

Effective 5/12/2015

Superseded 2/27/2023

53-2a-605 Local government disaster funds.

(1)

- (a) Subject to this section and notwithstanding anything to the contrary contained in Title 10, Utah Municipal Code, or Title 17, Counties, Title 17B, Limited Purpose Local Government Entities - Local Districts, or Title 17D, Chapter 1, Special Service District Act, the governing body of a local government may create and maintain by ordinance a special fund known as a local government disaster fund.
- (b) The local fund shall consist of:
 - (i) subject to the limitations of this section, money transferred to it in accordance with Subsection (2);
 - (ii) any other public or private money received by the local government that is:
 - (A) given to the local government for purposes consistent with this section; and
 - (B) deposited into the local fund at the request of:
 - (I) the governing body of the local government; or
 - (II) the person giving the money; and
 - (iii) interest or income realized from the local fund.
- (c) Interest or income realized from the local fund shall be deposited into the local fund.
- (d) Money in a local fund may be:
 - (i) deposited or invested as provided in Section 51-7-11; or
 - (ii) transferred by the local government treasurer to the state treasurer under Section 51-7-5 for the state treasurer's management and control under Title 51, Chapter 7, State Money Management Act.
- (e)

(i) The money in a local fund may accumulate from year to year until the local government governing body determines to spend any money in the local fund for one or more of the purposes specified in Subsection (3).

(ii) Money in a local fund at the end of a fiscal year:

- (A) shall remain in the local fund for future use; and
- (B) may not be transferred to any other fund or used for any other purpose.

(2) The amounts transferred to a local fund may not exceed 10% of the total estimated revenues of the local government for the current fiscal period that are not restricted or otherwise obligated.

(3) Money in the fund may only be used to fund the services and activities of the local government creating the local fund in response to:

- (a) a declared disaster within the boundaries of the local government;
- (b) the aftermath of the disaster that gave rise to a declared disaster within the boundaries of the local government; and
- (c) subject to Subsection (5), emergency preparedness.

(4)

- (a) A local fund is subject to this part and:
 - (i) in the case of a town, Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, except that:
 - (A) in addition to the funds listed in Section 10-5-106, the mayor shall prepare a budget for the local fund;
 - (B) Section 10-5-119 addressing termination of special funds does not apply to a local fund; and

- (C) the council of the town may not authorize an interfund loan under Section 10-5-120 from the local fund;
- (ii) in the case of a city, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, except that:
 - (A) in addition to the funds listed in Section 10-6-109, the mayor shall prepare a budget for the local fund;
 - (B) Section 10-6-131 addressing termination of special funds does not apply to a local fund; and
 - (C) the governing body of the city may not authorize an interfund loan under Section 10-6-132 from the local fund; and
- (iii) in the case of a county, Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, except that:
 - (A) Section 17-36-29 addressing termination of special funds does not apply to a local fund; and
 - (B) the governing body of the county may not authorize an interfund loan under Section 17-36-30 from the local fund;
- (iv) in the case of a local district or special service district, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, except that:
 - (A) Section 17B-1-625, addressing termination of a special fund, does not apply to a local fund; and
 - (B) the governing body of the local district or special service district may not authorize an interfund loan under Section 17B-1-626 from the local fund; and
- (v) in the case of an interlocal entity, Title 11, Chapter 13, Part 5, Fiscal Procedures for Interlocal Entities, except for the following provisions:
 - (A) Section 11-13-522 addressing termination of a special fund does not apply to a local fund; and
 - (B) the governing board of the interlocal entity may not authorize an interfund loan under Section 11-13-523 from the local fund.

(b) Notwithstanding Subsection (4)(a), transfers of money to a local fund or the accumulation of money in a local fund do not affect any limits on fund balances, net assets, or the accumulation of retained earnings in any of the following of a local government:

- (i) a general fund;
- (ii) an enterprise fund;
- (iii) an internal service fund; or
- (iv) any other fund.

(5)

- (a) A local government may not expend during a fiscal year more than 10% of the money budgeted to be deposited into a local fund during that fiscal year for emergency preparedness.
- (b) The amount described in Subsection (5)(a) shall be determined before the adoption of the tentative budget.