

**ELECTRIC VEHICLE INFRASTRUCTURE AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patrice M. Arent**

Senate Sponsor: Kevin T. Van Tassell

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to an assessment for electric vehicle charging infrastructure.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ authorizes an interlocal entity to issue a bond for electric vehicle charging infrastructure;
- ▶ requires that an assessment area for electric vehicle charging infrastructure be a voluntary assessment area;
- ▶ authorizes a county to provide electric vehicle charging infrastructure;
- ▶ authorizes a local district to provide electric vehicle charging infrastructure;
- ▶ authorizes a special service district to provide electric vehicle charging infrastructure;
- ▶ authorizes a military installation development authority to provide electric vehicle charging infrastructure; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

30 AMENDS:

- 31 **11-13-218**, as last amended by Laws of Utah 2015, Chapter 265
- 32 **11-42-102**, as last amended by Laws of Utah 2015, Chapter 396
- 33 **11-42-103**, as last amended by Laws of Utah 2015, Chapter 396
- 34 **11-42-202**, as last amended by Laws of Utah 2015, Chapters 349 and 396
- 35 **11-42-209**, as enacted by Laws of Utah 2013, Chapter 246
- 36 **11-42-301**, as last amended by Laws of Utah 2013, Chapter 246
- 37 **11-42-408**, as last amended by Laws of Utah 2013, Chapter 246
- 38 **11-42-411**, as last amended by Laws of Utah 2013, Chapter 246
- 39 **17-50-335**, as enacted by Laws of Utah 2013, Chapter 246
- 40 **17B-1-202**, as last amended by Laws of Utah 2014, Chapter 377
- 41 **17D-1-201**, as last amended by Laws of Utah 2013, Chapters 246 and 448
- 42 **63H-1-201**, as last amended by Laws of Utah 2015, Chapter 377



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

45 Section 1. Section **11-13-218** is amended to read:

46 **11-13-218. Authority of public agencies or interlocal entities to issue bonds --**  
47 **Applicable provisions.**

48 (1) A public agency may, in the same manner as it may issue bonds for its individual  
49 acquisition of a facility or improvement or for constructing, improving, or extending a facility  
50 or improvement, issue bonds to:

51 (a) acquire an interest in a jointly owned facility or improvement, a combination of a  
52 jointly owned facility or improvement, or any other facility or improvement; or

53 (b) pay all or part of the cost of constructing, improving, or extending a jointly owned  
54 facility or improvement, a combination of a jointly owned facility or improvement, or any other  
55 facility or improvement.

56 (2) (a) An interlocal entity may issue bonds or notes under a resolution, trust indenture,  
57 or other security instrument for the purpose of:

58 (i) financing its facilities or improvements; or  
59 (ii) providing for or financing an energy efficiency upgrade ~~[or]~~, a renewable energy  
60 system, or electric vehicle charging infrastructure in accordance with Title 11, Chapter 42,  
61 Assessment Area Act.

62 (b) The bonds or notes may be sold at public or private sale, mature at such times and  
63 bear interest at such rates, and have such other terms and security as the entity determines.

64 (c) The bonds or notes described in this Subsection (2) are not a debt of any public  
65 agency that is a party to the agreement.

66 (3) The governing board may, by resolution, delegate to one or more officers of the  
67 interlocal entity or to a committee of designated members of the governing board the authority  
68 to:

69 (a) in accordance with and within the parameters set forth in the resolution, approve the  
70 final interest rate, price, principal amount, maturity, redemption features, or other terms of a  
71 bond or note; and

72 (b) approve and execute all documents relating to the issuance of the bond or note.

73 (4) Bonds and notes issued under this chapter are declared to be negotiable instruments  
74 and their form and substance need not comply with the Uniform Commercial Code.

75 (5) (a) An interlocal entity shall issue bonds in accordance with, as applicable:

76 (i) Chapter 14, Local Government Bonding Act;

77 (ii) Chapter 27, Utah Refunding Bond Act;

78 (iii) this chapter; or

79 (iv) any other provision of state law that authorizes issuance of bonds by a public body.

80 (b) An interlocal entity is a public body as defined in Section [11-30-2](#).

81 Section 2. Section **11-42-102** is amended to read:

82 **11-42-102. Definitions.**

83 (1) "Adequate protests" means timely filed, written protests under Section [11-42-203](#)  
84 that represent at least 40% of the frontage, area, taxable value, fair market value, lots, number  
85 of connections, or equivalent residential units of the property proposed to be assessed,

86 according to the same assessment method by which the assessment is proposed to be levied,  
87 after eliminating:

88 (a) protests relating to:

89 (i) property that has been deleted from a proposed assessment area; or

90 (ii) an improvement that has been deleted from the proposed improvements to be  
91 provided to property within the proposed assessment area; and

92 (b) protests that have been withdrawn under Subsection 11-42-203(3).

93 (2) "Assessment area" means an area, or, if more than one area is designated, the  
94 aggregate of all areas within a local entity's jurisdictional boundaries that is designated by a  
95 local entity under Part 2, Designating an Assessment Area, for the purpose of financing the  
96 costs of improvements, operation and maintenance, or economic promotion activities that  
97 benefit property within the area.

98 (3) "Assessment bonds" means bonds that are:

99 (a) issued under Section 11-42-605; and

100 (b) payable in part or in whole from assessments levied in an assessment area,  
101 improvement revenues, and a guaranty fund or reserve fund.

102 (4) "Assessment fund" means a special fund that a local entity establishes under  
103 Section 11-42-412.

104 (5) "Assessment lien" means a lien on property within an assessment area that arises  
105 from the levy of an assessment, as provided in Section 11-42-501.

106 (6) "Assessment method" means the method:

107 (a) by which an assessment is levied against benefitted property, whether by frontage,  
108 area, taxable value, fair market value, lot, parcel, number of connections, equivalent residential  
109 unit, any combination of these methods, or any other method; and

110 (b) that, when applied to a benefitted property, accounts for an assessment that meets  
111 the requirements of Section 11-42-409.

112 (7) "Assessment ordinance" means an ordinance adopted by a local entity under  
113 Section 11-42-404 that levies an assessment on benefitted property within an assessment area.

114 (8) "Assessment resolution" means a resolution adopted by a local entity under Section  
115 11-42-404 that levies an assessment on benefitted property within an assessment area.

116 (9) "Benefitted property" means property within an assessment area that directly or  
117 indirectly benefits from improvements, operation and maintenance, or economic promotion  
118 activities.

119 (10) "Bond anticipation notes" means notes issued under Section 11-42-602 in  
120 anticipation of the issuance of assessment bonds.

121 (11) "Bonds" means assessment bonds and refunding assessment bonds.

122 (12) "Commercial area" means an area in which at least 75% of the property is devoted  
123 to the interchange of goods or commodities.

124 (13) (a) "Commercial or industrial real property" means real property used directly or  
125 indirectly or held for one of the following purposes or activities, regardless of whether the  
126 purpose or activity is for profit:

127 (i) commercial;

128 (ii) mining;

129 (iii) industrial;

130 (iv) manufacturing;

131 (v) governmental;

132 (vi) trade;

133 (vii) professional;

134 (viii) a private or public club;

135 (ix) a lodge;

136 (x) a business; or

137 (xi) a similar purpose.

138 (b) "Commercial or industrial real property" includes real property that:

139 (i) is used as or held for dwelling purposes; and

140 (ii) contains more than four rental units.

141 (14) "Connection fee" means a fee charged by a local entity to pay for the costs of

142 connecting property to a publicly owned sewer, storm drainage, water, gas, communications, or  
143 electrical system, whether or not improvements are installed on the property.

144 (15) "Contract price" means:

145 (a) the cost of acquiring an improvement, if the improvement is acquired; or

146 (b) the amount payable to one or more contractors for the design, engineering,  
147 inspection, and construction of an improvement.

148 (16) "Designation ordinance" means an ordinance adopted by a local entity under  
149 Section [11-42-206](#) designating an assessment area.

150 (17) "Designation resolution" means a resolution adopted by a local entity under  
151 Section [11-42-206](#) designating an assessment area.

152 (18) "Economic promotion activities" means activities that promote economic growth  
153 in a commercial area of a local entity, including:

154 (a) sponsoring festivals and markets;

155 (b) promoting business investment or activities;

156 (c) helping to coordinate public and private actions; and

157 (d) developing and issuing publications designed to improve the economic well-being  
158 of the commercial area.

159 (19) "Electric vehicle charging infrastructure" means equipment that is:

160 (a) permanently affixed to commercial or industrial real property; and

161 (b) designed to deliver electric energy to a qualifying electric vehicle or a qualifying  
162 plug-in hybrid vehicle as those terms are defined in Subsection [59-7-605\(1\)](#).

163 ~~(19)~~ (20) "Energy efficiency upgrade" means an improvement that is permanently  
164 affixed to commercial or industrial real property that is designed to reduce energy  
165 consumption, including:

166 (a) insulation in:

167 (i) a wall, roof, floor, or foundation; or

168 (ii) a heating and cooling distribution system;

169 (b) a window or door, including:

- 170 (i) a storm window or door;
- 171 (ii) a multiglazed window or door;
- 172 (iii) a heat-absorbing window or door;
- 173 (iv) a heat-reflective glazed and coated window or door;
- 174 (v) additional window or door glazing;
- 175 (vi) a window or door with reduced glass area; or
- 176 (vii) other window or door modifications;
- 177 (c) an automatic energy control system;
- 178 (d) in a building or a central plant, a heating, ventilation, or air conditioning and
- 179 distribution system;
- 180 (e) caulk or weatherstripping;
- 181 (f) a light fixture that does not increase the overall illumination of a building unless an
- 182 increase is necessary to conform with the applicable building code;
- 183 (g) an energy recovery system;
- 184 (h) a daylighting system;
- 185 (i) measures to reduce the consumption of water, through conservation or more
- 186 efficient use of water, including:
  - 187 (i) installation of low-flow toilets and showerheads;
  - 188 (ii) installation of timer or timing systems for a hot water heater; or
  - 189 (iii) installation of rain catchment systems; or
  - 190 (j) a modified, installed, or remodeled fixture that is approved as a utility cost-saving
  - 191 measure by the governing body of a local entity.

192 [~~(20)~~] (21) "Environmental remediation activity" means a surface or subsurface  
193 enhancement, effort, cost, initial or ongoing maintenance expense, facility, installation, system,  
194 earth movement, or change to grade or elevation which improves the use, function, aesthetics,  
195 or environmental condition of publically or privately owned property.

196 [~~(21)~~] (22) "Equivalent residential unit" means a dwelling, unit, or development that is  
197 equal to a single-family residence in terms of the nature of its use or impact on an improvement

198 to be provided in the assessment area.

199 ~~[(22)]~~ (23) "Governing body" means:

200 (a) for a county, city, or town, the legislative body of the county, city, or town;

201 (b) for a local district, the board of trustees of the local district;

202 (c) for a special service district:

203 (i) the legislative body of the county, city, or town that established the special service  
204 district, if no administrative control board has been appointed under Section 17D-1-301; or

205 (ii) the administrative control board of the special service district, if an administrative  
206 control board has been appointed under Section 17D-1-301; and

207 (d) for the military installation development authority created in Section 63H-1-201,  
208 the authority board, as defined in Section 63H-1-102.

209 ~~[(23)]~~ (24) "Guaranty fund" means the fund established by a local entity under Section  
210 11-42-701.

211 ~~[(24)]~~ (25) "Improved property" means property upon which a residential, commercial,  
212 or other building has been built.

213 ~~[(25)]~~ (26) "Improvement":

214 (a) (i) means a publicly owned infrastructure, system, or other facility, a publicly or  
215 privately owned energy efficiency upgrade, a publicly or privately owned renewable energy  
216 system, or publicly or privately owned environmental remediation activity that:

217 (A) a local entity is authorized to provide;

218 (B) the governing body of a local entity determines is necessary or convenient to  
219 enable the local entity to provide a service that the local entity is authorized to provide; or

220 (C) a local entity is requested to provide through an interlocal agreement in accordance  
221 with Title 11, Chapter 13, Interlocal Cooperation Act; and

222 (ii) includes facilities in an assessment area, including a private driveway, an irrigation  
223 ditch, and a water turnout, that:

224 (A) can be conveniently installed at the same time as an infrastructure, system, or other  
225 facility described in Subsection ~~[(25)]~~ (26)(a)(i); and



226 (B) are requested by a property owner on whose property or for whose benefit the  
227 infrastructure, system, or other facility is being installed; or

228 (b) for a local district created to assess groundwater rights in accordance with Section  
229 17B-1-202, means a system or plan to regulate groundwater withdrawals within a specific  
230 groundwater basin in accordance with Sections 17B-1-202 and 73-5-15.

231 [~~26~~] (27) "Improvement revenues":

232 (a) means charges, fees, impact fees, or other revenues that a local entity receives from  
233 improvements; and

234 (b) does not include revenue from assessments.

235 [~~27~~] (28) "Incidental refunding costs" means any costs of issuing refunding  
236 assessment bonds and calling, retiring, or paying prior bonds, including:

237 (a) legal and accounting fees;

238 (b) charges of financial advisors, escrow agents, certified public accountant verification  
239 entities, and trustees;

240 (c) underwriting discount costs, printing costs, the costs of giving notice;

241 (d) any premium necessary in the calling or retiring of prior bonds;

242 (e) fees to be paid to the local entity to issue the refunding assessment bonds and to  
243 refund the outstanding prior bonds;

244 (f) any other costs that the governing body determines are necessary and proper to incur  
245 in connection with the issuance of refunding assessment bonds; and

246 (g) any interest on the prior bonds that is required to be paid in connection with the  
247 issuance of the refunding assessment bonds.

248 [~~28~~] (29) "Installment payment date" means the date on which an installment  
249 payment of an assessment is payable.

250 [~~29~~] (30) "Interim warrant" means a warrant issued by a local entity under Section  
251 11-42-601.

252 [~~30~~] (31) "Jurisdictional boundaries" means:

253 (a) for a county, the boundaries of the unincorporated area of the county; and

254 (b) for each other local entity, the boundaries of the local entity.

255 [~~(31)~~] (32) "Local district" means a local district under Title 17B, Limited Purpose  
256 Local Government Entities - Local Districts.

257 [~~(32)~~] (33) "Local entity" means a county, city, town, special service district, local  
258 district, an interlocal entity as defined in Section 11-13-103, a military installation development  
259 authority created in Section 63H-1-201, or other political subdivision of the state.

260 [~~(33)~~] (34) "Local entity obligations" means assessment bonds, refunding assessment  
261 bonds, interim warrants, and bond anticipation notes issued by a local entity.

262 [~~(34)~~] (35) "Mailing address" means:

263 (a) a property owner's last-known address using the name and address appearing on the  
264 last completed real property assessment roll of the county in which the property is located; and

265 (b) if the property is improved property:

266 (i) the property's street number; or

267 (ii) the post office box, rural route number, or other mailing address of the property, if  
268 a street number has not been assigned.

269 [~~(35)~~] (36) "Net improvement revenues" means all improvement revenues that a local  
270 entity has received since the last installment payment date, less all amounts payable by the local  
271 entity from those improvement revenues for operation and maintenance costs.

272 [~~(36)~~] (37) "Operation and maintenance costs":

273 (a) means the costs that a local entity incurs in operating and maintaining  
274 improvements in an assessment area, whether or not those improvements have been financed  
275 under this chapter; and

276 (b) includes service charges, administrative costs, ongoing maintenance charges, and  
277 tariffs or other charges for electrical, water, gas, or other utility usage.

278 [~~(37)~~] (38) "Overhead costs" means the actual costs incurred or the estimated costs to  
279 be incurred by a local entity in connection with an assessment area for appraisals, legal fees,  
280 filing fees, financial advisory charges, underwriting fees, placement fees, escrow, trustee, and  
281 paying agent fees, publishing and mailing costs, costs of levying an assessment, recording

282 costs, and all other incidental costs.

283 ~~[(38)]~~ (39) "Prior assessment ordinance" means the ordinance levying the assessments  
284 from which the prior bonds are payable.

285 ~~[(39)]~~ (40) "Prior assessment resolution" means the resolution levying the assessments  
286 from which the prior bonds are payable.

287 ~~[(40)]~~ (41) "Prior bonds" means the assessment bonds that are refunded in part or in  
288 whole by refunding assessment bonds.

289 ~~[(41)]~~ (42) "Project engineer" means the surveyor or engineer employed by or the  
290 private consulting engineer engaged by a local entity to perform the necessary engineering  
291 services for and to supervise the construction or installation of the improvements.

292 ~~[(42)]~~ (43) "Property" includes real property and any interest in real property, including  
293 water rights and leasehold rights.

294 ~~[(43)]~~ (44) "Property price" means the price at which a local entity purchases or  
295 acquires by eminent domain property to make improvements in an assessment area.

296 ~~[(44)]~~ (45) "Provide" or "providing," with reference to an improvement, includes the  
297 acquisition, construction, reconstruction, renovation, maintenance, repair, operation, and  
298 expansion of an improvement.

299 ~~[(45)]~~ (46) "Public agency" means:

300 (a) the state or any agency, department, or division of the state; and

301 (b) a political subdivision of the state.

302 ~~[(46)]~~ (47) "Reduced payment obligation" means the full obligation of an owner of  
303 property within an assessment area to pay an assessment levied on the property after the  
304 assessment has been reduced because of the issuance of refunding assessment bonds, as  
305 provided in Section [11-42-608](#).

306 ~~[(47)]~~ (48) "Refunding assessment bonds" means assessment bonds that a local entity  
307 issues under Section [11-42-607](#) to refund, in part or in whole, assessment bonds.

308 ~~[(48)]~~ (49) "Renewable energy system" means a product, a system, a device, or an  
309 interacting group of devices that~~[-(a)]~~ is permanently affixed to commercial or industrial real

310 property[;] and;

311 ~~[(b)]~~ (a) produces energy from renewable resources, including:

312 (i) a photovoltaic system;

313 (ii) a solar thermal system;

314 (iii) a wind system;

315 (iv) a geothermal system, including:

316 (A) a generation system;

317 (B) a direct-use system; or

318 (C) a ground source heat pump system;

319 (v) a microhydro system; or

320 (vi) any other renewable [sources] source system approved by the governing body of a

321 local entity[-]; or

322 (b) stores energy, including:

323 (i) a battery storage system; or

324 (ii) any other energy storing system approved by the governing body of a local entity.

325 ~~[(49)]~~ (50) "Reserve fund" means a fund established by a local entity under Section

326 11-42-702.

327 ~~[(50)]~~ (51) "Service" means:

328 (a) water, sewer, storm drainage, garbage collection, library, recreation,

329 communications, or electric service;

330 (b) economic promotion activities; or

331 (c) any other service that a local entity is required or authorized to provide.

332 ~~[(51)]~~ (52) "Special service district" ~~[has the same meaning as]~~ means the same as that

333 term is defined in Section 17D-1-102.

334 ~~[(52)]~~ (53) "Unassessed benefitted government property" means property that a local

335 entity may not assess in accordance with Section 11-42-408 but is benefitted by an

336 improvement, operation and maintenance, or economic promotion activities.

337 ~~[(53)]~~ (54) "Unimproved property" means property upon which no residential,

338 commercial, or other building has been built.

339       ~~[(54)]~~ (55) "Voluntary assessment area" means an assessment area that contains only  
340 property whose owners have voluntarily consented to an assessment.

341       Section 3. Section **11-42-103** is amended to read:

342       **11-42-103. Limit on effect of this chapter.**

343       (1) Nothing in this chapter may be construed to authorize a local entity to provide an  
344 improvement or service that the local entity is not otherwise authorized to provide.

345       (2) Notwithstanding Subsection (1), a local entity may provide a renewable energy  
346 system, an energy efficiency upgrade, electric vehicle charging infrastructure, or an  
347 environmental remediation activity that the local entity finds or determines to be in the public  
348 interest.

349       Section 4. Section **11-42-202** is amended to read:

350       **11-42-202. Requirements applicable to a notice of a proposed assessment area**  
351 **designation.**

352       (1) Each notice required under Subsection **11-42-201(2)(a)** shall:

353       (a) state that the local entity proposes to:

354       (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
355 assessment area;

356       (ii) provide an improvement to property within the proposed assessment area; and

357       (iii) finance some or all of the cost of improvements by an assessment on benefitted  
358 property within the assessment area;

359       (b) describe the proposed assessment area by any reasonable method that allows an  
360 owner of property in the proposed assessment area to determine that the owner's property is  
361 within the proposed assessment area;

362       (c) describe, in a general and reasonably accurate way, the improvements to be  
363 provided to the assessment area, including:

364       (i) the nature of the improvements; and

365       (ii) the location of the improvements, by reference to streets or portions or extensions

366 of streets or by any other means that the governing body chooses that reasonably describes the  
367 general location of the improvements;

368 (d) state the estimated cost of the improvements as determined by a project engineer;

369 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the  
370 estimated total assessment specific to the benefitted property for which the notice is mailed;

371 (f) state that the local entity proposes to levy an assessment on benefitted property  
372 within the assessment area to pay some or all of the cost of the improvements according to the  
373 estimated benefits to the property from the improvements;

374 (g) if applicable, state that an unassessed benefitted government property will receive  
375 improvements for which the cost will be allocated proportionately to the remaining benefitted  
376 properties within the proposed assessment area and that a description of each unassessed  
377 benefitted government property is available for public review at the location or website  
378 described in Subsection (6);

379 (h) state the assessment method by which the governing body proposes to levy the  
380 assessment, including, if the local entity is a municipality or county, whether the assessment  
381 will be collected:

382 (i) by directly billing a property owner; or

383 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317  
384 and in compliance with Section 11-42-401;

385 (i) state:

386 (i) the date described in Section 11-42-203 and the location at which protests against  
387 designation of the proposed assessment area or of the proposed improvements are required to  
388 be filed;

389 (ii) the method by which the governing body will determine the number of protests  
390 required to defeat the designation of the proposed assessment area or acquisition or  
391 construction of the proposed improvements; and

392 (iii) in large, boldface, and conspicuous type that a property owner must protest the  
393 designation of the assessment area in writing if the owner objects to the area designation or

394 being assessed for the proposed improvements, operation and maintenance costs, or economic  
395 promotion activities;

396 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

397 (k) if the governing body elects to create and fund a reserve fund under Section

398 11-42-702, include a description of:

399 (i) how the reserve fund will be funded and replenished; and

400 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of  
401 the bonds;

402 (l) if the governing body intends to designate a voluntary assessment area, include a  
403 property owner consent form that:

404 (i) estimates the total assessment to be levied against the particular parcel of property;

405 (ii) describes any additional benefits that the governing body expects the assessed  
406 property to receive from the improvements; and

407 (iii) designates the date and time by which the fully executed consent form is required  
408 to be submitted to the governing body;

409 (m) if the local entity intends to levy an assessment to pay operation and maintenance  
410 costs or for economic promotion activities, include:

411 (i) a description of the operation and maintenance costs or economic promotion  
412 activities to be paid by assessments and the initial estimated annual assessment to be levied;

413 (ii) a description of how the estimated assessment will be determined;

414 (iii) a description of how and when the governing body will adjust the assessment to  
415 reflect the costs of:

416 (A) in accordance with Section 11-42-406, current economic promotion activities; or

417 (B) current operation and maintenance costs;

418 (iv) a description of the method of assessment if different from the method of  
419 assessment to be used for financing any improvement; and

420 (v) a statement of the maximum number of years over which the assessment will be  
421 levied for:

- 422 (A) operation and maintenance costs; or
- 423 (B) economic promotion activities;
- 424 (n) if the governing body intends to divide the proposed assessment area into
- 425 classifications under Subsection 11-42-201(1)(b), include a description of the proposed
- 426 classifications;
- 427 (o) if applicable, state the portion and value of the improvement that will be increased
- 428 in size or capacity to serve property outside of the assessment area and how the increases will
- 429 be financed; and
- 430 (p) state whether the improvements will be financed with a bond and, if so, the
- 431 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
- 432 benefitted properties within the assessment area may be obligated.
- 433 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
- 434 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
- 435 subject to the market rate at the time of the issuance of the bond.
- 436 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
- 437 that the governing body considers to be appropriate, including:
- 438 (a) the amount or proportion of the cost of the improvement to be paid by the local
- 439 entity or from sources other than an assessment;
- 440 (b) the estimated total amount of each type of assessment for the various improvements
- 441 to be financed according to the method of assessment that the governing body chooses; and
- 442 (c) provisions for any improvements described in Subsection
- 443 11-42-102[(25)](26)(a)(ii).
- 444 (4) Each notice required under Subsection 11-42-201(2)(a) shall:
- 445 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
- 446 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
- 447 least five but not more than 20 days before the day of the hearing required in Section
- 448 11-42-204; or
- 449 (B) if there is no newspaper of general circulation within the local entity's jurisdictional



450 boundaries, be posted in at least three public places within the local entity's jurisdictional  
451 boundaries at least 20 but not more than 35 days before the day of the hearing required in  
452 Section 11-42-204; and

453 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for  
454 four weeks before the deadline for filing protests specified in the notice under Subsection  
455 (1)(i); and

456 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of  
457 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed  
458 assessment area at the property owner's mailing address.

459 (5) (a) The local entity may record the version of the notice that is published or posted  
460 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description  
461 and tax identification number as identified in county records, against the property proposed to  
462 be assessed.

463 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year  
464 after the day on which the local entity records the notice if the local entity has failed to adopt  
465 the designation ordinance or resolution under Section 11-42-201 designating the assessment  
466 area for which the notice was recorded.

467 (6) A local entity shall make available on the local entity's website, or, if no website is  
468 available, at the local entity's place of business, the address and type of use of each unassessed  
469 benefitted government property described in Subsection (1)(g).

470 (7) If a governing body fails to provide actual or constructive notice under this section,  
471 the local entity may not assess a levy against a benefitted property omitted from the notice  
472 unless:

473 (a) the property owner gives written consent;

474 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did  
475 not object to the levy of the assessment before the final hearing of the board of equalization; or

476 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date  
477 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,

478 Subsection 11-42-207(1)(d)(i) are met.

479 Section 5. Section 11-42-209 is amended to read:

480 **11-42-209. Designation of assessment area for an energy efficiency upgrade, a**  
481 **renewable energy system, or electric vehicle charging infrastructure -- Requirements.**

482 (1) A governing body may not adopt a designation ordinance or resolution to designate  
483 an assessment area for an energy efficiency upgrade ~~or~~ a renewable energy system, or electric  
484 vehicle charging infrastructure unless the assessment area is a voluntary assessment area.

485 (2) A local entity may not include property in a voluntary assessment area described in  
486 Subsection (1) unless an owner of property located in the assessment area provides to the local  
487 entity:

488 (a) the written consent of each person or institution holding a lien on the property; and  
489 (b) evidence:

490 (i) that there are no delinquent taxes, special assessments, or water or sewer charges on  
491 the property;

492 (ii) that the property is not subject to a trust deed or other lien on which there is a  
493 recorded notice of default, foreclosure, or delinquency that has not been cured; and

494 (iii) that there are no involuntary liens, including a lien on real property, or on the  
495 proceeds of a contract relating to real property, for services, labor, or materials furnished in  
496 connection with the construction or improvement of the property.

497 Section 6. Section 11-42-301 is amended to read:

498 **11-42-301. Improvements made only under contract let to lowest responsive,**  
499 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**  
500 **contract requirement.**

501 (1) Except as otherwise provided in this section, a local entity may make improvements  
502 in an assessment area only under contract let to the lowest responsive, responsible bidder for  
503 the kind of service, material, or form of construction that the local entity's governing body  
504 determines in compliance with any applicable local entity ordinances.

505 (2) A local entity may:

- 506 (a) divide improvements into parts;
- 507 (b) (i) let separate contracts for each part; or
- 508 (ii) combine multiple parts into the same contract; and
- 509 (c) let a contract on a unit basis.
- 510 (3) (a) A local entity may not let a contract until after publishing notice as provided in
- 511 Subsection (3)(b):
- 512 (i) at least one time in a newspaper of general circulation within the boundaries of the
- 513 local entity at least 15 days before the date specified for receipt of bids; and
- 514 (ii) in accordance with Section 45-1-101, at least 15 days before the date specified for
- 515 receipt of bids.
- 516 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
- 517 receive sealed bids at a specified time and place for the construction of the improvements.
- 518 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
- 519 publish the notice or to publish the notice within 15 days before the date specified for receipt of
- 520 bids, the governing body may proceed to let a contract for the improvements if the local entity
- 521 receives at least three sealed and bona fide bids from contractors by the time specified for the
- 522 receipt of bids.
- 523 (d) A local entity may publish a notice required under this Subsection (3) at the same
- 524 time as a notice under Section 11-42-202.
- 525 (4) (a) A local entity may accept as a sealed bid a bid that is:
- 526 (i) manually sealed and submitted; or
- 527 (ii) electronically sealed and submitted.
- 528 (b) The governing body or project engineer shall, at the time specified in the notice
- 529 under Subsection (3), open and examine the bids.
- 530 (c) In open session, the governing body:
- 531 (i) shall declare the bids; and
- 532 (ii) may reject any or all bids if the governing body considers the rejection to be for the
- 533 public good.

534 (d) The local entity may award the contract to the lowest responsive, responsible bidder  
535 even if the price bid by that bidder exceeds the estimated costs as determined by the project  
536 engineer.

537 (e) A local entity may in any case:

538 (i) refuse to award a contract;

539 (ii) obtain new bids after giving a new notice under Subsection (3);

540 (iii) determine to abandon the assessment area; or

541 (iv) not make some of the improvements proposed to be made.

542 (5) A local entity is not required to let a contract as provided in this section for:

543 (a) an improvement or part of an improvement the cost of which or the making of  
544 which is donated or contributed;

545 (b) an improvement that consists of furnishing utility service or maintaining  
546 improvements;

547 (c) labor, materials, or equipment supplied by the local entity;

548 (d) the local entity's acquisition of completed or partially completed improvements in  
549 an assessment area;

550 (e) design, engineering, and inspection costs incurred with respect to the construction  
551 of improvements in an assessment area; or

552 (f) additional work performed in accordance with the terms of a contract duly let to the  
553 lowest responsive, responsible bidder.

554 (6) A local entity may itself furnish utility service and maintain improvements within  
555 an assessment area.

556 (7) (a) A local entity may acquire completed or partially completed improvements in an  
557 assessment area, but may not pay an amount for those improvements that exceeds their fair  
558 market value.

559 (b) Upon the local entity's payment for completed or partially completed  
560 improvements, title to the improvements shall be conveyed to the local entity or another public  
561 agency.

562 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works  
563 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an  
564 assessment area.

565 (9) (a) Except as provided in Subsection (9)(b), this section does not apply to a  
566 voluntary assessment area designated for the purpose of levying an assessment for an energy  
567 efficiency upgrade [or], a renewable energy system, or electric vehicle charging infrastructure.

568 (b) (i) A local entity that designates a voluntary assessment area described in  
569 Subsection (9)(a) shall provide to each owner of property to be assessed a list of service  
570 providers authorized by the local entity to provide the energy efficiency upgrade [or],  
571 renewable energy system, or electric vehicle charging infrastructure.

572 (ii) A property owner described in Subsection (9)(b)(i) shall select a service provider  
573 from the list to provide the energy efficiency upgrade [or], renewable energy system, or electric  
574 vehicle charging infrastructure for the owner's property.

575 Section 7. Section 11-42-408 is amended to read:

576 **11-42-408. Assessment against government land prohibited -- Exception.**

577 (1) (a) Except as provided in Subsection (2), a local entity may not levy an assessment  
578 against property owned by the federal government or a public agency, even if the property  
579 benefits from the improvement.

580 (b) Notwithstanding Subsection (1)(a), a public agency may contract with a local  
581 entity:

582 (i) for the local entity to provide an improvement to property owned by the public  
583 agency; and

584 (ii) to pay for the improvement provided by the local entity.

585 (c) Nothing in this section may be construed to prevent a local entity from imposing on  
586 and collecting from a public agency, or a public agency from paying, a reasonable charge for a  
587 service rendered or material supplied by the local entity to the public agency, including a  
588 charge for water, sewer, or lighting service.

589 (2) Notwithstanding Subsection (1):

590 (a) a local entity may continue to levy and enforce an assessment against property  
591 acquired by a public agency within an assessment area if the acquisition occurred after the  
592 assessment area was designated;

593 (b) property that is subject to an assessment lien at the time it is acquired by a public  
594 agency continues to be subject to the lien and to enforcement of the lien if the assessment and  
595 interest on the assessment are not paid when due; and

596 (c) a local entity may levy an assessment against property owned by the federal  
597 government or a public agency if the federal government or public agency voluntarily enters  
598 into a voluntary assessment area for the purpose of financing an energy efficiency upgrade [or],  
599 a renewable energy system, or electric vehicle charging infrastructure.

600 Section 8. Section **11-42-411** is amended to read:

601 **11-42-411. Installment payment of assessments.**

602 (1) (a) In an assessment resolution or ordinance, the governing body may, subject to  
603 Subsection (1)(b) and except as provided in Subsection (2)(c), provide that some or all of the  
604 assessment be paid in installments over a period not to exceed 20 years from the effective date  
605 of the resolution or ordinance.

606 (b) If an assessment resolution or ordinance provides that some or all of the assessment  
607 be paid in installments for a period exceeding 10 years from the effective date of the resolution  
608 or ordinance, the governing body:

609 (i) shall make a determination that:

610 (A) the improvement for which the assessment is made has a reasonable useful life for  
611 the full period during which installments are to be paid; or

612 (B) it would be in the best interests of the local entity and the property owners for  
613 installments to be paid for more than 10 years; and

614 (ii) may provide in the resolution or ordinance that no assessment is payable during  
615 some or all of the period ending three years after the effective date of the resolution or  
616 ordinance.

617 (2) An assessment resolution or ordinance that provides for the assessment to be paid

618 in installments may provide that the unpaid balance be paid over the period of time that  
619 installments are payable:

- 620 (a) in substantially equal installments of principal;
- 621 (b) in substantially equal installments of principal and interest; or
- 622 (c) for an assessment levied for an energy efficiency upgrade [~~or~~], a renewable energy  
623 system, or electric vehicle charging infrastructure:

- 624 (i) in accordance with the assessment resolution or ordinance~~[-]~~; and
- 625 (ii) over a period not to exceed 30 years from the effective date of the resolution or  
626 ordinance.

627 (3) (a) Each assessment resolution or ordinance that provides for the assessment to be  
628 paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance  
629 of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and  
630 variable rates, as determined by the governing body, from the effective date of the resolution or  
631 ordinance or another date specified in the resolution or ordinance.

632 (b) If the assessment is for operation and maintenance costs or for the costs of  
633 economic promotion activities:

- 634 (i) a local entity may charge interest only from the date each installment is due; and
- 635 (ii) the first installment of an assessment shall be due 15 days after the effective date of  
636 the assessment resolution or ordinance.

637 (c) If an assessment resolution or ordinance provides for the unpaid balance of the  
638 assessment to bear interest at a variable rate, the assessment resolution or ordinance shall  
639 specify:

- 640 (i) the basis upon which the rate is to be determined from time to time;
  - 641 (ii) the manner in which and schedule upon which the rate is to be adjusted; and
  - 642 (iii) a maximum rate that the assessment may bear.
- 643 (4) Interest payable on assessments may include:
- 644 (a) interest on assessment bonds;
  - 645 (b) ongoing local entity costs incurred for administration of the assessment area; and

646 (c) any costs incurred with respect to:

647 (i) securing a letter of credit or other instrument to secure payment or repurchase of  
648 bonds; or

649 (ii) retaining a marketing agent or an indexing agent.

650 (5) Interest imposed in an assessment resolution or ordinance shall be paid in addition  
651 to the amount of each installment annually or at more frequent intervals as provided in the  
652 assessment resolution or ordinance.

653 (6) (a) Except for an assessment for operation and maintenance costs or for the costs of  
654 economic promotion activities, a property owner may pay some or all of the entire assessment  
655 without interest if paid within 25 days after the assessment resolution or ordinance takes effect.

656 (b) After the 25-day period stated in Subsection (6)(a), a property owner may at any  
657 time prepay some or all of the assessment levied against the owner's property.

658 (c) A local entity may require a prepayment of an installment to include:

659 (i) an amount equal to the interest that would accrue on the assessment to the next date  
660 on which interest is payable on bonds issued in anticipation of the collection of the assessment;  
661 and

662 (ii) the amount necessary, in the governing body's opinion or the opinion of the officer  
663 designated by the governing body, to assure the availability of money to pay:

664 (A) interest that becomes due and payable on those bonds; and

665 (B) any premiums that become payable on bonds that are called in order to use the  
666 money from the prepaid assessment installment.

667 Section 9. Section **17-50-335** is amended to read:

668 **17-50-335. Energy efficiency upgrade, renewable energy system, or electric**  
669 **vehicle charging infrastructure.**

670 A county may provide or finance an energy efficiency upgrade [~~or~~], a renewable energy  
671 system, or electric vehicle charging infrastructure as defined in Section **11-42-102**, in a  
672 designated voluntary assessment area in accordance with Title 11, Chapter 42, Assessment  
673 Area Act.



674 Section 10. Section **17B-1-202** is amended to read:

675 **17B-1-202. Local district may be created -- Services that may be provided --**

676 **Limitations.**

677 (1) (a) A local district may be created as provided in this part to provide within its  
678 boundaries service consisting of:

679 (i) the operation of an airport;

680 (ii) the operation of a cemetery;

681 (iii) fire protection, paramedic, and emergency services, including consolidated 911  
682 and emergency dispatch services;

683 (iv) garbage collection and disposal;

684 (v) health care, including health department or hospital service;

685 (vi) the operation of a library;

686 (vii) abatement or control of mosquitos and other insects;

687 (viii) the operation of parks or recreation facilities or services;

688 (ix) the operation of a sewage system;

689 (x) the construction and maintenance of a right-of-way, including:

690 (A) a curb;

691 (B) a gutter;

692 (C) a sidewalk;

693 (D) a street;

694 (E) a road;

695 (F) a water line;

696 (G) a sewage line;

697 (H) a storm drain;

698 (I) an electricity line;

699 (J) a communications line;

700 (K) a natural gas line; or

701 (L) street lighting;

- 702 (xi) transportation, including public transit and providing streets and roads;
- 703 (xii) the operation of a system, or one or more components of a system, for the
- 704 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
- 705 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
- 706 the system is operated on a wholesale or retail level or both;
- 707 (xiii) in accordance with Subsection (1)(c), the acquisition or assessment of a
- 708 groundwater right for the development and execution of a groundwater management plan in
- 709 cooperation with and approved by the state engineer in accordance with Section 73-5-15;
- 710 (xiv) law enforcement service;
- 711 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
- 712 or the conversion to underground of an existing electric utility line;
- 713 (xvi) the control or abatement of earth movement or a landslide;
- 714 (xvii) the operation of animal control services and facilities; or
- 715 (xviii) an energy efficiency upgrade [or], a renewable energy system, or electric vehicle
- 716 charging infrastructure as defined in Section 11-42-102, in accordance with Title 11, Chapter
- 717 42, Assessment Area Act.
- 718 (b) Each local district that provides the service of the underground installation of an
- 719 electric utility line or the conversion to underground of an existing electric utility line shall, in
- 720 installing or converting the line, provide advance notice to and coordinate with the utility that
- 721 owns the line.
- 722 (c) A groundwater management plan described in Subsection (1)(a)(xiii) may include
- 723 the banking of groundwater rights by a local district in a critical management area as defined in
- 724 Section 73-5-15 following the adoption of a groundwater management plan by the state
- 725 engineer under Section 73-5-15.
- 726 (i) A local district may manage the groundwater rights it acquires under Subsection
- 727 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater management plan
- 728 described in this Subsection (1)(c).
- 729 (ii) A groundwater right held by a local district to satisfy the provisions of a

730 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

731 (iii) (A) A local district may divest itself of a groundwater right subject to a  
732 determination that the groundwater right is not required to facilitate the groundwater  
733 management plan described in this Subsection (1)(c).

734 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section  
735 73-1-4 beginning on the date of divestiture.

736 (iv) Upon a determination by the state engineer that an area is no longer a critical  
737 management area as defined in Section 73-5-15, a groundwater right held by the local district is  
738 subject to Section 73-1-4.

739 (v) A local district created in accordance with Subsection (1)(a)(xiii) to develop and  
740 execute a groundwater management plan may hold or acquire a right to surface waters that are  
741 naturally tributary to the groundwater basin subject to the groundwater management plan if the  
742 surface waters are appropriated in accordance with Title 73, Water and Irrigation, and used in  
743 accordance with Title 73, Chapter 3b, Groundwater Recharge and Recovery Act.

744 (2) For purposes of this section:

745 (a) "Operation" means all activities involved in providing the indicated service  
746 including acquisition and ownership of property reasonably necessary to provide the indicated  
747 service and acquisition, construction, and maintenance of facilities and equipment reasonably  
748 necessary to provide the indicated service.

749 (b) "System" means the aggregate of interrelated components that combine together to  
750 provide the indicated service including, for a sewage system, collection and treatment.

751 (3) (a) A local district may not be created to provide and may not after its creation  
752 provide more than four of the services listed in Subsection (1).

753 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing  
754 more than four services if, before April 30, 2007, the local district was authorized to provide  
755 those services.

756 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to  
757 provide and may not after its creation provide to an area the same service that may already be

758 provided to that area by another political subdivision, unless the other political subdivision  
759 gives its written consent.

760 (b) For purposes of Subsection (4)(a), a local district does not provide the same service  
761 as another political subdivision if it operates a component of a system that is different from a  
762 component operated by another political subdivision but within the same:

763 (i) sewage system; or

764 (ii) water system.

765 (5) (a) Except for a local district in the creation of which an election is not required  
766 under Subsection 17B-1-214(3)(d), the area of a local district may include all or part of the  
767 unincorporated area of one or more counties and all or part of one or more municipalities.

768 (b) The area of a local district need not be contiguous.

769 (6) For a local district created before May 5, 2008, the authority to provide fire  
770 protection service also includes the authority to provide:

771 (a) paramedic service; and

772 (b) emergency service, including hazardous materials response service.

773 (7) A local district created before May 11, 2010, authorized to provide the construction  
774 and maintenance of curb, gutter, or sidewalk may provide a service described in Subsection  
775 (1)(a)(x) on or after May 11, 2010.

776 (8) A local district created before May 10, 2011, authorized to provide culinary,  
777 irrigation, sewage, or storm water services may provide a service described in Subsection  
778 (1)(a)(xii) on or after May 10, 2011.

779 (9) A local district may not be created under this chapter for two years after the date on  
780 which a local district is dissolved as provided in Section 17B-1-217 if the local district  
781 proposed for creation:

782 (a) provides the same or a substantially similar service as the dissolved local district;

783 and

784 (b) is located in substantially the same area as the dissolved local district.

785 Section 11. Section 17D-1-201 is amended to read:

786 **17D-1-201. Services that a special service district may be created to provide.**

787 As provided in this part, a county or municipality may create a special service district to  
788 provide any combination of the following services:

- 789 (1) water;
- 790 (2) sewerage;
- 791 (3) drainage;
- 792 (4) flood control;
- 793 (5) garbage collection and disposal;
- 794 (6) health care;
- 795 (7) transportation, including the receipt of federal secure rural school funds under  
796 Section [51-9-603](#) for the purposes of constructing, improving, repairing, or maintaining public  
797 roads;
- 798 (8) recreation;
- 799 (9) fire protection, including:
  - 800 (a) emergency medical services, ambulance services, and search and rescue services, if  
801 fire protection service is also provided;
  - 802 (b) Firewise Communities programs and the development of community wildfire  
803 protection plans; and
  - 804 (c) the receipt of federal secure rural school funds as provided under Section [51-9-603](#)  
805 for the purposes of carrying out Firewise Communities programs, developing community  
806 wildfire protection plans, and performing emergency services, including firefighting on federal  
807 land and other services authorized under this Subsection (9);
- 808 (10) providing, operating, and maintaining correctional and rehabilitative facilities and  
809 programs for municipal, state, and other detainees and prisoners;
- 810 (11) street lighting;
- 811 (12) consolidated 911 and emergency dispatch;
- 812 (13) animal shelter and control;
- 813 (14) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease

814 Funds, and expending those funds to provide construction and maintenance of public facilities,  
815 traditional governmental services, and planning, as a means for mitigating impacts from  
816 extractive mineral industries;

817 (15) in a county of the first class, extended police protection;

818 (16) control or abatement of earth movement or a landslide;

819 (17) an energy efficiency upgrade [or], a renewable energy system, or electric vehicle  
820 charging infrastructure as defined in Section 11-42-102, in accordance with Title 11, Chapter  
821 42, Assessment Area Act; or

822 (18) cemetery.

823 Section 12. Section **63H-1-201** is amended to read:

824 **63H-1-201. Creation of military installation development authority -- Status and**  
825 **powers of authority -- Limitation.**

826 (1) There is created a military installation development authority.

827 (2) The authority is:

828 (a) an independent, nonprofit, separate body corporate and politic, with perpetual  
829 succession and statewide jurisdiction, whose purpose is to facilitate the development of  
830 military land in a project area;

831 (b) a political subdivision of the state; and

832 (c) a public corporation, as defined in Section 63E-1-102.

833 (3) The authority may:

834 (a) as provided in this chapter, facilitate the development of land within one or more  
835 project areas, including the ongoing operation of facilities within a project area;

836 (b) sue and be sued;

837 (c) enter into contracts generally;

838 (d) buy, obtain an option upon, or otherwise acquire any interest in real or personal  
839 property:

840 (i) in a project area; or

841 (ii) outside a project area for publicly owned infrastructure and improvements, if the

842 board considers the purchase, option, or other interest acquisition to be necessary for fulfilling  
843 the authority's development objectives;

844 (e) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or  
845 personal property;

846 (f) enter into a lease agreement on real or personal property, either as lessee or lessor:

847 (i) in a project area; or

848 (ii) outside a project area, if the board considers the lease to be necessary for fulfilling  
849 the authority's development objectives;

850 (g) provide for the development of land within a project area under one or more  
851 contracts;

852 (h) exercise powers and perform functions under a contract, as authorized in the  
853 contract;

854 (i) exercise exclusive police power within a project area to the same extent as though  
855 the authority were a municipality, including the collection of regulatory fees;

856 (j) receive the property tax allocation and other taxes and fees as provided in this  
857 chapter;

858 (k) accept financial or other assistance from any public or private source for the  
859 authority's activities, powers, and duties, and expend any funds so received for any of the  
860 purposes of this chapter;

861 (l) borrow money, contract with, or accept financial or other assistance from the federal  
862 government, a public entity, or any other source for any of the purposes of this chapter and  
863 comply with any conditions of the loan, contract, or assistance;

864 (m) issue bonds to finance the undertaking of any development objectives of the  
865 authority, including bonds under Title 11, Chapter 17, Utah Industrial Facilities and  
866 Development Act, and bonds under Title 11, Chapter 42, Assessment Area Act;

867 (n) hire employees, including contract employees;

868 (o) transact other business and exercise all other powers provided for in this chapter;

869 (p) enter into a development agreement with a developer of land within a project area;

870 (q) enter into an agreement with a political subdivision of the state under which the  
871 political subdivision provides one or more municipal services within a project area;

872 (r) enter into an agreement with a private contractor to provide one or more municipal  
873 services within a project area;

874 (s) provide for or finance an energy efficiency upgrade [or], a renewable energy  
875 system, or electric vehicle charging infrastructure as defined in Section 11-42-102, in  
876 accordance with Title 11, Chapter 42, Assessment Area Act;

877 (t) exercise powers and perform functions that the authority is authorized by statute to  
878 exercise or perform; and

879 (u) enter into an agreement with the federal government or an agency of the federal  
880 government under which the federal government or agency:

881 (i) provides law enforcement services only to military land within a project area; and

882 (ii) may enter into a mutual aid or other cooperative agreement with a law enforcement  
883 agency of the state or a political subdivision of the state.

884 (4) The authority may not itself provide law enforcement service or fire protection  
885 service within a project area but may enter into an agreement for one or both of those services,  
886 as provided in Subsection (3)(q).