

739 (v) assuming the same tax categories and tax rates as currently imposed by the county  
 740 and all other current service providers, the present and five-year projected revenue for the  
 741 proposed town; and

742 (vi) a projection of any new taxes per household that may be levied within the  
 743 incorporated area within five years of incorporation.

744 (c) (i) For purposes of Subsection (8)(b)(iv), the feasibility consultant shall assume a  
 745 level and quality of governmental services to be provided to the proposed town in the future  
 746 that fairly and reasonably approximate the level and quality of governmental services being  
 747 provided to the proposed town at the time of the feasibility study.

748 (ii) In determining the present cost of a governmental service, the feasibility consultant  
 749 shall consider:

750 (A) the amount it would cost the proposed town to provide governmental service for  
 751 the first five years after incorporation; and

752 (B) the county's present and five-year projected cost of providing governmental  
 753 service.

754 (iii) The costs calculated under Subsection (8)(b)(iv), shall take into account inflation  
 755 and anticipated growth.

756 (d) If the five year projected revenues under Subsection (8)(b)(v) exceed the five year  
 757 projected costs under Subsection (8)(b)(iv) by more than ~~5~~ **10** ~~5~~ %, the feasibility  
 757a consultant shall  
 758 project and report the expected annual revenue surplus to the contact sponsor and the lieutenant  
 759 governor.

760 ~~[(b) If the county legislative body has commissioned a financial feasibility study under~~  
 761 ~~Subsection (8)(a)(i), the]~~

762 (e) The county legislative body shall approve a certified petition proposing the  
 763 incorporation of a town and hold [an election for town officers;] a public hearing as provided in  
 764 [Subsection (9), if:] Section 10-2-126.

765 ~~[(i) the county clerk has certified the petition under Subsection (6); and]~~

766 ~~[(ii) (A) the results of the financial feasibility study described in Subsection (8)(a)(i)~~  
 767 ~~show that the average annual amount of revenues described in Subsection (1)(b)(i) does not~~  
 768 ~~exceed the average annual amount of costs described in Subsection (1)(b)(i) by more than~~  
 769 ~~15%, or]~~

863 **10-2-126. Incorporation of town -- Public hearing on feasibility.**

864 (1) If, in accordance with Section 10-2-125, the county clerk certifies a petition for  
865 incorporation or an amended petition for incorporation, the county legislative body shall, at its  
866 next regular meeting after completion of the feasibility study, schedule a public hearing to:

867 (a) be held no later than 60 days after the day on which the feasibility study is  
868 completed; and

869 (b) consider, in accordance with Subsection (3)(b), the feasibility of incorporation for  
870 the proposed town.

871 (2) The county legislative body shall give notice of the public hearing on the proposed  
872 incorporation by:

873 (a) posting notice of the public hearing on the county's Internet website, if the county  
874 has an Internet website;

875 (b) (i) publishing notice of the public hearing at least once a week for two consecutive  
876 weeks in a newspaper of general circulation within the proposed town; or

877 (ii) if there is no newspaper of general circulation within the proposed town, posting  
878 notice of the public hearing in at least five conspicuous public places within the proposed  
879 town; and

880 (c) publishing notice of the public hearing on the Utah Public Notice Website created  
881 in Section 63F-1-701.

882 (3) At the public hearing scheduled in accordance with Subsection (1), the county  
883 legislative body shall:

884 (a) (i) provide a copy of the feasibility study; and

885 (ii) present the results of the feasibility study to the public; and

886 (b) allow the public to:

887 (i) review the map or plat of the boundary of the proposed town;

888 (ii) ask questions and become informed about the proposed incorporation; and

889 (iii) express its views about the proposed incorporation, including their views about the  
890 boundary of the area proposed to be incorporated.

890a **Ĥ→ (4) A county may not hold an election on the incorporation of a town in accordance with**  
890b **Section 10-2-127 if the results of the feasibility study show that the five year projected revenues**  
890c **under Subsection 10-2-125(8)(b)(v) exceed the five year projected costs under Subsection**  
890d **(8)(b)(iv) by more than 10%. ←Ĥ**

891 Section 13. Section **10-2-127** is enacted to read:

892 **10-2-127. Incorporation of town -- Election to incorporate -- Ballot form.**

893 (1) (a) At the next regular general election, as defined in Section 20A-1-102, more than

894 60 days after the public hearing described in Section 10-2-126, the county legislative body shall  
895 hold an election on the proposed incorporation ~~H~~→ **unless prohibited under the provisions of**  
895a **Section 10-2-126** ←~~H~~ .

896 (b) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,  
897 within the boundaries of the proposed town, the person may not vote on the proposed  
898 incorporation.

899 (2) (a) The county clerk shall publish notice of the election:

900 (i) in a newspaper of general circulation, within the area proposed to be incorporated,  
901 at least once a week for three successive weeks; and

902 (ii) in accordance with Section 45-1-101 for three weeks.

903 (b) The notice required by Subsection (2)(a) shall contain:

904 (i) a statement of the contents of the petition;

905 (ii) a description of the area proposed to be incorporated as a town;

906 (iii) a statement of the date and time of the election and the location of polling places;

907 and

908 (iv) the county Internet website address, if applicable, and the address of the county  
909 office where the feasibility study is available for review.

910 (c) The last publication of notice required under Subsection (2)(a) shall occur at least  
911 one day but no more than seven days before the election.

912 (d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general  
913 circulation within the proposed town, the county clerk shall post at least one notice of the  
914 election per 100 population in conspicuous places within the proposed town that are most  
915 likely to give notice of the election to the voters of the proposed town.

916 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before  
917 the election under Subsection (1)(a).

918 (3) The ballot at the incorporation election shall pose the incorporation question  
919 substantially as follows:

920 Shall the area described as (insert a description of the proposed town) be incorporated  
921 as the town of (insert the proposed name of the proposed town)?

922 (4) The ballot shall provide a space for the voter to answer yes or no to the question in  
923 Subsection (3).

924 (5) If a majority of those casting votes within the area boundaries of the proposed town