

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**INTERLOCAL ENTITY AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Johnny Anderson**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions governing a budget maintained by an interlocal entity and an entity's compliance with public meeting requirements.

**Highlighted Provisions:**

This bill:

- ▶ amends provisions governing an interlocal entity's compliance with public meeting requirements;
- ▶ requires an interlocal entity to:
  - adopt a budget at a public meeting;
  - establish and maintain a budget in accordance with standards established by the Governmental Accounting Standards Board; and
  - publish the budget on the interlocal entity's and a Utah public agency's public websites; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



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

29 11-13-223, as last amended by Laws of Utah 2007, Chapter 249

30 ENACTS:

31 11-13-224, Utah Code Annotated 1953



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 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

59 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.

86 Section 3. Section **11-13-224** is enacted to read:

87 **11-13-224. Budgetary standards -- Publication.**

88 If an interlocal entity requires a budget, the interlocal entity shall:

89 (1) adopt the budget at a public meeting held in accordance with Title 52, Chapter 4,

90 Open and Public Meetings Act;  
91 (2) establish and maintain the budget in accordance with standards established by the  
92 Governmental Accounting Standards Board; and  
93 (3) publish annually the interlocal entity's budget on:  
94 (a) the interlocal entity's public website, if applicable; and  
95 (b) the public website of each Utah public agency that entered into the agreement  
96 creating the interlocal entity.

---

---

**Legislative Review Note**  
**as of 2-19-13 12:59 PM**

**Office of Legislative Research and General Counsel**