



Item: Installation of Officer
From: Lisa Kunz, City Clerk
Initiated By: Great Falls Port Authority
Presented By: Great Falls Port Authority
Action Requested: Appoint a Secretary/Treasurer to the Great Falls Port Authority

Suggested Motion:

1. Commissioner moves:

"I move the Great Falls Port Authority appoint _____ to serve as Secretary/Treasurer of the Great Falls Port Authority.

2. Chairman calls for a second, discussion, public comment, and calls for the vote.

Background: A local Port Authority is authorized pursuant to Mont. Code Ann. § 7-14-1101. Resolution 8841 adopted November 19, 1996, created the High Plains Development and Port Authority. Resolution 9425 adopted September 21, 2004, amended Resolution 8841 to allow the Great Falls City Commission to exercise any and all powers granted to a Port Authority pursuant to Mont. Code. Ann. § 7-14-1101.

Because the Port Authority governing body is the City Commission, and the services provided by the Port Authority benefit the City, the Port Authority is reported in the City's financial statements, annual audit, and all activity of the Port Authority is reported in the City of Great Falls Comprehensive Annual Financial Report.

Port Authorities are created to promote, stimulate, develop and advance the general welfare, commerce, economic development, and prosperity of its jurisdiction and of the state and its citizens. The Great Falls Port Authority has one active project, the Centene Claims Processing Center.

The Great Falls Port Authority owns property that is leased to Centene, specifically Lot 1B of the Amended Plat of Lots 1 and 5 of the Medical Tech Park Minor Subdivision. Centene constructed an \$8 million dollar facility on the leased property. The City contributed \$1 million towards the project, and the Great Falls Port Authority borrowed \$5 million dollars through a Montana Board of Investments loan, which is being repaid via Centene lease payments. There is a certificate of deposit, checking and savings accounts that require signatures pursuant to the bank's requirements.

At a Port Authority meeting held on January 19, 2010, the following appointments were made: Mayor Michael J. Winters as Chairman, Commissioner Robert Jones as Vice-Chairman, and Commissioner Mary Jolley as Secretary/Treasurer. Commissioner Mary Jolley announced her resignation effective December 18, 2012, due to her elected position as Justice of the Peace. Therefore, it is necessary for the current members to select from amongst themselves an officer to serve as Secretary/Treasurer of the Great Falls Port Authority.

Attachments:

Resolutions 8841 and 9425

Mont. Code Ann. § 7-14-1101 et seq.

RESOLUTION NO. 8841

TO RICHARDSON
TO RICHARDSON
TO RICHARDSON
R 9425 9-21-04

A RESOLUTION CREATING A PORT AUTHORITY

WHEREAS, Sections 7-14-1101 through 7-14-1137, MCA, provide for the creation by a municipal government of a Port Authority, whose composition, purposes, powers and duties are set forth in the statutes above-cited; and

WHEREAS, the City Commission of the City of Great Falls, Montana, held a public hearing on the 19th day of November, 1996, regarding the establishment of a Port Authority in Great Falls; and

WHEREAS, the City Commission of the City of Great Falls has determined that there exists in Great Falls a need for the stimulation of commerce, the development of employment opportunities, and an increase in taxable valuation in the Great Falls area; and

WHEREAS, Section 7-14-1104, MCA, lists among the enumerated purposes of a Port Authority the stimulation of commerce, the provision of maximum opportunities for employment, and the advancement of the general welfare and prosperity of the Port Authority jurisdiction; and

WHEREAS, the City Commission of the City of Great Falls, Montana, desires to create a Port Authority for the purposes specified in Section 7-14-1104, MCA, and with the powers authorized in Section 7-14-1111, MCA;

WHEREAS, the effective date for creation of the Port Authority will be July 1, 1997;

NOW THEREFORE, by the authority granted in Section 7-14-1101, MCA, the City Commission of the City of Great Falls, resolves as follows:

I
CREATION OF PORT AUTHORITY

There is created in Great Falls, Montana, a public body corporate and politic, a Port Authority to be known as High Plains Development and Port Authority.

II
PURPOSES OF PORT AUTHORITY

The purposes of the Port Authority are enumerated in Section 7-14-1104(1), MCA, as follows:

- A. Promote, stimulate, develop, and advance the general welfare, commerce, economic development, and prosperity of its jurisdiction and of the state and its citizens.

- B. Endeavor to increase the volume of commerce within the jurisdiction of the port authority and the state through planning, advertising, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of ports and transportation and storage facilities that promote the safe, efficient, and economical handling of commerce.
- C. Cooperate and act in conjunction with other organizations, public or private, in the development of commerce, industry, manufacturing, services, natural resources, agriculture, livestock, recreation, tourism, health care, and other economic activity in the state.
- D. Support the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state and otherwise stimulate, assist in, and support the growth of all kinds of economic activity that will tend to promote commerce and business development, maintain the economic stability and prosperity of its jurisdiction and of the state, and thus provide maximum opportunities for employment and improvement in the standard of living of citizens of the state.

III POWERS OF PORT AUTHORITY

- A. High Plains Development and Port Authority shall have all the powers necessary or convenient to carry out the purposes of this resolution, including but not limited to the following powers provided in Section 7-14-1111, MCA:
 - 1. certify annually to City of Great Falls the amount of tax to be levied for port purposes;
 - 2. sue and be sued, have a seal, and have perpetual succession;
 - 3. execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this resolution;
 - 4. plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect port and transportation and storage facilities. For such purposes an authority may, by purchase, gift, devise, lease, or otherwise, acquire real or personal property or any interest therein, including easements.
 - 5. acquire, by purchase, gift, devise, lease, or otherwise, existing port and transportation and storage facilities. However, the authority may not acquire or take over any port or transportation and storage facility owned or controlled by another authority, county, municipality, or public agency without the consent of such authority, county municipality, or public agency;
 - 6. provide financial and other support to organizations in its jurisdiction, including corporations organized under the provisions of the development corporation act in Title 32, Chapter 4, whose purpose is to promote, stimulate, develop, and advance the general welfare, economic development, and prosperity of its jurisdiction and of the State and its citizens by stimulating, assisting in, and supporting the growth of all kinds of economic activity, including the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the State, all of which will tend to promote business development, maintain the economic stability and prosperity of the State, and thus provide maximum opportunities for employment and improvement in the standards of living of citizens of the State.

- B. Supplementary Powers. In addition to the general and special powers conferred by the law and this Resolution, the authority may exercise all powers incidental to the exercise of such general and special powers, as provided in Section 7-14-1121, MCA.
- C. Authority to Enter into Contracts, Leases, and Other Arrangements. As provided in Section 7-14-1125, MCA, in connection with the operation of High Plains Development and Port Authority facilities owned or controlled by it, the authority may enter into contracts, leases, and other arrangements for terms not to exceed thirty (30) years with any persons:
1. granting the privilege of using or improving the facilities or any portion or facility thereof or space therein for commercial purposes;
 2. conferring the privilege of supplying goods, commodities, services, or facilities at the port facilities; and
 3. making available services to be furnished by the authority or its agents at the port facilities.
- In each case the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the authority.
- D. Disposal of Port Property. As provided by Section 7-14-1126, MCA, except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by 7-14-1136, MCA, the authority may sell, lease, or otherwise dispose of any port, transportation and storage facility, or other property or portion thereof or interest therein acquired pursuant to this Resolution. Such disposal by sale, lease, or otherwise must be in accordance with the laws of this State governing the disposition of public property.

IV RULE-MAKING AUTHORITY

Pursuant to Section 7-14-1112, MCA, the Port Authority may adopt, amend, and repeal such reasonable rules and orders as it considers necessary for its own administration, management, and governance as well as for the management, government, and use of any port or transportation and storage facility owned by it or under its control. No rule, order, or standard prescribed by High Plains Development and Port Authority Commission may be inconsistent with or contrary to any act of the Congress of the United States or any regulation promulgated or standard established pursuant thereto. The authority shall keep on file at its principal office a copy of all authority rules for public inspection.

V MUNICIPAL TAX LEVY

- A. If the levy authorized by Sections 7-14-1131 and 67-10-402, MCA, is used to fund or partially fund the Port Authority, the authority shall request annually to the City Commission of the City of Great Falls, the amount of tax to be levied. The Commission may levy the amount requested, pursuant to provisions of law

authorizing political subdivisions of this State to levy taxes. The levy made may not exceed two mills. City of Great Falls shall collect the taxes requested by the authority and approved by the City Commission in the same manner as other taxes are levied and collected and make payment to the Port Authority. The proceeds of such taxes when and as paid to the authority must be deposited in a special account or accounts in which other revenues of the authority are deposited and may be expended by the authority only as provided by statute or by conditions on expenditure lawfully imposed by the City Commission.

- B. Pursuant to Section 7-14-1105(2), MCA, the City Commission of the City of Great Falls does hereby provide that any City taxes or funds available or to become available to or required by law to be used by the City for port purposes shall be transferred as available to the Port Authority, upon such conditions as the City Commission may determine at the time of the transfer. Such condition with respect to any port funds derived from City taxes shall include at minimum provision to the City Commission the following:
 - 1. Annual independent audit.
 - 2. Mid-year review of Port Authority budget.
 - 3. Annual Port Authority audited financial statements no later than October 1.
 - 4. Participation by Port Authority in City budget hearing process.
- C. Prior to the issuance of bonds under Sections 7-14-1133 and 7-14-1134, MCA, the Port Authority or the City of Great Falls may by resolution covenant and agree that the total amount of such taxes then authorized by law, or such portion thereof as may be specified by the resolution, will be certified, levied, and deposited annually as provided in this section until the bonds and interest thereon are fully paid.

VI BONDS AND OBLIGATIONS

- A. Pursuant to Section 7-14-1133(1), MCA, except for providing financial support to a private development organization, an authority may borrow money for any of its corporate purposes and issue bonds therefore, including refunding bonds, in such form and upon such terms as it determines, payable out of any revenues of the authority, including revenues derived from any port or transportation and storage facility, levied taxes, grants or contributions from the Federal government, or other sources.
- B. Pursuant to Section 7-14-1133(2), MCA, the bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that no bonds may be issued at any time if the total amount of principal and interest to become due in any year on such bonds and on any then outstanding bonds for which revenues from the same source are pledged exceeds the amount of such revenues to be received in that year, as estimated in the resolution authorizing the issuance of bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, rentals, and taxes, if any are pledged, sufficient to make the revenues from the pledged source in such year at least equal to the amount of principal and interest due in that year.
- C. Pursuant to Section 7-14-1133(3), MCA, the bonds may be sold at public or private sale and may bear interest as provided in Section 17-5-102, MCA. Except

as otherwise provided in this resolution, any bonds issued pursuant to this resolution by the authority may be payable as to principal and interest solely from revenues of the authority and shall state on their face the applicable limitations or restrictions regarding the source from which such principal and interest are payable.

- D. Pursuant to Section 7-14-1133(4), MCA, bonds issued by the authority or the City of Great Falls pursuant to the provisions of this resolution are for an essential public and governmental purpose by a political subdivision within the meaning of Section 15-30-111(2)(a), MCA, and are exempt from taxation.
- E. Pursuant to Section 7-14-1133(5), MCA, for the security of any such bonds, the authority or City of Great Falls may by resolution make and enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by a municipality under Title 7, Chapter 7, Parts 44 and 45. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any revenues referred to in this resolution, prior to the payment of current costs of operation and maintenance of the facilities.
- F. Pursuant to Section 7-14-1133(6), MCA, under no circumstances may the credit of the State, County, or municipal governments be pledged to support private development organizations.

VII METHOD OF FUNDING DEFICIENCY

With respect to bonds issued pursuant to Section 7-14-1133, MCA, by the City or by a Port Authority in which the City is included, the City Commission of the City of Great Falls may by resolution covenant to fund a deficiency in the payment of such bonds according to the provisions of Section 7-14-1134, MCA. The City of Great Falls shall be subject to the conditions stated in Section 7-14-1134, MCA, in the adoption and implementation of any such resolution to fund a deficiency, including but not limited to the condition of voter approval as prescribed in Section 7-14-1134(3), MCA.

VIII DEBT SERVICE FUND

Pursuant to Section 7-14-1135, MCA, the Port Authority created herein may create a debt service fund and accumulate therein a sum determined by the City of Great Falls, together with interest thereon, for the use, repairs, maintenance, and capital outlays of a port.

IX ASSISTANCE FROM LOCAL GOVERNMENTS

The activities of the Port Authority are public and governmental in nature. As provided by Section 7-14-1105, MCA, for the purpose of aiding and cooperating in the planning, undertaking, construction, or operation of ports and facilities pursuant to Section 7-14-1101, MCA, et seq., any local government, with or without consideration, upon such terms as it may determine, may:

- A. lend or donate money to the authority;
- B. provide that all or a portion of the taxes or funds available or to become available to or required by law to be used for port purposes be transferred or paid directly to the Port Authority as such funds become available to the local government;
- C. cause water, sewer, or drainage facilities, or any other facilities that they are empowered to provide, to be furnished adjacent to or in connection with the port or port facilities;
- D. dedicate, sell, convey, or lease any of their interest in any property or grant easements, licenses, or any other rights or privileges therein to the authority;
- E. furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, and walks from established streets or roads to such port or facilities;
- F. do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of ports facilities; and
- G. enter into agreements with the authority respecting actions to be taken.

X

EXPENDITURE OF FUNDS MADE AVAILABLE BY GRANT OR LOAN

- A. Pursuant to Section 7-14-1136, MCA, the authority may accept, receive, receipt for, and spend Federal and State money and other public or private money made available by grant or loan to accomplish any of the purposes of this resolution. All Federal money accepted under this section must be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with State law. All State money accepted must be accepted and spent by the authority upon terms and conditions prescribed by the State.
- B. Pursuant to Section 7-14-1105(1), MCA, all City funds made available by loan or grant shall be accepted and spent by the Port Authority only upon such terms, with or without consideration, as the City Commission may determine upon the occurrence of any such loan or grant.

XI

TAX EXEMPTION

Pursuant to Section 7-14-1137, MCA, any property in this State acquired by the authority for port purposes pursuant to the provision of this Resolution, and any income derived by the authority from the ownership, operation, or control thereof, including property acquired, and income derived from organizations, including corporations organized under Title 32, Chapter 4, whose purpose is to advance the economic development of the jurisdiction and of the State and its citizens, are exempt from taxation to the same extent as other property used for public purposes.

XII
COMPOSITION, APPOINTMENT, AND REMOVAL
OF PORT AUTHORITY COMMISSION

- A. Number and Terms. The powers of High Plains Development and Port Authority are vested in seven (7) Port Authority Commissioners. The initial commissioners shall be drawn from the members of High Plains Development Authority whose terms have not expired on July 1, 1997. Two (2) members will draw one (1) year terms; two (2) members will draw two (2) year terms; one (1) member will draw a three (3) year term; one (1) member a four (4) year term; and one (1) member a five (5) year term. Thereafter, each commissioner shall be appointed by the City Commission for a term of five (5) years. Vacancies that occur other than by expiration of a term must be filled for the remaining term by the City Commission.
- B. Qualifications of Port Authority Commissioners. Port Authority Commissioners shall be appointed on the basis of qualifications including but not limited to the following:
1. Substantial successful experience in any of the following areas of business or employment in Montana: commerce, industry, transportation, manufacturing, services, natural resources, agriculture, livestock, recreation, tourism, health care or other recognized type of economic activity;
 2. An established reputation in the region for competence in a given field of economic activity;
 3. An exhibited support for entrepreneurship and enterprise;
 4. Support of the purposes of High Plains Development and Port Authority.
 5. Commitment to the public interest and trust.

In addition, all members of the Port Authority Commission must be residents of the City of Great Falls.

- C. Removal of Port Authority Commissioner. A Commissioner may be removed by action of the City Commission upon a recommendation from the Port Authority Commission.

XIII
INTERNAL MANAGEMENT OF PORT AUTHORITY AND CONDUCT OF BUSINESS

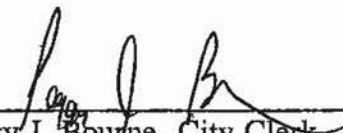
- A. Chair, Vice-Chair, Staffing. Pursuant to Section 7-14-1103(2), MCA, the Port Authority Commissioners must elect from their number a chairman and vice-chairman. The Authority may employ an executive director, secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as required and as allowed by its budget and shall determine their qualifications, duties, and compensation. An authority may delegate to one or more of its agents or employees such powers or duties as it considers proper.
- B. Quorum. Pursuant to Section 7-14-1103(1), MCA, a majority of Port Authority Commissioners shall constitute a quorum for the purpose of conducting business of the Authority and exercising its powers for all other purposes. Action may be taken by the Authority upon a vote of not less than a majority of the Commissioners present.

- C. Public and Governmental Function. Pursuant to Section 7-14-1104(2), MCA: The acquisition of any land or interest in land pursuant to this part, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of ports and transportation and storage facilities, and the exercise of any powers granted to port authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of any authority or other public agency, as provided in this part, must be used for public and governmental purposes and as a matter of public necessity.
- D. Standards of Conduct. The Port Authority Commissioners appointed hereunder shall be governed by the City of Great Falls Code of Ethics and State law relating to conduct of public business, including but not limited to the following:
1. The rules of conduct for local government officers provided for in Section 2-2-125, MCA;
 2. The acts related to interest in contracts and claims prescribed in Section 2-2-201, MCA, et seq.;
 3. The statutes relating to nepotism in Sections 2-2-301, MCA, et seq.;
 4. The requirements for public participation in governmental operations prescribed in Sections 2-3-101, et seq.;
 5. The open meeting requirements prescribed in Sections 2-3-201, MCA, et seq.;
 6. All federal and state laws prohibiting discrimination on the basis of race, sex, religion, political ideas, age, marital status, or physical or mental handicap.

PASSED by the Commission of the City of Great Falls, Montana, on this 19th day of November, 1996.

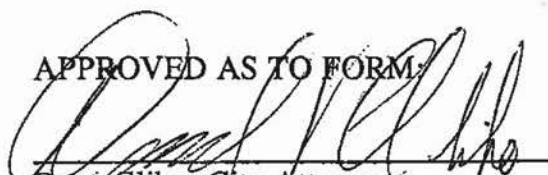

Bob Deming, Mayor

ATTEST:


Peggy J. Bourne, City Clerk

(SEAL OF CITY)

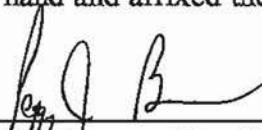
APPROVED AS TO FORM:


Dave Gliko, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 8841 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 19th day of November, 1996, and approved by the Mayor of said City, on the 19th day of November, 1996.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 19th day of November, 1996.



Peggy J. Bourne, City Clerk

(SEAL OF CITY)

RESOLUTION 9425

A RESOLUTION TO AMEND RESOLUTION 8841
TO ALLOW THE GREAT FALLS CITY COMMISSION TO
EXERCISE ANY AND ALL POWERS GRANTED TO A
PORT AUTHORITY PURSUANT TO 7-14-1101, MCA.

WHEREAS, on November 19, 1996, the City Commission passed Resolution 8841 thereby establishing a Port Authority for the purpose of stimulating commerce, developing employment opportunities and increasing the taxable valuations in Great Falls; and,

WHEREAS, the appointment of Port Authority Commissioners has lapsed from and after July 1, 2003; and,

WHEREAS, the City Commission may determine to exercise any and all powers granted to such Port Authorities pursuant to 7-14-1101 (1), MCA:

NOW, THEREFORE, BY THE AUTHORITY GRANTED IN 7-14-1101 (1), ET. SEQ., MCA, THE CITY COMMISSION OF THE CITY OF GREAT FALLS RESOLVES AS FOLLOWS:

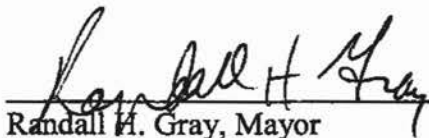
I.

That, Resolution 8841 is hereby amended by repealing any and all reference to Port Authority Commissioners contained therein.

II.

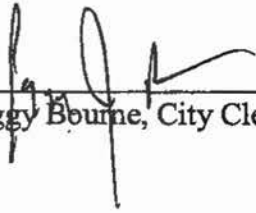
That, pursuant to 7-14-1101 (1), MCA, the City Commission of Great Falls, Montana, does hereby determine to exercise any and all powers granted to Port Authorities pursuant to 7-14-1101 through 7-14-1137, MCA and established in Resolution 8841, the repeal of all reference to Port Authority Commissioners notwithstanding.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana on this 21st day of September, 2004.



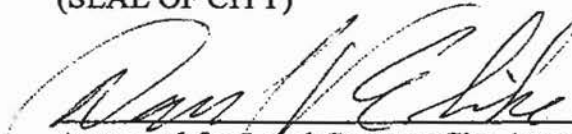
Randall H. Gray, Mayor

ATTEST:



Peggy Bourne, City Clerk

(SEAL OF CITY)

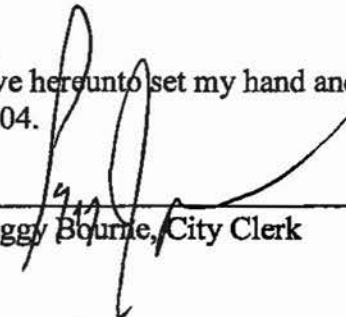


Approved for Legal Content: City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9425 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of September, 2004, and approved by the Mayor of said City on the 21st day of September, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of September, 2004.



Peggy Bourne, City Clerk

(SEAL OF CITY)

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7-14-1101. Local port authority. (1) Any county or municipality may, by resolution of its governing body, create a public body, corporate and politic, to be known as a local port authority, authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof. Such a governing body may by resolution determine to exercise any or all powers granted to such authorities in this part, unless such powers have been conferred upon a local or regional port authority.

(2) Upon the adoption of a resolution creating a local port authority, the governing body of the county or municipality shall, pursuant to the resolution, appoint or, at the option of the governing body, elect, as provided in [7-14-1106](#), not less than five persons as commissioners of the authority. The commissioners who are first appointed must be designated to serve for terms of 1, 2, 3, 4, and 5 years, respectively, but thereafter each commissioner must be appointed or elected for a term of 5 years, except that vacancies occurring other than by expiration of a term must be filled for the unexpired term by the governing body.

History: En. Sec. 1, Ch. 456, L. 1985; amd. Sec. 1, Ch. 640, L. 1991.

Provided by Montana Legislative Services

Montana Code Annotated 2014

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7-14-1103. Commissioners. (1) The powers of each authority are vested in the commissioners of the authority. A majority of the commissioners of an authority constitutes a quorum for the purpose of conducting business of the authority and exercising its powers for all other purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners present.

(2) There must be elected a presiding officer and vice presiding officer from among the commissioners. An authority may employ an executive director, secretary, technical experts, and other officers, agents, and employees, permanent and temporary, that it may require and shall determine their qualifications, duties, and compensation. An authority may delegate to one or more of its agents or employees the powers or duties that it considers proper.

(3) A commissioner of an authority is entitled to receive expenses, as provided in [2-18-501](#) through [2-18-503](#), incurred in the discharge of duties. Each commissioner shall hold office until a successor has been appointed or elected and has qualified. The certificates of the appointment, reappointment, or election of commissioners must be filed with the authority.

History: En. Sec. 3, Ch. 456, L. 1985; amd. Sec. 3, Ch. 640, L. 1991; amd. Sec. 574, Ch. 61, L. 2007.

Provided by Montana Legislative Services

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7-14-1104. Purpose -- public and governmental functions. (1) The purposes of a port authority are to:

(a) promote, stimulate, develop, and advance the general welfare, commerce, economic development, and prosperity of its jurisdiction and of the state and its citizens;

(b) endeavor to increase the volume of commerce within the jurisdiction of the port authority and the state through planning, advertising, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of transportation, storage, or other facilities that promote the safe, efficient, and economical handling of commerce;

(c) cooperate and act in conjunction with other organizations, public or private, in the development of commerce, industry, manufacturing, services, natural resources, agriculture, livestock, recreation, tourism, health care, and other economic activity in the state;

(d) support the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state and otherwise stimulate, assist in, and support the growth of all kinds of economic activity that will tend to promote commerce and business development, maintain the economic stability and prosperity of its jurisdiction and of the state, and thus provide maximum opportunities for employment and improvement in the standard of living of citizens of the state.

(2) The acquisition of any land or interest in land pursuant to this part, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, and protection of port authority facilities, and the exercise of any powers granted to port authorities and other public agencies to be severally or jointly exercised are public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of any authority or other public agency, as provided in this part, must be used for public and governmental purposes and as a matter of public necessity. A port authority may pledge, lease, sell, or mortgage all or any part of its facilities to secure bonds under this part as provided in [7-14-1133](#).

History: En. Sec. 4, Ch. 456, L. 1985; amd. Sec. 1, Ch. 507, L. 1989; amd. Sec. 4, Ch. 640, L. 1991; amd. Sec. 1, Ch. 22, L. 1995.

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7-14-1111. General powers of authority. An authority has all the powers necessary or convenient to carry out the purposes of this part, including but not limited to the power to:

(1) subject to [15-10-420](#), request annually the amount of tax to be levied by the governing body for port purposes, which request the governing body may in its discretion approve for port purposes;

(2) sue and be sued, have a seal, and have perpetual succession;

(3) execute contracts and other instruments and take other action that may be necessary or convenient to carry out the purposes of this part;

(4) plan, establish, acquire, develop, construct, purchase, enlarge, improve, maintain, equip, operate, regulate, and protect transportation, storage, or other facilities. For these purposes an authority may, by purchase, gift, devise, lease, or otherwise, acquire real or personal property or any interest in property, including easements.

(5) establish comprehensive port zoning regulations in accordance with the laws of this state;

(6) acquire, by purchase, gift, devise, lease, or otherwise, existing transportation, storage, or other facilities that may be necessary or convenient to carry out the purposes of this part. However, an authority may not acquire or take over any transportation, storage, or other facility owned or controlled by another authority, county, municipality, or public agency without the consent of the authority, county, municipality, or public agency.

(7) provide financial and other support to organizations in its jurisdiction, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4, whose purpose is to promote, stimulate, develop, and advance the general welfare, economic development, and prosperity of its jurisdiction and of the state and its citizens by stimulating, assisting in, and supporting the growth of all kinds of economic activity, including the creation, expansion, modernization, retention, and relocation of new and existing businesses and industry in the state, all of which will tend to promote business development, maintain the economic stability and prosperity of the state, and thus provide maximum opportunities for employment and improvement in the standards of living of citizens of the state.

History: En. Sec. 6, Ch. 456, L. 1985; amd. Sec. 2, Ch. 507, L. 1989; amd. Sec. 5, Ch. 640, L. 1991; amd. Sec. 34, Ch. 584, L. 1999.

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7-14-1125. Granting of operation and use privileges. (1) In connection with the operation of a transportation, storage, or other facility owned or controlled by an authority, the authority may enter into contracts, leases, and other arrangements for terms not to exceed 30 years with any persons:

(a) granting the privilege of using or improving the port authority facility or any portion or facility thereof or space therein for commercial purposes;

(b) conferring the privilege of supplying goods, commodities, services, or facilities at the port authority facility; and

(c) making available services to be furnished by the authority or its agents at the transportation, storage, or other facility.

(2) In each case the authority may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the authority.

History: En. Sec. 9, Ch. 456, L. 1985; amd. Sec. 7, Ch. 640, L. 1991.

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7-14-1133. Bonds and obligations. (1) Except for providing financial support to a private development organization, including a corporation organized under Title 32, chapter 4, whose purpose is to advance the economic development of its jurisdiction and of the state and its citizens, an authority may borrow money for any of its corporate purposes and issue bonds, including refunding bonds, for any of its corporate purposes. The bonds may be in the form and upon terms as it determines, payable out of any revenue of the authority, including revenue derived from:

- (a) any port or transportation and storage facility;
- (b) taxes levied pursuant to [7-14-1131](#) or [67-10-402](#);
- (c) grants or contributions from the federal government; or
- (d) other sources.

(2) The bonds may be issued by resolution of the authority, without an election and without any limitation of amount, except that bonds may not be issued at any time if the total amount of principal and interest to become due in any year on the bonds and on any then outstanding bonds for which revenue from the same source is pledged exceeds the amount of revenue to be received in that year, as estimated in the resolution authorizing the issuance of the bonds. The authority shall take all action necessary and possible to impose, maintain, and collect rates, charges, and rentals and to request taxes, if any are pledged, sufficient to make the revenue from the pledged source in such year at least equal to the amount of principal and interest due in that year.

(3) The bonds may be sold at public or private sale and may bear interest as provided in [17-5-102](#). Except as otherwise provided in this part, any bonds issued pursuant to this part by an authority may be payable as to principal and interest solely from revenue of the authority or from particular port, transportation, storage, or other facilities of the authority. The bonds must state on their face the applicable limitations or restrictions regarding the source from which principal and interest are payable.

(4) Bonds issued by an authority, county, or municipality pursuant to the provisions of this part are declared to be issued for an essential public and governmental purpose by a political subdivision within the meaning of [15-30-2110\(2\)\(a\)](#).

(5) (a) For the security of bonds, the authority, county, or municipality may by resolution make and enter into any covenant, agreement, or indenture and may exercise any additional powers authorized to be exercised by a municipality under Title 7, chapter 7, parts 44 and 45. The sums required from time to time to pay principal and interest and to create and maintain a reserve for the bonds may be paid from any revenue referred to in this part, prior to the payment of current costs of operation and maintenance of the facilities.

(b) As further security for the bonds, the authority, with the approval of the governing body of the county or municipality that created the authority, may pledge, lease, sell, mortgage, or grant a security interest in all or any portion of its port, transportation, storage, or other facilities, whether or not the facilities are financed by the bonds. The instrument effecting the pledge, lease, sale, mortgage, or security interest may contain any agreements and provisions customarily contained in instruments securing bonds, as the commissioners of the authority consider advisable. The provisions must be consistent with this part and are subject to and must be in accordance with the laws of this state governing mortgages, trust indentures, security agreements, or instruments. The instrument may provide that in the event of a default in the payment of principal or interest on the bonds or in the

performance of any agreement contained in the proceedings authorizing the bonds or instrument, the payment or performance may be enforced by mandamus or by the appointment of a receiver in equity. The receiver may collect charges, rental, or fees and may apply the revenue from the mortgaged property or collateral in accordance with the proceedings or the provisions of the instrument.

(6) Nothing in this section or ~~7-14-1134~~ may be construed to limit the use of port authority revenue, including federal and state money as described in ~~7-14-1136~~, to make grants and loans or to otherwise provide financial and other support to private development organizations, including corporations organized under the provisions of the development corporation act in Title 32, chapter 4. The credit of the state, county, or municipal governments or their agencies or authorities may not be pledged to provide financial support to the development organizations.

History: En. Sec. 13, Ch. 456, L. 1985; amd. Sec. 22, Ch. 370, L. 1987; amd. Sec. 4, Ch. 507, L. 1989; amd. Sec. 10, Ch. 640, L. 1991; amd. Sec. 3, Ch. 22, L. 1995.

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7-14-1137. Tax exemption. Any property in this state acquired by an authority for port purposes pursuant to the provisions of this part, any income derived by the authority from the ownership, operation, or control thereof, including property acquired, and income derived from organizations, including corporations organized under Title 32, chapter 4, whose purpose is to advance the economic development of its jurisdiction and of the state and its citizens, are exempt from taxation to the same extent as other property used for public purposes.

History: En. Sec. 17, Ch. 456, L. 1985; amd. Sec. 5, Ch. 507, L. 1989.

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