

Effective 5/12/2015

Part 2
Performance Efficiency Programs and Agreements

11-44-201 Political subdivision responsibilities -- State responsibilities.

- (1) A political subdivision may:
 - (a) enter into a performance efficiency agreement;
 - (b) develop and administer a performance efficiency program;
 - (c) analyze energy consumption by the political subdivision;
 - (d) designate a staff member who is responsible for a performance efficiency program; and
 - (e) provide the governing body of the political subdivision with information regarding the performance efficiency program.
- (2) The following entities may provide information, technical resources, and other assistance to a political subdivision acting under this chapter:
 - (a) the Utah Geological Survey, created in Section 79-3-201;
 - (b) the State Board of Education, under Title 53A, Chapter 1, Administration of Public Education at the State Level;
 - (c) the Division of Purchasing and General Services, created in Section 63A-2-101; and
 - (d) the Division of Facilities Construction and Management, created in Section 63A-5-201.

Amended by Chapter 181, 2015 General Session

11-44-202 Types of agreements.

Notwithstanding Section 63G-6a-1205, a political subdivision shall structure a performance efficiency agreement as a guaranteed performance efficiency agreement, which shall include:

- (1) the design and installation of a performance efficiency measure, if applicable;
- (2) operation and maintenance of a performance efficiency measure implemented; and
- (3) guaranteed annual cost savings that meet or exceed the total annual agreement payments by the political subdivision under the agreement, including financing charges incurred by the political subdivision over the life of the agreement.

Amended by Chapter 181, 2015 General Session

11-44-203 Length of agreements.

A political subdivision may only enter into a performance efficiency agreement for more than one year if the political subdivision finds that the amount the political subdivision would spend on the performance efficiency measure will not exceed the amount of the cost savings over 20 years from the date of installation of the performance efficiency measure.

Amended by Chapter 181, 2015 General Session