

Effective 5/10/2016

10-6-135 Operating and capital budgets.

- (1)
 - (a) As used in this section, "operating and capital budget" means a plan of financial operation for an enterprise fund or other required special fund that includes estimates of operating resources, expenses, and other outlays for a fiscal period.
 - (b) Except as otherwise expressly provided, any reference to "budget" or "budgets" and the procedures and controls relating to a budget or budgets in other sections of this chapter do not apply or refer to the operating and capital budgets described in this section.
- (2) At or before the time the governing body adopts budgets for the funds described in Section 10-6-109, the governing body shall adopt:
 - (a) an operating and capital budget for each enterprise fund for the ensuing fiscal period; and
 - (b) the type of budget for other special funds as required by the Uniform Accounting Manual for Utah Cities.
- (3)
 - (a) The governing body shall adopt and administer an operating and capital budget in accordance with this Subsection (3).
 - (b) A governing body may spend or transfer money deposited in an enterprise fund for a good, service, project, venture, or other purpose that is not directly related to the goods or services provided by the enterprise for which the enterprise fund was created, if the governing body:
 - (i) transfers the money from the enterprise fund to another fund; and
 - (ii) complies with the hearing and notice requirements of Subsections (3)(f)(i), (ii), and (iii).
 - (c) At or before the first regularly scheduled meeting of the governing body in the last May of the current fiscal period, the budget officer shall:
 - (i) prepare for the ensuing fiscal period and file with the governing body a tentative operating and capital budget for:
 - (A) each enterprise fund; and
 - (B) other required special funds;
 - (ii) include with the tentative operating and capital budget described in Subsection (3)(c) specific work programs as submitted by each department head; and
 - (iii) include any other supporting data required by the governing body.
 - (d) Each city of the first or second class shall, and each city of the third, fourth, or fifth class may, submit a supplementary estimate of all capital projects which a department head believes should be undertaken within the three next succeeding fiscal periods.
- (e)
 - (i) Subject to Subsection (3)(e)(ii), the budget officer shall prepare all estimates after review and consultation with each department head described in Subsection (3)(d).
 - (ii) After complying with Subsection (3)(e)(i), the budget officer may revise any departmental estimate before it is filed with the governing body.
- (f)
 - (i) Except as provided in Subsection (3)(f)(iv), if the governing body includes in a tentative budget or an amendment to a budget allocations or transfers from an enterprise fund to another fund or a good, service, project, venture, or purpose other than reasonable allocations of costs between the enterprise fund and the other fund, the governing body shall:
 - (A) hold a public hearing;
 - (B) prepare a written notice of the date, time, place, and purpose of the hearing, as described in Subsection (3)(f)(ii); and

- (C) subject to Subsection (3)(f)(iii), mail the written notice to each enterprise fund customer at least seven days before the day of the hearing.
 - (ii) The purpose portion of the written notice required under Subsection (3)(f)(i)(B) shall identify:
 - (A) the enterprise fund from which money is being transferred;
 - (B) the amount being transferred; and
 - (C) the fund to which the money is being transferred.
 - (iii) The governing body:
 - (A) may print the written notice required under Subsection (3)(f)(i) on the enterprise fund customer's bill; and
 - (B) shall include the written notice required under Subsection (3)(f)(i) as a separate notification mailed or transmitted with the enterprise fund customer's bill.
 - (iv) A governing body is not required to repeat the notice and hearing requirements in this Subsection (3)(f) if the funds to be allocated or transferred for the current year were previously approved by the governing body during the current year and at a public hearing that complies with the notice and hearing requirements of this Subsection (3)(f).
- (4)
- (a) Each tentative budget, amendment to a budget, or budget shall be reviewed and considered by the governing body at any regular meeting or special meeting called for that purpose.
 - (b) The governing body may make changes in the tentative budgets.
- (5) Budgets for enterprise or other required special funds shall comply with the public hearing requirements established in Sections 10-6-113 and 10-6-114.
- (6)
- (a) Before the last June 30 of each fiscal period, or, in the case of a property tax increase under Sections 59-2-919 through 59-2-923, before August 17 of the year for which a property tax increase is proposed, the governing body shall adopt an operating and capital budget for each applicable fund for the ensuing fiscal period.
 - (b) A copy of the budget as finally adopted for each fund shall be:
 - (i) certified by the budget officer;
 - (ii) filed by the budget officer in the office of the city auditor or city recorder;
 - (iii) available to the public during regular business hours; and
 - (iv) filed with the state auditor within 30 days after the day on which the budget is adopted.
- (7)
- (a) Upon final adoption, the operating and capital budget is in effect for the budget period, subject to later amendment.
 - (b) During the budget period the governing body may, in any regular meeting or special meeting called for that purpose, review any one or more of the operating and capital budgets for the purpose of determining if the total of any of them should be increased.
 - (c) If the governing body decides that the budget total of one or more of the funds should be increased under Subsection (7)(b), the governing body shall follow the procedures set forth in Section 10-6-136.
- (8) Expenditures from operating and capital budgets shall conform to the requirements relating to budgets specified in Sections 10-6-121 through 10-6-126.

Amended by Chapter 348, 2016 General Session

Amended by Chapter 353, 2016 General Session