out a community infrastructure project or projects in phases. Bond proceeds shall be expended on the community infrastructure within three (3) years after issuance. Prior to issuance of the

bonds, the district board shall determine that such bond proceeds can reasonably be expended within such time.

(5) After the bonds are issued, the district board shall enter in its minutes a record of the bonds sold and their numbers and dates and shall periodically collect the pledged revenues to pay the debt service on the bonds when due.

(6) Each year, prior to the time for the certification required under section [50-3114](#), Idaho Code, the district board shall impose a special assessment upon the real property within the assessment area of the district that will be subject to the special assessment sufficient, together with any moneys from the sources described in section [50-3107](#)(3), Idaho Code, to pay debt service on the bonds when due, in addition to reasonable costs associated with the collection of the special assessment payments. The special assessment shall be made by resolution entered upon the minutes of the district board, and it shall be the duty of the clerk of the district, immediately after entry of the resolution in the minutes, to transmit to the board of county commissioners in each county in which the district is located, the certification required under section [50-3114](#), Idaho Code. Such special assessment shall then be collected and accounted for at the time and in the form and manner as property taxes are collected and accounted for under the laws of this state. Moneys derived from the imposition of the special assessment to pay the debt service on the bonds shall be kept separately from other moneys of the district.

(7) Special assessments against privately owned residential property shall be subject to the following provisions:

(a) The maximum amount of any special assessment that may be imposed shall not be increased over time by any amount exceeding two percent (2%) per year, up to a maximum of ten percent (10%);

(b) The special assessment shall be imposed for a specified time period, after which no further special assessment shall be imposed and collected; and

(c) Subject to the applicable laws of this state, nothing in this subsection shall preclude the establishment of different categories of residential property or changing the amount of the special assessment imposed upon a parcel whose size or use is changed. A change in the amount of a special assessment imposed upon a parcel due to a change in its size or use shall not require notice and hearing, if the method for changing the amount of special assessment was approved at the hearing approving the special assessment and was described in sufficient detail to enable the owner of the affected parcel to determine how the change in size or use of the parcel would affect the amount of the special assessment.

(8) A district's imposition of a special assessment shall constitute a lien on the real property within the assessment area subject to the special assessment, including real property acquired by the state or its political subdivisions after the imposition of the special assessment, which shall be effective during the period in which the special assessment is imposed and shall have a priority coequal to the lien of real property taxes. A special assessment shall be subject to foreclosure by the district in the same manner as real property tax liens under the laws of this state, provided that a special assessment shall be subject to foreclosure at any time after thirty (30) days following written notice of delinquency to the owner of the real property to which the delinquency applies. The portion of proceeds of any

foreclosure sale necessary to discharge the lien for the special assessment shall be deposited in the special bond fund for payment of any obligations secured thereby.

(9) No holder of special assessment bonds issued pursuant to this chapter may compel any exercise of the taxing power of the district, county or city to pay the bonds or the interest on the bonds. Special assessment bonds issued pursuant to this chapter are not a debt of the state of Idaho or any political subdivision thereof including the district, county or city, nor is the payment of special assessment bonds enforceable out of any moneys other than the revenue pledged to the payment of the bonds.

(10) Subject to the provisions of this section, a district may issue special assessment bonds at such times and in such amounts as the district deems appropriate to carry out a project or projects in phases, and payment may be made pursuant to a draw schedule.

(11) The district may issue and sell refunding bonds to refund any special assessment bonds of the district authorized in this chapter. The principal amount of the refunding bonds may be more or less than the principal amount of the bonds being refunded, provided the proceeds of the refunding bonds are used only for refunding purposes and payment of the costs thereof, and the total obligation of the district is not increased, that is, if the amount of the refunding bonds is more than the principal amount of the bonds being refunded, issuance of the refunding bonds will result in a net present value savings to the district. No election shall be required in connection with the issuance and sale of such refunding bonds. Refunding bonds issued pursuant to this section shall have a final maturity date no later than the final maturity date of the bonds being refunded.

[50-3109, added 2008, ch. 410, sec. 1, p. 1150; am. 2012, ch. 324, sec. 5, p. 891.]

50-3110. REVENUE BONDS -- ELECTION. (1) Subject to section 3, article VIII, of the constitution of the state of Idaho, after district formation, whenever the district board shall deem it advisable to issue revenue bonds of the district, the district board shall provide therefor by resolution, which resolution shall specify and set forth the community infrastructure consistent with the general plan to be financed with such bonds.

(2) The resolution shall also provide for holding an election, held in compliance with section [50-3112](#), Idaho Code, to submit to the qualified electors of the district the question of authorizing the district to issue revenue bonds of the district to provide moneys for such community infrastructure consistent with the general plan.

(3) Except as otherwise specifically set forth in this section, the provisions of the water and sewer district revenue bond act codified in [chapter 41, title 42](#), Idaho Code, shall apply with respect to the issuance of revenue bonds and refunding bonds under this section in substantially the same manner as if the district were a water and/or sewer district issuing bonds pursuant to the water and sewer district revenue bond act, and the district board shall conduct itself in the issuance of revenue bonds in substantially the same manner as the commissioners of a district under the water and sewer district revenue bond act.

(4) If the revenue bonds are approved at the election, the district board shall thereupon be authorized to issue and create such indebtedness in the manner and for the purposes specified in said resolution, and such bonds

shall be issued and sold in the manner provided by the laws of the state of Idaho.

(5) After the bonds are issued, the district board shall enter in its minutes a record of the bonds sold and their numbers and dates and shall periodically collect the pledged revenues to pay the debt service on the bonds when due.

(6) Money derived from the collection of revenues pledged to pay the debt service on the bonds shall be kept separately from other moneys of the district.

(7) No holder of revenue bonds issued pursuant to this chapter may compel any exercise of the taxing power of the district, county or city to pay the bonds or the interest on the bonds. Revenue bonds issued pursuant to this chapter are not a debt of the state or any political subdivision thereof, including any county or city in which the district is located, nor are they the debt of the district, other than with respect to the revenue pledged to the payment of the bonds. The payment of revenue bonds is not enforceable out of any money other than the revenue pledged to the payment of the bonds.

(8) Subject to the provisions of this section, a district may issue revenue bonds at such times and in such amounts as the district deems appropriate to carry out a project in phases.

(9) The district may issue and sell refunding bonds to refund revenue bonds of the district authorized by this section. The principal amount of the refunding bonds may be more or less than the principal amount of the bonds being refunded, provided the proceeds of the refunding bonds are used only for refunding purposes and payment of the costs thereof, and the total obligation of the district is not increased, that is, if the amount of the refunding bonds is more than the principal amount of the bonds being refunded, issuance of the refunding bonds will result in a net present value savings to the district. No election shall be required in connection with the issuance and sale of such refunding bonds. Refunding bonds issued pursuant to this section shall have a final maturity date no later than the final maturity date of the bonds being refunded.

[50-3110, added 2008, ch. 410, sec. 1, p. 1153.]

50-3111. TERMS OF BONDS. For any bonds issued under this chapter, the district board shall prescribe the denominations of the bonds, the principal amount of each issue and the form of the bonds and shall establish the maturities, which shall not exceed thirty (30) years, interest payment dates and interest rates, whether fixed or variable, not exceeding the maximum rate stated in the notice of the election or the resolution of the district board. The bonds, up to the aggregate authorized principal amount thereof, may be issued in whole or divided into series, and by supplementary resolution adopted from time to time by the district board, the district may issue any remaining principal amount of the bonds in one (1) or more subsequent divisions. No election shall be required in connection with the issuance of any remaining principal amount of the bonds in a subsequent division. The bonds may be sold by competitive bid or negotiated sale for public or private offering at, below or above par. The proceeds of the bonds shall be deposited with the treasurer, or with a trustee or agent designated by the district board, to the credit of the district to be withdrawn for the purposes provided by this chapter. Pending that use, the proceeds may be invested as determined by the district board. The bonds shall be made payable as to both principal and interest solely from revenues of the district, and shall

specify the revenues pledged for such purposes, and shall contain such other terms, conditions, covenants and agreements as the district board deems proper. The bonds may be payable from any combination of taxes or revenues of the types described in sections [50-3108](#), [50-3109](#) and [50-3110](#), Idaho Code.

[50-3111, added 2008, ch. 410, sec. 1, p. 1154.]

50-3112. NOTICE AND CONDUCT OF ELECTION. (1) Any election pursuant to this chapter shall be a nonpartisan election, and in regard to election dates, shall be held in compliance with section [34-106](#), Idaho Code, or section [50-405](#), Idaho Code. Except as otherwise specifically set forth in this section, the district board shall cause the election to be held and conducted in the same manner prescribed by law for the holding of general elections in this state, including [chapter 14, title 34](#), Idaho Code, and shall call the election by posting notices in three (3) public places within the boundaries of the district not less than thirty (30) days before the election. Notice shall also be published twice, the first time not less than twelve (12) days prior to the election and the second time not less than five (5) days prior to the election, in a newspaper of general circulation in each county or city in which the proposed district is located. A copy of such notice shall also be mailed to each district resident and each owner of real property in the district if known or such owner's agent if known, addressed to such person at his or her post office address if known or, if unknown, to a post office in the county or city where the district is located. Ownership of real property shall be determined as of the date of the adoption of the resolution ordering the hearing. The notice shall state:

- (a) The place of holding the election;
- (b) Subject to section [34-1409](#), Idaho Code, the hours during the day in which the polls will be open;
- (c) If the election is a bond election, whether the bonds are general obligation bonds or revenue bonds, the total principal amount of bonds to be authorized, whether the bonds will be issued in series, the maximum rate of interest to be paid on the bonds and the maximum term of the bonds, not exceeding thirty (30) years;
- (d) If the election is an election to change or eliminate an existing tax, the maximum tax amount to be imposed as a result of the change or elimination;
- (e) The purposes for which property taxes levied and revenues raised will be used, including a description of the community infrastructure to be financed with tax revenues, district revenues or bond proceeds;
- (f) That the imposition of property taxes will result in a lien for the payment thereof on real property within the district; and
- (g) That a general plan is on file with the county clerk of each county in which the district is located.

(2) The district board shall determine the date of the election and the polling place or places for the election. The district board may establish, change, and consolidate election precincts within the district, as it deems necessary and appropriate, and shall define precinct boundaries.

(3) Subject to section [50-3102](#) (10) and (13), Idaho Code, the current property rolls for the district and current voter lists in effect at the time that the election has begun shall be used to determine the qualified electors. If the district includes land lying partly in and partly out of any precinct, the voter lists may contain the names of all electors in the precinct, and the precinct boards at those precincts shall require that a

prospective elector execute an affidavit stating that the elector is also a qualified elector.

(4) If the district is to be located within two (2) or more counties and/or cities, the election shall be held on the same day in each jurisdiction.

(5) The ballot material provided to each voter shall include:

(a) For an election concerning the issuance of bonds, an impartial description of the bonds to be issued and an impartial description of the property taxes to be imposed; the method of apportionment, collection and enforcement and other details sufficient to enable each qualified elector to reasonably estimate the amount of tax he or she will be obligated to pay; and a statement that the issuance of the bonds and the imposition of property taxes is for the provision of certain, but not necessarily all, community infrastructure that may be needed or desirable within the district, and that other taxes or assessments by other governmental entities may be presented for approval by qualified electors; and

(b) For an election to change an existing maximum tax or eliminate an existing tax, an impartial description of the change or elimination.

(6) Within ten (10) days after an election, the district board shall meet and canvass the returns, and declare the results thereof. At least a two-thirds (2/3) majority of the votes cast at the election shall be required for issuing bonds or changing an existing tax. The canvass may be continued for an additional period not to exceed thirty (30) days at the election of the district board for the purpose of completing the canvass. Failure of a required majority to vote in favor of the matter submitted shall not prejudice the submission of the same or similar matters at a later election. The canvass of any general obligation bond election shall be filed and recorded in each county in which the district is located.

(7) In any election held pursuant to this chapter, every voter may vote at any election held pursuant to this chapter, but shall be entitled to cast votes, as follows: (i) each resident qualified elector shall be entitled to one (1) vote; and (ii) each owner qualified elector shall be entitled to one (1) vote. An owner qualified elector shall not be entitled to an additional vote as a result of also being a resident of the district. When record title is held in more than one (1) name, the owners shall file with the clerk of the district at or prior to the election a designation in writing, of which one of the owners shall be deemed the owner for purposes of voting.

(8) In conducting an election, the polling official may require evidence of ownership of property and designation of the power to exercise the vote of any owner consistent with the provisions of this section and section [50-3102](#)(10), Idaho Code.

[50-3112, added 2008, ch. 410, sec. 1, p. 1155; am. 2019, ch. 161, sec. 9, p. 538.]

50-3113. COST OF ADMINISTRATION. Each year, prior to the time for the certification required under section [50-3114](#), Idaho Code, the district board may levy a tax upon all taxable real property within the district of up to one-hundredth of one percent (.01%) of the market value for assessment purposes on all taxable real property within the district, to be used only to reimburse or defray the administrative expenses of the district pursuant to a district development agreement. No election shall be required. The levy shall be made by resolution entered upon the minutes of the district

board, and it shall be the duty of the clerk of the district, immediately after entry of the resolution in the minutes, to transmit to the board of county commissioners in each county in which the district is located, the certification required under section [50-3114](#), Idaho Code. Such tax shall then be collected and accounted for at the time and in the form and manner as other taxes are collected and accounted for under the laws of this state.

[50-3113, added 2008, ch. 410, sec. 1, p. 1157.]

50-3114. ANNUAL FINANCIAL STATEMENTS AND ESTIMATES -- ANNUAL BUDGET -- CERTIFICATION. (1) When levying property taxes or imposing special assessments, and prior to certification of same to the county commissioners, the district board shall make annual statements and estimates of the administrative expenses of the district, the costs of community infrastructure to be financed by property taxes and special assessments and the amount of all other expenditures for community infrastructure proposed to be paid from property taxes and special assessments and of the amount to be raised to pay general obligation bonds and special assessment bonds of the district, all of which shall be provided for by the levy, imposition and collection of property taxes and special assessments. The annual estimates prepared by the district board shall include an amount determined by the district board, in consultation with the county tax collector, to defray the costs imposed upon the county tax collector's office for any additional administrative services that will be required in the collection of and accounting for such district property taxes and special assessments. Such additional costs shall be for those services not otherwise included in the general tax collection and accounting services already provided by the county tax collector's office and otherwise paid for by property tax revenues, and shall be reasonably related to, but shall not exceed, the actual cost of the additional administrative services provided. The district board shall file the annual statements and estimates with the district clerk and, not later than the time required by section [63-802A](#), Idaho Code, shall set and notify the county clerk of the date and location set for the annual budget hearing of the district. The district board shall publish a notice of the filing of the estimate, shall hold a public hearing on the portion of the estimate not relating to debt service on general obligation bonds and special assessment bonds and shall adopt a budget. Notice of the budget hearing shall be posted at least ten (10) days prior to the date of said meeting in at least one (1) conspicuous place within the district to be determined by the district board; a copy of the notice shall also be published in a newspaper of general circulation in the county or city in which the proposed district is located, in one (1) issue thereof, during such ten (10) day period. The place, hour and day of the hearing shall be specified in said notice, as well as the place where the budget may be examined prior to the hearing. A full and complete copy of the proposed budget shall be published with and as a part of the publication of the notice of hearing. The budget shall be available for public inspection from and after the date of the posting of notices of hearing as in this section provided, at such place and during such business hours as the district board may direct. A quorum of the district board shall attend the hearing and explain the proposed budget and hear any and all objections to the proposed budget. The district board at the time of the certification required under subsection (2) of this section shall file with the board of county commissioners in each county in which the district

is located a certified copy of the annual budget as previously prepared, approved and adopted.

(2) The district board, having determined the total amount required from property taxes and special assessments to raise the amount of money fixed by the annual budget, including the amount of money needed to satisfy annual bond payments, shall cause the amount of money so determined to be certified in dollars to the board of county commissioners in each county in which the district is located not later than the time required for certification under section [63-803](#), Idaho Code. Said certification shall list separately each tax levy and special assessment if more than one (1), and the purpose of each thereof, and shall otherwise comply with the requirements of section [63-803](#), Idaho Code.

(3) Following such certification to the county commissioners, district property taxes and special assessments shall then be collected and accounted for at the time and in the form and manner as other taxes are collected and accounted for under the laws of this state. Except as specifically provided otherwise in this chapter, all statutes of this state relating to the levy, imposition, collection, settlement and payment of property taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes and special assessments, apply to district property taxes and special assessments.

[50-3114, added 2008, ch. 410, sec. 1, p. 1157.]

50-3115. DISCLOSURE. (1) The district board shall record with the county clerk in each county in which the district is located, upon the records of each parcel of real property within the district that will be encumbered with any future general obligation bond or special assessment bond repayment liability, a notice setting forth:

- (a) The current obligation of a property owner within the district with respect to any bond repayment liability;
- (b) That the obligation to retire the bonds will be the responsibility of any property owner in the district through the payment of real property taxes and special assessments collected by the county treasurer in addition to all other property tax payments;
- (c) The estimated maximum tax or special assessment rate upon the parcel for bond repayment;
- (d) Whether the tax or special assessment rate is to be maintained at any level by means of any developer agreement with the district; and
- (e) That in the event of the failure to maintain the tax rate, the tax rate on a parcel will increase, as needed, to provide for bond repayment.

(2) Such notice may be separately recorded or included in a recorded district development agreement. The governing body, in its resolution approving formation of the district, shall require that a form disclosure, consistent with the foregoing, be signed and acknowledged by any purchaser of land within the district prior to purchase. The form disclosure shall be entitled "CID TAX AND SPECIAL ASSESSMENT DISCLOSURE NOTICE" and shall specifically and conspicuously set forth "YOU ARE PURCHASING REAL PROPERTY THAT IS INCLUDED WITHIN THE BOUNDARIES OF A COMMUNITY INFRASTRUCTURE DISTRICT." Further, the notice shall set forth such other notifications as determined appropriate by the district board that shall fully and fairly disclose the property owner's general obligation bond and special assessment repayment liability with examples provided.

[50-3115, added 2008, ch. 410, sec. 1, p. 1158.]

50-3116. DISSOLUTION OF DISTRICT. (1) The district shall be dissolved by the district board by a resolution of the district board upon a determination that each of the following conditions exist:

(a) All community infrastructure owned by the district has been, or provision has been made for all community infrastructure to be conveyed, either to the state of Idaho or to a political subdivision thereof, which shall include a county or city in which the district is located, or to a public district or other authority authorized by the laws of this state to own such community infrastructure;

(b) The district has no outstanding bond obligations; and

(c) All obligations of the district pursuant to any contracts or agreements entered into by the district have been satisfied.

(2) All property within the district that is subject to the lien of district taxes or special assessments shall remain subject to the lien for the payment of general obligation bonds or special assessment bonds, as the case may be, notwithstanding dissolution of the district. The district shall not be dissolved if any revenue bonds of the district remain outstanding unless an amount of money sufficient, together with investment income thereon, to make all payments due on the revenue bonds, either at maturity or prior redemption, has been deposited with a trustee or escrow agent and pledged to the payment and redemption of the bonds. The district may continue to operate after dissolution only as needed to collect money and make payments on any outstanding bonds.

(3) The district shall send a notice of dissolution to the governing body or bodies, the county assessor of each county in which the district is located, and the state tax commission. The district shall also record a notice of dissolution with the county clerk in each county in which the district is located.

(4) Subject to the foregoing provisions of this section, if upon dissolution of the district there remain any excess moneys of the district, the district board shall, by resolution, cause the same to be fairly distributed among the current taxpayers of the district. If, as determined in the sole discretion of the district board, the amount to be distributed is de minimis, or the administrative cost of distribution is prohibitive, such remaining moneys shall be paid to the county treasurer of each county in which the district is located to be distributed among the cities and counties in which the district is located in proportion to which said cities and counties receive property tax revenues generally.

[50-3116, added 2008, ch. 410, sec. 1, p. 1159.]

50-3117. EXEMPTIONS AND EXCLUSIONS. (1) All public utilities, as defined in section [61-129](#), Idaho Code, shall be exempt from taxation under this chapter.

(2) No railroad right-of-way may be included within a community infrastructure district without the consent of the railroad.

(3) No personal property within a community infrastructure district shall be subject to taxation under this chapter.

[50-3117, added 2008, ch. 410, sec. 1, p. 1159.]

50-3118. LIMITATION OF LIABILITY. Neither any member of the district board nor any person acting on behalf of the district, while acting within the scope of his or her authority, shall be subject to any personal liability for any action taken or omitted within that scope of authority.

[50-3118, added 2008, ch. 410, sec. 1, p. 1160.]

50-3119. APPEAL -- EXCLUSIVE REMEDY -- CONCLUSIVENESS. Any person in interest who feels aggrieved by the final decision of a governing body or a district board in the formation or governing of a district, including, with respect to any tax levy, special assessment or bond, may, within sixty (60) days after such final decision, seek judicial review by filing a written notice of appeal with the clerk of the district and with the clerk of the district court for the judicial district in which a majority of the land area of the district is located. After said sixty (60) day period has run, no one shall have any cause or right of action to contest the legality, formality or regularity of said decision for any reason whatsoever and, thereafter, said decision shall be considered valid and uncontestable and the validity, legality and regularity of any such decision shall be conclusively presumed. With regard to the foregoing, if the question of validity of any bonds issued pursuant to this chapter is not raised on appeal as aforesaid, the authority to issue the bonds, the legality thereof and of the levies or assessments necessary to pay the same shall be conclusively presumed and no court shall thereafter have authority to inquire into such matters.

[50-3119, added 2008, ch. 410, sec. 1, p. 1160; am. 2012, ch. 324, sec. 6, p. 893.]

50-3120. CONSISTENCY WITH STATE LAW. (1) A community infrastructure district shall develop community infrastructure consistent with the general plan and in compliance with the requirements of [chapter 13, title 50](#), Idaho Code, and [chapter 65, title 67](#), Idaho Code.

(2) A community infrastructure district shall be deemed to be of the same nature and afforded the same treatment as a local improvement district for purposes of application of section [58-336](#), Idaho Code, relating to lands benefitting by such district; section [67-8209](#), Idaho Code, authorizing development impact fee credits; and section [67-8214](#), Idaho Code, providing that other powers and rights of governmental entities are not affected.

[50-3120, added 2008, ch. 410, sec. 1, p. 1160.]

50-3121. SEVERABILITY. The provisions of this chapter are hereby declared to be severable and if any provision or the application of the provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this chapter.

[50-3121, added 2008, ch. 410, sec. 1, p. 1160.]