

**Effective 5/12/2015**

**10-2a-205 Feasibility study -- Feasibility study consultant.**

- (1) Within 90 days of receipt of a certified request under Subsection 10-2a-204(1)(b)(i), the lieutenant governor shall engage the feasibility consultant chosen under Subsection (2) to conduct a feasibility study.
- (2) The feasibility consultant shall be chosen:
  - (a)
    - (i) by the contact sponsor of the incorporation petition with the consent of the lieutenant governor; or
    - (ii) by the lieutenant governor if the designated sponsors state, in writing, that the contact sponsor defers selection of the feasibility consultant to the lieutenant governor; and
  - (b) in accordance with applicable procurement procedures.
- (3) The lieutenant governor shall require the feasibility consultant to:
  - (a) complete the feasibility study and submit the written results to the lieutenant governor, the county legislative body of the county in which the incorporation is proposed, and the contact sponsor no later than 90 days after the feasibility consultant is engaged to conduct the study;
  - (b) submit with the full written results of the feasibility study a summary of the results no longer than one page in length; and
  - (c) attend the public hearings under Subsection 10-2a-207(1) and present the feasibility study results and respond to questions from the public at those hearings.
- (4)
  - (a) The feasibility study shall consider:
    - (i) population and population density within the area proposed for incorporation and the surrounding area;
    - (ii) current and five-year projections of demographics and economic base in the proposed city and surrounding area, including household size and income, commercial and industrial development, and public facilities;
    - (iii) projected growth in the proposed city and in adjacent areas during the next five years;
    - (iv) subject to Subsection (4)(b), the present and five-year projections of the cost, including overhead, of governmental services in the proposed city, including:
      - (A) culinary water;
      - (B) secondary water;
      - (C) sewer;
      - (D) law enforcement;
      - (E) fire protection;
      - (F) roads and public works;
      - (G) garbage;
      - (H) weeds; and
      - (I) government offices;
    - (v) assuming the same tax categories and tax rates as currently imposed by the county and all other current service providers, the present and five-year projected revenue for the proposed city;
    - (vi) a projection of any new taxes per household that may be levied within the incorporated area within five years of incorporation; and
    - (vii) the fiscal impact on unincorporated areas, other municipalities, local districts, special service districts, and other governmental entities in the county.
  - (b)

- (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a level and quality of governmental services to be provided to the proposed city in the future that fairly and reasonably approximate the level and quality of governmental services being provided to the proposed city at the time of the feasibility study.
- (ii) In determining the present cost of a governmental service, the feasibility consultant shall consider:
  - (A) the amount it would cost the proposed city to provide governmental service for the first five years after incorporation; and
  - (B) the county's present and five-year projected cost of providing governmental service.
- (iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation and anticipated growth.
- (5) If the five year projected revenues under Subsection (4)(a)(v) exceed the five year projected costs under Subsection (4)(a)(iv) by more than 5%, the feasibility consultant shall project and report the expected annual revenue surplus to the contact sponsor and the lieutenant governor.
- (6) If the results of the feasibility study or revised feasibility study do not meet the requirements of Subsection 10-2a-208(3), the feasibility consultant shall, as part of the feasibility study or revised feasibility study and if requested by the sponsors of the request, make recommendations as to how the boundaries of the proposed city may be altered so that the requirements of Subsection 10-2a-208(3) may be met.

Amended by Chapter 157, 2015 General Session

Renumbered and Amended by Chapter 352, 2015 General Session