

**Effective 5/10/2016**

**67-1a-6.5 Certification of local entity boundary actions -- Definitions -- Notice requirements -- Electronic copies -- Filing.**

- (1) As used in this section:
  - (a) "Applicable certificate" means:
    - (i) for the impending incorporation of a city, town, local district, conservation district, or incorporation of a local district from a reorganized special service district, a certificate of incorporation;
    - (ii) for the impending creation of a county, school district, special service district, community reinvestment agency, or interlocal entity, a certificate of creation;
    - (iii) for the impending annexation of territory to an existing local entity, a certificate of annexation;
    - (iv) for the impending withdrawal or disconnection of territory from an existing local entity, a certificate of withdrawal or disconnection, respectively;
    - (v) for the impending consolidation of multiple local entities, a certificate of consolidation;
    - (vi) for the impending division of a local entity into multiple local entities, a certificate of division;
    - (vii) for the impending adjustment of a common boundary between local entities, a certificate of boundary adjustment; and
    - (viii) for the impending dissolution of a local entity, a certificate of dissolution.
  - (b) "Approved final local entity plat" means a final local entity plat, as defined in Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by the county surveyor.
  - (c) "Approving authority" has the same meaning as defined in Section 17-23-20.
  - (d) "Boundary action" has the same meaning as defined in Section 17-23-20.
  - (e) "Center" means the Automated Geographic Reference Center created under Section 63F-1-506.
  - (f) "Community reinvestment agency" has the same meaning as defined in Section 17C-1-102.
  - (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.
  - (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.
  - (i) "Local district" has the same meaning as defined in Section 17B-1-102.
  - (j) "Local entity" means a county, city, town, school district, local district, community reinvestment agency, special service district, conservation district, or interlocal entity.
  - (k) "Notice of an impending boundary action" means a written notice, as described in Subsection (3), that provides notice of an impending boundary action.
  - (l) "Special service district" has the same meaning as defined in Section 17D-1-102.
- (2) Within 10 days after receiving a notice of an impending boundary action, the lieutenant governor shall:
  - (a)
    - (i) issue the applicable certificate, if:
      - (A) the lieutenant governor determines that the notice of an impending boundary action meets the requirements of Subsection (3); and
      - (B) except in the case of an impending local entity dissolution, the notice of an impending boundary action is accompanied by an approved final local entity plat;
    - (ii) send the applicable certificate to the local entity's approving authority;
    - (iii) return the original of the approved final local entity plat to the local entity's approving authority;
    - (iv) send a copy of the applicable certificate and approved final local entity plat to:
      - (A) the State Tax Commission;

- (B) the center; and
- (C) the county assessor, county surveyor, county auditor, and county attorney of each county in which the property depicted on the approved final local entity plat is located; and
- (v) send a copy of the applicable certificate to the state auditor, if the boundary action that is the subject of the applicable certificate is:
  - (A) the incorporation or creation of a new local entity;
  - (B) the consolidation of multiple local entities;
  - (C) the division of a local entity into multiple local entities; or
  - (D) the dissolution of a local entity; or
- (b)
  - (i) send written notification to the approving authority that the lieutenant governor is unable to issue the applicable certificate, if:
    - (A) the lieutenant governor determines that the notice of an impending boundary action does not meet the requirements of Subsection (3); or
    - (B) the notice of an impending boundary action is:
      - (I) not accompanied by an approved final local entity plat; or
      - (II) accompanied by a plat or final local entity plat that has not been approved as a final local entity plat by the county surveyor under Section 17-23-20; and
  - (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is unable to issue the applicable certificate.
- (3) Each notice of an impending boundary action shall:
  - (a) be directed to the lieutenant governor;
  - (b) contain the name of the local entity or, in the case of an incorporation or creation, future local entity, whose boundary is affected or established by the boundary action;
  - (c) describe the type of boundary action for which an applicable certificate is sought;
  - (d) be accompanied by a letter from the Utah State Retirement Office, created under Section 49-11-201, to the approving authority that identifies the potential provisions under Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply with, related to the boundary action, if the boundary action is an impending incorporation or creation of a local entity that may result in the employment of personnel; and
- (e)
  - (i) contain a statement, signed and verified by the approving authority, certifying that all requirements applicable to the boundary action have been met; or
  - (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy of the court order approving the dissolution of the municipality.
- (4) The lieutenant governor may require the approving authority to submit a paper or electronic copy of a notice of an impending boundary action and approved final local entity plat in conjunction with the filing of the original of those documents.
- (5)
  - (a) The lieutenant governor shall:
    - (i) keep, index, maintain, and make available to the public each notice of an impending boundary action, approved final local entity plat, applicable certificate, and other document that the lieutenant governor receives or generates under this section;
    - (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the Internet for 12 months after the lieutenant governor receives or generates the document;
    - (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any person who requests a paper copy; and

- (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to any person who requests a certified copy.
- (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified copy of a document that the lieutenant governor provides under this Subsection (5).

Amended by Chapter 350, 2016 General Session