

**Representative Bruce R. Cutler** proposes the following substitute bill:

**LOCAL BUDGET HEARING NOTICE AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bruce R. Cutler**

Senate Sponsor: Jacob L. Anderegg

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**LONG TITLE**

**General Description:**

This bill requires a local government to post a required notice of a local budget hearing on the local government's website where applicable.

**Highlighted Provisions:**

This bill:

- ▶ requires a local government to post a required notice of a local budget hearing on the local government's website where applicable; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-5-107**, as last amended by Laws of Utah 2016, Chapter 353

**10-5-108**, as last amended by Laws of Utah 2010, Chapters 90 and 116

**10-6-113**, as last amended by Laws of Utah 2010, Chapters 90 and 116

**17-36-12**, as last amended by Laws of Utah 2010, Chapter 90



26 **17-36-26**, as last amended by Laws of Utah 2014, Chapter 176



27  
28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **10-5-107** is amended to read:

30 **10-5-107. Tentative budgets required for public inspection -- Contents --**

31 **Adoption of tentative budget.**

32 (1) (a) On or before the first regularly scheduled town council meeting of May, the  
33 mayor shall:

34 (i) in accordance with Subsection (1)(b), prepare for the ensuing year a tentative budget  
35 for each fund for which a budget is required;

36 (ii) make the tentative budget available for public inspection; and

37 (iii) submit the tentative budget to the town council.

38 (b) The tentative budget for each fund shall set forth in tabular form:

39 (i) actual revenues and expenditures in the last completed fiscal year;

40 (ii) estimated total revenues and expenditures for the current fiscal year; and

41 (iii) the mayor's estimates of revenues and expenditures for the budget year.

42 (2) (a) The mayor shall:

43 (i) estimate the amount of revenue available to serve the needs of each fund;

44 (ii) estimate the portion to be derived from all sources other than general property  
45 taxes; and

46 (iii) estimate the portion that shall be derived from general property taxes.

47 (b) From the estimates required by Subsection (2)(a), the mayor shall compute and  
48 disclose in the budget the lowest rate of property tax levy that will raise the required amount of  
49 revenue, calculating the levy on the latest taxable value.

50 (3) A governing body may spend or transfer money deposited in an enterprise fund for  
51 a good, service, project, venture, or other purpose that is not directly related to the goods or  
52 services provided by the enterprise for which the enterprise fund was created, if the governing  
53 body:

54 (a) transfers the money from the enterprise fund to another fund; and

55 (b) complies with the hearing and notice requirements of Subsections (5)(a), (b), and

56 (c).

57 (4) (a) Before the public hearing required under Section 10-5-108, the town council:

58 (i) shall review, consider, and tentatively adopt the tentative budget in any regular  
59 meeting or special meeting called for that purpose; and

60 (ii) may amend or revise the tentative budget.

61 (b) At the meeting at which the town council adopts the tentative budget, the council  
62 shall establish the time and place of the public hearing required under Section 10-5-108.

63 (5) (a) Except as provided in Subsection (5)(d), if a town council includes in a tentative  
64 budget, or an amendment to a budget, allocations or transfers from an enterprise fund to  
65 another fund for a good, service, project, venture, or purpose other than reasonable allocations  
66 of costs between the enterprise fund and the other fund, the governing body shall:

67 (i) hold a public hearing;

68 (ii) prepare a written notice of the date, time, place, and purpose of the hearing as  
69 described in Subsection (5)(b); ~~and~~

70 (iii) subject to Subsection (5)(c), mail the notice to each enterprise fund customer at  
71 least seven days before the day of the hearing[-]; and

72 (iv) publish the notice on the homepage of the website of the town or metro township,  
73 if the town or metro township has a publicly viewable website, beginning at least seven days  
74 before the hearing and until the hearing takes place.

75 (b) The purpose portion of the written notice shall identify:

76 (i) the enterprise fund from which money is being allocated or transferred;

77 (ii) the amount being allocated or transferred; and

78 (iii) the fund to which the money is being allocated or transferred.

79 (c) The town council:

80 (i) may print the written notice required under Subsection (5)(a)(ii) on the enterprise  
81 fund customer's bill; and

82 (ii) shall include the written notice required under Subsection (5)(a)(ii) as separate  
83 notification mailed or transmitted with the enterprise fund customer's bill.

84 (d) A governing body is not required to repeat the notice and hearing requirements in  
85 this Subsection (5) if the funds to be allocated or transferred for the current year were  
86 previously approved by the governing body during the current year and at a public hearing that  
87 complies with the notice and hearing requirements of this Subsection (5).

88 Section 2. Section **10-5-108** is amended to read:

89 **10-5-108. Budget hearing -- Notice -- Adjustments.**

90 (1) Prior to the adoption of the final budget or an amendment to a budget, a town  
91 council shall hold a public hearing to receive public comment.

92 (2) The town council shall provide notice of the place, purpose, and time of the public  
93 hearing by publishing notice at least seven days before the hearing:

94 (a) (i) at least once in a newspaper of general circulation in the town; or

95 (ii) if there is no newspaper of general circulation, then by posting the notice in three  
96 public places at least 48 hours [~~prior to~~] before the hearing; [~~and~~]

97 (b) on the Utah Public Notice Website created in Section [63F-1-701](#)[-]; and

98 (c) on the homepage of the website of the town or metro township, if the town or metro  
99 township has a publicly viewable website, until the hearing takes place.

100 (3) After the hearing, the town council, subject to Section [10-5-110](#), may adjust  
101 expenditures and revenues in conformity with this chapter.

102 Section 3. Section **10-6-113** is amended to read:

103 **10-6-113. Budget -- Notice of hearing to consider adoption.**

104 At the meeting at which each tentative budget is adopted, the governing body shall  
105 establish the time and place of a public hearing to consider its adoption and shall order that  
106 notice of the public hearing be published at least seven days prior to the hearing:

107 (1) (a) in at least one issue of a newspaper of general circulation published in the  
108 county in which the city is located; or

109 (b) if there is not a newspaper as described in Subsection (1)(a), [~~then the notice~~  
110 ~~required by this section may be posted~~] in three public places within the city; [~~and~~]

111 (2) on the Utah Public Notice Website created in Section [63F-1-701](#)[-]; and

112 (3) on the homepage of the website of the city or metro township, if the city or metro  
113 township has a publicly viewable website, until the hearing takes place.

114 Section 4. Section **17-36-12** is amended to read:

115 **17-36-12. Notice of budget hearing.**

116 (1) The governing body shall determine the time and place for the public hearing on the  
117 adoption of the budget.

118 (2) Notice of such hearing shall be published:

119 (a) (i) at least seven days before the hearing in at least one newspaper of general  
120 circulation within the county, if there is such a paper; or

121 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in  
122 three conspicuous places within the county seven days before the hearing; [~~and~~]

123 (b) on the Utah Public Notice Website created in Section 63F-1-701, for seven days  
124 before the hearing[~~;~~]; and

125 (c) on the home page of the county's website, if the county has a publicly viewable  
126 website, beginning at least seven days before the hearing and until the hearing takes place.

127 Section 5. Section 17-36-26 is amended to read:

128 **17-36-26. Increase in budgetary fund or county general fund -- Public hearing.**

129 (1) Before the governing body may, by resolution, increase a budget appropriation of  
130 any budgetary fund, increase the budget of the county general fund, or make an amendment to a  
131 budgetary fund or the county general fund, the governing body shall hold a public hearing  
132 giving all interested parties an opportunity to be heard.

133 (2) Notice of the public hearing described in Subsection (1) shall be published at least  
134 five days before the day of the hearing:

135 (a) (i) in at least one issue of a newspaper generally circulated in the county; or

136 (ii) if there is not a newspaper generally circulated in the county, the hearing may be  
137 published by posting notice in three conspicuous places within the county; [~~and~~]

138 (b) on the Utah Public Notice Website created under Section 63F-1-701[~~;~~]; and

139 (c) on the home page of the county's website, if the county has a publicly viewable  
140 website, until the hearing takes place.