

**TECHNICAL CORRECTIONS TO MUNICIPAL  
CODE**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: David N. Cox**

**This act modifies the Utah Municipal Code by making a technical correction relating to capital budgets.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-6-135**, as last amended by Chapter 300, Laws of Utah 1999

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-6-135** is amended to read:

**10-6-135. Operating and capital budgets.**

(1) On or before the time the governing body adopts budgets for the funds set forth in Section 10-6-109, it shall adopt for the ensuing fiscal period an "operating and capital budget" for each enterprise fund and shall adopt the type of budget for other special funds as required by the Uniform Accounting Manual for Utah Cities.

(2) An "operating and capital budget," for purposes of this section, means a plan of financial operation for an enterprise or other required special fund, embodying estimates of operating resources and expenses and other outlays for a fiscal period. Except as otherwise expressly provided, the reference to "budget" or "budgets" and the procedures and controls relating to them in other sections of this chapter do not apply or refer to the "operating and capital budgets" provided for in this section.

(3) "Operating and capital budgets" shall be adopted and administered in the following manner:

(a) On or before the first regularly scheduled meeting of the governing body in the last May of the current period, the budget officer shall prepare for the ensuing fiscal period and file with the governing body a tentative operating and capital budget for each enterprise fund and for other required special funds, together with specific work programs as submitted by the department

head and any other supporting data required by the governing body.

(b) First and second-class cities shall, and third-class cities may, submit a supplementary estimate of all capital projects which the department head believes should be undertaken within the three next succeeding fiscal ~~[years]~~ periods.

(c) The budget officer shall prepare estimates in cooperation with the appropriate department heads. Each department head shall be heard by the budget officer prior to making final estimates, but thereafter the officer may revise any department's estimate for the purpose of presenting the budget to the governing body.

(d) If within any enterprise fund, allocations or transfers which cannot be defined as a reasonable allocation of costs between funds are included in a tentative budget, a written notice as to date, time, place, and purpose of the hearing is to be mailed to utility fund customers at least seven days prior to the hearing.

(4) The tentative budget or budgets shall be reviewed and considered by the governing body at any regular meeting or special meeting called for that purpose. The governing body may make changes in the tentative budgets.

(5) Budgets for enterprise or other required special funds shall comply with the public hearing requirements established in Sections 10-6-113 and 10-6-114.

(6) Before the last June 30 of each fiscal period, or, in the case of a property tax increase under Sections 59-2-919 through 59-2-923, before August 31 of the year for which a property tax increase is proposed, the governing body shall adopt an operating and capital budget for each applicable fund for the ensuing fiscal period. A copy of the budget as finally adopted for each fund shall be:

- (a) certified by the budget officer;
- (b) filed by the officer in the office of the city auditor or city recorder;
- (c) available to the public during regular business hours; and
- (d) filed with the state auditor within 30 days after adoption.

(7) Upon final adoption, the operating and capital budget shall be in effect for the budget period, subject to later amendment. During the budget period the governing body may, in any

regular meeting or special meeting called for that purpose, review any one or more of the operating and capital budgets for the purpose of determining if the total of any of them should be increased. In the event the governing body decides that the budget total of one or more of these funds should be increased, the procedures set forth in Section 10-6-136 shall be followed.

(8) Expenditures from operating and capital budgets shall conform to the requirements relating to budgets specified in Sections 10-6-121[, ~~10-6-122, 10-6-123, 10-6-124, 10-6-125, and~~] through 10-6-126.