

### **73-10d-3 Definitions.**

As used in this chapter:

- (1) "Agreement" means a short-term agreement or a long-term agreement.
- (2) "Bonds" means obligations issued by a municipality or a county under Title 11, Chapter 17, Utah Industrial Facilities and Development Act, and the provisions of this chapter.
- (3) "Cost" means, with respect to any privatization project or facility related thereto, without limitation:
  - (a) all costs of designing, planning, acquiring, constructing, reconstructing, modifying, improving, maintaining, equipping, extending, furnishing, and placing in service any privatization project, including architectural, planning, engineering, legal, and fiscal advisors' fees or costs, and any costs incident to the acquisition of any necessary property, easement, or right-of-way;
  - (b) any costs incurred for preliminary planning to determine the economic or engineering feasibility of a proposed privatization project, including, without limitation, costs of economic investigations and studies, surveys, preparation of designs, plans, working drawings, specifications, and inspection and supervision of the construction of any facility;
  - (c) all costs incident to the purchase, installation, or financing of equipment, machinery, and other personal property required by a privatization project;
  - (d) all costs incident to the authorization and issuance of bonds, including accountants' fees, attorneys' fees, financial advisors' fees, underwriting fees, including bond discount, and other professional services and printing costs;
  - (e) all costs incident to the establishment and funding of appropriate reserve funds; and
  - (f) interest estimated to accrue on any bonds issued to finance a privatization project for a reasonable period of time prior to construction, during construction, and for a reasonable period of time after construction.
- (4) "Drinking water project" means any work or facility necessary or desirable to provide water for human consumption and other domestic uses which has at least 15 service connections or serves an average of 25 individuals daily for at least 60 days of the year and includes collection, treatment, storage, and distribution facilities under the control of the private owner/operator and used primarily with the work or facility, and collection, pretreatment, or storage facilities used primarily in connection with the work or facility but not under the control of the private owner/operator, and any related structures and facilities.
- (5) "Facility" means any structure, building, machinery, system, land, water right, or other property necessary or desirable to provide the services contemplated by a privatization project, including, without limitation, all related and appurtenant easements and rights-of-way, improvements, utilities, landscaping, sidewalks, roads, curbs and gutters, and equipment and furnishings.
- (6) "Governing authority" means the persons, board, body, or entity in which the legislative powers of a political subdivision are vested.
- (7) "Governing body" means the body in which the general legislative powers of a municipality or county are vested.
- (8) "Long-term agreement" means an agreement or contract having a term of more than five years and less than 50 years.
- (9) "Municipality" means any incorporated city or town in the state, including cities or towns operating under home rule charters.
- (10) "Political subdivision" means the state or any municipality, county improvement district, water conservancy district, special service district, drainage district, metropolitan water district, irrigation district, separate legal or administrative entity created under the Interlocal Cooperation Act, or any other entity constituting a political subdivision under the laws of the state.

- (11) "Private owner/operator" means a person that is not a political subdivision and which owns and operates a privatization project.
- (12) "Privatization project" means all or part of any drinking water, water, or wastewater project which is owned or operated by a private owner/operator, and provides the related services to political subdivisions.
- (13) "Short-term agreement" means any contract or agreement having a term of five years or less.
- (14) "Supervising agency" means the Water Development Coordinating Council created in Section 73-10c-3.
- (15) "Wastewater project" means any sewer, sewage system, sewage treatment facility, lagoon, sewage collection facility and system and related pipelines, and all similar systems, works, and facilities necessary or desirable to collect, hold, cleanse, or purify any sewage or other polluted waters of this state, and related structures and facilities.
- (16) "Water project" means any work or facility necessary or desirable to conserve, develop, protect, or treat the waters of this state including, without limitation, any reservoir, diversion dam, electrical generation system, irrigation dam and system, culinary water system, water work, water treatment facility, canal, ditch, artesian well, aqueduct, pipeline, conduit, drain, tunnel, and related structures and facilities.
- (17) "Waters of this state" means any stream, lake, pond, marsh, watercourse, waterway, well, spring, irrigation system, drainage system, or other body or accumulation of water, whether surface, underground, natural, artificial, public or private, or other water resource of the state, which is contained within or flows in or through the state.

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