1   **INTERLOCAL ENTITY AMENDMENTS**

2   2013 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Johnny Anderson**

5   Senate Sponsor: _____

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7   **LONG TITLE**

8   **General Description:**

9   This bill amends provisions governing a budget maintained by an interlocal entity and

10   an entity's compliance with public meeting requirements.

11   **Highlighted Provisions:**

12   This bill:

13   ▸   amends provisions governing an interlocal entity's compliance with public meeting

14   requirements;

15   ▸   requires an interlocal entity to:

16   •   adopt a budget at a public meeting;

17   •   establish and maintain a budget in accordance with standards established by the

18   Governmental Accounting Standards Board; and

19   •   publish the budget on the interlocal entity's and a Utah public agency's public

20   websites; and

21   ▸   makes technical corrections.

22   **Money Appropriated in this Bill:**

23   None

24   **Other Special Clauses:**

25   None

26   **Utah Code Sections Affected:**

27   AMENDS:

28   **11-13-206**, as renumbered and amended by Laws of Utah 2002, Chapter 286

29   Ĥ→ [11-13-223, as last amended by Laws of Utah 2007, Chapter 249] ←Ĥ

30   ENACTS:

31   **11-13-224**, Utah Code Annotated 1953

32   ===

33   *Be it enacted by the Legislature of the state of Utah:*

34   Section 1. Section **11-13-206** is amended to read:

35   **11-13-206.   Requirements for agreements for joint or cooperative action.**

36   (1) Each agreement under Section 11-13-202, 11-13-203, or 11-13-205 shall specify:

37   (a) its duration;

38   (b) if the agreement creates an interlocal entity:

39   (i) the precise organization, composition, and nature of the interlocal entity;

40   (ii) the powers delegated to the interlocal entity;

41   (iii) the manner in which the interlocal entity is to be governed; and

42   (iv) subject to Subsection (2), the manner in which the members of its governing body

43   are to be appointed or selected;

44   (c) its purpose or purposes;

45   (d) the manner of financing the joint or cooperative undertaking and, subject to Section

46   11-13-224, of establishing and maintaining a budget for it;

47   (e) the permissible method or methods to be employed in accomplishing the partial or

48   complete termination of the agreement and for disposing of property upon such partial or

49   complete termination; and

50   (f) any other necessary and proper matters.

51   (2) Each agreement under Section 11-13-203 or 11-13-205 that creates an interlocal

52   entity shall require that Utah public agencies that are parties to the agreement have the right to

53   appoint or select members of the interlocal entity's governing body with a majority of the

54   voting power.

55   Ĥ→ [Section 2. Section **11-13-223** is amended to read:

56   11-13-223.   Open and public meetings.

57   (1) To the extent that an interlocal entity is subject to [or elects, by formal resolution of

58   its governing body to comply with] the provisions of Title 52, Chapter 4, Open and Public ←Ĥ

59   Ĥ→ Meetings Act, it may for purposes of complying with those provisions:
60   (a) convene and conduct any public meeting by means of a telephonic or
61   telecommunications conference; and
62   (b) give public notice of its meeting pursuant to Section 52-4-202.
63   (2) In order to convene and conduct a public meeting by means of a telephonic or
64   telecommunications conference, each interlocal entity shall if it is subject to or elects by formal
65   resolution of its governing body to comply with Title 52, Chapter 4, Open and Public Meetings
66   Act:
67   (a) in addition to giving public notice required by Subsection (1) provide:
68   (i) notice of the telephonic or telecommunications conference to the members of the
69   governing body at least 24 hours before the meeting so that they may participate in and be
70   counted as present for all purposes, including the determination that a quorum is present; and
71   (ii) a description of how the members will be connected to the telephonic or
72   telecommunications conference;
73   (b) establish written procedures governing the conduct of any meeting at which one or
74   more members of the governing body are participating by means of a telephonic or
75   telecommunications conference;
76   (c) provide for an anchor location for the public meeting at the principal office of the
77   governing body; and
78   (d) provide space and facilities for the physical attendance and participation of
79   interested persons and the public at the anchor location, including providing for interested
80   persons and the public to hear by speaker or other equipment all discussions and deliberations
81   of those members of the governing body participating in the meeting by means of telephonic or
82   telecommunications conference.
83   (3) Compliance with the provisions of this section by a governing body constitutes full
84   and complete compliance by the governing body with the corresponding provisions of Sections
85   52-4-201 and 52-4-202, to the extent that those sections are applicable to the governing body.] ←Ĥ
86   Section Ĥ→ [3] 2 ←Ĥ . Section **11-13-224** is enacted to read:
87   **11-13-224. Budgetary standards -- Publication.**
88   Ĥ→ **(1)** ←Ĥ If an interlocal entity requires a budget, the interlocal entity shall:
89   Ĥ→ [(1)] **(a)** ←Ĥ adopt the budget at a public meeting held in accordance with
89a   Title 52, Chapter 4,

90   Open and Public Meetings Act;

91   Ĥ→ [(2)] (b) ←Ĥ establish and maintain the budget in accordance with standards

91a   established by the

92   Governmental Accounting Standards Board; and

93   Ĥ→ [(3)] (c) ←Ĥ publish annually the interlocal entity's budget on:

94   Ĥ→ [(a)] (i) ←Ĥ the interlocal entity's public website, if applicable; and

95   Ĥ→ [(b)] (ii) ←Ĥ the public website of each Utah public agency that entered into the

95a   agreement

96   creating the interlocal entity.

96a   **Ĥ→ (2) Subsection (1) does not apply to an interlocal entity that is a project entity. ←Ĥ**

Legislative Review Note
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