

Effective 5/12/2015

11-13-531 Imposing or increasing a fee for service provided by interlocal entity.

- (1) The governing board shall fix the rate for a service or commodity provided by the interlocal entity.
- (2)
 - (a) Before imposing a new fee or increasing an existing fee for a service provided by an interlocal entity, an interlocal entity governing board shall first hold a public hearing at which interested persons may speak for or against the proposal to impose a fee or to increase an existing fee.
 - (b) Each public hearing under Subsection (2)(a) shall be held on a weekday in the evening beginning no earlier than 6 p.m.
 - (c) A public hearing required under this Subsection (2) may be combined with a public hearing on a tentative budget required under Section 11-13-510.
 - (d) Except to the extent that this section imposes more stringent notice requirements, the governing board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in holding the public hearing under Subsection (2)(a).
- (3)
 - (a) An interlocal entity board shall give notice of a hearing under Subsection (2)(a):
 - (i) as provided in Subsection (3)(b)(i) or (c); and
 - (ii) for at least 20 days before the day of the hearing on the Utah Public Notice Website, created by Section 63F-1-701.
 - (b)
 - (i) Except as provided by Subsection (3)(c)(i), the notice required under Subsection (2)(a) shall be published:
 - (A) in a newspaper or combination of newspapers of general circulation in the interlocal entity, if there is a newspaper or combination of newspapers of general circulation in the interlocal entity; or
 - (B) if there is no newspaper or combination of newspapers of general circulation in the interlocal entity, the interlocal entity board shall post at least one notice per 1,000 population within the interlocal entity, at places within the interlocal entity that are most likely to provide actual notice to residents within the interlocal entity.
 - (ii) The notice described in Subsection (3)(b)(i)(A):
 - (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch border;
 - (B) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear;
 - (C) whenever possible, shall appear in a newspaper that is published at least one day per week;
 - (D) shall be in a newspaper or combination of newspapers of general interest and readership in the interlocal entity, and not of limited subject matter; and
 - (E) shall be run once each week for the two weeks preceding the hearing.
 - (iii) The notice described in Subsections (3)(a)(ii) and (3)(b)(i) shall state that the interlocal entity board intends to impose or increase a fee for a service provided by the interlocal entity and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not less than seven days after the day the first notice is published, for the purpose of hearing comments regarding the proposed imposition or increase of a fee and to explain the reasons for the proposed imposition or increase.
 - (c)

- (i) In lieu of providing notice under Subsection (3)(b)(i), the interlocal entity governing board may give the notice required under Subsection (2)(a) by mailing the notice to a person within the interlocal entity's service area who:
 - (A) will be charged the fee for an interlocal entity's service, if the fee is being imposed for the first time; or
 - (B) is being charged a fee, if the fee is proposed to be increased.
- (ii) Each notice under Subsection (3)(c)(i) shall comply with Subsection (3)(b)(iii).
- (iii) A notice under Subsection (3)(c)(i) may accompany an interlocal entity bill for an existing fee.
- (d) If the hearing required under this section is combined with the public hearing required under Section 11-13-510, the notice requirements under this Subsection (3) are satisfied if a notice that meets the requirements of Subsection (3)(b)(iii) is combined with the notice required under Section 11-13-509.
- (e) Proof that notice was given as provided in Subsection (3)(b) or (c) is prima facie evidence that notice was properly given.
- (f) If no challenge is made to the notice given of a public hearing required by Subsection (2) within 30 days after the date of the hearing, the notice is considered adequate and proper.
- (4) After holding a public hearing under Subsection (2)(a), a governing board may:
 - (a) impose the new fee or increase the existing fee as proposed;
 - (b) adjust the amount of the proposed new fee or the increase of the existing fee and then impose the new fee or increase the existing fee as adjusted; or
 - (c) decline to impose the new fee or increase the existing fee.
- (5) This section applies to each new fee imposed and each increase of an existing fee that occurs on or after May 12, 2015.
- (6) An interlocal entity that accepts an electronic payment may charge an electronic payment fee.

Enacted by Chapter 265, 2015 General Session