

RESOLUTION NO. 2019-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE ASU ATHLETIC FACILITIES DISTRICT AUTHORIZING THE EXECUTIVE DIRECTOR TO FINALIZE THE FORM AND CONTENTS OF AN INTERGOVERNMENTAL AGREEMENT AND AN APPEALS PROCEDURE

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ASU ATHLETIC FACILITIES DISTRICT, as follows:

Section 1. Findings. The Board of Directors for the District (the “**Board**”) hereby makes the following findings:

A. Pursuant to Resolution No. C-20-12-017-M-00 and at the request of the Arizona Board of Regents for and on behalf of Arizona State University (“**ASU**”), the Board of Supervisors of Maricopa County, Arizona (the “**County**”) previously authorized the organization and establishment of the ASU Athletic Facilities District (the “**District**”) pursuant to Title 48, Chapter 26, Arizona Revised Statutes (“**A.R.S.**”), as amended (the “**Act**”).

B. Pursuant to the Act, ASU and the County entered into that certain Intergovernmental Agreement effective November 15, 2011 for the purposes of establishing the Board of Directors for the District and such other matters as ASU and the County deemed appropriate (the “**Enabling IGA**”).

C. Pursuant to the Act, ASU and the District have entered into an intergovernmental agreement dated as of July 1, 2012 (the “**District IGA**”) setting forth the relationship of the District as it pertains to the administration of District powers and authority over certain real property owned by ABOR and located within the boundaries of the District.

D. Pursuant to the Act, the Enabling IGA and the District IGA, the District has determined that an intergovernmental agreement is necessary to provide for the establishment, collection and enforcement of the assessments authorized under the Act, the Enabling IGA and the District IGA.

Section 2. Approval of Intergovernmental Agreement. The Board hereby approves the execution of an intergovernmental agreement between the District, the County and ASU (the “**Assessment IGA**”) relating to the imposition and collection of District assessments (the “**Assessments**”). The Assessment IGA shall include, without limitation, provisions related to the annual determination of the Assessments by the District, the semi-annual billing of the Assessments, the collection of the Assessments by the District Treasurer or his/her designee, and the regular deposit of Assessments in the District fund established pursuant to A.R.S. Section 48-4235(C), as and if amended. The Assessment IGA shall be on terms and conditions approved by the Executive Director in consultation with Counsel to the District.

Section 3. Approval of Appeals Process. The Board hereby authorizes the Executive Director to finalize the procedures for appealing the valuation used to determine the amount of the assessments.

Section 4. Authority. The Chair, the Vice-Chair, the Secretary, the Executive Director, and the Counsel to the District are hereby authorized and directed to take all steps necessary to cause the execution of the Assessment IGA and to carry out the purpose and intent of this Resolution. Without limiting the foregoing, the Executive Director, with the assistance of, and in conjunction with, ASU, is authorized to take all actions to engage, terminate and/or replace, as necessary, a third party entity to handle the assessment process described in the Assessment IGA.

Section 5. Effective Date. This resolution shall be effective immediately.

ADOPTED this 9th day of September, 2019, by the affirmative vote of the District Board.


Morgan R. Olsen, Chairman

ATTEST:


José A. Cárdenas, Secretary

APPROVED AS TO FORM:


Timothy A. Stratton, Attorney