

Effective 5/12/2015

11-13-524 Operating and capital budgets for proprietary funds.

- (1)
 - (a) As used in this section, "operating and capital budget" means a plan of financial operation for a proprietary or other required special fund, including estimates of operating and capital revenues and expenses for the budget year.
 - (b) Except as otherwise expressly provided in this section, the other provisions of this part governing budgets and fiscal procedures and controls do not apply to the operating and capital budgets provided for in this section.
- (2) Subject to Subsection (3), the governing board shall adopt for the ensuing budget year an operating and capital budget for each proprietary fund and shall adopt the type of budget for other special funds, if applicable, under generally accepted accounting principles.
- (3) Operating and capital budgets shall be adopted and administered in the following manner:
 - (a) On or before the first regularly scheduled meeting of the governing board, in November for a calendar year entity or May for a fiscal year entity, the budget officer shall prepare for the ensuing fiscal year, and file with the governing board, a tentative operating and capital budget for each proprietary fund and for other required special funds, together with any supporting data required by the board.
 - (b) The governing board:
 - (i) shall adopt the tentative operating and capital budget in a regular meeting or special meeting called for that purpose; and
 - (ii) may amend or revise the tentative operating and capital budget in any manner that the board considers advisable prior to a public hearing.
 - (c) The governing board shall comply with the notice and hearing requirements of Subsection (3) and Sections 11-13-509 through 11-13-511 in approving a final operating and capital budget.
 - (d) If the tentative operating and capital budget approved by the governing board for a proprietary fund includes appropriations that are not reasonable allocations of costs between funds or that provide funds to a member without consideration, the governing board shall, at least seven days before the day of the hearing, mail to each interlocal entity customer, a written notice stating:
 - (i) the date, time, and place of the operating and capital budget hearing; and
 - (ii) the purpose of the operating and capital budget hearing, including:
 - (A) the enterprise fund from which money is being transferred;
 - (B) the amount being transferred; and
 - (C) the fund or member to which the money is being transferred.
 - (e)
 - (i) The governing board shall adopt an operating and capital budget for each proprietary fund for the ensuing fiscal year before the beginning of each fiscal year.
 - (ii) A copy of the operating and capital budget as finally adopted for each proprietary fund shall be:
 - (A) filed in the interlocal entity's office and with each member; and
 - (B) available to the public during regular business hours.
 - (iii) The interlocal entity shall also file a copy of the operating and capital budget with the state auditor within 30 days after adoption.
 - (f)
 - (i) Upon final adoption, the operating and capital budget is in effect for the budget year, subject to later amendment.

- (ii) During the budget year, the governing board may, in any regular meeting or special meeting called for that purpose, review an operating and capital budget for the purpose of determining if the total of the budget should be increased.
 - (iii) If the governing board decides that the operating and capital budget total of one or more proprietary funds should be increased, the board shall follow the procedures established in Section 11-13-525.
- (4) An interlocal entity shall maintain a proprietary fund or other required special fund in compliance with Sections 11-13-501 through 11-13-505, 11-13-516, 11-13-518, and 11-13-526 through 11-13-532.

Enacted by Chapter 265, 2015 General Session