

Last legislative year: 1998

11-642. Action by taxpayer to recover money illegally paid

If a county attorney fails for twenty days after written request made by a taxpayer of the county to institute an action as provided in section 11-641, then any taxpayer of the county may bring the action in his own name and at his own cost, with the same effect as if brought by the county attorney. The person instituting the action shall execute a bond with two or more sureties, made payable to the defendant conditioned that if the plaintiff fails to prosecute the action with diligence and to effect, that the plaintiff will pay all damages sustained by the defendant by reason of the action and all costs incurred therein. If the taxpayer prevails in the action the court shall allow the taxpayer costs and a reasonable attorney fee not to exceed forty per cent of the amount recovered or saved to the county.

Last legislative year: 1955

11-643. Nonliability of dissenting supervisor

A supervisor may relieve himself from liability under sections 11-641 and 11-642 by dissenting from the order, and having his dissent entered on the minutes of the board at the time.

Last legislative year: 1955

11-644. Failure to present county check or warrant for payment

A. A check that is drawn by the county treasurer in the treasurer's official capacity or a warrant that is drawn on the county general fund and that is not presented for payment within one year after the date of issuance is void, is deemed to have been paid and is not subject to section 44-302. A check or warrant that is not presented for payment within one year has no further force or effect and any monies shall be transferred or revert to the county general fund or other appropriate fund.

B. At any time within one year after an un-presented check or warrant has been voided as provided in subsection A of this section, the person in whose favor the check or warrant was drawn, or the person's personal representative, successors or assignees, may present a claim for the amount of the check or warrant to the board of supervisors. If the board finds that the claim is legitimate and that there is good and sufficient reason for failure to present the original check or warrant, the board may allow the claim and order it to be paid from the county general fund or other appropriate fund.

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