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### Title 17: Counties Chapter 37-38 Planetarium to Zoos - 1987 Replacement Volume

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### 17-36-43. Adoption of financial administration ordinance authorizing official to act as financial officer.

The county commission, after consultation with the county auditor, may adopt a financial administration ordinance authorizing the county auditor, or appointed administrator in the case of county operated hospitals or mental health districts to act as the financial officer for the purpose of approving:

- (1) payroll checks, if the checks are prepared in accordance with a salary schedule established in a personnel ordinance or resolution; or
- (2) routine expenditures, such as utility bills, payroll-related expenses, supplies, materials, and payments on county-approved contracts and capital expenditures which are referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year.

**History:** C. 1953, 17-36-43, enacted by L. 1983, ch. 73, § 15.

**Repeals and Enactments.** — Laws 1983, ch. 73, § 15, repeals former § 17-36-43, as enacted by Laws 1975, ch. 22, § 44, relating to effective date of the 1975 act, and enacts the above section.

**Meaning of "county commission".** — The term "county commission," referred to in this section, apparently means the board of county commissioners.

**Cross-References.** — County auditor, Chapter 19 of this title.

### 17-36-44. Required provisions of financial administration ordinance.

The financial administration ordinance, adopted pursuant to § 17-36-43, shall provide:

- (1) a maximum amount over which purchases may not be made without the approval of the county commission;
- (2) that the financial officer be bonded for a reasonable amount; and
- (3) any other provisions the commission deems advisable.

**History:** C. 1953, 17-36-44, enacted by L. 1983, ch. 73, § 16.

**Repeals and Enactments.** — Laws 1983, ch. 73, § 16 repeals former § 17-36-44, as enacted by Laws 1975, ch. 22, § 45, relating to

pilot test of 1975 law, and enacts the above section.

**Meaning of "county commission".** — See note under same catchline following § 17-36-43.

## CHAPTER 37 PLANETARIUM

Section  
17-37-1. Authority of county to levy annual tax.  
17-37-2. Appointment of board of directors — Expenses.  
17-37-3. Terms of directors — Removal — Vacancies.  
17-37-4. Management and control — Deposit of money collected — Expendi-

Section  
tures — Recommendations by directors to commissioners.  
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## Section

17-37-8. Appointment of planetarium director — Duties and compensation  
— Other personnel.

## Section

17-37-9. Donations permitted — Use.

### 17-37-1. Authority of county to levy annual tax.

For the acquisition, construction, establishment, maintenance, and operation of a public planetarium or for the purpose of funding a contract or a lease agreement for the operation and management of a county planetarium, the provision of planetarium facilities and equipment, and for other planetarium services, any county may levy annually, a tax not to exceed .00004 of assessed valuation of all taxable property in the county. The tax shall be in addition to all taxes levied by counties and shall not be limited by levy limitation imposed on counties by law. The taxes shall be levied and collected in the same manner as other general taxes of the county and shall constitute a fund to be known as the county planetarium fund.

**History:** L. 1978, ch. 4, § 1; 1982, ch. 16, § 1; 1985, ch. 165, § 35.

**Amendment Notes.** — The 1982 amendment substituted "For the acquisition \* \* \* and for other planetarium services" at the beginning of the first sentence for "For the establish-

ment and maintenance of a public planetarium"; and made minor changes in phraseology.

The 1985 amendment substituted ".00004" for "one-fifth mill on each dollar".

**Cross-References.** — Taxation for general and local purposes, § 17-5-54.

### 17-37-2. Appointment of board of directors — Expenses.

Upon the establishment of a county planetarium under the provisions of this chapter or upon the determination of the county commissioners to contract for planetarium facilities and equipment and other planetarium services, the county commissioners shall appoint a planetarium board of directors, chosen at large from the citizens of the county on the basis of fitness for the office. The board of directors shall consist of seven members. Members of the county commission may serve on the board of directors, but not more than one member of the county commission shall, at any one time, be a member of the board. Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the county planetarium fund.

**History:** L. 1978, ch. 4, § 2; 1982, ch. 16, § 2.

**Amendment Notes.** — The 1982 amendment substituted "chapter" in the first sentence for "act"; inserted "or upon the determination of the county commissioners to contract for planetarium facilities and equipment and other planetarium services" in the first sentence; substituted "Members" at the beginning

of the third sentence for "One member"; substituted "the county planetarium fund" at the end of the last sentence for "planetarium funds"; and made minor changes in phraseology.

**Meaning of "county commission".** — The term "county commission," referred to in this section, apparently means the board of county commissioners.

**17-37-3. Terms of directors — Removal — Vacancies.**

Directors shall be appointed for three year terms, or until their successors are appointed. Initially, appointments shall be made for one, two, and three year terms. Annually thereafter, the county commissioners shall, before the first day of July of each year, appoint for a three-year term, directors to take the place of the retiring directors. Directors shall serve not more than two full terms in succession. Following such appointments, the directors shall meet and select a chairman and such other officers, as they deem necessary, for one-year terms. The county commissioners may remove any director for misconduct or neglect of duty. Vacancies in the board of directors, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired terms in the same manner as original appointments.

History: L. 1978, ch. 4, § 3.

**17-37-4. Management and control — Deposit of money collected — Expenditures — Recommendations by directors to commissioners.**

(1) Upon the appointment of a planetarium board of directors, the board of county commissioners may delegate to the board of directors the authority to manage and control the functions, activities, operations, maintenance and repair of any county planetarium, and shall include in its delegation the authority to approve and control all expenditures from the county planetarium fund. Any delegation of authority made to the board of directors under this section shall be by resolution of the board of county commissioners, and shall at all times be subject to the ultimate authority and responsibility of the board of county commissioners for the management and control of all county funds and properties as conferred upon that board by general law applicable to counties.

(2) Upon the recommendation of the board of directors, the county may enter into a contract or lease agreement with a private organization or entity for partial or full management, operation and maintenance of any county planetarium and for other planetarium services, which may include providing the physical facilities and equipment for the operation of a planetarium. A contract or lease for such purposes shall not extend for more than a four-year period and shall be subject to annual review by the board of directors to determine if performance is in conformance with the terms of the contract or lease and to establish the level of the subsequent funding pursuant to the contract or lease.

(3) All money collected from a county planetarium tax levy shall be deposited in the county treasury to the credit of the county planetarium fund. All money collected from operations of or from donations to any planetarium owned and operated by the county shall also be deposited in the county treasury to the credit of the planetarium fund. Any money collected from operations of a planetarium by a contracting party or lessee shall be used or deposited as the contract or lease may provide. Income or proceeds from any investment by the county treasurer of county planetarium funds shall be credited to the county planetarium fund and used only for planetarium purposes.

(4) Expenditures from the county planetarium fund shall be drawn upon by the authorized officers of the county upon presentation of properly authenticated vouchers or documentation of the board of directors or other appropriate planetarium official. The fund shall not be used for any purpose other than to pay the costs of acquiring, constructing, operating, managing, equipping, furnishing, maintaining or repairing a planetarium, including appropriate, reasonable and proportionate costs allocated by the county for support of the planetarium, or to pay the cost of financing and funding a contract or lease agreement for facilities, equipment, management, operation, and maintenance of a planetarium.

(5) The board of directors shall provide recommendations to the board of county commissioners with respect to the purchase, lease, exchange, construction, erection or other acquisition of land, real property improvements and fixtures or the sale, lease, exchange or other disposition of land, real property improvements and fixtures for the use or benefit of a county planetarium.

**History:** C. 1953, 17-37-4, enacted by L. 1982, ch. 16, § 3.

**Repeals and Enactments.** — Laws 1982, ch. 16, § 3 repeals former § 17-34-4, as enacted by Laws 1978, ch. 4, § 4, relating to control by

the board of directors, and enacts the above section.

**Cross-References.** — County commissioners, Chapter 5 of this title.

## **17-37-5. Preparation of budget, and levy of tax, by directors — Fiscal year.**

The planetarium board of directors shall prepare an annual budget and estimate of expenditures and in all other respects comply with the requirements of the Uniform Fiscal Procedures Act for Counties and all other general laws relating to budgeting, accounting, disbursing of funds, and other financial matters applicable to counties. A county planetarium shall operate on the same fiscal year as the county and upon approval by the board of county commissioners of a final fiscal year budget submitted by the board of directors, the board of county commissioners may, at the time and in the manner prescribed by law for levying general county taxes, levy a tax for planetarium purposes, as provided in this chapter, which shall be sufficient to provide funds for the approved annual budget; provided, however, the tax levy imposed shall not exceed in any one year .00004 of assessed valuation of all taxable property in the county.

**History:** C. 1953, 17-37-5, enacted by L. 1982, ch. 16, § 4; L. 1985, ch. 165, § 36.

**Repeals and Enactments.** — Laws 1982, ch. 16, § 4 repeals former § 17-35-5, as enacted by Laws 1971, ch. 23, § 5, relating to the estimate of expenses and tax levy, and enacts the above section.

**Amendment Notes.** — The 1985 amendment substituted ".00004" for "one-fifth mill on each dollar".

**Uniform Fiscal Procedures Act for Counties.** — See § 17-36-1 and notes thereto.



### 17-37-6. Rules and regulations — Use of planetarium by nonresidents.

The planetarium board of directors shall adopt rules and regulations for the use and operations of any planetarium acquired and established by the county. All persons visiting or using the planetarium shall be subject to the rules and regulations adopted by the board. The board may exclude from the use of the planetarium any and all persons who willfully violate the rules. The board may extend the privileges and use of the planetarium to persons residing outside of the county upon such terms and conditions as may be prescribed by its regulations.

**History:** L. 1978, ch. 4, § 6; 1982, ch. 16, § 5.

**Amendment Notes.** — The 1982 amendment substituted "use and operations of any planetarium acquired and established by the

county" at the end of the first sentence for "governing of the planetarium"; substituted "All persons visiting or using" at the beginning of the second sentence for "Use of"; and made minor changes in phraseology.

### 17-37-7. Annual report — Financial statement.

To the extent that independent accounting records are prepared and maintained by the planetarium, the planetarium board of directors shall make, or in the case of a contracting entity, require that there be made, an annual report to the county commission on the condition and operation of the planetarium, including a financial statement. The financial statement shall be prepared in accordance with generally accepted accounting principles consistently applied and shall be reviewed by the county auditor. The planetarium shall be included in the annual audit of the county conducted by an independent public accountant as required by Chapter 2 of Title 51.

**History:** L. 1978, ch. 4, § 7; 1982, ch. 16, § 6.

**Amendment Notes.** — The 1982 amendment inserted "To the extent that independent accounting records are prepared and maintained by the planetarium" at the beginning of the first sentence; inserted "or in the case of a contracting entity, require that there be made" in the first sentence; substituted "reviewed by

the county auditor" at the end of the second sentence for "audited by an independent certified public accountant"; and added the last sentence.

**Meaning of "county commission".** — See note under same catchline following § 17-37-2.

**Cross-References.** — County auditor, chapter 19 of this title.

### 17-37-8. Appointment of planetarium director — Duties and compensation — Other personnel.

The county commissioners shall appoint a competent person as planetarium director to have immediate charge of planetarium facilities and activities not contracted to an outside entity, and of overseeing the performance of the terms of any contract or lease entered into with a contracting entity. The planetarium director shall have such duties and receive such compensation for his or her services as the county commission shall determine. The planetarium director shall act as the executive officer for the planetarium board and shall implement the policies of the board. The county commissioners shall appoint, upon the recommendation of the planetarium director, other person-

nel as required; however, any county employees working at the planetarium shall be subject to the provisions of the County Personnel Management Act and other general laws as relating to personnel matters that are applicable to counties.

**History:** L. 1978, ch. 4, § 8; 1982, ch. 16, § 7.

**Amendment Notes.** — The 1982 amendment substituted the first two sentences for "The county commissioners shall appoint a competent person as planetarium director to have immediate charge of the planetarium with such duties and compensation for his ser-

vices as it shall fix and determine"; deleted "of directors" at the end of the third sentence; and added the proviso to the last sentence.

**County Personnel Management Act.** — The County Personnel Management Act, referred to in the last sentence, appears as Chapter 33 of this title.

## 17-37-9. Donations permitted — Use.

If a person desires to make donations of money, personal property or real estate specifically for the benefit of a county planetarium, the board of directors may, with the consent of the board of county commissioners, accept those donations or other contributions. The board of directors shall manage and administer the donations or contributions in accordance with the terms and conditions of the donating or contributing instrument. All real property and improvements acquired by or specifically for a county planetarium by any means whatsoever, including gift, devise or donation, shall be deeded to and held in the name of the county.

**History:** L. 1978, ch. 4, § 9; 1982, ch. 16, § 8.

**Amendment Notes.** — The 1982 amendment rewrote this section, which read: "Any person desiring to make donations of money, personal property or real estate for the benefit

of the planetarium shall have the right to donate the money, personal property or real estate to the board of directors, as trustees for the county, to be held and controlled by the board, when accepted, according to the terms of the deed, gift, devise or bequest of such property."

# CHAPTER 38

## ZOOS

### Section

17-38-1. Authority to levy annual tax.

17-38-2. Operation and maintenance.

### Section

17-38-3. Donations.

17-38-4. Nontermination of taxing power.

## 17-38-1. Authority to levy annual tax.

For the establishment and maintenance of a public zoo counties may levy annually a tax not exceeding .0002 of assessed valuation of all taxable property in the county. The tax shall be in addition to all taxes levied by counties and shall not be limited by levy limitation imposed on counties by law. The taxes shall be levied and collected in the same manner as other general taxes of the county and shall be deposited in a fund to be known as a county zoo fund.

**History:** L. 1982, ch. 14, § 1; 1985, ch. 165, § 37.

**Amendment Notes.** — The 1985 amendment substituted “.0002” for “one mill on each dollar”.

**Cross-References.** — Taxation for general and local purposes, § 17-5-54.

## 17-38-2. Operation and maintenance.

Upon the establishment of a county zoo under this act, the county commissioners may provide rules and regulations for its governance and operation, including the establishment of an advisory board. The county commission may contract with an agency or vendor to supply all or part of the services necessary for the operation and maintenance of a county zoo.

**History:** L. 1982, ch. 14, § 2.

**Meaning of “this act”.** — The term “this act,” referred to in this section, means Laws 1982, ch. 14, which appears as §§ 17-38-1 to 17-38-4.

**Cross-References.** — Importation of zoo animals, § 4-31-9.

## 17-38-3. Donations.

The county may, for the benefit of the zoo, accept donations of money, personal property, or real estate upon such terms and conditions as it sees fit.

**History:** L. 1982, ch. 14, § 3.

## 17-38-4. Nontermination of taxing power.

The power to levy a tax as provided in § 17-38-1 shall not terminate on June 30, 1983.

**History:** L. 1982, ch. 14, § 4; 1983, ch. 291, § 4.

**Amendment Notes.** — The 1983 amendment inserted “not.”

**Effective Dates.** — Laws 1982, ch. 14, § 5,

provides that the act should take effect upon approval and have retrospective application to January 1, 1982. Effective April 1, 1982. Did not obtain two-thirds vote required for earlier effect.