Part 2
Public Agencies' Joint Exercise of Powers

11-13-201 Joint exercise of power, privilege, or authority by public agencies -- Relationship to the Municipal Cable Television and Public Telecommunications Services Act.

(1)
  (a) Any power, privilege, or authority exercised or capable of exercise by a Utah public agency may be exercised and enjoyed jointly with any other Utah public agency having the same power, privilege, or authority, in a manner consistent with the provisions of this chapter, and jointly with any out-of-state public agency to the extent that the laws governing the out-of-state public agency permit such joint exercise or enjoyment.
  (b) Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges, and authority conferred by this chapter upon a public agency.

(2) This chapter may not enlarge or expand the authority of a public agency not authorized to offer and provide cable television services and public telecommunications services under Title 10, Chapter 18, Municipal Cable Television and Public Telecommunications Services Act, to offer or provide cable television services and public telecommunications services.

Amended by Chapter 265, 2015 General Session

11-13-202 Agreements for joint or cooperative undertaking, for providing or exchanging services, or for law enforcement services -- Effective date of agreement -- Public agencies may restrict their authority or exempt each other regarding permits and fees.

(1) Any two or more public agencies may enter into an agreement with one another under this chapter:
  (a) for joint or cooperative action;
  (b) to provide services that they are each authorized by statute to provide;
  (c) to exchange services that they are each authorized by statute to provide;
  (d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to provide those services;
  (e) to create a transportation reinvestment zone as defined in Section 11-13-103; or
  (f) to do anything else that they are each authorized by statute to do.

(2) An agreement under Subsection (1) does not take effect until each public agency that is a party to the agreement approves the agreement, as provided in Section 11-13-202.5.

(3)
  (a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree:
    (i) to restrict its authority to issue permits to or assess fees from another public agency that is a party to the agreement; and
    (ii) to exempt another public agency that is a party to the agreement from permit or fee requirements.
  (b) A provision in an agreement under Subsection (1) whereby the parties agree as provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement, including

injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or enforce the provision.

(4) In an interlocal agreement between a county and one or more municipalities for law enforcement service within an area that includes some or all of the unincorporated area of the county, each county and municipality that is a party to the agreement shall ensure that the agreement requires:
  (a) in a county of the second through sixth class, the county sheriff to provide or direct the law enforcement service provided under the agreement; or
  (b) in a county of the first class, the chief executive for law enforcement services to be appointed to provide or direct the law enforcement service provided under the agreement.
(5) A peace officer employed by the interlocal entity, as defined in Section 11-13-103, as of May 3, 2023, who transfers to the county sheriff's office before July 1, 2025, retains the protections of Title 17, Chapter 30A, Part 3, Merit Officer Conditions of Employment.

Amended by Chapter 181, 2023 General Session

11-13-202.5 Approval of certain agreements -- Review by attorney.

(1) Each agreement under Section 11-13-202 and each agreement under Section 11-13-212 shall be approved by:
  (a) except as provided in Subsections (1)(b) and (c), the commission, board, council, or other body or officer vested with the executive power of the public agency;
  (b) the legislative body of the public agency if the agreement:
    (i) requires the public agency to adjust its budget for a current or future fiscal year;
    (ii) includes an out-of-state public agency as a party;
    (iii) provides for the public agency to acquire or construct:
      (A) a facility; or
      (B) an improvement to real property;
    (iv) provides for the public agency to acquire or transfer title to real property;
    (v) provides for the public agency to issue bonds;
    (vi) creates an interlocal entity; or
    (vii) provides for the public agency to share taxes or other revenues; or
  (c) if the public agency is a public agency under Subsection 11-13-103(19)(b), the director or other head of the applicable state department, division, or agency.
(2) If an agreement is required under Subsection (1) to be approved by the public agency's legislative body, the resolution or ordinance approving the agreement shall:
  (a) specify the effective date of the agreement; and
  (b) if the agreement creates an interlocal entity:
    (i) declare that it is the legislative body's intent to create an interlocal entity;
    (ii) describe the public purposes for which the interlocal entity is created; and
    (iii) describe the powers, duties, and functions of the interlocal entity.
(3) The officer or body required under Subsection (1) to approve an agreement shall, before the agreement may take effect, submit the agreement to the attorney authorized to represent the public agency for review as to proper form and compliance with applicable law.

Amended by Chapter 382, 2016 General Session

11-13-203 Interlocal entities -- Agreement to approve the creation of an interlocal entity -- Electric interlocal entity or energy services interlocal entity -- Registration as a limited purpose entity.

(1) An interlocal entity is:
  (a) separate from the public agencies that create it;
  (b) a body politic and corporate; and
  (c) a political subdivision of the state.

(2)
  (a) Any two or more Utah public agencies may enter into an agreement to approve the creation of a Utah interlocal entity to accomplish the purpose of their joint or cooperative action, including undertaking and financing a facility or improvement to provide the service contemplated by that agreement.
  (b) The creation, operation, governance, and fiscal procedures of an interlocal entity and its governing authority are governed by this chapter and are not subject to the statutes applicable to its members or other entities.

(3)
  (a) A Utah public agency and one or more public agencies may enter into an agreement to approve the creation of an electric interlocal entity to accomplish the purpose of their joint or cooperative action if that purpose is to participate in the undertaking or financing of:
    (i) facilities to provide additional project capacity;
    (ii) common facilities under Title 54, Chapter 9, Electric Power Facilities Act; or
    (iii) electric generation or transmission facilities.
  (b) By agreement with one or more public agencies that are not parties to the agreement creating it, a Utah interlocal entity may be reorganized as an electric interlocal entity if:
    (i) the public agencies that are parties to the agreement creating the Utah interlocal entity authorize, in the same manner required to amend the agreement creating the Utah interlocal entity, the Utah interlocal entity to be reorganized as an electric interlocal entity; and
    (ii) the purpose of the joint or cooperative action to be accomplished by the electric interlocal entity meets the requirements of Subsection (3)(a).

(4)
  (a) Two or more Utah public agencies may enter into an agreement with one another or with one or more public agencies to approve the creation of an energy services interlocal entity to accomplish the purposes of their joint and cooperative action with respect to facilities, services, and improvements necessary or desirable with respect to the acquisition, generation, transmission, management, and distribution of electric energy for the use and benefit of the public agencies that enter into the agreement.
  (b)
    (i) A Utah interlocal entity that was created to facilitate the transmission or supply of electric power may, by resolution adopted by its governing board, elect to become an energy services interlocal entity.
    (ii) Notwithstanding Subsection (4)(b)(i), a Utah interlocal entity that is also a project entity may not elect to become an energy services interlocal entity.
    (iii) An election under Subsection (4)(b)(i) does not alter, limit, or affect the validity or enforceability of a previously executed contract, agreement, bond, or other obligation of the Utah interlocal entity making the election.

(5)
  (a) Each interlocal entity shall register and maintain the interlocal entity's registration as a limited purpose entity, in accordance with Section 67-1a-15.

(b) An interlocal entity that fails to comply with Subsection (5)(a) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Amended by Chapter 256, 2018 General Session

11-13-203.5 Powers, immunities, and privileges of law enforcement officers under an agreement for law enforcement -- Requirements for out-of-state officers.

(1) While performing duties under an agreement for law enforcement services under Subsection 11-13-202(1)(d), whether inside or outside the law enforcement officer's own jurisdiction, each law enforcement officer shall possess:
  (a) all law enforcement powers that the officer possesses within the officer's own jurisdiction, including the power to arrest; and
  (b) the same immunities and privileges as if the duties were performed within the officer's own jurisdiction.
(2) Except as provided in Subsection (3), an agreement between a public agency in this state and an out-of-state public agency providing for reciprocal law enforcement services under Subsection 11-13-202(1)(d) shall require each individual from the out-of-state public agency assigned to law enforcement duty in this state:
  (a) to be certified as a peace officer in the state of the out-of-state public agency; and
  (b) to apply to the Peace Officer Standards and Training Council, created in Section 53-6-106, for recognition before undertaking duties in this state under the agreement.
(3) The requirements under Subsection (2)(b) do not apply to an agreement between a public agency of this state and an out-of-state public agency to provide reciprocal law enforcement services under Subsection 11-13-202(1)(d) if the agreement:
  (a) only provides for aid or assistance to be given by an out-of-state peace officer to a peace officer of this state:
    (i) during an emergency; or
    (ii) when aid or assistance is requested by the public agency of this state; and
  (b) does not include a provision allowing an out-of-state officer to be regularly assigned to law enforcement duties in this state.

Amended by Chapter 452, 2023 General Session

11-13-204 Powers and duties of interlocal entities -- Additional powers of energy services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to lieutenant governor -- Recording requirements -- Public Service Commission.

(1)
  (a) An interlocal entity:
    (i) shall adopt bylaws, policies, and procedures for the regulation of its affairs and the conduct of its business;
    (ii) may:
      (A) amend or repeal a bylaw, policy, or procedure;
      (B) sue and be sued;
      (C) have an official seal and alter that seal at will;
      (D) make and execute contracts and other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions;
      (E) acquire real or personal property, or an undivided, fractional, or other interest in real or personal property, necessary or convenient for the purposes contemplated in the

agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;

(F) directly or by contract with another:

(I) own and acquire facilities and improvements or an undivided, fractional, or other interest in facilities and improvements;

(II) construct, operate, maintain, and repair facilities and improvements; and

(III) provide the services contemplated in the agreement creating the interlocal entity and establish, impose, and collect rates, fees, and charges for the services provided by the interlocal entity;

(G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other obligations and secure their payment by an assignment, pledge, or other conveyance of all or any part of the revenues and receipts from the facilities, improvements, or services that the interlocal entity provides;

(H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or other obligations issued by the interlocal entity;

(I) sell or contract for the sale of the services, output, product, or other benefits provided by the interlocal entity to:

(I) public agencies inside or outside the state; and

(II) with respect to any excess services, output, product, or benefits, any person on terms that the interlocal entity considers to be in the best interest of the public agencies that are parties to the agreement creating the interlocal entity; and

(J) create a local disaster recovery fund in the same manner and to the same extent as authorized for a local government in accordance with Section 53-2a-605; and

(iii) may not levy, assess, or collect ad valorem property taxes.

(b) An assignment, pledge, or other conveyance under Subsection (1)(a)(ii)(G) may, to the extent provided by the documents under which the assignment, pledge, or other conveyance is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes payable to the state or its political subdivisions.

(2) An energy services interlocal entity:

(a) except with respect to any ownership interest it has in facilities providing additional project capacity, is not subject to:

(i) Part 3, Project Entity Provisions; or

(ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax Act; and

(b) may:

(i) own, acquire, and, by itself or by contract with another, construct, operate, and maintain a facility or improvement for the generation, transmission, and transportation of electric energy or related fuel supplies;

(ii) enter into a contract to obtain a supply of electric power and energy and ancillary services, transmission, and transportation services, and supplies of natural gas and fuels necessary for the operation of generation facilities;

(iii) enter into a contract with public agencies, investor-owned or cooperative utilities, and others, whether located in or out of the state, for the sale of wholesale services provided by the energy services interlocal entity; and

(iv) adopt and implement risk management policies and strategies and enter into transactions and agreements to manage the risks associated with the purchase and sale of energy, including forward purchase and sale contracts, hedging, tolling and swap agreements, and other instruments.

(3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or an amendment to that agreement may provide that the agreement may continue and the interlocal entity may remain in existence until the latest to occur of:
(a) 50 years after the date of the agreement or amendment;
(b) five years after the interlocal entity has fully paid or otherwise discharged all of its indebtedness;
(c) five years after the interlocal entity has abandoned, decommissioned, or conveyed or transferred all of its interest in its facilities and improvements; or
(d) five years after the facilities and improvements of the interlocal entity are no longer useful in providing the service, output, product, or other benefit of the facilities and improvements, as determined under the agreement governing the sale of the service, output, product, or other benefit.
(4)
(a) Upon execution of an agreement to approve the creation of an interlocal entity, including an electric interlocal entity and an energy services interlocal entity, the governing body of a member of the interlocal entity under Section 11-13-203 shall:
(i) within 30 days after the date of the agreement, jointly file with the lieutenant governor:
(A) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
(B) if less than all of the territory of any Utah public agency that is a party to the agreement is included within the interlocal entity, a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
(ii) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5:
(A) if the interlocal entity is located within the boundary of a single county, submit to the recorder of that county:
(I) the original:
(Aa) notice of an impending boundary action;
(Bb) certificate of creation; and
(Cc) approved final local entity plat, if an approved final local entity plat was required to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and
(II) a certified copy of the agreement approving the creation of the interlocal entity; or
(B) if the interlocal entity is located within the boundaries of more than a single county:
(I) submit to the recorder of one of those counties:
(Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
(Bb) a certified copy of the agreement approving the creation of the interlocal entity; and
(II) submit to the recorder of each other county:
(Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
(Bb) a certified copy of the agreement approving the creation of the interlocal entity.
(b) Upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, the interlocal entity is created.
(c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the recorder of each county in which the property is located, a newly created interlocal entity may not charge or collect a fee for service provided to property within the interlocal entity.
(5) Nothing in this section may be construed as expanding the rights of any municipality or interlocal entity to sell or provide retail service.
(6) Except as provided in Subsection (7):

(a) nothing in this section may be construed to expand or limit the rights of a municipality to sell or provide retail electric service; and

(b) an energy services interlocal entity may not provide retail electric service to customers located outside the municipal boundaries of its members.

(7)

(a) An energy services interlocal entity created before July 1, 2003, that is comprised solely of Utah municipalities and that, for a minimum of 50 years before July 1, 2010, provided retail electric service to customers outside the municipal boundaries of its members, may provide retail electric service outside the municipal boundaries of its members if:

(i) the energy services interlocal entity:

(A) enters into a written agreement with each public utility holding a certificate of public convenience and necessity issued by the Public Service Commission to provide service within an agreed upon geographic area for the energy services interlocal entity to be responsible to provide electric service in the agreed upon geographic area outside the municipal boundaries of the members of the energy services interlocal entity; and

(B) obtains a franchise agreement, with the legislative body of the county or other governmental entity for the geographic area in which the energy services interlocal entity provides service outside the municipal boundaries of its members; and

(ii) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from the Public Service Commission approval of the agreement specified in Subsection (7)(a)(i)(A).

(b)

(i) The Public Service Commission shall, after a public hearing held in accordance with Title 52, Chapter 4, Open and Public Meetings Act, approve an agreement described in Subsection (7)(a)(ii) if it determines that the agreement is in the public interest in that it incorporates the customer protections described in Subsection (7)(c) and the franchise agreement described in Subsection (7)(a)(i)(B) provides a reasonable mechanism using a neutral arbiter or ombudsman for resolving potential future complaints by customers of the energy services interlocal entity.

(ii) In approving an agreement, the Public Service Commission shall also amend the certificate of public convenience and necessity of any public utility described in Subsection (7)(a)(i) to delete from the geographic area specified in the certificate or certificates of the public utility the geographic area that the energy services interlocal entity has agreed to serve.

(c) In providing retail electric service to customers outside of the municipal boundaries of its members, but not within the municipal boundaries of another municipality that grants a franchise agreement in accordance with Subsection (7)(a)(i)(B), an energy services interlocal entity shall comply with the following:

(i) the rates and conditions of service for customers outside the municipal boundaries of the members shall be at least as favorable as the rates and conditions of service for similarly situated customers within the municipal boundaries of the members;

(ii) the energy services interlocal entity shall operate as a single entity providing service both inside and outside of the municipal boundaries of its members;

(iii) a general rebate, refund, or other payment made to customers located within the municipal boundaries of the members shall also be provided to similarly situated customers located outside the municipal boundaries of the members;

(iv) a schedule of rates and conditions of service, or any change to the rates and conditions of service, shall be approved by the governing board of the energy services interlocal entity;

(v) before implementation of any rate increase, the governing board of the energy services interlocal entity shall first hold a public meeting to take public comment on the proposed increase, after providing:
(A) at least 20 days and not more than 60 days' advance written notice to its customers on the ordinary billing; and
(B) notice for the interlocal entity, as a class A notice under Section 63G-30-102, for at least 20 days; and
(vi) the energy services interlocal entity shall file with the Public Service Commission its current schedule of rates and conditions of service.
(d) The Public Service Commission shall make the schedule of rates and conditions of service of the energy services interlocal entity available for public inspection.
(e) Nothing in this section:
(i) gives the Public Service Commission jurisdiction over the provision of retail electric service by an energy services interlocal entity within the municipal boundaries of its members; or
(ii) makes an energy services interlocal entity a public utility under Title 54, Public Utilities.
(f) Nothing in this section expands or diminishes the jurisdiction of the Public Service Commission over a municipality or an association of municipalities organized under Title 11, Chapter 13, Interlocal Cooperation Act, except as specifically authorized by this section's language.
(g)
(i) An energy services interlocal entity described in Subsection (7)(a) retains its authority to provide electric service to the extent authorized by Sections 11-13-202 and 11-13-203 and Subsections 11-13-204(1) through (5).
(ii) Notwithstanding Subsection (7)(g)(i), if the Public Service Commission approves the agreement described in Subsection (7)(a)(i), the energy services interlocal entity may not provide retail electric service to customers located outside the municipal boundaries of its members, except for customers located within the geographic area described in the agreement.

Amended by Chapter 435, 2023 General Session

11-13-205 Agreement by public agencies to approve the creation of a new entity to own sewage and wastewater facilities -- Powers and duties of new entities -- Validation of previously created entities -- Notice to lieutenant governor -- Recording requirements.

(1) It is declared that the policy of the state is to assure the health, safety, and welfare of its citizens, that adequate sewage and wastewater treatment plants and facilities are essential to the well-being of the citizens of the state and that the acquisition of adequate sewage and wastewater treatment plants and facilities on a regional basis in accordance with federal law and state and federal water quality standards and effluent standards in order to provide services to public agencies is a matter of statewide concern and is in the public interest. It is found and declared that there is a statewide need to provide for regional sewage and wastewater treatment plants and facilities, and as a matter of express legislative determination it is declared that the compelling need of the state for construction of regional sewage and wastewater treatment plants and facilities requires the creation of entities under the Interlocal Cooperation Act to own, construct, operate, and finance sewage and wastewater treatment plants and facilities; and it is the purpose of this law to provide for the accomplishment thereof in the manner provided in this section.

(2) Any two or more public agencies of the state may also agree to approve the creation of a separate legal or administrative entity to accomplish and undertake the purpose of owning, acquiring, constructing, financing, operating, maintaining, and repairing regional sewage and wastewater treatment plants and facilities.

(3) A separate legal or administrative entity created under this section is considered to be a political subdivision and body politic and corporate of the state with power to carry out and effectuate its corporate powers, including the power:

(a) to adopt, amend, and repeal rules, bylaws, and regulations, policies, and procedures for the regulation of its affairs and the conduct of its business, to sue and be sued in its own name, to have an official seal and power to alter that seal at will, and to make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under the Interlocal Cooperation Act;

(b) to own, acquire, construct, operate, maintain, repair, or cause to be constructed, operated, maintained, and repaired one or more regional sewage and wastewater treatment plants and facilities, all as shall be set forth in the agreement providing for its creation;

(c) to borrow money, incur indebtedness and issue revenue bonds, notes or other obligations payable solely from the revenues and receipts derived from all or a portion of the regional sewage and wastewater treatment plants and facilities which it owns, operates, and maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the provisions of Title 11, Chapter 14, Local Government Bonding Act;

(d) to enter into agreements with public agencies and other parties and entities to provide sewage and wastewater treatment services on such terms and conditions as it considers to be in the best interests of its participants; and

(e) to acquire by purchase or by exercise of the power of eminent domain, any real or personal property in connection with the acquisition and construction of any sewage and wastewater treatment plant and all related facilities and rights-of-way which it owns, operates, and maintains.

(4) The provisions of Part 3, Project Entity Provisions, do not apply to a legal or administrative entity created for regional sewage and wastewater treatment purposes under this section.

(5) All proceedings previously had in connection with the creation of any legal or administrative entity pursuant to this chapter, and all proceedings previously had by any such entity for the authorization and issuance of bonds of the entity are validated, ratified, and confirmed; and these entities are declared to be validly created interlocal cooperation entities under this chapter. These bonds, whether previously or subsequently issued pursuant to these proceedings, are validated, ratified, and confirmed and declared to constitute, if previously issued, or when issued, the valid and legally binding obligations of the entity in accordance with their terms. Nothing in this section shall be construed to affect or validate any bonds, or the organization of any entity, the legality of which is being contested at the time this act takes effect.

(6)

(a) The governing body of each party to the agreement to approve the creation of an entity under this section shall:

(i) within 30 days after the date of the agreement, jointly file with the lieutenant governor:

(A) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

(B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

(ii) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5:

(A) if the entity is located within the boundary of a single county, submit to the recorder of that county:
(I) the original:
(Aa) notice of an impending boundary action;
(Bb) certificate of creation; and
(Cc) approved final local entity plat; and
(II) a certified copy of the agreement approving the creation of the entity; or
(B) if the entity is located within the boundaries of more than a single county:
(I) submit to the recorder of one of those counties:
(Aa) the original of the documents listed in Subsections (6)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
(Bb) a certified copy of the agreement approving the creation of the entity; and
(II) submit to the recorder of each other county:
(Aa) a certified copy of the documents listed in Subsections (6)(a)(ii)(A)(I)(Aa), (Bb), and (Cc); and
(Bb) a certified copy of the agreement approving the creation of the entity.
(b) Upon the lieutenant governor's issuance of a certificate of entity creation under Section 67-1a-6.5, the entity is created.
(c) Until the documents listed in Subsection (6)(a)(ii) are recorded in the office of the recorder of each county in which the property is located, a newly created entity under this section may not charge or collect a fee for service provided to property within the entity.

Amended by Chapter 350, 2009 General Session

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

(1) Each agreement under Section 11-13-202, 11-13-203, 11-13-205, or 11-13-227 shall specify:
(a) its duration;
(b) if the agreement creates an interlocal entity:
(i) the precise organization, composition, and nature of the interlocal entity;
(ii) the powers delegated to the interlocal entity;
(iii) the manner in which the interlocal entity is to be governed; and
(iv) subject to Subsection (2), the manner in which the members of its governing board are to be appointed or selected;
(c) its purpose or purposes;
(d) the manner of financing the joint or cooperative action and of establishing and maintaining a budget for it;
(e) the permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;
(f) the process, conditions, and terms for withdrawal of a participating public agency from the interlocal entity or the joint or cooperative undertaking;
(g)
(i) whether voting is based upon one vote per member or weighted; and
(ii) if weighted voting is allowed, the basis upon which the vote weight will be determined; and
(h) any other necessary and proper matters.
(2) Each agreement under Section 11-13-203 or 11-13-205 that creates an interlocal entity shall require that Utah public agencies that are parties to the agreement have the right to appoint or select members of the interlocal entity's governing board with a majority of the voting power.

Amended by Chapter 424, 2018 General Session

11-13-207 Additional requirements for agreement not establishing interlocal entity.

(1) If an agreement under Section 11-13-202 or 11-13-227 does not establish an interlocal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to the items specified in Section 11-13-206, provide for:
  (a) the joint or cooperative undertaking to be administered by:
    (i) an administrator; or
    (ii) a joint board with representation from the public agencies that are parties to the agreement;
  (b) the manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking;
  (c) the functions to be performed by the joint or cooperative undertaking; and
  (d) the powers of the joint administrator.
(2) The creation, operation, governance, and fiscal procedures of a joint or cooperative undertaking are governed by this chapter.

Amended by Chapter 424, 2018 General Session

11-13-208 Agreement does not relieve public agency of legal obligation or responsibility -- Exception.

(1) Except as provided in Subsection (2), an agreement made under this chapter does not relieve a public agency of an obligation or responsibility imposed upon it by law.
(2) If an obligation or responsibility of a public agency is actually and timely performed by a joint or cooperative undertaking or by an interlocal entity created by an agreement made under this chapter, that performance may be offered in satisfaction of the obligation or responsibility.

Amended by Chapter 265, 2015 General Session

11-13-209 Filing of agreement.

An agreement made under this chapter does not take effect until it is filed with the keeper of records of each of the public agencies that are parties to the agreement.

Renumbered and Amended by Chapter 286, 2002 General Session

11-13-210 Controversies involving agreements between Utah public agencies and out-of-state agencies.

(1) In any case or controversy involving the performance or interpretation of or the liability under an agreement entered into under this chapter between or among one or more Utah public agencies and one or more out-of-state public agencies, the public agencies that are parties to the agreement shall be real parties in interest and the state may maintain an action to recoup or otherwise make itself whole for any damages or liabilities which it may incur by reason of being joined as a party to the case or controversy.
(2) An action shall be maintainable against any public agency whose default, failure to perform, or other conduct caused or contributed to the incurring of damage or liability by the state.

Renumbered and Amended by Chapter 286, 2002 General Session

11-13-211 Public agencies authorized to provide resources to joint or cooperative undertaking or interlocal entity.

A public agency entering into an agreement under this chapter under which a joint or cooperative undertaking is established or an interlocal entity is created may:

(1) appropriate funds to the joint or cooperative undertaking or interlocal entity;

(2) sell, lease, give, or otherwise supply tangible and intangible property to the joint or cooperative undertaking or interlocal entity; and

(3) provide personnel or services for the joint or cooperative undertaking or interlocal entity as may be within its legal power to furnish.

Amended by Chapter 265, 2015 General Session

11-13-212 Contracts between public agencies or with interlocal entities to perform services, activities, or undertakings -- Facilities and improvements.

(1)

(a) Public agencies may contract with each other and one or more public agencies may contract with an interlocal entity created under this chapter to perform any service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform.

(b) Each contract under Subsection (1)(a) shall be authorized as provided in Section 11-13-202.5.

(c) Each contract under Subsection (1)(a) shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

(d) In order to perform a service, activity, or undertaking provided for in a contract under Subsection (1)(a), a public agency may create, construct, or otherwise acquire facilities or improvements in excess of those required to meet the needs and requirements of the parties to the contract.

(2) An interlocal entity created by agreement under this chapter may create, construct, or otherwise acquire facilities or improvements to render services or provide benefits in excess of those required to meet the needs or requirements of the public agencies that are parties to the agreement if it is determined by the public agencies to be necessary to accomplish the purposes and realize the benefits set forth in Section 11-13-102.

Amended by Chapter 38, 2003 General Session

11-13-213 Agreements for joint ownership, operation, or acquisition of facilities or improvements.

Any two or more public agencies may make agreements between or among themselves:

(1) for the joint ownership of any one or more facilities or improvements which they have authority by law to own individually;

(2) for the joint operation of any one or more facilities or improvements which they have authority by law to operate individually;

(3) for the joint acquisition by gift, grant, purchase, construction, condemnation or otherwise of any one or more such facilities or improvements and for the extension, repair or improvement thereof;

(4) for the exercise by an interlocal entity of its powers with respect to any one or more facilities or improvements and the extensions, repairs, or improvements of them; or

(5) any combination of the foregoing.

Renumbered and Amended by Chapter 286, 2002 General Session

11-13-214 Conveyance or acquisition of property by public agency.

In carrying out the provisions of this chapter, any public agency may convey property to or acquire property from any other public agency for consideration as may be agreed upon.

Renumbered and Amended by Chapter 286, 2002 General Session

11-13-215 Sharing tax or other revenues.

(1) A county, city, town, or other local political subdivision may, at the discretion of the local governing body, share its tax and other revenues with other counties, cities, towns, or local political subdivisions, the state, or a federal government agency.
(2) Each decision to share tax and other revenues shall be made as provided in Section 11-13-202.5.

Amended by Chapter 38, 2003 General Session

11-13-216 Term of agreements.

(1) Except as provided in Subsections (2) and 11-13-204(3), each agreement under this chapter shall extend for a term not to exceed 50 years.
(2) Subsection (1) does not apply to an agreement to which:
  (a) a project entity is a party;
  (b) an electric interlocal entity is a party; or
  (c) an energy services interlocal entity is a party.

Amended by Chapter 8, 2014 General Session

11-13-217 Control and operation of joint facility or improvement provided by agreement.

Any facility or improvement jointly owned or jointly operated by any two or more public agencies or acquired or constructed pursuant to an agreement under this chapter may be operated by any one or more of the interested public agencies designated for the purpose or may be operated by a joint or cooperative undertaking or an interlocal entity created for the purpose or through an agreement by an interlocal entity and a public agency receiving service or other benefits from such entity or may be controlled and operated in some other manner, all as may be provided by appropriate agreement. Payment for the cost of such operation shall be made as provided in any such agreement.

Amended by Chapter 265, 2015 General Session

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

(1) A public agency may, in the same manner as it may issue bonds for its individual acquisition of a facility or improvement or for constructing, improving, or extending a facility or improvement, issue bonds to:
  (a) acquire an interest in a jointly owned facility or improvement, a combination of a jointly owned facility or improvement, or any other facility or improvement; or

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

(2)
(a) An interlocal entity may issue bonds or notes under a resolution, trust indenture, or other security instrument for the purpose of:
(i) financing its facilities or improvements; or
(ii) providing for or financing an energy efficiency upgrade, a clean energy system, or electric vehicle charging infrastructure in accordance with Title 11, Chapter 42, Assessment Area Act.
(b) The bonds or notes may be sold at public or private sale, mature at such times and bear interest at such rates, and have such other terms and security as the entity determines.
(c) The bonds or notes described in this Subsection (2) are not a debt of any public agency that is a party to the agreement.

(3) The governing board may, by resolution, delegate to one or more officers of the interlocal entity or to a committee of designated members of the governing board the authority to:
(a) in accordance with and within the parameters set forth in the resolution, approve the final interest rate, price, principal amount, maturity, redemption features, or other terms of a bond or note; and
(b) approve and execute all documents relating to the issuance of the bond or note.

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

(5)
(a) An interlocal entity shall issue bonds in accordance with, as applicable:
(i) Chapter 14, Local Government Bonding Act;
(ii) Chapter 27, Utah Refunding Bond Act;
(iii) this chapter; or
(iv) any other provision of state law that authorizes issuance of bonds by a public body.
(b) An interlocal entity is a public body as defined in Section 11-30-2.

Amended by Chapter 53, 2024 General Session

11-13-218.1 Pledge of revenues to pay for bonds.

(1) In addition to any assignment, pledge, or conveyance made in accordance with Subsection 11-13-204(1)(a)(ii)(G), bonds issued by an interlocal entity may be payable from and secured by the pledge of all or any specified part of:
(a) the revenues to be derived by the interlocal entity from providing the entity's services and from the operation of the entity's facilities and other properties;
(b) sales and use taxes, property taxes, and other taxes;
(c) federal, state, or local grants; or
(d) other funds legally available to the interlocal entity.

(2) An assignment, pledge, or conveyance made by an interlocal entity to secure bonds shall be created and perfected in accordance with, and have the effect provided in, Section 11-14-501.

Enacted by Chapter 265, 2015 General Session

11-13-219 Publication of resolutions or agreements -- Contesting legality of resolution or agreement.

(1) As used in this section:
(a) "Enactment" means:
(i) a resolution adopted or proceedings taken by a governing body under the authority of this chapter, and includes a resolution, indenture, or other instrument providing for the issuance of bonds; and
(ii) an agreement or other instrument that is authorized, executed, or approved by a governing body under the authority of this chapter.
(b) "Governing body" means:
(i) the legislative body of a public agency; or
(ii) the governing authority of an interlocal entity created under this chapter.
(c) "Notice of agreement" means the notice authorized by Subsection (3)(c).
(d) "Notice of bonds" means the notice authorized by Subsection (3)(d).
(2) Any enactment taken or made under the authority of this chapter is not subject to referendum.
(3)
(a) A governing body need not publish any enactment taken or made under the authority of this chapter.
(b) A governing body may provide for the publication of any enactment taken or made by it under the authority of this chapter according to the publication requirements established by this section.
(c)
(i) If the enactment is an agreement, document, or other instrument, or a resolution or other proceeding authorizing or approving an agreement, document, or other instrument, the governing body may, instead of publishing the full text of the agreement, resolution, or other proceeding, publish a notice of agreement containing:
(A) the names of the parties to the agreement;
(B) the general subject matter of the agreement;
(C) the term of the agreement;
(D) a description of the payment obligations, if any, of the parties to the agreement; and
(E) a statement that the resolution and agreement will be available for review at the governing body's principal place of business during regular business hours for 30 days after the publication of the notice of agreement.
(ii) The governing body shall make a copy of the resolution or other proceeding and a copy of the contract available at its principal place of business during regular business hours for 30 days after the publication of the notice of agreement.
(d) If the enactment is a resolution or other proceeding authorizing the issuance of bonds, the governing body may, instead of publishing the full text of the resolution or other proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds that contains the information described in Subsection 11-14-316(2).
(4)
(a) If the governing body chooses to publish an enactment, notice of bonds, or notice of agreement, the governing body shall comply with the requirements of this Subsection (4).
(b) The governing body shall post the enactment, notice of bonds, or notice of agreement for the governing body's geographic jurisdiction, as a class A notice under Section 63G-30-102, for 30 days.
(5)
(a) Any person in interest may contest the legality of an enactment or any action performed or instrument issued under the authority of the enactment for 30 days after the posting of the enactment, notice of bonds, or notice of agreement.

(b) After the 30 days have passed, no one may contest the regularity, formality, or legality of the enactment or any action performed or instrument issued under the authority of the enactment for any cause whatsoever.

Amended by Chapter 435, 2023 General Session

11-13-220 Qualifications of officers or employees performing services under agreements.

Other provisions of law which require an officer or employee of a public agency to be an elector or resident of the public agency or to have other qualifications not generally applicable to all of the contracting agencies in order to qualify for that office or employment are not applicable to officers or employees who hold office or perform services for more than one public agency pursuant to agreements executed under this chapter.

Renumbered and Amended by Chapter 286, 2002 General Session

11-13-221 Compliance with chapter sufficient to effectuate agreements.

When public agencies enter into agreements under this chapter whereby they utilize a power or facility jointly, or whereby one political agency provides a service or facility to another, compliance with the requirements of this chapter is sufficient to effectuate those agreements.

Renumbered and Amended by Chapter 286, 2002 General Session

11-13-222 Employees performing services under agreements.

(1) An employee performing services for two or more public agencies under an agreement under this chapter shall be considered to be:
  (a) an employee of the public agency employing the employee's services even though the employee performs those functions outside of the territorial limits of any one of the contracting public agencies; and
  (b) an employee of the public agencies under the provisions of Title 63G, Chapter 7, Governmental Immunity Act of Utah.
(2) Unless otherwise provided in an agreement that creates an interlocal entity, each employee of a public agency that is a party to the agreement shall:
  (a) remain an employee of that public agency, even though assigned to perform services for another public agency under the agreement; and
  (b) continue to be governed by the rules, rights, entitlements, and status that apply to an employee of that public agency.
(3) All of the privileges, immunities from liability, exemptions from laws, ordinances, and rules, pensions and relief, disability, workers compensation, and other benefits that apply to an officer, agent, or employee of a public agency while performing functions within the territorial limits of the public agency apply to the same degree and extent when the officer, agent, or employee performs functions or duties under the agreement outside the territorial limits of that public agency.

Amended by Chapter 265, 2015 General Session

11-13-225 Establishment of interlocal entity personnel system.

(1) An interlocal entity shall establish a system of personnel administration for the interlocal entity as provided in this section.

(2) The interlocal entity shall administer the system described in Subsection (1) in a manner that will effectively provide for:
(a) recruiting, selecting, and advancing employees on the basis of the employee's relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;
(b) equitable and adequate compensation;
(c) employee training as needed to assure high-quality performance;
(d)
(i) retaining an employee on the basis of the adequacy of the employee's performance; and
(ii) separation of an employee whose inadequate performance cannot be corrected;
(e) fair treatment of an applicant or employee in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, or disability, and with proper regard for the applicant's or employee's privacy and constitutional rights; and
(f) a formal procedure for processing the appeals and grievances of an employee without discrimination, coercion, restraint, or reprisal.
(3) An interlocal entity shall ensure that any employee training described in Subsection (2)(c) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

11-13-226 Competitive procurement -- Subject to state procurement code -- Exception.
(1) The governing board of each interlocal entity shall adopt rules or policies for the competitive public procurement of goods and services required for the operation of the interlocal entity.
(2) Subject to Section 11-13-316, an interlocal entity is subject to and shall comply with Title 63G, Chapter 6a, Utah Procurement Code, unless the board rules or policies adopted under Subsection (1) include provisions to:
(a) establish a procurement officer of the interlocal entity and define the duties of the procurement officer;
(b) define the values of procurement thresholds used to determine the method of procurement the interlocal entity will use based on those thresholds;
(c) address small purchases and establish small purchase thresholds and methods applicable to small purchases;
(d) establish a procurement method that uses only objective criteria to award a contract to the lowest responsible bidder that submits a responsive bid;
(e) establish a procurement method that allows subjective criteria to award a contract to the vendor that submits the highest scoring proposal, including:
(i) a selection or evaluation committee of at least three individuals; and
(ii) documented independent scoring by the selection or evaluation committee to determine best value;
(f) establish a method to allow for the cancellation of a solicitation;
(g) establish a method for creating a list of approved, qualified vendors;
(h) establish a method to request information before initiating a procurement process;
(i) allow the purchase of a procurement item under a state cooperative contract, as defined in Section 63G-6a-103, or another government approved contract that results from a competitive process;
(j) establish a procurement appeals process;
(k) establish documentation requirements applicable to procurements;
(l) establish notice requirements relating to the interlocal entity's issuance of a solicitation;

(m) require that a procurement be awarded based on the criteria included in a solicitation;
(n) allow for a procurement from a single source under documented and properly noticed conditions;
(o) allow for an emergency procurement under documented conditions;
(p) prohibit a cost-plus-percentage-of-cost contract and a cost-reimbursement contract, with exceptions similar to exceptions under Subsections 63G-6a-1205(5) and (6);
(q) limit the length of a contract, allowing for documented exceptions;
(r) require that the total value of the contract over the entire contract period determines the procurement threshold;
(s) prohibit dividing a procurement into multiple procurements to avoid an applicable procurement threshold;
(t) prohibit the acceptance of bribes, gifts, or other favors from a vendor in exchange for favorable treatment on a procurement;
(u) describe bond requirements for a construction contract; and
(v) establish standard terms and conditions for a contract with the interlocal entity.

Amended by Chapter 291, 2024 General Session

11-13-227 Transportation reinvestment zones.

(1) Subject to the provisions of this part, any two or more public agencies may enter into an agreement with one another to create a transportation reinvestment zone as described in this section.
(2) To create a transportation reinvestment zone, two or more public agencies, at least one of which has land use authority over the transportation reinvestment zone area, shall:
(a) define the transportation infrastructure need and proposed improvement;
(b) define the boundaries of the zone;
(c) establish terms for sharing sales tax revenue among the members of the agreement;
(d) establish a base year to calculate the increase of property tax revenue within the zone;
(e) establish terms for sharing any increase in property tax revenue within the zone; and
(f) before an agreement is approved as required in Section 11-13-202.5, hold a public hearing regarding the details of the proposed transportation reinvestment zone.
(3) Any agreement to establish a transportation reinvestment zone is subject to the requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.
(4)
(a) Each public agency that is party to an agreement under this section shall annually publish a report including a statement of the increased tax revenue and the expenditures made in accordance with the agreement.
(b) Each public agency that is party to an agreement under this section shall transmit a copy of the report described in Subsection (4)(a) to the state auditor.
(5) If any surplus revenue remains in a tax revenue account created as part of a transportation reinvestment zone agreement, the parties may use the surplus for other purposes as determined by agreement of the parties.
(6)
(a) An action taken under this section is not subject to:
(i) Section 10-8-2;
(ii) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;
(iii) Title 17, Chapter 27a, County Land Use, Development, and Management Act; or
(iv) Section 17-50-312.

(b) An ordinance, resolution, or agreement adopted under this title is not a land use regulation as defined in Sections 10-9a-103 and 17-27a-103.

Amended by Chapter 479, 2019 General Session

11-13-228 Water District Water Development Council.

(1) As used in this section:

(a) "Council" means the Water District Water Development Council created pursuant to this section.

(b) "Division" means the Division of Water Resources.

(c) "Generational" means sufficient to meet anticipated demand for 50 to 75 years.

(d) "Generational water infrastructure" means physical facilities or other physical assets designed to meet generational demands for water.

(e) "State or local entity" means:

(i) a department, division, commission, agency, or other instrumentality of state government; or

(ii) a political subdivision or the political subdivision's instrumentalities.

(f) "Water agent" means the Utah water agent appointed by the governor under Section 73-10g-702.

(g) "Water conservancy district" means an entity formed under Title 17B, Chapter 2a, Part 10, Water Conservancy District Act.

(2)

(a) Subject to the provisions of this part, the four largest water conservancy districts in the state based on operating budgets shall enter into an agreement with one another and the division to form the Water District Water Development Council as a joint administrator of a joint or cooperative undertaking.

(b) The members of the council shall consist of:

(i) the general manager or the general manager's designee for each of the water conservancy districts described in Subsection (2)(a); and

(ii) the director of the division, who will represent the needs of the portions of the state that are not served by the water conservancy districts in the agreement.

(c) Members of the council may not receive compensation, per diem, or expenses for service on the council.

(d) The council shall appoint a director to manage operations of the council. The council shall set the salary for the director and the director serves at the pleasure of the council.

(e) The council shall establish and maintain office space and staff for the council and the water agent. The water conservancy districts that enter into the agreement shall pay the costs of the office space and staff that are directly related to the activities of the council, including staff from a water conservancy district that is assigned to work with the council, except that, to the extent appropriated by the Legislature, the state shall pay the costs of the water agent and any costs for non-district staff hired to solely work for the council or water agent.

(3)

(a) The council may not own or operate water infrastructure, but may advise a water conservancy district that enters into the agreement about the development of generational water infrastructure by a water conservancy district.

(b) For the generational water needs of the citizens of Utah and within the authorities given to the water conservancy districts represented on the council in Title 17B, Chapter 2a, Part 10, Water Conservancy District Act, the council shall jointly plan for generational water infrastructure and advance the responsible development of water within the jurisdiction of the

water conservancy districts represented on the council to address water users' generational need for adequate and reliable water supplies, including:

(i) assessing generational water needs based on population growth and economic development;

(ii) identifying possible sources to meet the generational water needs;

(iii) exploring physical interconnections and joint operations of generational water infrastructure that exist as of May 1, 2024, and into the future;

(iv) assessing water conservation as a component of generational water supplies and environmental conservation efforts;

(v) scoping solutions to determine the most viable pathways for meeting generational water needs;

(vi) collecting and analyzing data necessary to make informed decisions regarding generational water needs;

(vii) coordinating with other water suppliers within the state as needed;

(viii) making recommendations to the Legislature regarding projects, funding, and policy changes to provide for generational water needs; and

(ix) annually reporting findings and recommendations to:

(A) the governor;

(B) the president of the Senate;

(C) the speaker of the House of Representatives;

(D) the Legislative Water Development Commission created by Section 73-27-102;

(E) the Natural Resources, Agriculture, and Environment Interim Committee; and

(F) the Water Development Coordinating Council created by Sections 79-2-201 and 73-10c-3.

(c) The council shall coordinate with the division regarding the need for generational water infrastructure and how to meet that need and, as part of this coordination the council shall assist the division in the division's development of a state water plan under Section 73-10-15.

(d) The council shall receive input from and coordinate with the water agent.

(e) The council may not levy, assess, or collect ad valorem property taxes or issue bonds.

(f) The council shall adopt policies for procurement that enable the council to efficiently fulfill the council's responsibilities under the agreement.

(g) The council is advisory and may not establish policy for the state.

(h) The council does not control money used to fund water infrastructure.

(4) Subject to Title 63G, Chapter 2, Government Records Access and Management Act, upon request of the council, a state or local entity shall provide to the water agent a document, report, or information available within the state or local entity.

(5) Nothing in this section restricts the ability of a water conservancy district to contract under Subsection 17B-2a-1004(2).

Enacted by Chapter 522, 2024 General Session