

PUBLIC NOTICE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Joel Ferry

LONG TITLE

General Description:

This bill modifies provisions relating to public notices.

Highlighted Provisions:

This bill:

- ▶ eliminates some requirements to publish certain notices in a newspaper and on a specified legal notice website;
- ▶ requires certain notices to be posted on the Utah Public Notice Website;
- ▶ requires the Division of Archives and Records Service to allow newspapers to request and automatically receive a feed of postings to the Utah Public Notice Website; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

8-5-6, as last amended by Laws of Utah 2009, Chapter 388

10-2-406, as last amended by Laws of Utah 2019, Chapter 255

10-2-407, as last amended by Laws of Utah 2019, Chapter 255

10-2-415, as last amended by Laws of Utah 2020, Chapter 22

- 29 [10-2-418](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
- 30 [10-2-419](#), as last amended by Laws of Utah 2019, Chapter 255
- 31 [10-2-502.5](#), as last amended by Laws of Utah 2019, Chapter 255
- 32 [10-2-607](#), as last amended by Laws of Utah 2019, Chapter 255
- 33 [10-2-703](#), as last amended by Laws of Utah 2019, Chapter 255
- 34 [10-2-708](#), as last amended by Laws of Utah 2020, Chapter 22
- 35 [10-2a-207](#), as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 36 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 37 [10-2a-210](#), as last amended by Laws of Utah 2020, Chapter 22
- 38 [10-2a-213](#), as last amended by Laws of Utah 2020, Chapter 22
- 39 [10-2a-214](#), as last amended by Laws of Utah 2020, Chapter 22
- 40 [10-2a-215](#), as last amended by Laws of Utah 2020, Chapter 22
- 41 [10-2a-404](#), as enacted by Laws of Utah 2015, Chapter 352
- 42 [10-2a-405](#), as last amended by Laws of Utah 2016, Chapter 176
- 43 [10-2a-410](#), as last amended by Laws of Utah 2017, Chapter 158
- 44 [10-3-301](#), as last amended by Laws of Utah 2020, Chapter 95
- 45 [10-3-711](#), as last amended by Laws of Utah 2004, Chapter 202
- 46 [10-5-108](#), as last amended by Laws of Utah 2017, Chapter 193
- 47 [10-6-113](#), as last amended by Laws of Utah 2017, Chapter 193
- 48 [10-6-152](#), as last amended by Laws of Utah 2009, Chapter 388
- 49 [10-7-16](#), as last amended by Laws of Utah 2009, Chapter 388
- 50 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
- 51 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
- 52 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
- 53 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 54 [10-9a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 55 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90

- 56 **10-18-302**, as last amended by Laws of Utah 2014, Chapter 176
- 57 **10-18-303**, as last amended by Laws of Utah 2009, Chapter 388
- 58 **11-13-219**, as last amended by Laws of Utah 2015, Chapter 265
- 59 **11-14-202**, as last amended by Laws of Utah 2020, Chapter 31
- 60 **11-14-315**, as last amended by Laws of Utah 2010, Chapter 378
- 61 **11-14-318**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 62 **11-14a-1**, as last amended by Laws of Utah 2009, Chapter 388
- 63 **11-30-5**, as last amended by Laws of Utah 2009, Chapter 388
- 64 **11-39-103**, as last amended by Laws of Utah 2014, Chapter 196
- 65 **11-42-202**, as last amended by Laws of Utah 2020, Chapter 282
- 66 **11-42-301**, as last amended by Laws of Utah 2017, Chapter 470
- 67 **11-42-402**, as last amended by Laws of Utah 2015, Chapter 396
- 68 **11-42-404**, as last amended by Laws of Utah 2015, Chapter 396
- 69 **11-42a-201**, as last amended by Laws of Utah 2018, Chapters 197 and 431
- 70 **17-27a-204**, as last amended by Laws of Utah 2010, Chapter 90
- 71 **17-27a-205**, as last amended by Laws of Utah 2017, Chapter 84
- 72 **17-27a-306**, as last amended by Laws of Utah 2015, Chapter 352
- 73 **17-27a-404**, as last amended by Laws of Utah 2020, Chapter 434
- 74 **17-41-302**, as last amended by Laws of Utah 2019, Chapter 227
- 75 **17-41-304**, as last amended by Laws of Utah 2019, Chapter 227
- 76 **17-41-405**, as last amended by Laws of Utah 2019, Chapter 227
- 77 **17B-1-111**, as last amended by Laws of Utah 2011, Chapter 47
- 78 **17B-1-211**, as last amended by Laws of Utah 2013, Chapter 265
- 79 **17B-1-304**, as last amended by Laws of Utah 2017, Chapter 112
- 80 **17B-1-306**, as last amended by Laws of Utah 2020, Chapter 31
- 81 **17B-1-313**, as last amended by Laws of Utah 2009, Chapter 388
- 82 **17B-1-417**, as last amended by Laws of Utah 2010, Chapter 90

83 **17B-1-505.5**, as enacted by Laws of Utah 2017, Chapter 404
84 **17B-1-609**, as last amended by Laws of Utah 2015, Chapter 436
85 **17B-1-643**, as last amended by Laws of Utah 2016, Chapter 273
86 **17B-1-1204**, as last amended by Laws of Utah 2010, Chapter 90
87 **17B-1-1307**, as last amended by Laws of Utah 2010, Chapter 90
88 **17B-2a-705**, as last amended by Laws of Utah 2019, Chapter 255
89 **17B-2a-1007**, as last amended by Laws of Utah 2018, Chapter 197
90 **17B-2a-1110**, as last amended by Laws of Utah 2016, Chapter 176
91 **17C-1-601.5**, as last amended by Laws of Utah 2018, Chapter 101
92 **17C-1-701.5**, as renumbered and amended by Laws of Utah 2016, Chapter 350
93 **17C-1-806**, as last amended by Laws of Utah 2018, Chapter 364
94 **17C-2-108**, as last amended by Laws of Utah 2016, Chapter 350
95 **17C-3-107**, as last amended by Laws of Utah 2016, Chapter 350
96 **17C-4-106**, as last amended by Laws of Utah 2016, Chapter 350
97 **17C-4-202**, as last amended by Laws of Utah 2016, Chapter 350
98 **17C-5-110**, as enacted by Laws of Utah 2016, Chapter 350
99 **17C-5-205**, as last amended by Laws of Utah 2019, Chapter 376
100 **20A-1-206**, as last amended by Laws of Utah 2019, Chapter 255
101 **20A-3a-604**, as renumbered and amended by Laws of Utah 2020, Chapter 31
102 **20A-4-104**, as last amended by Laws of Utah 2020, Chapter 31
103 **20A-4-304**, as last amended by Laws of Utah 2019, Chapters 255 and 433
104 **20A-5-101**, as last amended by Laws of Utah 2019, Chapter 255
105 **20A-5-403.5**, as enacted by Laws of Utah 2020, Chapter 31
106 **20A-5-405**, as last amended by Laws of Utah 2020, Chapter 31
107 **20A-9-203**, as last amended by Laws of Utah 2020, Chapter 22
108 **26-8a-405.3**, as last amended by Laws of Utah 2012, Chapters 91, 347 and last
109 amended by Coordination Clause, Laws of Utah 2012, Chapter 347

- 110 **38-8-3**, as last amended by Laws of Utah 2013, Chapter 163
- 111 **54-8-10**, as last amended by Laws of Utah 2010, Chapter 90
- 112 **54-8-16**, as last amended by Laws of Utah 2010, Chapter 90
- 113 **54-8-23**, as last amended by Laws of Utah 2009, Chapter 388
- 114 **57-13a-104**, as enacted by Laws of Utah 2013, Chapter 267
- 115 **59-12-402**, as last amended by Laws of Utah 2017, Chapter 422
- 116 **59-12-2208**, as enacted by Laws of Utah 2010, Chapter 263
- 117 **62A-5-202.5**, as last amended by Laws of Utah 2019, Chapter 255
- 118 **63A-5b-305**, as enacted by Laws of Utah 2020, Chapter 152
- 119 **63F-1-701**, as last amended by Laws of Utah 2020, Chapter 154
- 120 **63G-6a-112**, as last amended by Laws of Utah 2020, Chapter 257
- 121 **72-5-105**, as last amended by Laws of Utah 2017, First Special Session, Chapter 2
- 122 **72-6-108**, as last amended by Laws of Utah 2012, Chapter 347
- 123 **76-8-809**, as last amended by Laws of Utah 2009, Chapter 388
- 124 **78A-7-202**, as last amended by Laws of Utah 2015, Chapters 99 and 352

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

127 Section 1. Section **8-5-6** is amended to read:

128 **8-5-6. Alternative council or board procedures for notice -- Termination of**
 129 **rights.**

130 (1) As an alternative to the procedures set forth in Sections **8-5-1** through **8-5-4**, a
 131 municipal council or cemetery maintenance district board may pass a resolution demanding
 132 that the owner of a lot, site, or portion of the cemetery, which has been unused for burial
 133 purposes for more than 60 years, file with the county recorder, city recorder, or town clerk
 134 notice of any claim to the lot, site, or portion of the cemetery.

135 (2) The municipal council or cemetery maintenance district board shall then cause a
 136 copy of the resolution to be personally served on the owner in the same manner as personal

137 service of process in a civil action. The resolution shall notify the owner that the owner shall,
138 within 60 days after service of the resolution on the owner, express interest in maintaining the
139 cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to
140 use the lot, site, or portion of the cemetery for a burial.

141 (3) If the owner cannot be personally served with the resolution of the municipal
142 council or cemetery maintenance district board as required in Subsection (2), the municipal
143 council or cemetery maintenance district board shall:

144 (a) publish its resolution[+] on the Utah Public Notice Website created in Section
145 63F-1-701 for three weeks; and

146 [~~(a) (i) for three successive weeks in a newspaper of general circulation within the~~
147 ~~county; and]~~

148 [~~(ii) in accordance with Section 45-1-101 for three weeks; and]~~

149 (b) mail a copy of the resolution within 14 days after the publication to the owner's last
150 known address, if available.

151 (4) If, for 30 days after the last date of service or publication of the municipal council's
152 or cemetery maintenance district board's resolution, the owner or person with a legal interest in
153 the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of
154 the cemetery for burial purposes, the owner's rights are terminated and that portion of the
155 cemetery shall be vested in the municipality or cemetery maintenance district.

156 Section 2. Section **10-2-406** is amended to read:

157 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

158 (1) After receipt of the notice of certification from the city recorder or town clerk under
159 Subsection **10-2-405(2)(c)(i)**, the municipal legislative body shall publish notice:

160 [~~(a) (i) at least once a week for three successive weeks, beginning no later than 10 days~~
161 ~~after the day on which the municipal legislative body receives the notice of certification, in a~~
162 ~~newspaper of general circulation within:]~~

163 [~~(A)] (a) within the area proposed for annexation[; and (B)] and the unincorporated~~

164 area within 1/2 mile of the area proposed for annexation[; ~~(ii) if there is no newspaper of~~
165 ~~general circulation in the combined area described in Subsections (1)(a)(i)(A) and (B)], no later~~
166 than 10 days after the day on which the municipal legislative body receives the notice of
167 certification[;]:

168 (i) by posting one notice, and at least one additional notice per 2,000 population within
169 the combined area, in places within the combined area that are most likely to give notice to the
170 residents within, and the owners of real property located within, the combined area; or

171 ~~[(iii) no later than 10 days after the day on which the municipal legislative body~~
172 ~~receives the notice of certification,]~~

173 (ii) by mailing the notice to each residence within, and to each owner of real property
174 located within, the combined area [~~described in Subsections (1)(a)(i)(A) and (B)];~~

175 ~~[(b) in accordance with Section 45-1-101, for three weeks, beginning no later than 10~~
176 ~~days after the day on which the municipal legislative body receives the notice of certification,]~~

177 ~~[(c)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for three
178 weeks, beginning no later than 10 days after the day on which the municipal legislative body
179 receives the notice of certification;

180 ~~[(d)]~~ (c) within 20 days after the day on which the municipal legislative body receives
181 the notice of certification, by mailing written notice to each affected entity; and

182 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for the period
183 of time described in Subsection (1)~~[(e)]~~(b).

184 (2) The notice described in Subsection (1) shall:

185 (a) state that a petition has been filed with the municipality proposing the annexation of
186 an area to the municipality;

187 (b) state the date of the municipal legislative body's receipt of the notice of certification
188 under Subsection 10-2-405(2)(c)(i);

189 (c) describe the area proposed for annexation in the annexation petition;

190 (d) state that the complete annexation petition is available for inspection and copying at

191 the office of the city recorder or town clerk;

192 (e) state in conspicuous and plain terms that the municipality may grant the petition
193 and annex the area described in the petition unless, within the time required under Subsection
194 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and
195 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
196 municipality;

197 (f) state the address of the commission or, if a commission has not yet been created in
198 the county, the county clerk, where a protest to the annexation petition may be filed;

199 (g) state that the area proposed for annexation to the municipality will also
200 automatically be annexed to a local district providing fire protection, paramedic, and
201 emergency services or a local district providing law enforcement service, as the case may be, as
202 provided in Section 17B-1-416, if:

203 (i) the proposed annexing municipality is entirely within the boundaries of a local
204 district:

205 (A) that provides fire protection, paramedic, and emergency services or law
206 enforcement service, respectively; and

207 (B) in the creation of which an election was not required because of Subsection
208 17B-1-214(3)(c); and

209 (ii) the area proposed to be annexed to the municipality is not already within the
210 boundaries of the local district; and

211 (h) state that the area proposed for annexation to the municipality will be automatically
212 withdrawn from a local district providing fire protection, paramedic, and emergency services or
213 a local district providing law enforcement service, as the case may be, as provided in
214 Subsection 17B-1-502(2), if:

215 (i) the petition proposes the annexation of an area that is within the boundaries of a
216 local district:

217 (A) that provides fire protection, paramedic, and emergency services or law

218 enforcement service, respectively; and

219 (B) in the creation of which an election was not required because of Subsection
220 17B-1-214(3)(c); and

221 (ii) the proposed annexing municipality is not within the boundaries of the local
222 district.

223 (3) (a) The statement required by Subsection (2)(e) shall state the deadline for filing a
224 written protest in terms of the actual date rather than by reference to the statutory citation.

225 (b) In addition to the requirements under Subsection (2), a notice under Subsection (1)
226 for a proposed annexation of an area within a county of the first class shall include a statement
227 that a protest to the annexation petition may be filed with the commission by property owners if
228 it contains the signatures of the owners of private real property that:

229 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
230 annexation;

231 (ii) covers at least 25% of the private land area located in the unincorporated area
232 within 1/2 mile of the area proposed for annexation; and

233 (iii) is equal in value to at least 15% of all real property located in the unincorporated
234 area within 1/2 mile of the area proposed for annexation.

235 Section 3. Section 10-2-407 is amended to read:

236 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
237 **commission recommendation -- Petition requirements -- Disposition of petition if no**
238 **protest filed.**

239 (1) A protest to an annexation petition under Section 10-2-403 may be filed by:

240 (a) the legislative body or governing board of an affected entity;

241 (b) the owner of rural real property as defined in Section 17B-2a-1107; or

242 (c) for a proposed annexation of an area within a county of the first class, the owners of
243 private real property that:

244 (i) is located in the unincorporated area within 1/2 mile of the area proposed for

245 annexation;

246 (ii) covers at least 25% of the private land area located in the unincorporated area
247 within 1/2 mile of the area proposed for annexation; and

248 (iii) is equal in value to at least 15% of all real property located in the unincorporated
249 area within 1/2 mile of the area proposed for annexation.

250 (2) Each protest under Subsection (1) shall:

251 (a) be filed:

252 (i) no later than 30 days after the municipal legislative body's receipt of the notice of
253 certification under Subsection 10-2-405(2)(c)(i); and

254 (ii) (A) in a county that has already created a commission under Section 10-2-409, with
255 the commission; or

256 (B) in a county that has not yet created a commission under Section 10-2-409, with the
257 clerk of the county in which the area proposed for annexation is located;

258 (b) state each reason for the protest of the annexation petition and, if the area proposed
259 to be annexed is located in a specified county, justification for the protest under the standards
260 established in this chapter;

261 (c) if the area proposed to be annexed is located in a specified county, contain other
262 information that the commission by rule requires or that the party filing the protest considers
263 pertinent; and

264 (d) contain the name and address of a contact person who is to receive notices sent by
265 the commission with respect to the protest proceedings.

266 (3) The party filing a protest under this section shall on the same date deliver or mail a
267 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

268 (4) Each clerk who receives a protest under Subsection (2)(a)(ii)(B) shall:

269 (a) immediately notify the county legislative body of the protest; and

270 (b) deliver the protest to the boundary commission within five days after:

271 (i) receipt of the protest, if the boundary commission has previously been created; or

272 (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the
273 boundary commission has not previously been created.

274 (5) (a) If a protest is filed under this section:

275 (i) the municipal legislative body may, at its next regular meeting after expiration of
276 the deadline under Subsection (2)(a)(i), deny the annexation petition; or

277 (ii) if the municipal legislative body does not deny the annexation petition under
278 Subsection (5)(a)(i), the municipal legislative body may take no further action on the
279 annexation petition until after receipt of the commission's notice of its decision on the protest
280 under Section 10-2-416.

281 (b) If a municipal legislative body denies an annexation petition under Subsection
282 (5)(a)(i), the municipal legislative body shall, within five days after the denial, send notice of
283 the denial in writing to:

284 (i) the contact sponsor of the annexation petition;

285 (ii) the commission; and

286 (iii) each entity that filed a protest.

287 (6) If no timely protest is filed under this section, the municipal legislative body may,
288 subject to Subsection (7), approve the petition.

289 (7) Before approving an annexation petition under Subsection (6), the municipal
290 legislative body shall hold a public hearing and publish notice of the public hearing:

291 [~~(a) (i) at least seven days before the day of the public hearing in a newspaper of
292 general circulation within the municipality and the area proposed for annexation;~~]

293 [~~(ii) if there is no newspaper of general circulation in the combined area described in
294 Subsection (7)(a)(i);~~]

295 (a) (i) at least seven days before the day of the public hearing, by posting one notice,
296 and at least one additional notice per 2,000 population within the [~~combined area~~] municipality
297 and the area proposed for annexation, in places within [~~the~~] that combined area that are most
298 likely to give notice to the residents within, and the owners of real property located within, the

299 combined area; or
300 ~~[(iii)]~~ (ii) at least 10 days before the day of the public hearing by mailing the notice to
301 each residence within, and to each owner of real property located within, the combined area
302 described in Subsection (7)(a)(i);

303 (b) on the Utah Public Notice Website created in Section 63F-1-701, for seven days
304 before the day of the public hearing; and

305 ~~[(c) in accordance with Section 45-1-101, for seven days before the day of the public~~
306 ~~hearing; and]~~

307 ~~[(d)]~~ (c) if the municipality has a website, on the municipality's website for seven days
308 before the day of the public hearing.

309 Section 4. Section 10-2-415 is amended to read:

310 **10-2-415. Public hearing -- Notice.**

311 (1) (a) If the results of the feasibility study or supplemental feasibility study meet the
312 requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
313 located in a county of the first class, the commission shall hold a public hearing within 30 days
314 after the day on which the commission receives the feasibility study or supplemental feasibility
315 study results.

316 (b) At the public hearing described in Subsection (1)(a), the commission shall:

317 (i) require the feasibility consultant to present the results of the feasibility study and, if
318 applicable, the supplemental feasibility study;

319 (ii) allow those present to ask questions of the feasibility consultant regarding the study
320 results; and

321 (iii) allow those present to speak to the issue of annexation.

322 (2) The commission shall publish notice of the public hearing described in Subsection
323 (1)(a) ~~[(a) (i) at least once a week for two successive weeks before the public hearing in a~~
324 ~~newspaper of general circulation]~~ within the area proposed for annexation, the surrounding 1/2
325 mile of unincorporated area, and the proposed annexing municipality~~[:];~~

326 ~~[(ii) if there is no newspaper of general circulation within the combined area described~~
327 ~~in Subsection (2)(a)(i);]~~

328 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,
329 and at least one additional notice per 2,000 population within the combined area, in places
330 within the combined area that are most likely to give notice of the public hearing to the
331 residents within, and the owners of real property located within, the combined area; or

332 ~~[(iii) (ii)~~ by mailing notice to each residence within, and to each owner of real
333 property located within, the combined area ~~[described in Subsection (2)(a)(i)];~~

334 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
335 before the day of the public hearing;

336 ~~[(c) in accordance with Section 45-1-101, for two weeks before the day of the public~~
337 ~~hearing;]~~

338 ~~[(d)]~~ (c) by sending written notice of the public hearing to the municipal legislative
339 body of the proposed annexing municipality, the contact sponsor on the annexation petition,
340 each entity that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(c), the
341 contact person;

342 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for two weeks
343 before the day of the public hearing; and

344 ~~[(f)]~~ (e) on the county's website for two weeks before the day of the public hearing.

345 (3) The notice described in Subsection (2) shall:

346 (a) be entitled, "notice of annexation hearing";

347 (b) state the name of the annexing municipality;

348 (c) describe the area proposed for annexation; and

349 (d) specify the following sources where an individual may obtain a copy of the
350 feasibility study conducted in relation to the proposed annexation:

351 (i) if the municipality has a website, the municipality's website;

352 (ii) a municipality's physical address; and

353 (iii) a mailing address and telephone number.

354 (4) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has
355 expired with respect to a proposed annexation of an area located in a specified county, the
356 boundary commission shall hold a hearing on all protests that were filed with respect to the
357 proposed annexation.

358 (5) At least 14 days before the date of a hearing described in Subsection (4), the
359 commission chair shall publish notice of the hearing:

360 [~~(a) (i) in a newspaper of general circulation within the area proposed for annexation;~~]
361 [~~(ii) if there is no newspaper of general circulation within the area proposed for~~
362 ~~annexation;~~]

363 (a) (i) by posting one notice, and at least one additional notice per 2,000 population
364 within the area proposed for annexation, in places within the area that are most likely to give
365 notice of the hearing to the residents within, and the owners of real property located within, the
366 area; or

367 [~~(iii) (ii) by mailing notice to each resident within, and each owner of real property~~
368 ~~located within, the area proposed for annexation;~~

369 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days before
370 the day of the hearing;

371 [~~(c) in accordance with Section 45-1-101, for 14 days before the day of the hearing;~~]

372 [~~(d) (c) if the municipality has a website, on the municipality's website for two weeks~~
373 ~~before the day of the public hearing; and~~

374 [~~(e) (d) on the county's website for two weeks before the day of the public hearing.~~

375 (6) Each notice described in Subsection (5) shall:

376 (a) state the date, time, and place of the hearing;

377 [~~(a) (b) briefly summarize the nature of the protest; and~~

378 [~~(b) (c) state that a copy of the protest is on file at the commission's office.~~

379 (7) The commission may continue a hearing under Subsection (4) from time to time,

380 but no continued hearing may be held later than 60 days after the original hearing date.

381 (8) In considering protests, the commission shall consider whether the proposed
382 annexation:

383 (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
384 annexation policy plan of the proposed annexing municipality;

385 (b) conflicts with the annexation policy plan of another municipality; and

386 (c) if the proposed annexation includes urban development, will have an adverse tax
387 consequence on the remaining unincorporated area of the county.

388 (9) (a) The commission shall record each hearing under this section by electronic
389 means.

390 (b) A transcription of the recording under Subsection (9)(a), the feasibility study, if
391 applicable, information received at the hearing, and the written decision of the commission
392 shall constitute the record of the hearing.

393 Section 5. Section 10-2-418 is amended to read:

394 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
395 **Hearing.**

396 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
397 accordance with this section of an area located within a county of the first class,
398 "municipal-type services" does not include a service provided by a municipality pursuant to a
399 contract that the municipality has with another political subdivision as "political subdivision" is
400 defined in Section 17B-1-102.

401 (2) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
402 unincorporated area under this section without an annexation petition if:

403 (a) for an unincorporated area within the expansion area of more than one municipality,
404 each municipality agrees to the annexation; and

405 (b) (i) (A) the area to be annexed consists of one or more unincorporated islands within
406 or unincorporated peninsulas contiguous to the municipality;

407 (B) the majority of each island or peninsula consists of residential or commercial
408 development;

409 (C) the area proposed for annexation requires the delivery of municipal-type services;
410 and

411 (D) the municipality has provided most or all of the municipal-type services to the area
412 for more than one year;

413 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
414 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
415 residents; and

416 (B) the municipality has provided one or more municipal-type services to the area for
417 at least one year;

418 (iii) the area consists of:

419 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
420 municipality; and

421 (B) for an area outside of the county of the first class proposed for annexation, no more
422 than 50 acres; or

423 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a
424 county of the second class;

425 (B) the area to be annexed is located in the expansion area of a municipality; and

426 (C) the county legislative body in which the municipality is located provides notice to
427 each property owner within the area to be annexed that the county legislative body will hold a
428 public hearing, no less than 15 days after the day on which the county legislative body provides
429 the notice, and may make a recommendation of annexation to the municipality whose
430 expansion area includes the area to be annexed after the public hearing.

431 (3) Notwithstanding Subsection [10-2-402\(1\)\(b\)\(iii\)](#), a municipality may annex a
432 portion of an unincorporated island or unincorporated peninsula under this section, leaving
433 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

434 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body
435 determines that not annexing the entire unincorporated island or unincorporated peninsula is in
436 the municipality's best interest; and

437 (b) for an annexation of one or more unincorporated islands under Subsection (2)(b),
438 the entire island of unincorporated area, of which a portion is being annexed, complies with the
439 requirement of Subsection (2)(b)(ii) relating to the number of residents.

440 (4) (a) This subsection applies only to an annexation within a county of the first class.

441 (b) A county of the first class shall agree to an annexation if the majority of private
442 property owners within the area to be annexed give written consent to the annexation, in
443 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

444 (c) For purposes of Subsection (4)(b), the majority of private property owners is
445 property owners who own:

446 (i) the majority of the total private land area within the area proposed for annexation;
447 and

448 (ii) private real property equal to at least 1/2 the value of private real property within
449 the area proposed for annexation.

450 (d) A property owner consenting to annexation shall indicate the property owner's
451 consent on a form which includes language in substantially the following form:

452 "Notice: If this written consent is used to proceed with an annexation of your property
453 in accordance with Utah Code Section [10-2-418](#), no public election is required by law to
454 approve the annexation. If you sign this consent and later decide you do not want to support
455 the annexation of your property, you may withdraw your signature by submitting a signed,
456 written withdrawal with the recorder or clerk of [name of annexing municipality]. If you
457 choose to withdraw your signature, you must do so no later than the close of the public hearing
458 on the annexation conducted in accordance with Utah Code Subsection [10-2-418\(4\)\(d\)](#)."

459 (e) A private property owner may withdraw the property owner's signature indicating
460 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the

461 close of the public hearing held in accordance with Subsection (5)(b).

462 (5) The legislative body of each municipality intending to annex an area under this
463 section shall:

464 (a) adopt a resolution indicating the municipal legislative body's intent to annex the
465 area, describing the area proposed to be annexed; and

466 (b) hold a public hearing on the proposed annexation no earlier than 30 days after the
467 adoption of the resolution described in Subsection (5)(a).

468 (6) A legislative body described in Subsection (5) shall publish notice of a public
469 hearing described in Subsection (5)(b):

470 ~~[(a) (i) at least once a week for three successive weeks before the public hearing in a~~
471 ~~newspaper of general circulation within the municipality and the area proposed for~~
472 ~~annexation;]~~

473 ~~[(ii) if there is no newspaper of general circulation in the combined area described in~~
474 ~~Subsection (6)(a)(i);]~~

475 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
476 and at least one additional notice per 2,000 population in the ~~[combined area]~~ municipality and
477 the area proposed for annexation, in places within the combined area that are most likely to
478 give notice to the residents within, and the owners of real property located within, the
479 combined area; or

480 ~~[(iii)]~~ (ii) at least three weeks before the day of the public hearing, by mailing notice to
481 each residence within, and each owner of real property located within, the combined area
482 described in Subsection (6)(a)(i);

483 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
484 before the day of the public hearing;

485 ~~[(c) in accordance with Section 45-1-101, for three weeks before the day of the public~~
486 ~~hearing;]~~

487 ~~[(d)]~~ (c) by sending written notice to:

488 (i) the board of each local district and special service district whose boundaries contain
489 some or all of the area proposed for annexation; and

490 (ii) the legislative body of the county in which the area proposed for annexation is
491 located; and

492 [~~(e)~~] (d) if the municipality has a website, on the municipality's website for three weeks
493 before the day of the public hearing.

494 (7) The legislative body of the annexing municipality shall ensure that:

495 (a) each notice described in Subsection (6):

496 (i) states that the municipal legislative body has adopted a resolution indicating the
497 municipality's intent to annex the area proposed for annexation;

498 (ii) states the date, time, and place of the public hearing described in Subsection (5)(b);

499 (iii) describes the area proposed for annexation; and

500 (iv) except for an annexation that meets the requirements of Subsection (8)(b) or (c),
501 states in conspicuous and plain terms that the municipal legislative body will annex the area
502 unless, at or before the public hearing described in Subsection (5)(b), written protests to the
503 annexation are filed by the owners of private real property that:

504 (A) is located within the area proposed for annexation;

505 (B) covers a majority of the total private land area within the entire area proposed for
506 annexation; and

507 (C) is equal in value to at least 1/2 the value of all private real property within the
508 entire area proposed for annexation; and

509 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14
510 days after the day on which the municipal legislative body adopts a resolution under Subsection
511 (5)(a).

512 (8) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), upon conclusion of the
513 public hearing described in Subsection (5)(b), the municipal legislative body may adopt an
514 ordinance approving the annexation of the area proposed for annexation under this section

515 unless, at or before the hearing, written protests to the annexation have been filed with the
516 recorder or clerk of the municipality by the owners of private real property that:

- 517 (i) is located within the area proposed for annexation;
- 518 (ii) covers a majority of the total private land area within the entire area proposed for
519 annexation; and
- 520 (iii) is equal in value to at least 1/2 the value of all private real property within the
521 entire area proposed for annexation.

522 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
523 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
524 annexation of the area proposed for annexation under this section without allowing or
525 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private
526 land area within the entire area proposed for annexation, representing at least 75% of the value
527 of the private real property within the entire area proposed for annexation, have consented in
528 writing to the annexation.

529 (ii) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
530 ordinance adopted under Subsection (8)(b)(i), the area annexed is conclusively presumed to be
531 validly annexed.

532 (c) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing
533 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
534 annexation of an area that the county legislative body proposes for annexation under this
535 section without allowing or considering protests under Subsection (8)(a) if the county
536 legislative body has formally recommended annexation to the annexing municipality and has
537 made a formal finding that:

538 (A) the area to be annexed can be more efficiently served by the municipality than by
539 the county;

540 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
541 the future as the result of urban development;

542 (C) annexation of the area is likely to facilitate the consolidation of overlapping
543 functions of local government; and

544 (D) annexation of the area is likely to result in an equitable distribution of community
545 resources and obligations.

546 (ii) The county legislative body may base the finding required in Subsection
547 (8)(c)(i)(B) on:

548 (A) existing development in the area;

549 (B) natural or other conditions that may limit the future development of the area; or

550 (C) other factors that the county legislative body considers relevant.

551 (iii) A county legislative body may make the recommendation for annexation required
552 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of
553 information provided at the public hearing, the county legislative body makes a formal finding
554 that it would be equitable to leave a portion of the island unincorporated.

555 (iv) If a county legislative body has made a recommendation of annexation under
556 Subsection (8)(c)(i):

557 (A) the relevant municipality is not required to proceed with the recommended
558 annexation; and

559 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
560 the entire area that the county legislative body recommended for annexation.

561 (v) Upon the effective date under Section [10-2-425](#) of an annexation approved by an
562 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be
563 validly annexed.

564 (9) (a) Except as provided in Subsections (8)(b)(i) and (8)(c)(i), if protests are timely
565 filed under Subsection (8)(a), the municipal legislative body may not adopt an ordinance
566 approving the annexation of the area proposed for annexation, and the annexation proceedings
567 under this section shall be considered terminated.

568 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding

569 from a proposed annexation under Subsection (2)(b) the property within an unincorporated
570 island regarding which protests have been filed and proceeding under Subsection (3) to annex
571 some or all of the remaining portion of the unincorporated island.

572 Section 6. Section **10-2-419** is amended to read:

573 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

574 (1) The legislative bodies of two or more municipalities having common boundaries
575 may adjust their common boundaries as provided in this section.

576 (2) The legislative body of each municipality intending to adjust a boundary that is
577 common with another municipality shall:

578 (a) adopt a resolution indicating the intent of the municipal legislative body to adjust a
579 common boundary; and

580 (b) hold a public hearing on the proposed adjustment no less than 60 days after the
581 adoption of the resolution under Subsection (2)(a).

582 (3) A legislative body described in Subsection (2) shall publish notice of a public
583 hearing described in Subsection (2)(b):

584 [~~(a) (i) at least once a week for three successive weeks before the public hearing in a~~
585 ~~newspaper of general circulation within the municipality;~~]

586 [~~(ii) if there is no newspaper of general circulation within the municipality;~~]

587 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
588 and at least one additional notice per 2,000 population of the municipality, in places within the
589 municipality that are most likely to give notice to residents of the municipality; or

590 [~~(iii)~~] (ii) at least three weeks before the day of the public hearing, by mailing notice to
591 each residence in the municipality;

592 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks
593 before the day of the public hearing;

594 [~~(c) in accordance with Section [45-1-101](#), for three weeks before the day of the public~~
595 ~~hearing;~~]

596 ~~[(d)]~~ (c) if the proposed boundary adjustment may cause any part of real property
597 owned by the state to be within the geographic boundary of a different local governmental
598 entity than before the adjustment, by providing written notice, at least 50 days before the day of
599 the public hearing, to:

600 (i) the title holder of any state-owned real property described in this Subsection (3)(d);
601 and

602 (ii) the Utah State Developmental Center Board, created under Section [~~62A-5-202~~]
603 [62A-5-202.2](#), if any state-owned real property described in this Subsection (3)(d) is associated
604 with the Utah State Developmental Center; and

605 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for three weeks
606 before the day of the public hearing.

607 (4) The notice described in Subsection (3) shall:

608 (a) state that the municipal legislative body has adopted a resolution indicating the
609 municipal legislative body's intent to adjust a boundary that the municipality has in common
610 with another municipality;

611 (b) describe the area proposed to be adjusted;

612 (c) state the date, time, and place of the public hearing described in Subsection (2)(b);

613 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
614 the boundaries unless, at or before the public hearing described in Subsection (2)(b), a written
615 protest to the adjustment is filed by:

616 (i) an owner of private real property that:

617 (A) is located within the area proposed for adjustment;

618 (B) covers at least 25% of the total private land area within the area proposed for
619 adjustment; and

620 (C) is equal in value to at least 15% of the value of all private real property within the
621 area proposed for adjustment; or

622 (ii) a title holder of state-owned real property described in Subsection (3)(d);

623 (e) state that the area that is the subject of the boundary adjustment will, because of the
624 boundary adjustment, be automatically annexed to a local district providing fire protection,
625 paramedic, and emergency services or a local district providing law enforcement service, as the
626 case may be, as provided in Section 17B-1-416, if:

627 (i) the municipality to which the area is being added because of the boundary
628 adjustment is entirely within the boundaries of a local district:

629 (A) that provides fire protection, paramedic, and emergency services or law
630 enforcement service, respectively; and

631 (B) in the creation of which an election was not required because of Subsection
632 17B-1-214(3)(c); and

633 (ii) the municipality from which the area is being taken because of the boundary
634 adjustment is not within the boundaries of the local district; and

635 (f) state that the area proposed for annexation to the municipality will be automatically
636 withdrawn from a local district providing fire protection, paramedic, and emergency services,
637 as provided in Subsection 17B-1-502(2), if:

638 (i) the municipality to which the area is being added because of the boundary
639 adjustment is not within the boundaries of a local district:

640 (A) that provides fire protection, paramedic, and emergency services; and

641 (B) in the creation of which an election was not required because of Subsection
642 17B-1-214(3)(c); and

643 (ii) the municipality from which the area is being taken because of the boundary
644 adjustment is entirely within the boundaries of the local district.

645 ~~[(5) The first publication of the notice described in Subsection (3)(a)(i) shall be within~~
646 ~~14 days after the day on which the municipal legislative body adopts a resolution under~~
647 ~~Subsection (2)(a).]~~

648 ~~[(6)]~~ (5) Upon conclusion of the public hearing described in Subsection (2)(b), the
649 municipal legislative body may adopt an ordinance approving the adjustment of the common

650 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
651 adjustment is filed with the city recorder or town clerk by a person described in Subsection
652 (3)(d)(i) or (ii).

653 ~~[(7)]~~ (6) The municipal legislative body shall comply with the requirements of Section
654 10-2-425 as if the boundary adjustment were an annexation.

655 ~~[(8)]~~ (7) (a) An ordinance adopted under Subsection ~~[(6)]~~ (5) becomes effective when
656 each municipality involved in the boundary adjustment has adopted an ordinance under
657 Subsection ~~[(6)]~~ (5).

658 (b) The effective date of a boundary adjustment under this section is governed by
659 Section 10-2-425.

660 Section 7. Section 10-2-502.5 is amended to read:

661 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
662 **legislative body -- Petition in district court.**

663 (1) No sooner than ~~[seven calendar days after, and no later than 30 calendar days after,~~
664 ~~the last day on which the petitioner publishes the notice required under Subsection~~
665 ~~10-2-501(3)(a)]~~ three weeks after notice is provided under Subsection 10-2-501(3), the
666 legislative body of the municipality in which the area proposed for disconnection is located
667 shall hold a public hearing.

668 (2) The municipal legislative body shall provide notice of the public hearing:

669 (a) at least seven days before the hearing date, in writing to the petitioner and to the
670 legislative body of the county in which the area proposed for disconnection is located;

671 ~~[(b) (i) at least seven days before the hearing date, by publishing notice in a newspaper~~
672 ~~of general circulation within the municipality;]~~

673 ~~[(ii) if there is no newspaper of general circulation within the municipality;]~~

674 (b) (i) at least seven days before the hearing date, by posting one notice, and at least
675 one additional notice per 2,000 population of the municipality, in places within the
676 municipality that are most likely to give notice to residents within, and the owners of real

677 property located within, the municipality; or

678 ~~[(iii)]~~ (ii) at least 10 days before the hearing date, by mailing notice to each residence
679 within, and each owner of real property located within, the municipality;

680 (c) on the Utah Public Notice Website created in Section 63F-1-701, for seven days
681 before the hearing date; and

682 ~~[(d) in accordance with Section 45-1-101, for seven days before the hearing date, and]~~

683 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for seven days
684 before the hearing date.

685 (3) In the public hearing, any person may speak and submit documents regarding the
686 disconnection proposal.

687 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

688 (a) determine whether to grant the request for disconnection; and

689 (b) if the municipality determines to grant the request, adopt an ordinance approving
690 disconnection of the area from the municipality.

691 (5) (a) A petition against the municipality challenging the municipal legislative body's
692 determination under Subsection (4) may be filed in district court by:

693 (i) the petitioner; or

694 (ii) the county in which the area proposed for disconnection is located.

695 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
696 disconnection.

697 Section 8. Section 10-2-607 is amended to read:

698 **10-2-607. Notice of election.**

699 If the county legislative bodies find that the resolution or petition for consolidation and
700 their attachments substantially conform with the requirements of this part, the county

701 legislative bodies shall publish notice of the election for consolidation to the voters of each
702 municipality that would become part of the consolidated municipality:

703 ~~[(1) (a) in a newspaper of general circulation within the boundaries of the municipality~~

704 at least once a week for four consecutive weeks before the election;]
705 [~~(b)~~ if there is no newspaper of general circulation in the municipality;]
706 (1) (a) at least four weeks before the day of the election, by posting one notice, and at
707 least one additional notice per 2,000 population of the municipality, in places within the
708 municipality that are most likely to give notice to the voters in the municipality; or
709 [~~(c)~~] (b) at least four weeks before the day of the election, by mailing notice to each
710 registered voter in the municipality;
711 (2) on the Utah Public Notice Website created in Section 63F-1-701, for at least four
712 weeks before the day of the election; and
713 [~~(3)~~ in accordance with Section 45-1-101, for at least four weeks before the day of the
714 election; and]
715 [~~(4)~~] (3) if the municipality has a website, on the municipality's website for at least four
716 weeks before the day of the election.

717 Section 9. Section 10-2-703 is amended to read:

718 **10-2-703. Publication of notice of election.**

719 (1) Immediately after setting the date for the election, the court shall order for
720 publication notice of the:
721 (a) petition; and
722 (b) date the election is to be held to determine the question of dissolution.
723 (2) The notice described in Subsection (1) shall be published:
724 [~~(a) (i)~~ for at least once a week for a period of four weeks before the election in a
725 newspaper of general circulation in the municipality;]
726 [~~(ii)~~ if there is no newspaper of general circulation in the municipality;]
727 (a) (i) at least four weeks before the day of the election, by posting one notice, and at
728 least one additional notice per 2,000 population of the municipality, in places within the
729 municipality that are most likely to give notice to the voters in the municipality; or
730 [~~(iii)~~] (ii) at least one month before the day of the election, by mailing notice to each

731 registered voter in the municipality;
732 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
733 before the day of the election; and
734 [~~(c)~~ in accordance with Section 45-1-101, for four weeks before the day of the election;
735 and]
736 [~~(d)~~ (c) if the municipality has a website, on the municipality's website for four weeks
737 before the day of the election.

738 Section 10. Section 10-2-708 is amended to read:

739 **10-2-708. Notice of disincorporation -- Publication and filing.**

740 When a municipality has been dissolved, the clerk of the court shall publish notice of
741 the dissolution:

742 [~~(1) (a) in a newspaper of general circulation in the county in which the municipality is~~
743 ~~located at least once a week for four consecutive weeks;~~]

744 [~~(b) if there is no newspaper of general circulation in the county in which the~~
745 ~~municipality is located;~~]

746 (1) (a) by posting one notice, and at least one additional notice per 2,000 population of
747 the county in places within the county that are most likely to give notice to the residents within,
748 and the owners of real property located within, the county, including the residents and owners
749 within the municipality that is dissolved; or

750 [~~(c)~~ (b) by mailing notice to each residence within, and each owner of real property
751 located within, the county;

752 (2) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks;

753 [~~(3) in accordance with Section 45-1-101, for four weeks;~~]

754 [~~(4)~~ (3) if the municipality has a website, on the municipality's website for four weeks;

755 and

756 [~~(5)~~ (4) on the county's website for four weeks.

757 Section 11. Section 10-2a-207 is amended to read:

758 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

759 (1) If the results of the feasibility study or supplemental feasibility study comply with
 760 Subsection 10-2a-205(6)(a), the lieutenant governor shall, after receipt of the results of the
 761 feasibility study or supplemental feasibility study, conduct at least two public hearings:

- 762 (a) within 60 days after the day on which the lieutenant governor receives the results;
- 763 (b) at least seven days apart;
- 764 (c) except in a proposed municipality that will be a city of the fifth class or a town, in
 765 geographically diverse locations;
- 766 (d) within or near the proposed municipality;
- 767 (e) to allow the feasibility consultant to present the results of the feasibility study; and
- 768 (f) to inform the public about the results of the feasibility study.

769 (2) At each public hearing described in Subsection (1), the lieutenant governor shall:

- 770 (a) provide a map or plat of the boundary of the proposed municipality;
- 771 (b) provide a copy of the feasibility study for public review;
- 772 (c) allow members of the public to express views about the proposed incorporation,
 773 including views about the proposed boundaries; and
- 774 (d) allow the public to ask the feasibility consultant questions about the feasibility
 775 study.

776 (3) The lieutenant governor shall publish notice of the public hearings described in
 777 Subsection (1):

778 ~~[(a) (i) at least once a week for three consecutive weeks before the first public hearing
 779 in a newspaper of general circulation within the proposed municipality;]~~

780 ~~[(ii) if there is no newspaper of general circulation in the proposed municipality;]~~

781 (a) (i) at least three weeks before the day of the first public hearing, by posting one
 782 notice, and at least one additional notice per 2,000 population of the proposed municipality, in
 783 places within the proposed municipality that are most likely to give notice to the residents
 784 within, and the owners of real property located within, the proposed municipality; or

785 ~~[(iii)]~~ (ii) at least three weeks before the first public hearing, by mailing notice to each
786 residence within, and each owner of real property located within, the proposed municipality;

787 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
788 before the day of the first public hearing; and

789 ~~[(c) in accordance with Section 45-1-101, for three weeks before the day of the first
790 public hearing; and]~~

791 ~~[(d)]~~ (c) on the lieutenant governor's website for three weeks before the day of the first
792 public hearing.

793 ~~[(4) The last notice required to be published under Subsection (3)(a)(i) shall be at least
794 three days before the first public hearing required under Subsection (1).]~~

795 ~~[(5)]~~ (4) (a) Except as provided in Subsection ~~[(5)]~~ (4)(b), the notice described in
796 Subsection (3) shall include the feasibility study summary described in Subsection
797 10-2a-205(3)(c) and shall indicate that a full copy of the study is available on the lieutenant
798 governor's website and for inspection at the Office of the Lieutenant Governor.

799 (b) Instead of publishing the feasibility summary under Subsection ~~[(5)]~~ (4)(a), the
800 lieutenant governor may publish a statement that specifies the following sources where a
801 resident within, or the owner of real property located within, the proposed municipality, may
802 view or obtain a copy of the feasibility study:

- 803 (i) the lieutenant governor's website;
- 804 (ii) the physical address of the Office of the Lieutenant Governor; and
- 805 (iii) a mailing address and telephone number.

806 Section 12. Section 10-2a-210 is amended to read:

807 **10-2a-210. Incorporation election.**

808 (1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b),
809 the lieutenant governor shall schedule an incorporation election for the proposed municipality
810 described in the petition to be held on the date of the next regular general election described in
811 Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that

812 is at least 65 days after the day on which the lieutenant governor certifies the petition.

813 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
814 which the proposed municipality is located to hold the election on the date that the lieutenant
815 governor schedules under Subsection (1)(a).

816 (ii) The county shall hold the election as directed by the lieutenant governor under
817 Subsection (1)(b)(i).

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

819 ~~[(a) (i) in a newspaper of general circulation within the area proposed to be
820 incorporated at least once a week for three successive weeks before the election;]~~

821 ~~[(ii) if there is no newspaper of general circulation in the area proposed to be
822 incorporated;]~~

823 (a) (i) at least three weeks before the day of the election, by posting one notice, and at
824 least one additional notice per 2,000 population of the area proposed to be incorporated, in
825 places within the area proposed to be incorporated that are most likely to give notice to the
826 voters within the area proposed to be incorporated; or

827 ~~[(iii)]~~ (ii) at least three weeks before the day of the election, by mailing notice to each
828 registered voter in the area proposed to be incorporated;

829 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks
830 before the day of the election;

831 ~~[(c) in accordance with Section [45-1-101](#), for three weeks before the day of the
832 election;]~~

833 ~~[(d)]~~ (c) if the proposed municipality has a website, on the proposed municipality's
834 website for three weeks before the day of the election; and

835 ~~[(e)]~~ (d) on the county's website for three weeks before the day of the election.

836 (3) (a) The notice required by Subsection (2) shall contain:

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

838 (ii) a description of the area proposed to be incorporated as a municipality;

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

841 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in
842 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
843 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

844 ~~[(b) The last notice required to be published under Subsection (2)(a)(i) shall be~~
845 ~~published at least one day, but no more than seven days, before the day of the election.]~~

846 ~~[(c)]~~ (b) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the
847 notice may include a statement that specifies the following sources where a registered voter in
848 area proposed to be incorporated may view or obtain a copy the feasibility study:

- 849 (i) the lieutenant governor's website;
- 850 (ii) the physical address of the Office of the Lieutenant Governor; and
- 851 (iii) a mailing address and telephone number.

852 (4) An individual may not vote in an incorporation election under this section unless
853 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
854 boundaries of the proposed municipality.

855 (5) If a majority of those who vote in an incorporation election held under this section
856 cast votes in favor of incorporation, the area shall incorporate.

857 Section 13. Section 10-2a-213 is amended to read:

858 **10-2a-213. Determination of number of council members -- Determination of**
859 **election districts -- Hearings and notice.**

860 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
861 after the day on which the county conducts the canvass of the election under Section
862 10-2a-212:

- 863 (a) for the incorporation of a city:
 - 864 (i) if the voters at the incorporation election choose the council-mayor form of
 - 865 government, determine the number of council members that will constitute the city council of

866 the city; and

867 (ii) if the voters at the incorporation election vote to elect council members by district,
868 determine the number of council members to be elected by district and draw the boundaries of
869 those districts, which shall be substantially equal in population; and

870 (b) for the incorporation of any municipality:

871 (i) determine the initial terms of the mayor and members of the municipal council so
872 that:

873 (A) the mayor and approximately half the members of the municipal council are
874 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
875 successors to serve a full four-year term that coincides with the schedule established in
876 Subsection 10-3-205(1); and

877 (B) the remaining members of the municipal council are elected to serve an initial
878 term, of no less than one year, that allows the members' successors to serve a full four-year
879 term that coincides with the schedule established in Subsection 10-3-205(2); and

880 (ii) submit in writing to the county legislative body the results of the determinations
881 made by the sponsors under Subsections (1)(a) and (b)(i).

882 (2) A newly incorporated town shall operate under the five-member council form of
883 government as defined in Section 10-3b-102.

884 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
885 sponsors shall hold a public hearing within the future municipality on the applicable issues
886 described in Subsections (1)(a) and (b)(i).

887 (4) The petition sponsors shall publish notice of the public hearing described in
888 Subsection (3):

889 ~~[(a) (i) in a newspaper of general circulation within the future municipality at least
890 once a week for two successive weeks before the public hearing;]~~

891 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~

892 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,

893 and at least one additional notice per 2,000 population of the future municipality, in places
894 within the future municipality that are most likely to give notice to the residents within, and the
895 owners of real property located within, the future municipality; or

896 ~~[(iii)]~~ (ii) at least two weeks before the day of the public hearing, by mailing notice to
897 each residence within, and each owner of real property located within, the future municipality;

898 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
899 before the day of the public hearing;

900 ~~[(c) in accordance with Section 45-1-101, for at least two weeks before the day of the
901 public hearing;]~~

902 ~~[(d)]~~ (c) if the future municipality has a website, for two weeks before the day of the
903 public hearing; and

904 ~~[(e)]~~ (d) on the county's website for two weeks before the day of the public hearing.

905 ~~[(5) The last notice required to be published under Subsection (4)(a)(i) shall be
906 published at least three days before the day of the public hearing described in Subsection (3).]~~

907 Section 14. Section 10-2a-214 is amended to read:

908 **10-2a-214. Notice of number of commission or council members to be elected and**
909 **of district boundaries -- Declaration of candidacy for municipal office.**

910 (1) Within 20 days after the day on which a county legislative body receives the
911 petition sponsors' determination under Subsection 10-2a-213(1)(b)(ii), the county clerk shall
912 publish, in accordance with Subsection (2), notice containing:

913 (a) the number of municipal council members to be elected for the new municipality;

914 (b) except as provided in Subsection (3), if some or all of the municipal council
915 members are to be elected by district, a description of the boundaries of those districts;

916 (c) information about the deadline for an individual to file a declaration of candidacy to
917 become a candidate for mayor or municipal council; and

918 (d) information about the length of the initial term of each of the municipal officers.

919 (2) The county clerk shall publish the notice described in Subsection (1):

920 ~~[(a) (i) in a newspaper of general circulation within the future municipality at least~~
 921 ~~once a week for two consecutive weeks;]~~
 922 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~
 923 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
 924 the future municipality, in places within the future municipality that are most likely to give
 925 notice to the residents in the future municipality; or
 926 ~~[(iii)]~~ (ii) by mailing notice to each residence in the future municipality;
 927 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;
 928 ~~[(c) in accordance with Section 45-1-101, for two weeks;]~~
 929 ~~[(d)]~~ (c) if the future municipality has a website, on the future municipality's website
 930 for two weeks; and
 931 ~~[(e)]~~ (d) on the county's website for two weeks.
 932 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
 933 notice may include a statement that specifies the following sources where a resident of the
 934 future municipality may view or obtain a copy the district:
 935 (a) the county website;
 936 (b) the physical address of the county offices; and
 937 (c) a mailing address and telephone number.
 938 (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a
 939 candidate for mayor or municipal council of a municipality incorporating under this part shall
 940 file a declaration of candidacy with the clerk of the county in which the future municipality is
 941 located and in accordance with:
 942 (a) for an incorporation held on the date of a regular general election, the deadlines for
 943 filing a declaration of candidacy under Section 20A-9-202; or
 944 (b) for an incorporation held on the date of a municipal general election, the deadlines
 945 for filing a declaration of candidacy under Section 20A-9-203.
 946 Section 15. Section **10-2a-215** is amended to read:

947 **10-2a-215. Election of officers of new municipality -- Primary and final election**
948 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

949 (1) For the election of municipal officers, the county legislative body shall:

950 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a
951 primary election; and

952 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
953 final election.

954 (2) Each election described in Subsection (1) shall be held:

955 (a) consistent with the petition sponsors' determination of the length of each council
956 member's initial term; and

957 (b) for the incorporation of a city:

958 (i) appropriate to the form of government chosen by the voters at the incorporation
959 election;

960 (ii) consistent with the voters' decision about whether to elect city council members by
961 district and, if applicable, consistent with the boundaries of those districts as determined by the
962 petition sponsors; and

963 (iii) consistent with the sponsors' determination of the number of city council members
964 to be elected.

965 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
966 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

967 (i) regular primary election described in Subsection 20A-1-201.5(1); or

968 (ii) municipal primary election described in Section 20A-9-404.

969 (b) The county shall hold the primary election, if necessary, on the next election date
970 described in Subsection (3)(a) that is after the incorporation election conducted under Section
971 10-2a-210.

972 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
973 Subsection (1)(b):

- 974 (i) on the following election date that next follows the date of the incorporation
975 election held under Subsection 10-2a-210(1)(a);
- 976 (ii) a regular general election described in Section 20A-1-201; or
977 (iii) a regular municipal general election under Section 20A-1-202.
- 978 (b) The county shall hold the final election on the earliest of the next election date that
979 is listed in Subsection (4)(a)(i), (ii), or (iii):
- 980 (i) that is after a primary election; or
981 (ii) if there is no primary election, that is at least:
982 (A) 75 days after the incorporation election under Section 10-2a-210; and
983 (B) 65 days after the candidate filing period.
- 984 (5) The county clerk shall publish notice of an election under this section:
985 ~~[(a) (i) in accordance with Subsection (6), at least once a week for two consecutive~~
986 ~~weeks before the election in a newspaper of general circulation within the future municipality;]~~
987 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~
988 (a) (i) at least two weeks before the day of the election, by posting one notice, and at
989 least one additional notice per 2,000 population of the future municipality, in places within the
990 future municipality that are most likely to give notice to the voters within the future
991 municipality; or
992 ~~[(iii) (ii) at least two weeks before the day of the election, by mailing notice to each~~
993 ~~registered voter within the future municipality;~~
- 994 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
995 before the day of the election;
- 996 ~~[(c) in accordance with Section 45-1-101, for two weeks before the day of the~~
997 ~~election;]~~
- 998 ~~[(d) (c) if the future municipality has a website, on the future municipality's website~~
999 ~~for two weeks before the day of the election; and~~
- 1000 ~~[(e) (d) on the county's website for two weeks before the day of the election.~~

1001 ~~[(6) The last notice required to be published under Subsection (5)(a)(i) shall be~~
1002 ~~published at least one day but no more than seven days before the day of the election.]~~

1003 ~~[(7)]~~ (6) Until the municipality is incorporated, the county clerk:

1004 (a) is the election officer for all purposes related to the election of municipal officers;

1005 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
1006 related to the election of municipal officers for a new municipality that are not otherwise
1007 contrary to law;

1008 (c) shall require and determine deadlines for municipal office candidates to file
1009 campaign financial disclosures in accordance with Section 10-3-208; and

1010 (d) shall ensure that the ballot for the election includes each office that is required to be
1011 included in the election for officers of the newly incorporated municipality, including the term
1012 of each office.

1013 ~~[(8)]~~ (7) An individual who has filed as a candidate for an office described in this
1014 section shall comply with:

1015 (a) the campaign finance disclosure requirements described in Section 10-3-208; and

1016 (b) the requirements and deadlines established by the county clerk under this section.

1017 ~~[(9)]~~ (8) Notwithstanding Section 10-3-201, the officers elected at a final election
1018 described in Subsection (4)(a) shall take office:

1019 (a) after taking the oath of office; and

1020 (b) at noon on the first Monday following the day on which the election official
1021 transmits a certificate of nomination or election under the officer's seal to each elected
1022 candidate in accordance with Subsection 20A-4-304(4)(b).

1023 Section 16. Section 10-2a-404 is amended to read:

1024 **10-2a-404. Election.**

1025 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local
1026 special election on November 3, 2015, on the following ballot propositions:

1027 (i) for registered voters residing within a planning township:

1028 (A) whether the planning township shall be incorporated as a city or town, according to
1029 the classifications of Section 10-2-301, or as a metro township; and

1030 (B) if the planning township incorporates as a metro township, whether the metro
1031 township is included in a municipal services district; and

1032 (ii) for registered voters residing within an unincorporated island, whether the island
1033 should maintain its unincorporated status or be annexed into an eligible city.

1034 (b) (i) A metro township incorporated under this part shall be governed by the
1035 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of
1036 Municipal Government.

1037 (ii) A city or town incorporated under this part shall be governed by the five-member
1038 council form of government as defined in Section 10-3b-102.

1039 (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,
1040 within the boundaries of a planning township or an unincorporated island, the person may not
1041 vote on the proposed incorporation or annexation.

1042 (3) The county clerk shall publish notice of the election[?] on the Utah Public Notice
1043 Website created in Section 63F-1-701 for three weeks before the election.

1044 [~~(a) in a newspaper of general circulation within the planning township or~~
1045 ~~unincorporated island at least once a week for three successive weeks; and]~~

1046 [~~(b) in accordance with Section 45-1-101 for three weeks.]~~

1047 (4) The notice required by Subsection (3) shall contain:

1048 (a) for residents of a planning township:

1049 (i) a statement that the voters will vote:

1050 (A) to incorporate as a city or town, according to the classifications of Section
1051 10-2-301, or as a metro township; and

1052 (B) if the planning township incorporates as a metro township, whether the metro
1053 township is included in a municipal services district;

1054 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the

1055 planning township boundaries that would be effective upon incorporation;

1056 (iii) a statement that if the residents of the planning township elect to incorporate:

1057 (A) as a metro township, the metro township shall be governed by a five-member

1058 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form

1059 of Municipal Government; or

1060 (B) as a city or town, the city or town shall be governed by the five-member council

1061 form of government as defined in Section 10-3b-102; and

1062 (iv) a statement of the date and time of the election and the location of polling places;

1063 (b) for residents of an unincorporated island:

1064 (i) a statement that the voters will vote either to be annexed into an eligible city or

1065 maintain unincorporated status; and

1066 (ii) a statement of the eligible city, as determined by the county legislative body in

1067 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

1068 (c) a statement of the date and time of the election and the location of polling places.

1069 ~~[(5) The last publication of notice required under Subsection (3) shall occur at least one~~

1070 ~~day but no more than seven days before the election.]~~

1071 ~~[(6)(a) In accordance with Subsection (3)(a), if there is no newspaper of general~~

1072 ~~circulation within the proposed metro township or unincorporated island,]~~

1073 (5) (a) In addition to the notice required under Subsection (3), the county clerk shall

1074 post at least one notice of the election per 1,000 population in conspicuous places within the

1075 planning township or unincorporated island that are most likely to give notice of the election to

1076 the voters of the proposed incorporation or annexation.

1077 (b) The clerk shall post the notices under Subsection ~~[(6)]~~ (5)(a) at least seven days

1078 before the election under Subsection (1).

1079 ~~[(7)]~~ (6) (a) In a planning township, if a majority of those casting votes within the

1080 planning township vote to:

1081 (i) incorporate as a city or town, the planning township shall incorporate as a city or

1082 town, respectively; or

1083 (ii) incorporate as a metro township, the planning township shall incorporate as a metro
1084 township.

1085 (b) If a majority of those casting votes within the planning township vote to incorporate
1086 as a metro township, and a majority of those casting votes vote to include the metro township
1087 in a municipal services district and limit the metro township's municipal powers, the metro
1088 township shall be included in a municipal services district and have limited municipal powers.

1089 (c) In an unincorporated island, if a majority of those casting a vote within the selected
1090 unincorporated island vote to:

1091 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or

1092 (ii) remain an unincorporated area, the area shall remain unincorporated.

1093 ~~[(8)]~~ (7) The county shall, in consultation with interested parties, prepare and provide
1094 information on an annexation or incorporation subject to this part and an election held in
1095 accordance with this section.

1096 Section 17. Section **10-2a-405** is amended to read:

1097 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**
1098 **election and incorporation issues -- Rural real property excluded.**

1099 (1) The legislative body of a county of the first class shall before an election described
1100 in Section **10-2a-404**:

1101 (a) in accordance with Subsection (3), publish notice of the public hearing described in
1102 Subsection (1)(b);

1103 (b) hold a public hearing; and

1104 (c) at the public hearing, adopt a resolution:

1105 (i) identifying, including a map prepared by the county surveyor, all unincorporated
1106 islands within the county;

1107 (ii) identifying each eligible city that will annex each unincorporated island, including
1108 whether the unincorporated island may be annexed by one eligible city or divided and annexed

1109 by multiple eligible cities, if approved by the residents at an election under Section 10-2a-404;
1110 and

1111 (iii) identifying, including a map prepared by the county surveyor, the planning
1112 townships within the county and any changes to the boundaries of a planning township that the
1113 county legislative body proposes under Subsection (5).

1114 (2) The county legislative body shall exclude from a resolution adopted under
1115 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1116 consent to include the property in accordance with Subsection (7).

1117 (3) (a) The county clerk shall publish notice of the public hearing described in
1118 Subsection (1)(b):

1119 (i) by mailing notice to each owner of real property located in an unincorporated island
1120 or planning township no later than 15 days before the day of the public hearing;

1121 ~~[(ii) at least once a week for three successive weeks in a newspaper of general
1122 circulation within each unincorporated island, each eligible city, and each planning township;
1123 and]~~

1124 ~~[(iii) (ii) by posting notice on the Utah Public Notice Website created in Section
1125 63F-1-701, for three weeks before the day of the public hearing[-]; and~~

1126 ~~[(b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least
1127 three days before the first public hearing required under Subsection (1)(b).]~~

1128 ~~[(c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation
1129 within an unincorporated island, an eligible city, or a planning township, the county clerk shall
1130 post]~~

1131 (iii) by posting at least one notice of the hearing per 1,000 population in conspicuous
1132 places within the selected unincorporated island, eligible city, or planning township, as
1133 applicable, that are most likely to give notice of the hearing to the residents of the
1134 unincorporated island, eligible city, or planning township.

1135 ~~[(ii) (b) The clerk shall post the notices under Subsection [(3)(c)(i)] (3)(a)(iii) at least~~

1136 seven days before the hearing under Subsection (1)(b).

1137 ~~[(d)]~~ (c) The notice under Subsection (3)(a) ~~[or (e)]~~ shall include:

1138 (i) (A) for a resident of an unincorporated island, a statement that the property in the
1139 unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by
1140 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
1141 the eligible city or cities; or

1142 (B) for residents of a planning township, a statement that the property in the planning
1143 township shall be, pending the results of the election held under Section 10-2a-404,
1144 incorporated as a city, town, or metro township;

1145 (ii) the location and time of the public hearing; and

1146 (iii) the county website where a map may be accessed showing:

1147 (A) how the unincorporated island boundaries will change if annexed by an eligible
1148 city; or

1149 (B) how the planning township area boundaries will change, if applicable under
1150 Subsection (5), when the planning township incorporates as a metro township or as a city or
1151 town.

1152 ~~[(e)]~~ (d) The county clerk shall publish a map described in Subsection (3)~~[(d)]~~(c)(iii)
1153 on the county website.

1154 (4) The county legislative body may, by ordinance or resolution adopted at a public
1155 meeting and in accordance with applicable law, resolve an issue that arises with an election
1156 held in accordance with this part or the incorporation and establishment of a metro township in
1157 accordance with this part.

1158 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1159 meeting, change the boundaries of a planning township.

1160 (b) A change to a planning township boundary under this Subsection (5) is effective
1161 only upon the vote of the residents of the planning township at an election under Section
1162 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the

1163 boundaries of the planning township before the election.

1164 (c) The county legislative body:

1165 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1166 alteration:

1167 (A) affects less than 5% of the residents residing within the planning advisory area; and

1168 (B) does not increase the area located within the planning township's boundaries; and

1169 (ii) may not alter the boundaries of a planning township whose boundaries are entirely
1170 surrounded by one or more municipalities.

1171 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an
1172 annexation or an incorporation process that, if approved, would change the boundaries of a
1173 planning township.

1174 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1175 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1176 (ii) that does not include residential units with a density greater than one unit per acre.

1177 (b) Unless an owner of rural real property gives written consent to a county legislative
1178 body, rural real property described in Subsection (7)(c) may not be:

1179 (i) included in a planning township identified under Subsection (1)(c); or

1180 (ii) incorporated as part of a metro township, city, or town, in accordance with this
1181 part.

1182 (c) The following rural real property is subject to an owner's written consent under
1183 Subsection (7)(b):

1184 (i) rural real property that consists of 1,500 or more contiguous acres of real property
1185 consisting of one or more tax parcels;

1186 (ii) rural real property that is not contiguous to, but used in connection with, rural real
1187 property that consists of 1,500 or more contiguous acres of real property consisting of one or
1188 more tax parcels;

1189 (iii) rural real property that is owned, managed, or controlled by a person, company, or

1190 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
1191 contiguous acres of rural real property consisting of one or more tax parcels; or

1192 (iv) rural real property that is located in whole or in part in one of the following as
1193 defined in Section 17-41-101:

- 1194 (A) an agricultural protection area;
- 1195 (B) an industrial protection area; or
- 1196 (C) a mining protection area.

1197 Section 18. Section 10-2a-410 is amended to read:

1198 **10-2a-410. Determination of metro township districts -- Determination of metro**
1199 **township or city initial officer terms -- Adoption of proposed districts.**

1200 (1) (a) If a metro township with a population of 10,000 or more is incorporated in
1201 accordance with an election held under Section 10-2a-404:

- 1202 (i) each of the five metro township council members shall be elected by district; and
- 1203 (ii) the boundaries of the five council districts for election and the terms of office shall
1204 be designated and determined in accordance with this section.

1205 (b) If a metro township with a population of less than 10,000 or a town is incorporated
1206 at an election held in accordance with Section 10-2a-404, the five council members shall be
1207 elected at-large for terms as designated and determined in accordance with this section.

1208 (c) If a city is incorporated at an election held in accordance with Section 10-2a-404:

1209 (i) (A) the four members of the council district who are not the mayor shall be elected
1210 by district; and

1211 (B) the boundaries of the four council districts for election and the term of office shall
1212 be designated and determined in accordance with this section; and

1213 (ii) the mayor shall be elected at-large for a term designated and determined in
1214 accordance with this section.

1215 (2) (a) No later than 90 days after the election day on which the metro township, city,
1216 or town is successfully incorporated under this part, the legislative body of the county in which

1217 the metro township, city, or town is located shall adopt by resolution:

1218 (i) subject to Subsection (2)(b), for each incorporated metro township, city, or town,
1219 the council terms for a length of time in accordance with this section; and

1220 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of
1221 the five council districts; and

1222 (B) for a city, the boundaries of the four council districts.

1223 (b) (i) For each metro township, city, or town, the county legislative body shall set the
1224 initial terms of the members of the metro township council, city council, or town council so
1225 that:

1226 (A) except as provided in Subsection (2)(b)(ii), approximately half the members of the
1227 council, including the mayor in the case of a city, are elected to serve an initial term, of no less
1228 than one year, that allows their successors to serve a full four-year term that coincides with the
1229 schedule established in Subsection 10-3-205(1); and

1230 (B) the remaining members of the council are elected to serve an initial term, of no less
1231 than one year, that allows their successors to serve a full four-year term that coincides with the
1232 schedule established in Subsection 10-3-205(2).

1233 (ii) For a city that incorporated in a county of the first class in 2016, the term of office
1234 for the office of mayor is:

1235 (A) three years for the initial term of office; and

1236 (B) four years for each subsequent term of office.

1237 (iii) For a metro township with a population of 10,000 or more, the county legislative
1238 body shall divide the metro township into five council districts that comply with Section
1239 10-3-205.5.

1240 (iv) For a city, the county legislative body shall divide the city into four council
1241 districts that comply with Section 10-3-205.5.

1242 (3) (a) Within 20 days of the county legislative body's adoption of a resolution under
1243 Subsection (2), the county clerk shall publish, in accordance with Subsection (3)(b), notice

1244 containing:

1245 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

1246 (A) for a metro township with a population of 10,000 or more, the metro township
1247 council districts; or

1248 (B) the city council districts;

1249 (ii) information about the deadline for filing a declaration of candidacy for those
1250 seeking to become candidates for metro township council, city council, town council, or city
1251 mayor, respectively; and

1252 (iii) information about the length of the initial term of city mayor or each of the metro
1253 township, city, or town council offices, as described in the resolution.

1254 (b) The county clerk shall publish the notice required under Subsection (3)(a) ~~[shall be~~
1255 ~~published]~~:

1256 ~~[(i) in a newspaper of general circulation within the metro township, city, or town at~~
1257 ~~least once a week for two successive weeks; and]~~

1258 ~~[(ii) in accordance with Section 45-1-101 for two weeks.]~~

1259 ~~[(c) (i) In accordance with Subsection (3)(b)(i), if there is no newspaper of general~~
1260 ~~circulation within the future metro township, city, or town, the county clerk shall post]~~

1261 (i) on the Utah Public Notice Website created in Section 63F-1-701 for two weeks; and

1262 (ii) by posting at least one notice per 1,000 population in conspicuous places within the
1263 future metro township, city, or town that are most likely to give notice to the residents of the
1264 future metro township, city, or town.

1265 ~~[(ii)]~~ (c) The notice under Subsection ~~[(3)(c)(i)]~~ (3)(b)(ii) shall contain the information
1266 required under Subsection (3)(a).

1267 ~~[(iii)]~~ (d) The county clerk shall post the notices under Subsection ~~[(3)(c)(i)]~~ (3)(b)(ii)
1268 at least seven days before the deadline for filing a declaration of candidacy under Subsection

1269 ~~[(3)(d)]~~ (4).

1270 ~~[(d)]~~ (4) A person seeking to become a candidate for metro township, city, or town

1271 council or city mayor shall, in accordance with Section 20A-9-202, file a declaration of
1272 candidacy with the clerk of the county in which the metro township, city, or town is located for
1273 an election described in Section 10-2a-411.

1274 Section 19. Section 10-3-301 is amended to read:

1275 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
1276 **office -- Mayor and recorder limitations.**

1277 (1) As used in this section:

1278 (a) "Absent" means that an elected municipal officer fails to perform official duties,
1279 including the officer's failure to attend each regularly scheduled meeting that the officer is
1280 required to attend.

1281 (b) "Principal place of residence" means the same as that term is defined in Section
1282 20A-2-105.

1283 (c) "Secondary residence" means a place where an individual resides other than the
1284 individual's principal place of residence.

1285 (2) (a) On or before May 1 in a year in which there is a municipal general election, the
1286 municipal clerk shall publish a notice that identifies:

1287 (i) the municipal offices to be voted on in the municipal general election; and

1288 (ii) the dates for filing a declaration of candidacy for the offices identified under
1289 Subsection (2)(a)(i).

1290 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

1291 (i) on the Utah Public Notice Website established by Section 63F-1-701; and

1292 (ii) in at least one of the following ways:

1293 (A) at the principal office of the municipality;

1294 ~~[(B) in a newspaper of general circulation within the municipality at least once a week~~
1295 ~~for two successive weeks in accordance with Section 45-1-101;]~~

1296 ~~[(C)]~~ (B) in a newsletter produced by the municipality;

1297 ~~[(D)]~~ (C) on a website operated by the municipality; or

1298 [~~E~~] (D) with a utility enterprise fund customer's bill.

1299 (3) (a) An individual who files a declaration of candidacy for a municipal office shall
1300 comply with the requirements described in Section 20A-9-203.

1301 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
1302 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
1303 Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

1304 (A) Saturday or Sunday; or

1305 (B) state holiday as listed in Section 63G-1-301.

1306 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
1307 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
1308 (3)(b)(i) without maintaining office hours by:

1309 (A) posting the recorder's or clerk's contact information, including a phone number and
1310 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
1311 and, if available, on the municipal website; and

1312 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),
1313 via the contact information described in Subsection (3)(b)(ii)(A).

1314 (4) An individual elected to municipal office shall be a registered voter in the
1315 municipality in which the individual is elected.

1316 (5) (a) Each elected officer of a municipality shall maintain a principal place of
1317 residence within the municipality, and within the district that the elected officer represents,
1318 during the officer's term of office.

1319 (b) Except as provided in Subsection (6), an elected municipal office is automatically
1320 vacant if the officer elected to the municipal office, during the officer's term of office:

1321 (i) establishes a principal place of residence outside the district that the elected officer
1322 represents;

1323 (ii) resides at a secondary residence outside the district that the elected officer
1324 represents for a continuous period of more than 60 days while still maintaining a principal

1325 place of residence within the district;

1326 (iii) is absent from the district that the elected officer represents for a continuous period
1327 of more than 60 days; or

1328 (iv) fails to respond to a request, within 30 days after the day on which the elected
1329 officer receives the request, from the county clerk or the lieutenant governor seeking
1330 information to determine the officer's residency.

1331 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
1332 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
1333 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1334 (i) reside at a secondary residence outside the district that the elected officer represents
1335 while still maintaining a principal place of residence within the district for a continuous period
1336 of up to one year during the officer's term of office; or

1337 (ii) be absent from the district that the elected officer represents for a continuous period
1338 of up to one year during the officer's term of office.

1339 (b) At a public meeting, the municipal legislative body may give the consent described
1340 in Subsection (6)(a) by majority vote after taking public comment regarding:

1341 (i) whether the legislative body should give the consent; and

1342 (ii) the length of time to which the legislative body should consent.

1343 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
1344 treasurer.

1345 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1346 (c) An individual who holds a county elected office may not, at the same time, hold a
1347 municipal elected office.

1348 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
1349 individual is elected to the office or appointed to fill a vacancy in the office.

1350 Section 20. Section **10-3-711** is amended to read:

1351 **10-3-711. Publication and posting of ordinances.**

1352 (1) Before an ordinance may take effect, the legislative body of each municipality
 1353 adopting an ordinance, except an ordinance enacted under Section 10-3-706, 10-3-707,
 1354 10-3-708, 10-3-709, or 10-3-710, shall:

1355 (a) deposit a copy of the ordinance in the office of the municipal recorder; and
 1356 (b) (i) publish a short summary of the ordinance [~~at least once:~~] on the Utah Public
 1357 Notice Website created in Section 63F-1-701; or

1358 [~~(A) in a newspaper published within the municipality; or]~~
 1359 [~~(B) if there is no newspaper published within the municipality, in a newspaper of~~
 1360 ~~general circulation within the municipality; or]~~

1361 (ii) post a complete copy of the ordinance:
 1362 (A) for a city of the first class, in nine public places within the city; or
 1363 (B) for any other municipality, in three public places within the municipality.

1364 (2) (a) Any ordinance, code, or book, other than the state code, relating to building or
 1365 safety standards, municipal functions, administration, control, or regulations, may be adopted
 1366 and shall take effect without further publication or posting, if reference is made to the code or
 1367 book and at least one copy has been filed for use and examination by the public in the office of
 1368 the recorder or clerk of the city or town prior to the adoption of the ordinance by the governing
 1369 body.

1370 (b) Any state law relating to building or safety standards, municipal functions,
 1371 administration, control, or regulations, may be adopted and shall take effect without further
 1372 publication or posting if reference is made to the state code.

1373 (c) The ordinance adopting the code or book shall be published in the manner provided
 1374 in this section.

1375 Section 21. Section **10-5-108** is amended to read:
 1376 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1377 (1) Prior to the adoption of the final budget or an amendment to a budget, a town
 1378 council shall hold a public hearing to receive public comment.

1379 (2) The town council shall provide notice of the place, purpose, and time of the public
1380 hearing by ~~[publishing]~~ posting notice at least seven days before the hearing:

1381 ~~[(a) (i) at least once in a newspaper of general circulation in the town; or]~~

1382 ~~[(ii) if there is no newspaper of general circulation, then by posting the notice]~~

1383 (a) in three public places at least 48 hours before the hearing;

1384 (b) on the Utah Public Notice Website created in Section 63F-1-701; and

1385 (c) on the home page of the website, either in full or as a link, of the town or metro
1386 township, if the town or metro township has a publicly viewable website, until the hearing
1387 takes place.

1388 (3) After the hearing, the town council, subject to Section 10-5-110, may adjust
1389 expenditures and revenues in conformity with this chapter.

1390 Section 22. Section 10-6-113 is amended to read:

1391 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1392 At the meeting at which each tentative budget is adopted, the governing body shall
1393 establish the time and place of a public hearing to consider its adoption and shall order that
1394 notice of the public hearing be published at least seven days prior to the hearing:

1395 ~~[(1)(a) in at least one issue of a newspaper of general circulation published in the
1396 county in which the city is located; or]~~

1397 ~~[(b) if there is not a newspaper as described in Subsection (1)(a);]~~

1398 (1) in three public places within the city;

1399 (2) on the Utah Public Notice Website created in Section 63F-1-701; and

1400 (3) on the home page of the website, either in full or as a link, of the city or metro
1401 township, if the city or metro township has a publicly viewable website, until the hearing takes
1402 place.

1403 Section 23. Section 10-6-152 is amended to read:

1404 **10-6-152. Notice that audit completed and available for inspection.**

1405 Within 10 days following the receipt of the audit report furnished by the independent

1406 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall:

1407 (1) prepare [~~and publish: (a) (i) at least twice in a newspaper of general circulation~~
1408 ~~published within the county,~~] a notice to the public that the audit of the city has been

1409 completed; [~~or~~]

1410 [(ii) ~~if a newspaper of general circulation is not published within the county, the notice~~
1411 ~~required by this section may be posted]~~

1412 (2) post the notice:

1413 (a) in three public places; and

1414 (b) on the Utah Public Notice Website created in Section 63F-1-701; and

1415 [~~(b) a notice, published in accordance with Section 45-1-101, to the public that the~~
1416 ~~audit of the city has been completed; and]~~

1417 [~~(2)~~] (3) make a copy of the notice described in Subsection (1)(a) available for
1418 inspection at the office of the city auditor or recorder.

1419 Section 24. Section 10-7-16 is amended to read:

1420 **10-7-16. Call for bids -- Notice -- Contents.**

1421 (1) (a) Before holding an election under Subsection 10-7-15(1)(a)(ii), the municipal
1422 legislative body shall open to bid the sale or lease of the property mentioned in Section
1423 10-7-15.

1424 (b) The municipal legislative body shall cause notice of the bid process to be given by
1425 publication for at least three consecutive weeks[~~:~~] on the Utah Public Notice Website created in
1426 Section 63F-1-701.

1427 [~~(i) in a newspaper published or having general circulation in the city or town; and]~~

1428 [~~(ii) as required in Section 45-1-101;]~~

1429 (c) The notice described in Subsection (1) shall:

1430 (i) give a general description of the property to be sold or leased;

1431 (ii) specify the time when sealed bids for the property, or for a lease on the property,
1432 will be received; and

1433 (iii) specify the time when and the place where the bids will be opened.

1434 (2) (a) As used in this section and in Section 10-7-17, "responsible bidder" means an
1435 entity with a proven history of successful operation of an electrical generation and distribution
1436 system, or an equivalent proven history.

1437 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to
1438 receive any bid submitted for the sale or lease of the electrical works and plant.

1439 (c) A municipal legislative body may not receive a bid unless the municipal legislative
1440 body determines that the bid is submitted by a responsible bidder.

1441 Section 25. Section 10-7-19 is amended to read:

1442 **10-7-19. Election to authorize -- Notice -- Ballots.**

1443 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or
1444 the board of trustees of any incorporated town, may aid and encourage the building of railroads
1445 by granting to any railroad company, for depot or other railroad purposes, real property of the
1446 city or incorporated town, not necessary for municipal or public purposes, upon the limitations
1447 and conditions established by the board of commissioners, city council, or board of trustees.

1448 (2) A board of commissioners, city council, or board of trustees may not grant real
1449 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
1450 town at the next municipal election, or at a special election called for that purpose by the board
1451 of commissioners, city council, or board of trustees.

1452 (3) If the question is submitted at a special election, the election shall be held as nearly
1453 as practicable in conformity with the general election laws of the state.

1454 (4) The board of commissioners, city council, or board of trustees shall publish notice
1455 of an election described in Subsections (2) and (3):

1456 ~~[(a) (i) in a newspaper of general circulation in the city or town once a week for four
1457 weeks before the election;]~~

1458 ~~[(ii) if there is no newspaper of general circulation in the city or town;]~~

1459 (a) (i) at least four weeks before the day of the election, by posting one notice, and at

1460 least one additional notice per 2,000 population of the city or town, in places within the city or
1461 town that are most likely to give notice to the voters in the city or town; or

1462 ~~[(iii)]~~ (ii) at least four weeks before the day of the election, by mailing notice to each
1463 registered voter in the city or town;

1464 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
1465 before the day of the election; and

1466 ~~[(c) in accordance with Section 45-1-101, for four weeks before the day of the election;~~
1467 ~~and]~~

1468 ~~[(d)]~~ (c) if the municipality has a website, on the municipality's website for at least four
1469 weeks before the day of the election.

1470 (5) The board of commissioners, city council, or board of trustees shall cause ballots to
1471 be printed and provided to the eligible voters, which shall read: "For the proposed grant for
1472 depot or other railroad purposes: Yes. No."

1473 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,
1474 city council, or board of trustees shall convey the real property to the railroad company.

1475 Section 26. Section 10-8-2 is amended to read:

1476 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
1477 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1478 (1) (a) A municipal legislative body may:

1479 (i) appropriate money for corporate purposes only;

1480 (ii) provide for payment of debts and expenses of the corporation;

1481 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
1482 dispose of real and personal property for the benefit of the municipality, whether the property is
1483 within or without the municipality's corporate boundaries, if the action is in the public interest
1484 and complies with other law;

1485 (iv) improve, protect, and do any other thing in relation to this property that an
1486 individual could do; and

1487 (v) subject to Subsection (2) and after first holding a public hearing, authorize
1488 municipal services or other nonmonetary assistance to be provided to or waive fees required to
1489 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1490 (b) A municipality may:

1491 (i) furnish all necessary local public services within the municipality;

1492 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
1493 located and operating within and operated by the municipality; and

1494 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
1495 located inside or outside the corporate limits of the municipality and necessary for any of the
1496 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
1497 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1498 (c) Each municipality that intends to acquire property by eminent domain under
1499 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

1500 (d) Subsection (1)(b) may not be construed to diminish any other authority a
1501 municipality may claim to have under the law to acquire by eminent domain property located
1502 inside or outside the municipality.

1503 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
1504 the provisions of Subsection (3).

1505 (b) The total amount of services or other nonmonetary assistance provided or fees
1506 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
1507 municipality's budget for that fiscal year.

1508 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
1509 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
1510 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
1511 subject to this Subsection (3).

1512 (a) The net value received for any money appropriated shall be measured on a
1513 project-by-project basis over the life of the project.

1514 (b) (i) A municipal legislative body shall establish the criteria for a determination
1515 under this Subsection (3).

1516 (ii) A municipal legislative body's determination of value received is presumed valid
1517 unless a person can show that the determination was arbitrary, capricious, or illegal.

1518 (c) The municipality may consider intangible benefits received by the municipality in
1519 determining net value received.

1520 (d) (i) Before the municipal legislative body makes any decision to appropriate any
1521 funds for a corporate purpose under this section, the municipal legislative body shall hold a
1522 public hearing.

1523 (ii) ~~[The]~~ At least 14 days before the date of the hearing, the municipal legislative body
1524 shall publish a notice of the hearing described in Subsection (3)(d)(i) by posting notice:

1525 (A) ~~[in a newspaper of general circulation at least 14 days before the date of the~~
1526 ~~hearing or, if there is no newspaper of general circulation, by posting notice]~~ in at least three
1527 conspicuous places within the municipality ~~[for the same time period]; and~~

1528 (B) on the Utah Public Notice Website created in Section [63F-1-701](#) ~~[, at least 14 days~~
1529 ~~before the date of the hearing]~~.

1530 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
1531 municipality shall perform a study that analyzes and demonstrates the purpose for an
1532 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1533 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
1534 the municipality for review by interested parties at least 14 days immediately before the public
1535 hearing described in Subsection (3)(d)(i).

1536 (iii) A municipality shall consider the following factors when conducting the study
1537 described in Subsection (3)(e)(i):

1538 (A) what identified benefit the municipality will receive in return for any money or
1539 resources appropriated;

1540 (B) the municipality's purpose for the appropriation, including an analysis of the way

1541 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
1542 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1543 (C) whether the appropriation is necessary and appropriate to accomplish the
1544 reasonable goals and objectives of the municipality in the area of economic development, job
1545 creation, affordable housing, elimination of a development impediment, job preservation, the
1546 preservation of historic structures and property, and any other public purpose.

1547 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
1548 to make an appropriation.

1549 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
1550 court within 30 days after the day on which the municipal legislative body makes a decision.

1551 (iii) Any appeal shall be based on the record of the proceedings before the legislative
1552 body.

1553 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
1554 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1555 (g) The provisions of this Subsection (3) apply only to those appropriations made after
1556 May 6, 2002.

1557 (h) This section applies only to appropriations not otherwise approved pursuant to Title
1558 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
1559 Fiscal Procedures Act for Utah Cities.

1560 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
1561 municipality shall:

1562 (i) provide reasonable notice of the proposed disposition at least 14 days before the
1563 opportunity for public comment under Subsection (4)(a)(ii); and

1564 (ii) allow an opportunity for public comment on the proposed disposition.

1565 (b) Each municipality shall, by ordinance, define what constitutes:

1566 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1567 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1568 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
1569 real property for the purpose of expanding the municipality's infrastructure or other facilities
1570 used for providing services that the municipality offers or intends to offer shall provide written
1571 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1572 (i) the property is located:

1573 (A) outside the boundaries of the municipality; and

1574 (B) in a county of the first or second class; and

1575 (ii) the intended use of the property is contrary to:

1576 (A) the anticipated use of the property under the general plan of the county in whose
1577 unincorporated area or the municipality in whose boundaries the property is located; or

1578 (B) the property's current zoning designation.

1579 (b) Each notice under Subsection (5)(a) shall:

1580 (i) indicate that the municipality intends to acquire real property;

1581 (ii) identify the real property; and

1582 (iii) be sent to:

1583 (A) each county in whose unincorporated area and each municipality in whose
1584 boundaries the property is located; and

1585 (B) each affected entity.

1586 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
1587 [63G-2-305\(8\)](#).

1588 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
1589 previously provided notice under Section [10-9a-203](#) identifying the general location within the
1590 municipality or unincorporated part of the county where the property to be acquired is located.

1591 (ii) If a municipality is not required to comply with the notice requirement of
1592 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
1593 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
1594 property.

1595 Section 27. Section **10-8-15** is amended to read:

1596 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

1597 (1) As used in this section, "affected entity" means a:

1598 (a) county that has land use authority over land subject to an ordinance or regulation
1599 described in this section;

1600 (b) local health department, as that term is defined in Section [26A-1-102](#), that has
1601 jurisdiction pursuant to Section [26A-1-108](#) over land subject to an ordinance or regulation
1602 described in this section;

1603 (c) municipality that has enacted or has the right to enact an ordinance or regulation
1604 described in this section over the land subject to an ordinance or regulation described in this
1605 section; and

1606 (d) municipality that has land use authority over land subject to an ordinance or
1607 regulation described in this section.

1608 (2) A municipality may construct or authorize the construction of waterworks within or
1609 without the municipal limits, and for the purpose of maintaining and protecting the same from
1610 injury and the water from pollution the municipality's jurisdiction shall extend over the territory
1611 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
1612 in and necessary for the construction, maintenance and operation of the same, and over the
1613 stream or other source from which the water is taken, for 15 miles above the point from which
1614 it is taken and for a distance of 300 feet on each side of such stream and over highways along
1615 such stream or watercourse within said 15 miles and said 300 feet.

1616 (3) The jurisdiction of a city of the first class shall additionally be over the entire
1617 watershed within the county of origin of the city of the first class and subject to Subsection (6)
1618 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or
1619 source; and provided further, that the city of the first class shall provide a highway in and
1620 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not
1621 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any

1622 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners
1623 of the city may enact ordinances placing under police regulations the manner of driving such
1624 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over
1625 which the city has jurisdiction.

1626 (4) A municipality may enact all ordinances and regulations necessary to carry the
1627 power herein conferred into effect, and is authorized and empowered to enact ordinances
1628 preventing pollution or contamination of the streams or watercourses from which the
1629 municipality derives the municipality's water supply, in whole or in part, for domestic and
1630 culinary purposes, and may enact ordinances prohibiting or regulating the construction or
1631 maintenance of any closet, privy, outhouse or urinal within the area over which the
1632 municipality has jurisdiction, and provide for permits for the construction and maintenance of
1633 the same.

1634 (5) In granting a permit described in Subsection (4), a municipality may annex thereto
1635 such reasonable conditions and requirements for the protection of the public health as the
1636 municipality determines proper, and may, if determined advisable, require that all closets,
1637 privies and urinals along such streams shall be provided with effective septic tanks or other
1638 germ-destroying instrumentalities.

1639 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the
1640 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all
1641 municipalities and counties that have jurisdiction over the area where the watershed is located.

1642 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance
1643 or regulation under the authority of this section shall:

- 1644 (i) hold a public hearing on the proposed ordinance or regulation; and
 - 1645 (ii) give notice of the date, place, and time of the hearing, as described in Subsection
- 1646 (7)(b).

1647 (b) At least ten days before the day on which the public hearing described in
1648 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

1649 (i) mailed to:
1650 (A) each affected entity;
1651 (B) the director of the Division of Drinking Water; and
1652 (C) the director of the Division of Water Quality; and
1653 ~~[(ii) published:]~~
1654 ~~[(A) in a newspaper of general circulation in the county in which the land subject to the~~
1655 ~~proposed ordinance or regulation is located; and]~~
1656 ~~[(B)]~~ (ii) published on the Utah Public Notice Website created in Section 63F-1-701.
1657 (c) An ordinance or regulation adopted under the authority of this section may not
1658 conflict with:
1659 (i) existing federal or state statutes; or
1660 (ii) a rule created pursuant to a federal or state statute governing drinking water or
1661 water quality.
1662 (d) A municipality that enacts an ordinance or regulation under the authority of this
1663 section shall:
1664 (i) provide a copy of the ordinance or regulation to each affected entity; and
1665 (ii) include a copy of the ordinance or regulation in the municipality's drinking water
1666 source protection plan.
1667 Section 28. Section **10-9a-204** is amended to read:
1668 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
1669 **or modifications.**
1670 (1) Each municipality shall provide:
1671 (a) notice of the date, time, and place of the first public hearing to consider the original
1672 adoption or any modification of all or any portion of a general plan; and
1673 (b) notice of each public meeting on the subject.
1674 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
1675 days before the public hearing and shall be:

- 1676 ~~[(a) (i) published in a newspaper of general circulation in the area; and]~~
- 1677 [(ii)] (a) published on the Utah Public Notice Website created in Section 63F-1-701;
- 1678 (b) mailed to each affected entity; and
- 1679 (c) posted:
- 1680 (i) in at least three public locations within the municipality; or
- 1681 (ii) on the municipality's official website.
- 1682 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours

1683 before the meeting and shall be:

- 1684 ~~[(a) (i) submitted to a newspaper of general circulation in the area; and]~~
- 1685 [(ii)] (a) published on the Utah Public Notice Website created in Section 63F-1-701;
- 1686 and
- 1687 (b) posted:
- 1688 (i) in at least three public locations within the municipality; or
- 1689 (ii) on the municipality's official website.

1690 Section 29. Section **10-9a-205** is amended to read:

1691 **10-9a-205. Notice of public hearings and public meetings on adoption or**
1692 **modification of land use regulation.**

- 1693 (1) Each municipality shall give:
- 1694 (a) notice of the date, time, and place of the first public hearing to consider the
- 1695 adoption or any modification of a land use regulation; and
- 1696 (b) notice of each public meeting on the subject.
- 1697 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 1698 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
- 1699 (b) posted:
- 1700 (i) in at least three public locations within the municipality; or
- 1701 (ii) on the municipality's official website; and
- 1702 ~~[(c) (i) (A) published in a newspaper of general circulation in the area at least 10~~

1703 ~~calendar days before the public hearing; and]~~
1704 ~~[(B) published]~~ (c) (i) posted on the Utah Public Notice Website created in Section
1705 63F-1-701, at least 10 calendar days before the public hearing; or
1706 (ii) mailed at least 10 days before the public hearing to:
1707 (A) each property owner whose land is directly affected by the land use ordinance
1708 change; and
1709 (B) each adjacent property owner within the parameters specified by municipal
1710 ordinance.
1711 (3) Each notice of a public meeting under Subsection (1)(b) shall be posted at least 24
1712 hours before the meeting [~~and shall be posted~~]:
1713 (a) in at least three public locations within the municipality; or
1714 (b) on the municipality's official website.
1715 (4) (a) A municipality shall send a courtesy notice to each owner of private real
1716 property whose property is located entirely or partially within a proposed zoning map
1717 enactment or amendment at least 10 days before the scheduled day of the public hearing.
1718 (b) The notice shall:
1719 (i) identify with specificity each owner of record of real property that will be affected
1720 by the proposed zoning map or map amendments;
1721 (ii) state the current zone in which the real property is located;
1722 (iii) state the proposed new zone for the real property;
1723 (iv) provide information regarding or a reference to the proposed regulations,
1724 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
1725 amendment is adopted;
1726 (v) state that the owner of real property may no later than 10 days after the day of the
1727 first public hearing file a written objection to the inclusion of the owner's property in the
1728 proposed zoning map or map amendment;
1729 (vi) state the address where the property owner should file the protest;

1730 (vii) notify the property owner that each written objection filed with the municipality
1731 will be provided to the municipal legislative body; and

1732 (viii) state the location, date, and time of the public hearing described in Section
1733 10-9a-502.

1734 (c) If a municipality mails notice to a property owner in accordance with Subsection
1735 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this
1736 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather
1737 than sent separately.

1738 Section 30. Section 10-18-203 is amended to read:

1739 **10-18-203. Feasibility study on providing cable television or public**
1740 **telecommunications services -- Public hearings.**

1741 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
1742 the municipality shall require the feasibility consultant to:

1743 (a) complete the feasibility study in accordance with this section;

1744 (b) submit to the legislative body by no later than 180 days from the date the feasibility
1745 consultant is hired to conduct the feasibility study:

1746 (i) the full written results of the feasibility study; and

1747 (ii) a summary of the results that is no longer than one page in length; and

1748 (c) attend the public hearings described in Subsection (4) to:

1749 (i) present the feasibility study results; and

1750 (ii) respond to questions from the public.

1751 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

1752 (a) (i) if the municipality is proposing to provide cable television services to
1753 subscribers, whether the municipality providing cable television services in the manner
1754 proposed by the municipality will hinder or advance competition for cable television services
1755 in the municipality; or

1756 (ii) if the municipality is proposing to provide public telecommunications services to

1757 subscribers, whether the municipality providing public telecommunications services in the
1758 manner proposed by the municipality will hinder or advance competition for public
1759 telecommunications services in the municipality;

1760 (b) whether but for the municipality any person would provide the proposed:

1761 (i) cable television services; or

1762 (ii) public telecommunications services;

1763 (c) the fiscal impact on the municipality of:

1764 (i) the capital investment in facilities that will be used to provide the proposed:

1765 (A) cable television services; or

1766 (B) public telecommunications services; and

1767 (ii) the expenditure of funds for labor, financing, and administering the proposed:

1768 (A) cable television services; or

1769 (B) public telecommunications services;

1770 (d) the projected growth in demand in the municipality for the proposed:

1771 (i) cable television services; or

1772 (ii) public telecommunications services;

1773 (e) the projections at the time of the feasibility study and for the next five years, of a
1774 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
1775 facilities necessary to provide the proposed:

1776 (i) cable television services; or

1777 (ii) public telecommunications services; and

1778 (f) the projections at the time of the feasibility study and for the next five years of the
1779 revenues to be generated from the proposed:

1780 (i) cable television services; or

1781 (ii) public telecommunications services.

1782 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
1783 the feasibility consultant shall assume that the municipality will price the proposed cable

1784 television services or public telecommunications services consistent with Subsection
 1785 10-18-303(5).

1786 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
 1787 10-18-202(3), the legislative body, at the next regular meeting after the legislative body
 1788 receives the results of the feasibility study, shall schedule at least two public hearings to be
 1789 held:

- 1790 (a) within 60 days of the meeting at which the public hearings are scheduled;
- 1791 (b) at least seven days apart; and
- 1792 (c) for the purpose of allowing:
 - 1793 (i) the feasibility consultant to present the results of the feasibility study; and
 - 1794 (ii) the public to:
 - 1795 (A) become informed about the feasibility study results; and
 - 1796 (B) ask questions of the feasibility consultant about the results of the feasibility study.

1797 (5) (a) ~~[Except as provided in Subsection (5)(b), the]~~ The municipality shall publish
 1798 notice of the public hearings required under Subsection (4) by:

1799 ~~[(i) at least once a week for three consecutive weeks in a newspaper of general
 1800 circulation in the municipality and at least three days before the first public hearing required
 1801 under Subsection (4); and]~~

1802 ~~[(ii) (i) posting the notice~~ on the Utah Public Notice Website created in Section
 1803 63F-1-701, for three weeks, at least three days before the first public hearing required under
 1804 Subsection (4)~~[-]; and~~

1805 ~~[(b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general
 1806 circulation in the municipality, for each 1,000 residents, the municipality shall post]~~

1807 (ii) posting at least one notice of the hearings per 1,000 residents, in a conspicuous
 1808 place within the municipality that is likely to give notice of the hearings to the greatest number
 1809 of residents of the municipality.

1810 ~~[(ii) (b)]~~ (b) The municipality shall post the notices at least seven days before the first

1811 public hearing required under Subsection (4) is held.

1812 Section 31. Section **10-18-302** is amended to read:

1813 **10-18-302. Bonding authority.**

1814 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
1815 legislative body of a municipality may by resolution determine to issue one or more revenue
1816 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
1817 to subscribers:

1818 (a) a cable television service; or

1819 (b) a public telecommunications service.

1820 (2) The resolution described in Subsection (1) shall:

1821 (a) describe the purpose for which the indebtedness is to be created; and

1822 (b) specify the dollar amount of the one or more bonds proposed to be issued.

1823 (3) (a) A revenue bond issued under this section shall be secured and paid for:

1824 (i) from the revenues generated by the municipality from providing:

1825 (A) cable television services with respect to revenue bonds issued to finance facilities
1826 for the municipality's cable television services; and

1827 (B) public telecommunications services with respect to revenue bonds issued to finance
1828 facilities for the municipality's public telecommunications services; and

1829 (ii) notwithstanding Subsection (3)(b) and Subsection **10-18-303**(3)(a), from revenues
1830 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

1831 (A) notwithstanding Subsection **11-14-201**(3) and except as provided in Subsections
1832 (4) and (5), the revenue bond is approved by the registered voters in an election held:

1833 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
1834 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

1835 (II) notwithstanding Subsection **11-14-203**(2), at a regular general election;

1836 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
1837 revenue bond; and

1838 (C) the municipality or municipalities annually appropriate the revenues described in
1839 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

1840 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
1841 origination, financing, or other carrying costs associated with the one or more revenue bonds
1842 issued under this section from the town or city, respectively, general funds or other enterprise
1843 funds of the municipality.

1844 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
1845 pursuant to an agreement:

1846 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

1847 (ii) to which a municipality is a party.

1848 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
1849 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
1850 entity that issues revenue bonds, if:

1851 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
1852 a member of a municipal entity that is issuing revenue bonds has published the first notice
1853 described in Subsection (4)(b)(iii);

1854 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
1855 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
1856 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
1857 this Subsection (4)(b)(ii);

1858 (iii) (A) the municipality that is issuing the revenue bonds or the municipality that is a
1859 member of the municipal entity that is issuing the revenue bonds has~~[-(A)]~~ held a public
1860 hearing for which public notice was given by publication of the notice~~[-(F) in a newspaper~~
1861 ~~published in the municipality or in a newspaper of general circulation within the municipality~~
1862 ~~for two consecutive weeks, with the first publication being not less than 14 days before the~~
1863 ~~public hearing; and (H)] on the Utah Public Notice Website created in Section 63F-1-701, for~~
1864 two weeks before the public hearing; and

1865 (B) the notice identifies:

1866 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding

1867 Act;

1868 (II) the purpose for the bonds to be issued;

1869 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will

1870 be pledged in any fiscal year;

1871 (IV) the maximum number of years that the pledge will be in effect; and

1872 (V) the time, place, and location for the public hearing;

1873 (iv) the municipal entity that issues revenue bonds:

1874 (A) adopts a final financing plan; and

1875 (B) in accordance with Title 63G, Chapter 2, Government Records Access and

1876 Management Act, makes available to the public at the time the municipal entity adopts the final

1877 financing plan:

1878 (I) the final financing plan; and

1879 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,

1880 Chapter 2, Government Records Access and Management Act;

1881 (v) any municipality that is a member of a municipal entity described in Subsection

1882 (4)(b)(iv):

1883 (A) not less than 30 calendar days after the municipal entity complies with Subsection

1884 (4)(b)(iv)(B), holds a final public hearing;

1885 (B) provides notice, at the time the municipality schedules the final public hearing, to

1886 any person who has provided to the municipality a written request for notice; and

1887 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all

1888 interested parties; and

1889 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not

1890 more than 50% of the average annual debt service of all revenue bonds described in this section

1891 to provide service throughout the municipality or municipal entity may be paid from the

1892 revenues described in Subsection (3)(a)(ii).

1893 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
1894 to a municipality that issues revenue bonds if:

1895 (a) (i) the municipality that is issuing the revenue bonds has~~[-(i)]~~ held a public hearing
1896 for which public notice was given by publication of the notice~~[:(A) in a newspaper published~~
1897 ~~in the municipality or in a newspaper of general circulation within the municipality for two~~
1898 ~~consecutive weeks, with the first publication being not less than 14 days before the public~~
1899 ~~hearing, and(B)]~~ on the Utah Public Notice Website created in Section 63F-1-701, for 14 days
1900 before the public hearing; and

1901 (ii) the notice identifies:

1902 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
1903 Bonding Act;

1904 (B) the purpose for the bonds to be issued;

1905 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
1906 pledged in any fiscal year;

1907 (D) the maximum number of years that the pledge will be in effect; and

1908 (E) the time, place, and location for the public hearing; and

1909 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
1910 more than 50% of the average annual debt service of all revenue bonds described in this section
1911 to provide service throughout the municipality or municipal entity may be paid from the
1912 revenues described in Subsection (3)(a)(ii).

1913 (6) A municipality that issues bonds pursuant to this section may not make or grant any
1914 undue or unreasonable preference or advantage to itself or to any private provider of:

1915 (a) cable television services; or

1916 (b) public telecommunications services.

1917 Section 32. Section **10-18-303** is amended to read:

1918 **10-18-303. General operating limitations.**

1919 A municipality that provides a cable television service or a public telecommunications
1920 service under this chapter is subject to the operating limitations of this section.

1921 (1) A municipality that provides a cable television service shall comply with:

1922 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and

1923 (b) the regulations issued by the Federal Communications Commission under the Cable
1924 Communications Policy Act of 1984, 47 U.S.C. 521, et seq.

1925 (2) A municipality that provides a public telecommunications service shall comply
1926 with:

1927 (a) the Telecommunications Act of 1996, Pub. L. 104-104;

1928 (b) the regulations issued by the Federal Communications Commission under the
1929 Telecommunications Act of 1996, Pub. L. 104-104;

1930 (c) Section [54-8b-2.2](#) relating to:

1931 (i) the interconnection of essential facilities; and

1932 (ii) the purchase and sale of essential services; and

1933 (d) the rules made by the Public Service Commission of Utah under Section [54-8b-2.2](#).

1934 (3) A municipality may not cross subsidize its cable television services or its public
1935 telecommunications services with:

1936 (a) tax dollars;

1937 (b) income from other municipal or utility services;

1938 (c) below-market rate loans from the municipality; or

1939 (d) any other means.

1940 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
1941 advantage to itself or to any private provider of:

1942 (i) cable television services; or

1943 (ii) public telecommunications services.

1944 (b) A municipality shall apply without discrimination as to itself and to any private
1945 provider the municipality's ordinances, rules, and policies, including those relating to:

- 1946 (i) obligation to serve;
- 1947 (ii) access to public rights of way;
- 1948 (iii) permitting;
- 1949 (iv) performance bonding;
- 1950 (v) reporting; and
- 1951 (vi) quality of service.
- 1952 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
- 1953 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.
- 1954 (5) In calculating the rates charged by a municipality for a cable television service or a
- 1955 public telecommunications service, the municipality:
- 1956 (a) shall include within its rates an amount equal to all taxes, fees, and other
- 1957 assessments that would be applicable to a similarly situated private provider of the same
- 1958 services, including:
- 1959 (i) federal, state, and local taxes;
- 1960 (ii) franchise fees;
- 1961 (iii) permit fees;
- 1962 (iv) pole attachment fees; and
- 1963 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and
- 1964 (b) may not price any cable television service or public telecommunications service at a
- 1965 level that is less than the sum of:
- 1966 (i) the actual direct costs of providing the service;
- 1967 (ii) the actual indirect costs of providing the service; and
- 1968 (iii) the amount determined under Subsection (5)(a).
- 1969 (6) (a) A municipality that provides cable television services or public
- 1970 telecommunications services shall establish and maintain a comprehensive price list of all cable
- 1971 television services or public telecommunications services offered by the municipality.
- 1972 (b) The price list required by Subsection (6)(a) shall:

1973 (i) include all terms and conditions relating to the municipality providing each cable
1974 television service or public telecommunications service offered by the municipality;
1975 [~~(ii) (A) be published in a newspaper having general circulation in the municipality;~~
1976 ~~and]~~
1977 [~~(B) be published in accordance with Section [45-1-101](#); and]~~
1978 (ii) be posted on the Utah Public Notice Website created in Section [63F-1-701](#); and
1979 (iii) be available for inspection:
1980 (A) at a designated office of the municipality; and
1981 (B) during normal business hours.
1982 (c) At least five days before the date a change to a municipality's price list becomes
1983 effective, the municipality shall:
1984 (i) notify the following of the change:
1985 (A) all subscribers to the services for which the price list is being changed; and
1986 (B) any other persons requesting notification of any changes to the municipality's price
1987 list; and
1988 (ii) publish notice on the Utah Public Notice Website created in Section [63F-1-701](#).
1989 [~~(ii) (A) publish notice in a newspaper of general circulation in the municipality; and]~~
1990 [~~(B) publish notice in accordance with Section [45-1-101](#).]~~
1991 [~~(d) In accordance with Subsection (6)(c)(ii)(A), if there is no newspaper of general~~
1992 ~~circulation in the municipality, the municipality shall publish the notice required by this~~
1993 ~~Subsection (6) in a newspaper of general circulation that is nearest the municipality.]~~
1994 [~~(e)~~] (d) A municipality may not offer a cable television service or a public
1995 telecommunications service except in accordance with the prices, terms, and conditions set
1996 forth in the municipality's price list.
1997 (7) A municipality may not offer to provide or provide cable television services or
1998 public telecommunications services to a subscriber that does not reside within the geographic
1999 boundaries of the municipality.

2000 (8) (a) A municipality shall keep accurate books and records of the municipality's:
2001 (i) cable television services; and
2002 (ii) public telecommunications services.
2003 (b) The books and records required to be kept under Subsection (8)(a) are subject to
2004 legislative audit to verify the municipality's compliance with the requirements of this chapter
2005 including:
2006 (i) pricing;
2007 (ii) recordkeeping; and
2008 (iii) antidiscrimination.
2009 (9) A municipality may not receive distributions from the Universal Public
2010 Telecommunications Service Support Fund established in Section [54-8b-15](#).
2011 Section 33. Section **11-13-219** is amended to read:
2012 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**
2013 **resolution or agreement.**
2014 (1) As used in this section:
2015 (a) "Enactment" means:
2016 (i) a resolution adopted or proceedings taken by a governing body under the authority
2017 of this chapter, and includes a resolution, indenture, or other instrument providing for the
2018 issuance of bonds; and
2019 (ii) an agreement or other instrument that is authorized, executed, or approved by a
2020 governing body under the authority of this chapter.
2021 (b) "Governing body" means:
2022 (i) the legislative body of a public agency; or
2023 (ii) the governing authority of an interlocal entity created under this chapter.
2024 (c) "Notice of agreement" means the notice authorized by Subsection (3)(c).
2025 (d) "Notice of bonds" means the notice authorized by Subsection (3)(d).
2026 ~~(e) "Official newspaper" means the newspaper selected by a governing body under~~

2027 ~~Subsection (4)(b) to publish its enactments.]~~

2028 (2) Any enactment taken or made under the authority of this chapter is not subject to
2029 referendum.

2030 (3) (a) A governing body need not publish any enactment taken or made under the
2031 authority of this chapter.

2032 (b) A governing body may provide for the publication of any enactment taken or made
2033 by it under the authority of this chapter according to the publication requirements established
2034 by this section.

2035 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution
2036 or other proceeding authorizing or approving an agreement, document, or other instrument, the
2037 governing body may, instead of publishing the full text of the agreement, resolution, or other
2038 proceeding, publish a notice of agreement containing:

2039 (A) the names of the parties to the agreement;

2040 (B) the general subject matter of the agreement;

2041 (C) the term of the agreement;

2042 (D) a description of the payment obligations, if any, of the parties to the agreement;

2043 and

2044 (E) a statement that the resolution and agreement will be available for review at the
2045 governing body's principal place of business during regular business hours for 30 days after the
2046 publication of the notice of agreement.

2047 (ii) The governing body shall make a copy of the resolution or other proceeding and a
2048 copy of the contract available at its principal place of business during regular business hours
2049 for 30 days after the publication of the notice of agreement.

2050 (d) If the enactment is a resolution or other proceeding authorizing the issuance of
2051 bonds, the governing body may, instead of publishing the full text of the resolution or other
2052 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds
2053 that contains the information described in Subsection [11-14-316\(2\)](#).

2054 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or
2055 notice of agreement, the governing body shall comply with the requirements of this Subsection
2056 (4).

2057 ~~[(b) If there is more than one newspaper of general circulation, or more than one~~
2058 ~~newspaper, published within the boundaries of the governing body, the governing body may~~
2059 ~~designate one of those newspapers as the official newspaper for all publications made under~~
2060 ~~this section.]~~

2061 ~~[(c)(i)(A)]~~ (b) The governing body shall ~~[publish]~~ post the enactment, notice of
2062 bonds, or notice of agreement ~~[in:]~~ on the Utah Public Notice Website created in Section
2063 63F-1-701.

2064 ~~[(I) the official newspaper;]~~

2065 ~~[(H) the newspaper published in the municipality in which the principal office of the~~
2066 ~~governmental entity is located; or]~~

2067 ~~[(III) if no newspaper is published in that municipality, in a newspaper having general~~
2068 ~~circulation in the municipality; and]~~

2069 ~~[(B) as required in Section 45-1-101.]~~

2070 ~~[(ii) The governing body may publish the enactment, notice of bonds, or notice of~~
2071 ~~agreement:]~~

2072 ~~[(A) (I) in a newspaper of general circulation; or]~~

2073 ~~[(H) in a newspaper that is published within the boundaries of any public agency that is~~
2074 ~~a party to the enactment or agreement; and]~~

2075 ~~[(B) as required in Section 45-1-101.]~~

2076 (5) (a) Any person in interest may contest the legality of an enactment or any action
2077 performed or instrument issued under the authority of the enactment for 30 days after the
2078 ~~[publication]~~ posting of the enactment, notice of bonds, or notice of agreement.

2079 (b) After the 30 days have passed, no one may contest the regularity, formality, or
2080 legality of the enactment or any action performed or instrument issued under the authority of

2081 the enactment for any cause whatsoever.

2082 Section 34. Section **11-14-202** is amended to read:

2083 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2084 (1) The governing body shall publish notice of the election:

2085 [~~(a) (i) once per week for three consecutive weeks before the election in a newspaper of~~
2086 ~~general circulation in the local political subdivision, in accordance with Section **11-14-316**, the~~
2087 ~~first publication occurring not less than 21, nor more than 35, days before the day of the~~
2088 ~~election;~~]

2089 [~~(ii) if there is no newspaper of general circulation in the local political subdivision;~~]

2090 (a) (i) at least 21 days before the day of the election, by posting one notice, and at least
2091 one additional notice per 2,000 population of the local political subdivision, in places within
2092 the local political subdivision that are most likely to give notice to the voters in the local
2093 political subdivision; or

2094 [~~(iii)~~ (ii) at least three weeks before the day of the election, by mailing notice to each
2095 registered voter in the local political subdivision;

2096 (b) on the Utah Public Notice Website created in Section **63F-1-701**, for three weeks
2097 before the day of the election; and

2098 [~~(c) in accordance with Section **45-1-101**, for three weeks before the day of the~~
2099 ~~election; and~~]

2100 [~~(d)~~ (c) if the local political subdivision has a website, on the local political
2101 subdivision's website for at least three weeks before the day of the election.

2102 (2) When the debt service on the bonds to be issued will increase the property tax
2103 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
2104 per year, the governing body shall prepare and mail either a voter information pamphlet or a
2105 notification described in Subsection (8):

2106 (a) at least 15 days, but not more than 45 days, before the bond election;

2107 (b) to each household containing a registered voter who is eligible to vote on the

2108 bonds; and

2109 (c) that includes the information required by Subsections (4) and (5).

2110 (3) The election officer may change the location of, or establish an additional:

2111 (a) voting precinct polling place, in accordance with Subsection (6);

2112 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2113 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2114 (4) The notice described in Subsection (1) and the voter information pamphlet

2115 described in Subsection (2):

2116 (a) shall include, in the following order:

2117 (i) the date of the election;

2118 (ii) the hours during which the polls will be open;

2119 (iii) the address of the Statewide Electronic Voter Information Website and, if

2120 available, the address of the election officer's website, with a statement indicating that the

2121 election officer will post on the website the location of each polling place for each voting

2122 precinct, each early voting polling place, and each election day voting center, including any

2123 changes to the location of a polling place and the location of an additional polling place;

2124 (iv) a phone number that a voter may call to obtain information regarding the location

2125 of a polling place; and

2126 (v) the title and text of the ballot proposition, including the property tax cost of the

2127 bond described in Subsection 11-14-206(2)(a); and

2128 (b) may include the location of each polling place.

2129 (5) The voter information pamphlet required by this section shall include:

2130 (a) the information required under Subsection (4); and

2131 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,

2132 which may be based on information the governing body determines to be useful, including:

2133 (i) expected debt service on the bonds to be issued;

2134 (ii) a description of the purpose, remaining principal balance, and maturity date of any

2135 outstanding general obligation bonds of the issuer;

2136 (iii) funds other than property taxes available to pay debt service on general obligation

2137 bonds;

2138 (iv) timing of expenditures of bond proceeds;

2139 (v) property values; and

2140 (vi) any additional information that the governing body determines may be useful to

2141 explain the property tax impact of issuance of the bonds.

2142 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the

2143 deadlines described in Subsections (1) and (2):

2144 (i) if necessary, change the location of a voting precinct polling place; or

2145 (ii) if the election officer determines that the number of voting precinct polling places

2146 is insufficient due to the number of registered voters who are voting, designate additional

2147 voting precinct polling places.

2148 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the

2149 location of a voting precinct polling place or designates an additional voting precinct polling

2150 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,

2151 times, and location of a changed voting precinct polling place or an additional voting precinct

2152 polling place:

2153 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter

2154 Information Website;

2155 (ii) by posting the information on the website of the election officer, if available; and

2156 (iii) by posting notice:

2157 (A) of a change in the location of a voting precinct polling place, at the new location

2158 and, if possible, the old location; and

2159 (B) of an additional voting precinct polling place, at the additional voting precinct

2160 polling place.

2161 (7) The governing body shall pay the costs associated with the notice required by this

2162 section.

2163 (8) (a) The governing body may mail a notice printed on a postage prepaid,
2164 preaddressed return form that a person may use to request delivery of a voter information
2165 pamphlet by mail.

2166 (b) The notice described in Subsection (8)(a) shall include:

2167 (i) the website upon which the voter information pamphlet is available; and

2168 (ii) the phone number a voter may call to request delivery of a voter information
2169 pamphlet by mail.

2170 (9) A local school board shall comply with the voter information pamphlet
2171 requirements described in Section [53G-4-603](#).

2172 Section 35. Section **11-14-315** is amended to read:

2173 **11-14-315. Nature and validity of bonds issued -- Applicability of other statutory**
2174 **provisions -- Budget provision required -- Applicable procedures for issuance.**

2175 Bonds issued under this chapter shall have all the qualities of negotiable paper, shall be
2176 incontestable in the hands of bona fide purchasers or holders for value and are not invalid for
2177 any irregularity or defect in the proceedings for their issuance and sale. This chapter is
2178 intended to afford an alternative method for the issuance of bonds by local political
2179 subdivisions and may not be so construed as to deprive any local political subdivision of the
2180 right to issue its bonds under authority of any other statute, but nevertheless this chapter shall
2181 constitute full authority for the issue and sale of bonds by local political subdivisions. The
2182 provisions of Section [11-1-1](#) [~~Utah Code Annotated 1953,~~] are not applicable to bonds issued
2183 under this chapter. Any local political subdivision subject to the provisions of any budget law
2184 shall in its annual budget make proper provision for the payment of principal and interest
2185 currently falling due on bonds issued hereunder, but no provision need be made in any such
2186 budget prior to the issuance of the bonds for the issuance thereof or for the expenditure of the
2187 proceeds thereof. No ordinance, resolution or proceeding in respect to the issuance of bonds
2188 hereunder shall be necessary except as herein specifically required, nor shall the publication of

2189 any resolution, proceeding or notice relating to the issuance of the bonds be necessary except as
2190 herein required. Any publication made hereunder [~~may be made in any newspaper conforming~~
2191 ~~to the terms hereof in which legal notices may be published under the laws of Utah, without~~
2192 ~~regard to the designation thereof as the official journal or newspaper of the local political~~
2193 ~~subdivision, and as required in Section 45-1-101]~~ shall be made by posting on the Utah Public
2194 Notice Website created in Section 63F-1-701. No resolution adopted or proceeding taken
2195 hereunder shall be subject to referendum petition or to an election other than as herein required.
2196 All proceedings adopted hereunder may be adopted on a single reading at any legally convened
2197 meeting of the governing body.

2198 Section 36. Section 11-14-318 is amended to read:

2199 **11-14-318. Public hearing required.**

2200 (1) Before issuing bonds authorized under this chapter, a local political subdivision
2201 shall:

2202 (a) in accordance with Subsection (2), provide public notice of the local political
2203 subdivision's intent to issue bonds; and

2204 (b) hold a public hearing:

2205 (i) if an election is required under this chapter:

2206 (A) no sooner than 30 days before the day on which the notice of election is published
2207 under Section 11-14-202; and

2208 (B) no later than five business days before the day on which the notice of election is
2209 published under Section 11-14-202; and

2210 (ii) to receive input from the public with respect to:

2211 (A) the issuance of the bonds; and

2212 (B) the potential economic impact that the improvement, facility, or property for which
2213 the bonds pay all or part of the cost will have on the private sector.

2214 (2) A local political subdivision shall:

2215 (a) publish the notice required by Subsection (1)(a) [~~:(i) once each week for two~~

2216 consecutive weeks in the official newspaper described in Section ~~11-14-316~~ with the first
2217 publication being not less than 14 days before the public hearing required by Subsection (1)(b);
2218 and (ii)] on the Utah Public Notice Website, created under Section ~~63F-1-701~~, no less than 14
2219 days before the public hearing required by Subsection (1)(b); and

2220 (b) ensure that the notice:

2221 (i) identifies:

2222 (A) the purpose for the issuance of the bonds;

2223 (B) the maximum principal amount of the bonds to be issued;

2224 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and

2225 (D) the time, place, and location of the public hearing; and

2226 (ii) informs the public that the public hearing will be held for the purposes described in
2227 Subsection (1)(b)(ii).

2228 Section 37. Section **11-14a-1** is amended to read:

2229 **11-14a-1. Notice of debt issuance.**

2230 (1) For purposes of this chapter:

2231 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
2232 and contracts with municipal building authorities.

2233 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2234 (b) (i) "Local government entity" means a county, city, town, school district, local
2235 district, or special service district.

2236 (ii) "Local government entity" does not mean an entity created by an interlocal
2237 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
2238 \$10,000,000.

2239 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
2240 or partially to fund a rejected project.

2241 (d) "Rejected Project" means a project for which a local government entity sought
2242 voter approval for general obligation bond financing and failed to receive that approval.

2243 (2) Unless a local government entity complies with the requirements of this section, it
2244 may not adopt a new debt resolution.

2245 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2246 ~~[(i) advertise its intent to issue debt in a newspaper of general circulation:]~~

2247 ~~[(A) (I) at least once each week for the two weeks before the meeting at which the
2248 resolution will be considered; and]~~

2249 ~~[(H) on no less than 1/4 page or a 5 x 7 inch advertisement with type size no smaller
2250 than 18 point and surrounded by a 1/4 inch border; and]~~

2251 ~~[(B) in accordance with Section [45-1-101](#)];~~

2252 (i) advertise the local government entity's intent to issue debt by posting a notice of that
2253 intent on the Utah Public Notice Website created in Section [63F-1-701](#), for the two weeks
2254 before the meeting at which the resolution will be considered; or

2255 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least
2256 95% of the residents of the local government entity.

2257 (b) The local government entity shall ensure that the notice:

2258 (i) except for website publication, is at least as large as the bill or other mailing that it
2259 accompanies;

2260 (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2261 (iii) contains the information required by Subsection (3)(c).

2262 (c) The local government entity shall ensure that the advertisement or notice described
2263 in Subsection (3)(a):

2264 (i) identifies the local government entity;

2265 (ii) states that the entity will meet on a day, time, and place identified in the
2266 advertisement or notice to hear public comments regarding a resolution authorizing the
2267 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2268 (iii) contains:

2269 (A) the name of the entity that will issue the debt;

2270 (B) the purpose of the debt; and
 2271 (C) that type of debt and the maximum principal amount that may be issued;
 2272 (iv) invites all concerned citizens to attend the public hearing; and
 2273 (v) states that some or all of the proposed debt would fund a project whose general
 2274 obligation bond financing was rejected by the voters.

2275 (4) (a) The resolution considered at the hearing shall identify:

- 2276 (i) the type of debt proposed to be issued;
- 2277 (ii) the maximum principal amount that might be issued;
- 2278 (iii) the interest rate;
- 2279 (iv) the term of the debt; and
- 2280 (v) how the debt will be repaid.

2281 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
 2282 hearing need not be in final form and need not be adopted or rejected at the meeting at which
 2283 the public hearing is held.

2284 (ii) The local government entity may not, in the final resolution, increase the maximum
 2285 principal amount of debt contained in the notice and discussed at the hearing.

2286 (c) The local government entity may adopt, amend and adopt, or reject the resolution at
 2287 a later meeting without recomplying with the published notice requirements of this section.

2288 Section 38. Section **11-30-5** is amended to read:

2289 **11-30-5. Publication of order for hearing.**

2290 (1) Prior to the date set for hearing, the clerk of the court shall cause the order to be
 2291 published[:] by posting the order on the Utah Public Notice Website created in Section
 2292 63F-1-701 for three weeks.

2293 [~~(a) once each week for three consecutive weeks:~~]

2294 [~~(i) in a newspaper published or of general circulation within the boundaries of the~~
 2295 ~~public body; or]~~

2296 [~~(ii) if the public body has no defined boundaries or there is no newspaper published or~~

2297 of general circulation within the defined boundaries, a newspaper reasonably calculated to
2298 notify all parties, which has been approved by the court; and]

2299 [~~(b) in accordance with Section 45-1-101 for three weeks.~~]

2300 (2) If a refunding bond is being validated, all holders of the bonds to be refunded may
2301 be made defendants to the action, in which case notice may be made, and if so made shall be
2302 considered sufficient, by mailing a copy of the order to each holder's last-known address.

2303 (3) By publication of the order, all defendants shall have been duly served and shall be
2304 parties to the proceedings.

2305 Section 39. Section 11-39-103 is amended to read:

2306 **11-39-103. Requirements for undertaking a building improvement or public**
2307 **works project -- Request for bids -- Authority to reject bids.**

2308 (1) If the estimated cost of the building improvement or public works project exceeds
2309 the bid limit, the local entity shall, if it determines to proceed with the building improvement or
2310 public works project:

2311 (a) request bids for completion of the building improvement or public works project
2312 by:

2313 [~~(i) (A) publishing notice at least twice in a newspaper published or of general~~
2314 ~~circulation in the local entity at least five days before opening the bids; or]~~

2315 [~~(B) if there is no newspaper published or of general circulation in the local entity as~~
2316 ~~described in Subsection (1)(a)(i)(A);]~~

2317 (i) posting notice at least five days before opening the bids in at least five public places
2318 in the local entity and leaving the notice posted for at least three days; and

2319 (ii) [~~publishing notice in accordance with Section 45-1-101~~] posting notice on the Utah
2320 Public Notice Website created in Section 63F-1-701, at least five days before opening the bids;
2321 and

2322 (b) except as provided in Subsection (3), enter into a contract for the completion of the
2323 building improvement or public works project with:

- 2324 (i) the lowest responsive responsible bidder; or
- 2325 (ii) for a design-build project formulated by a local entity, a responsible bidder that:
- 2326 (A) offers design-build services; and
- 2327 (B) satisfies the local entity's criteria relating to financial strength, past performance,
- 2328 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder
- 2329 to perform fully and in good faith the contract requirements for a design-build project.
- 2330 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject
- 2331 any or all bids submitted.
- 2332 (b) (i) The cost of a building improvement or public works project may not be divided
- 2333 to avoid:
- 2334 (A) exceeding the bid limit; and
- 2335 (B) subjecting the local entity to the requirements of this section.
- 2336 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a
- 2337 building improvement or public works project that would, without dividing, exceed the bid
- 2338 limit if the local entity complies with the requirements of this section with respect to each part
- 2339 of the building improvement or public works project that results from dividing the cost.
- 2340 (3) (a) The local entity may reject any or all bids submitted.
- 2341 (b) If the local entity rejects all bids submitted but still intends to undertake the
- 2342 building improvement or public works project, the local entity shall again request bids by
- 2343 following the procedure provided in Subsection (1)(a).
- 2344 (c) If, after twice requesting bids by following the procedure provided in Subsection
- 2345 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing
- 2346 body may undertake the building improvement or public works project as it considers
- 2347 appropriate.

2348 Section 40. Section **11-42-202** is amended to read:

2349 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
2350 **designation.**

- 2351 (1) Each notice required under Subsection 11-42-201(2)(a) shall:
- 2352 (a) state that the local entity proposes to:
- 2353 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
- 2354 assessment area;
- 2355 (ii) provide an improvement to property within the proposed assessment area; and
- 2356 (iii) finance some or all of the cost of improvements by an assessment on benefitted
- 2357 property within the assessment area;
- 2358 (b) describe the proposed assessment area by any reasonable method that allows an
- 2359 owner of property in the proposed assessment area to determine that the owner's property is
- 2360 within the proposed assessment area;
- 2361 (c) describe, in a general and reasonably accurate way, the improvements to be
- 2362 provided to the assessment area, including:
- 2363 (i) the nature of the improvements; and
- 2364 (ii) the location of the improvements, by reference to streets or portions or extensions
- 2365 of streets or by any other means that the governing body chooses that reasonably describes the
- 2366 general location of the improvements;
- 2367 (d) state the estimated cost of the improvements as determined by a project engineer;
- 2368 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the
- 2369 estimated total assessment specific to the benefitted property for which the notice is mailed;
- 2370 (f) state that the local entity proposes to levy an assessment on benefitted property
- 2371 within the assessment area to pay some or all of the cost of the improvements according to the
- 2372 estimated benefits to the property from the improvements;
- 2373 (g) if applicable, state that an unassessed benefitted government property will receive
- 2374 improvements for which the cost will be allocated proportionately to the remaining benefitted
- 2375 properties within the proposed assessment area and that a description of each unassessed
- 2376 benefitted government property is available for public review at the location or website
- 2377 described in Subsection (6);

2378 (h) state the assessment method by which the governing body proposes to calculate the
2379 proposed assessment, including, if the local entity is a municipality or county, whether the
2380 assessment will be collected:

2381 (i) by directly billing a property owner; or

2382 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317
2383 and in compliance with Section 11-42-401;

2384 (i) state:

2385 (i) the date described in Section 11-42-203 and the location at which protests against
2386 designation of the proposed assessment area or of the proposed improvements are required to
2387 be filed;

2388 (ii) the method by which the governing body will determine the number of protests
2389 required to defeat the designation of the proposed assessment area or acquisition or
2390 construction of the proposed improvements; and

2391 (iii) in large, boldface, and conspicuous type that a property owner must protest the
2392 designation of the assessment area in writing if the owner objects to the area designation or
2393 being assessed for the proposed improvements, operation and maintenance costs, or economic
2394 promotion activities;

2395 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

2396 (k) if the governing body elects to create and fund a reserve fund under Section
2397 11-42-702, include a description of:

2398 (i) how the reserve fund will be funded and replenished; and

2399 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
2400 the bonds;

2401 (l) if the governing body intends to designate a voluntary assessment area, include a
2402 property owner consent form that:

2403 (i) estimates the total assessment to be levied against the particular parcel of property;

2404 (ii) describes any additional benefits that the governing body expects the assessed

2405 property to receive from the improvements;

2406 (iii) designates the date and time by which the fully executed consent form is required

2407 to be submitted to the governing body; and

2408 (iv) if the governing body intends to enforce an assessment lien on the property in

2409 accordance with Subsection [11-42-502.1\(2\)\(a\)\(ii\)\(C\)](#):

2410 (A) appoints a trustee that satisfies the requirements described in Section [57-1-21](#);

2411 (B) gives the trustee the power of sale;

2412 (C) is binding on the property owner and all successors; and

2413 (D) explains that if an assessment or an installment of an assessment is not paid when

2414 due, the local entity may sell the property owner's property to satisfy the amount due plus

2415 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;

2416 (m) if the local entity intends to levy an assessment to pay operation and maintenance

2417 costs or for economic promotion activities, include:

2418 (i) a description of the operation and maintenance costs or economic promotion

2419 activities to be paid by assessments and the initial estimated annual assessment to be levied;

2420 (ii) a description of how the estimated assessment will be determined;

2421 (iii) a description of how and when the governing body will adjust the assessment to

2422 reflect the costs of:

2423 (A) in accordance with Section [11-42-406](#), current economic promotion activities; or

2424 (B) current operation and maintenance costs;

2425 (iv) a description of the method of assessment if different from the method of

2426 assessment to be used for financing any improvement; and

2427 (v) a statement of the maximum number of years over which the assessment will be

2428 levied for:

2429 (A) operation and maintenance costs; or

2430 (B) economic promotion activities;

2431 (n) if the governing body intends to divide the proposed assessment area into

2432 classifications under Subsection 11-42-201(1)(b), include a description of the proposed
2433 classifications;

2434 (o) if applicable, state the portion and value of the improvement that will be increased
2435 in size or capacity to serve property outside of the assessment area and how the increases will
2436 be financed; and

2437 (p) state whether the improvements will be financed with a bond and, if so, the
2438 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
2439 benefitted properties within the assessment area may be obligated.

2440 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
2441 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
2442 subject to the market rate at the time of the issuance of the bond.

2443 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
2444 that the governing body considers to be appropriate, including:

2445 (a) the amount or proportion of the cost of the improvement to be paid by the local
2446 entity or from sources other than an assessment;

2447 (b) the estimated total amount of each type of assessment for the various improvements
2448 to be financed according to the method of assessment that the governing body chooses; and

2449 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

2450 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

2451 ~~[(a) (i) (A) be published in a newspaper of general circulation within the local entity's~~
2452 ~~jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at~~
2453 ~~least five but not more than 20 days before the day of the hearing required in Section~~
2454 ~~11-42-204; or]~~

2455 ~~[(B) if there is no newspaper of general circulation within the local entity's~~
2456 ~~jurisdictional boundaries;]~~

2457 (a) (i) be posted in at least three public places within the local entity's jurisdictional
2458 boundaries at least 20 but not more than 35 days before the day of the hearing required in

2459 Section 11-42-204; and

2460 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for
2461 four weeks before the deadline for filing protests specified in the notice under Subsection
2462 (1)(i); and

2463 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
2464 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed
2465 assessment area at the property owner's mailing address.

2466 (5) (a) The local entity may record the version of the notice that is published or posted
2467 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description
2468 and tax identification number as identified in county records, against the property proposed to
2469 be assessed.

2470 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
2471 after the day on which the local entity records the notice if the local entity has failed to adopt
2472 the designation ordinance or resolution under Section 11-42-201 designating the assessment
2473 area for which the notice was recorded.

2474 (6) A local entity shall make available on the local entity's website, or, if no website is
2475 available, at the local entity's place of business, the address and type of use of each unassessed
2476 benefitted government property described in Subsection (1)(g).

2477 (7) If a governing body fails to provide actual or constructive notice under this section,
2478 the local entity may not assess a levy against a benefitted property omitted from the notice
2479 unless:

2480 (a) the property owner gives written consent;

2481 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did
2482 not object to the levy of the assessment before the final hearing of the board of equalization; or

2483 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
2484 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,
2485 Subsection 11-42-207(1)(d)(i) are met.

2486 Section 41. Section **11-42-301** is amended to read:

2487 **11-42-301. Improvements made only under contract let to lowest responsive,**
2488 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
2489 **contract requirement.**

2490 (1) Except as otherwise provided in this section, a local entity may make improvements
2491 in an assessment area only under contract let to the lowest responsive, responsible bidder for
2492 the kind of service, material, or form of construction that the local entity's governing body
2493 determines in compliance with any applicable local entity ordinances.

2494 (2) A local entity may:

2495 (a) divide improvements into parts;

2496 (b) (i) let separate contracts for each part; or

2497 (ii) combine multiple parts into the same contract; and

2498 (c) let a contract on a unit basis.

2499 (3) (a) A local entity may not let a contract until after [~~publishing~~] posting notice as
2500 provided in Subsection (3)(b)[~~:(i) at least one time in a newspaper of general circulation within~~
2501 ~~the boundaries of the local entity at least 15 days before the date specified for receipt of bids;~~
2502 ~~and (ii) in accordance with Section ~~45-1-101~~] on the Utah Public Notice Website created in
2503 Section ~~63F-1-701~~, at least 15 days before the date specified for receipt of bids.~~

2504 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
2505 receive sealed bids at a specified time and place for the construction of the improvements.

2506 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
2507 publish the notice or to publish the notice within 15 days before the date specified for receipt of
2508 bids, the governing body may proceed to let a contract for the improvements if the local entity
2509 receives at least three sealed and bona fide bids from contractors by the time specified for the
2510 receipt of bids.

2511 (d) A local entity may publish a notice required under this Subsection (3) at the same
2512 time as a notice under Section 11-42-202.

- 2513 (4) (a) A local entity may accept as a sealed bid a bid that is:
2514 (i) manually sealed and submitted; or
2515 (ii) electronically sealed and submitted.
- 2516 (b) The governing body or project engineer shall, at the time specified in the notice
2517 under Subsection (3), open and examine the bids.
- 2518 (c) In open session, the governing body:
2519 (i) shall declare the bids; and
2520 (ii) may reject any or all bids if the governing body considers the rejection to be for the
2521 public good.
- 2522 (d) The local entity may award the contract to the lowest responsive, responsible bidder
2523 even if the price bid by that bidder exceeds the estimated costs as determined by the project
2524 engineer.
- 2525 (e) A local entity may in any case:
2526 (i) refuse to award a contract;
2527 (ii) obtain new bids after giving a new notice under Subsection (3);
2528 (iii) determine to abandon the assessment area; or
2529 (iv) not make some of the improvements proposed to be made.
- 2530 (5) A local entity is not required to let a contract as provided in this section for:
2531 (a) an improvement or part of an improvement the cost of which or the making of
2532 which is donated or contributed;
2533 (b) an improvement that consists of furnishing utility service or maintaining
2534 improvements;
2535 (c) labor, materials, or equipment supplied by the local entity;
2536 (d) the local entity's acquisition of completed or partially completed improvements in
2537 an assessment area;
2538 (e) design, engineering, and inspection costs incurred with respect to the construction
2539 of improvements in an assessment area; or

2540 (f) additional work performed in accordance with the terms of a contract duly let to the
2541 lowest responsive, responsible bidder.

2542 (6) A local entity may itself furnish utility service and maintain improvements within
2543 an assessment area.

2544 (7) (a) A local entity may acquire completed or partially completed improvements in an
2545 assessment area, but may not pay an amount for those improvements that exceeds their fair
2546 market value.

2547 (b) Upon the local entity's payment for completed or partially completed
2548 improvements, title to the improvements shall be conveyed to the local entity or another public
2549 agency.

2550 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
2551 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
2552 assessment area.

2553 Section 42. Section 11-42-402 is amended to read:

2554 **11-42-402. Notice of assessment and board of equalization hearing.**

2555 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2556 (1) state:

2557 (a) that an assessment list is completed and available for examination at the offices of
2558 the local entity;

2559 (b) the total estimated or actual cost of the improvements;

2560 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2561 paid by the local entity;

2562 (d) the amount of the assessment to be levied against benefitted property within the
2563 assessment area;

2564 (e) the assessment method used to calculate the proposed assessment;

2565 (f) the unit cost used to calculate the assessments shown on the assessment list, based
2566 on the assessment method used to calculate the proposed assessment; and

2567 (g) the dates, times, and place of the board of equalization hearings under Subsection
2568 11-42-401(2)(b)(i);

2569 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first
2570 hearing of the board of equalization is held[~~:(i) be published at least once in a newspaper of~~
2571 ~~general circulation within the local entity's jurisdictional boundaries; or (ii) if there is no~~
2572 ~~newspaper of general circulation within the local entity's jurisdictional boundaries]~~, be posted
2573 in at least three public places within the local entity's jurisdictional boundaries; and

2574 (b) be published on the Utah Public Notice Website created in Section 63F-1-701 for
2575 35 days immediately before the day on which the first hearing of the board of equalization is
2576 held; and

2577 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
2578 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2579 assessment area at the property owner's mailing address.

2580 Section 43. Section 11-42-404 is amended to read:

2581 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**
2582 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**
2583 **interest.**

2584 (1) (a) After receiving a final report from a board of equalization under Subsection
2585 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection
2586 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an
2587 assessment against benefitted property within the assessment area designated in accordance
2588 with Part 2, Designating an Assessment Area.

2589 (b) Except as provided in Subsection (1)(c), a local entity may not levy more than one
2590 assessment under this chapter for an assessment area designated in accordance with Part 2,
2591 Designating an Assessment Area.

2592 (c) A local entity may levy more than one assessment in an assessment area designated
2593 in accordance with Part 2, Designating an Assessment Area, if:

2594 (i) the local entity has adopted a designation resolution or designation ordinance for
2595 each assessment in accordance with Section 11-42-201; and

2596 (ii) the assessment is levied to pay:

2597 (A) subject to Section 11-42-401, operation and maintenance costs;

2598 (B) subject to Section 11-42-406, the costs of economic promotion activities; or

2599 (C) the costs of environmental remediation activities.

2600 (d) An assessment resolution or ordinance adopted under Subsection (1)(a):

2601 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to
2602 be assessed;

2603 (ii) need not include the legal description or tax identification number of the parcels of
2604 property assessed in the assessment area; and

2605 (iii) is adequate for purposes of identifying the property to be assessed within the
2606 assessment area if the assessment resolution or ordinance incorporates by reference the
2607 corrected assessment list that describes the property assessed by legal description and tax
2608 identification number.

2609 (2) (a) A local entity that adopts an assessment resolution or ordinance shall give notice
2610 of the adoption by:

2611 ~~[(i) (A) publishing a copy of the resolution or ordinance, or a summary of the~~
2612 ~~resolution or ordinance, once in a newspaper of general circulation within the local entity's~~
2613 ~~jurisdictional boundaries; or]~~

2614 ~~[(B) if there is no newspaper of general circulation with the local entity's jurisdictional~~
2615 ~~boundaries as described in Subsection (2)(a)(i);]~~

2616 (i) posting a copy of the resolution or ordinance in at least three public places within
2617 the local entity's jurisdictional boundaries for at least 21 days; and

2618 (ii) ~~[publishing, in accordance with Section 45-1-101;]~~ posting a copy of the resolution
2619 or ordinance on the Utah Public Notice Website created in Section 63F-1-701 for at least 21
2620 days.

- 2621 (b) No other publication or posting of the resolution or ordinance is required.
- 2622 (3) Notwithstanding any other statutory provision regarding the effective date of a
2623 resolution or ordinance, each assessment resolution or ordinance takes effect:
- 2624 (a) on the date of publication or posting of the notice under Subsection (2); or
2625 (b) at a later date provided in the resolution or ordinance.
- 2626 (4) (a) The governing body of each local entity that has adopted an assessment
2627 resolution or ordinance under Subsection (1) shall, within five days after the day on which the
2628 25-day prepayment period under Subsection 11-42-411(6) has passed, file a notice of
2629 assessment interest with the recorder of the county in which the assessed property is located.
- 2630 (b) Each notice of assessment interest under Subsection (4)(a) shall:
- 2631 (i) state that the local entity has an assessment interest in the assessed property;
2632 (ii) if the assessment is to pay operation and maintenance costs or for economic
2633 promotion activities, state the maximum number of years over which an assessment will be
2634 payable; and
- 2635 (iii) describe the property assessed by legal description and tax identification number.
- 2636 (c) A local entity's failure to file a notice of assessment interest under this Subsection
2637 (4) has no affect on the validity of an assessment levied under an assessment resolution or
2638 ordinance adopted under Subsection (1).
- 2639 Section 44. Section 11-42a-201 is amended to read:
- 2640 **11-42a-201. Resolution or ordinance designating an energy assessment area,**
2641 **levying an assessment, and issuing an energy assessment bond.**
- 2642 (1) (a) Except as otherwise provided in this chapter, and subject to the requirements of
2643 this part, at the request of a property owner on whose property or for whose benefit an
2644 improvement is being installed or being reimbursed, a governing body of a local entity may
2645 adopt an energy assessment resolution or an energy assessment ordinance that:
- 2646 (i) designates an energy assessment area;
2647 (ii) levies an assessment within the energy assessment area; and

2648 (iii) if applicable, authorizes the issuance of an energy assessment bond.

2649 (b) The governing body of a local entity may, by adopting a parameters resolution,

2650 delegate to an officer of the local entity, in accordance with the parameters resolution, the

2651 authority to:

2652 (i) execute an energy assessment resolution or ordinance that:

2653 (A) designates an energy assessment area;

2654 (B) levies an energy assessment lien; and

2655 (C) approves the final interest rate, price, principal amount, maturities, redemption

2656 features, and other terms of the energy assessment bonds; and

2657 (ii) approve and execute all documents related to the designation of the energy

2658 assessment area, the levying of the energy assessment lien, and the issuance of the energy

2659 assessment bonds.

2660 (c) The boundaries of a proposed energy assessment area may:

2661 (i) include property that is not intended to be assessed; and

2662 (ii) overlap, be coextensive with, or be substantially coterminous with the boundaries

2663 of any other energy assessment area or an assessment area created under Title 11, Chapter 42,

2664 Assessment Area Act.

2665 (d) The energy assessment resolution or ordinance described in Subsection (1)(a) is

2666 adequate for purposes of identifying the property to be assessed within the energy assessment

2667 area if the resolution or ordinance describes the property to be assessed by legal description and

2668 tax identification number.

2669 (2) (a) A local entity that adopts an energy assessment resolution or ordinance under

2670 Subsection (1)(a) or a parameters resolution under Subsection (1)(b) shall give notice of the

2671 adoption of the energy assessment resolution or ordinance or the parameters resolution by~~[(i)~~

2672 ~~publishing a copy or a summary of the resolution or ordinance once in a newspaper of general~~

2673 ~~circulation where the energy assessment area is located; or (ii) if there is no newspaper of~~

2674 ~~general circulation where the energy assessment area is located,] posting a copy of the~~

2675 resolution or ordinance;

2676 (i) in at least three public places within the local entity's jurisdictional boundaries for at
2677 least 21 days[-]; and

2678 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for at least 21
2679 days.

2680 (b) Except as provided in Subsection (2)(a), a local entity is not required to make any
2681 other publication or posting of the resolution or ordinance.

2682 (3) Notwithstanding any other statutory provision regarding the effective date of a
2683 resolution or ordinance, each energy assessment resolution or ordinance takes effect on the
2684 later of:

2685 (a) the date on which the governing body of the local entity adopts the energy
2686 assessment resolution or ordinance;

2687 (b) the date of publication or posting of the notice of adoption of either the energy
2688 assessment resolution or ordinance or the parameters resolution described in Subsection (2); or

2689 (c) at a later date as provided in the resolution or ordinance.

2690 (4) (a) The governing body of each local entity that has adopted an energy assessment
2691 resolution or ordinance under Subsection (1) shall, within five days after the effective date of
2692 the resolution or ordinance, file a notice of assessment interest with the recorder of the county
2693 in which the property to be assessed is located.

2694 (b) Each notice of assessment interest under Subsection (4)(a) shall:

2695 (i) state that the local entity has an assessment interest in the property to be assessed;

2696 and

2697 (ii) describe the property to be assessed by legal description and tax identification
2698 number.

2699 (c) If a local entity fails to file a notice of assessment interest under this Subsection (4):

2700 (i) the failure does not invalidate the designation of an energy assessment area; and

2701 (ii) the local entity may not assess a levy against a subsequent purchaser of a benefitted

2702 property that lacked recorded notice unless:

2703 (A) the subsequent purchaser gives written consent;

2704 (B) the subsequent purchaser has actual notice of the assessment levy; or

2705 (C) the subsequent purchaser purchased the property after a corrected notice was filed
2706 under Subsection (4)(d).

2707 (d) The local entity may file a corrected notice if the entity fails to comply with the date
2708 or other requirements for filing a notice of assessment interest.

2709 (e) If a governing body has filed a corrected notice under Subsection (4)(d), the local
2710 entity may not retroactively collect or adjust the amount of the levy to recapture lost funds for a
2711 levy that the local entity was prohibited from collecting, if applicable, under Subsection (4)(c).

2712 Section 45. Section **17-27a-204** is amended to read:

2713 **17-27a-204. Notice of public hearings and public meetings to consider general**
2714 **plan or modifications.**

2715 (1) A county shall provide:

2716 (a) notice of the date, time, and place of the first public hearing to consider the original
2717 adoption or any modification of all or any portion of a general plan; and

2718 (b) notice of each public meeting on the subject.

2719 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
2720 days before the public hearing and shall be:

2721 [~~(a) (i) published in a newspaper of general circulation in the area; and~~]

2722 [(ii)] (a) published on the Utah Public Notice Website created in Section [63F-1-701](#);

2723 (b) mailed to each affected entity; and

2724 (c) posted:

2725 (i) in at least three public locations within the county; or

2726 (ii) on the county's official website.

2727 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
2728 before the meeting and shall be:

2729 ~~[(a) (i) submitted to a newspaper of general circulation in the area; and]~~
2730 ~~[(ii)]~~ (a) published on the Utah Public Notice Website created in Section 63F-1-701;
2731 and
2732 (b) posted:
2733 (i) in at least three public locations within the county; or
2734 (ii) on the county's official website.
2735 Section 46. Section 17-27a-205 is amended to read:
2736 **17-27a-205. Notice of public hearings and public meetings on adoption or**
2737 **modification of land use regulation.**
2738 (1) Each county shall give:
2739 (a) notice of the date, time, and place of the first public hearing to consider the
2740 adoption or modification of a land use regulation; and
2741 (b) notice of each public meeting on the subject.
2742 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
2743 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
2744 (b) posted:
2745 (i) in at least three public locations within the county; or
2746 (ii) on the county's official website; and
2747 ~~[(c) (i) published;]~~
2748 ~~[(A) in a newspaper of general circulation in the area at least 10 calendar days before~~
2749 ~~the public hearing; and]~~
2750 ~~[(B)]~~ (c) (i) posted on the Utah Public Notice Website created in Section 63F-1-701, at
2751 least 10 calendar days before the public hearing; or
2752 (ii) mailed at least 10 days before the public hearing to:
2753 (A) each property owner whose land is directly affected by the land use ordinance
2754 change; and
2755 (B) each adjacent property owner within the parameters specified by county ordinance.

2756 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
2757 before the hearing and shall be posted:

2758 (a) in at least three public locations within the county; or

2759 (b) on the county's official website.

2760 (4) (a) A county shall send a courtesy notice to each owner of private real property
2761 whose property is located entirely or partially within the proposed zoning map enactment or
2762 amendment at least 10 days before the scheduled day of the public hearing.

2763 (b) The notice shall:

2764 (i) identify with specificity each owner of record of real property that will be affected
2765 by the proposed zoning map or map amendments;

2766 (ii) state the current zone in which the real property is located;

2767 (iii) state the proposed new zone for the real property;

2768 (iv) provide information regarding or a reference to the proposed regulations,
2769 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
2770 amendment is adopted;

2771 (v) state that the owner of real property may no later than 10 days after the day of the
2772 first public hearing file a written objection to the inclusion of the owner's property in the
2773 proposed zoning map or map amendment;

2774 (vi) state the address where the property owner should file the protest;

2775 (vii) notify the property owner that each written objection filed with the county will be
2776 provided to the county legislative body; and

2777 (viii) state the location, date, and time of the public hearing described in Section
2778 [17-27a-502](#).

2779 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
2780 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
2781 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
2782 separately.

2783 Section 47. Section **17-27a-306** is amended to read:

2784 **17-27a-306. Planning advisory areas.**

2785 (1) (a) A planning advisory area may be established as provided in this Subsection (1).

2786 (b) A planning advisory area may not be established unless the area to be included

2787 within the proposed planning advisory area:

2788 (i) is unincorporated;

2789 (ii) is contiguous; and

2790 (iii) (A) contains:

2791 (I) at least 20% but not more than 80% of:

2792 (Aa) the total private land area in the unincorporated county; or

2793 (Bb) the total value of locally assessed taxable property in the unincorporated county;

2794 or

2795 (II) (Aa) in a county of the second or third class, at least 5% of the total population of

2796 the unincorporated county, but not less than 300 residents; or

2797 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population

2798 of the unincorporated county; or

2799 (B) has been declared by the United States Census Bureau as a census designated

2800 place.

2801 (c) (i) The process to establish a planning advisory area is initiated by the filing of a

2802 petition with the clerk of the county in which the proposed planning advisory area is located.

2803 (ii) A petition to establish a planning advisory area may not be filed if it proposes the

2804 establishment of a planning advisory area that includes an area within a proposed planning

2805 advisory area in a petition that has previously been certified under Subsection (1)(g), until after

2806 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

2807 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

2808 (i) be signed by the owners of private real property that:

2809 (A) is located within the proposed planning advisory area;

2810 (B) covers at least 10% of the total private land area within the proposed planning
2811 advisory area; and

2812 (C) is equal in value to at least 10% of the value of all private real property within the
2813 proposed planning advisory area;

2814 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
2815 area proposed to be established as a planning advisory area;

2816 (iii) indicate the typed or printed name and current residence address of each owner
2817 signing the petition;

2818 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
2819 be designated as the contact sponsor, with the mailing address and telephone number of each
2820 petition sponsor;

2821 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
2822 petition for purposes of the petition; and

2823 (vi) request the county legislative body to provide notice of the petition and of a public
2824 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning
2825 advisory area.

2826 (e) Subsection [10-2a-102\(3\)](#) applies to a petition to establish a planning advisory area
2827 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal
2828 Incorporation.

2829 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
2830 the establishment of a planning advisory area in a county of the second class, the county clerk
2831 shall provide notice of the filing of the petition to:

2832 (A) each owner of real property owning more than 1% of the assessed value of all real
2833 property within the proposed planning advisory area; and

2834 (B) each owner of real property owning more than 850 acres of real property within the
2835 proposed planning advisory area.

2836 (ii) A property owner may exclude all or part of the property owner's property from a

2837 proposed planning advisory area in a county of the second class:
2838 (A) if:
2839 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
2840 property within the proposed planning advisory area;
2841 (IIIii) the property is nonurban; and
2842 (IIIiii) the property does not or will not require municipal provision of municipal-type
2843 services; or
2844 (Bb) the property owner owns more than 850 acres of real property within the proposed
2845 planning advisory area; and
2846 (II) exclusion of the property will not leave within the planning advisory area an island
2847 of property that is not part of the planning advisory area; and
2848 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
2849 under Subsection (1)(f)(i).
2850 (iii) (A) The county legislative body shall exclude from the proposed planning advisory
2851 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if
2852 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).
2853 (B) If the county legislative body excludes property from a proposed planning advisory
2854 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the
2855 exclusion, send written notice of its action to the contact sponsor.
2856 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
2857 clerk shall:
2858 (A) with the assistance of other county officers from whom the clerk requests
2859 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
2860 and
2861 (B) (I) if the clerk determines that the petition complies with the requirements of
2862 Subsection (1)(d):
2863 (Aa) certify the petition and deliver the certified petition to the county legislative body;

2864 and

2865 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2866 (II) if the clerk determines that the petition fails to comply with any of the requirements

2867 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the

2868 rejection and the reasons for the rejection.

2869 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition

2870 may be amended to correct the deficiencies for which it was rejected and then refiled with the

2871 county clerk.

2872 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,

2873 the county legislative body shall hold a public hearing on the proposal to establish a planning

2874 advisory area.

2875 (ii) A public hearing under Subsection (1)(h)(i) shall be:

2876 (A) within the boundary of the proposed planning advisory area; or

2877 (B) if holding a public hearing in that area is not practicable, as close to that area as

2878 practicable.

2879 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the

2880 county legislative body shall publish notice of the petition and the time, date, and place of the

2881 public hearing~~[(A) at least once in a newspaper of general circulation in the county; and (B)]~~

2882 on the Utah Public Notice Website created in Section [63F-1-701](#).

2883 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body

2884 shall arrange for the proposal to establish a planning advisory area to be submitted to voters

2885 residing within the proposed planning advisory area at the next regular general election that is

2886 more than 90 days after the public hearing.

2887 (j) A planning advisory area is established at the time of the canvass of the results of an

2888 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the

2889 proposal to establish a planning advisory area voted in favor of the proposal.

2890 (k) An area that is an established township before May 12, 2015:

2891 (i) is, as of May 12, 2015, a planning advisory area; and
2892 (ii) (A) shall change its name, if applicable, to no longer include the word "township";
2893 and
2894 (B) may use the word "planning advisory area" in its name.
2895 (2) The county legislative body may:
2896 (a) assign to the countywide planning commission the duties established in this part
2897 that would have been assumed by a planning advisory area planning commission designated
2898 under Subsection (2)(b); or
2899 (b) designate and appoint a planning commission for the planning advisory area.
2900 (3) (a) An area within the boundary of a planning advisory area may be withdrawn
2901 from the planning advisory area as provided in this Subsection (3) or in accordance with
2902 Subsection (5)(a).
2903 (b) The process to withdraw an area from a planning advisory area is initiated by the
2904 filing of a petition with the clerk of the county in which the planning advisory area is located.
2905 (c) A petition under Subsection (3)(b) shall:
2906 (i) be signed by the owners of private real property that:
2907 (A) is located within the area proposed to be withdrawn from the planning advisory
2908 area;
2909 (B) covers at least 50% of the total private land area within the area proposed to be
2910 withdrawn from the planning advisory area; and
2911 (C) is equal in value to at least 33% of the value of all private real property within the
2912 area proposed to be withdrawn from the planning advisory area;
2913 (ii) state the reason or reasons for the proposed withdrawal;
2914 (iii) be accompanied by an accurate plat or map showing the boundary of the
2915 contiguous area proposed to be withdrawn from the planning advisory area;
2916 (iv) indicate the typed or printed name and current residence address of each owner
2917 signing the petition;

2918 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
2919 be designated as the contact sponsor, with the mailing address and telephone number of each
2920 petition sponsor;

2921 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
2922 petition for purposes of the petition; and

2923 (vii) request the county legislative body to withdraw the area from the planning
2924 advisory area.

2925 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning
2926 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter
2927 2a, Municipal Incorporation.

2928 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
2929 clerk shall:

2930 (A) with the assistance of other county officers from whom the clerk requests
2931 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
2932 and

2933 (B) (I) if the clerk determines that the petition complies with the requirements of
2934 Subsection (3)(c):

2935 (Aa) certify the petition and deliver the certified petition to the county legislative body;
2936 and

2937 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2938 (II) if the clerk determines that the petition fails to comply with any of the requirements
2939 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
2940 and the reasons for the rejection.

2941 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
2942 may be amended to correct the deficiencies for which it was rejected and then refiled with the
2943 county clerk.

2944 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area

2945 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw
2946 the area from the planning advisory area.

2947 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

2948 (A) within the area proposed to be withdrawn from the planning advisory area; or

2949 (B) if holding a public hearing in that area is not practicable, as close to that area as
2950 practicable.

2951 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
2952 body shall:

2953 (A) publish notice of the petition and the time, date, and place of the public hearing[:

2954 ~~(f) at least once a week for three consecutive weeks in a newspaper of general circulation in the~~

2955 ~~planning advisory area; and (H)] on the Utah Public Notice Website created in Section~~

2956 [63F-1-701](#), for three consecutive weeks; and

2957 (B) mail a notice of the petition and the time, date, and place of the public hearing to
2958 each owner of private real property within the area proposed to be withdrawn.

2959 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
2960 legislative body shall make a written decision on the proposal to withdraw the area from the
2961 planning advisory area.

2962 (ii) In making its decision as to whether to withdraw the area from the planning
2963 advisory area, the county legislative body shall consider:

2964 (A) whether the withdrawal would leave the remaining planning advisory area in a
2965 situation where the future incorporation of an area within the planning advisory area or the
2966 annexation of an area within the planning advisory area to an adjoining municipality would be
2967 economically or practically not feasible;

2968 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
2969 area:

2970 (I) whether the proposed subsequent incorporation or withdrawal:

2971 (Aa) will leave or create an unincorporated island or peninsula; or

2972 (Bb) will leave the county with an area within its unincorporated area for which the
2973 cost, requirements, or other burdens of providing municipal services would materially increase
2974 over previous years; and

2975 (II) whether the municipality to be created or the municipality into which the
2976 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
2977 providing service to the withdrawn area that the county will no longer provide due to the
2978 incorporation or annexation;

2979 (C) the effects of a withdrawal on adjoining property owners, existing or projected
2980 county streets or other public improvements, law enforcement, and zoning and other municipal
2981 services provided by the county; and

2982 (D) whether justice and equity favor the withdrawal.

2983 (h) Upon the written decision of the county legislative body approving the withdrawal
2984 of an area from a planning advisory area, the area is withdrawn from the planning advisory area
2985 and the planning advisory area continues as a planning advisory area with a boundary that
2986 excludes the withdrawn area.

2987 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).

2988 (b) The process to dissolve a planning advisory area is initiated by the filing of a
2989 petition with the clerk of the county in which the planning advisory area is located.

2990 (c) A petition under Subsection (4)(b) shall:

2991 (i) be signed by registered voters within the planning advisory area equal in number to
2992 at least 25% of all votes cast by voters within the planning advisory area at the last
2993 congressional election;

2994 (ii) state the reason or reasons for the proposed dissolution;

2995 (iii) indicate the typed or printed name and current residence address of each person
2996 signing the petition;

2997 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
2998 be designated as the contact sponsor, with the mailing address and telephone number of each

2999 petition sponsor;

3000 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
3001 for purposes of the petition; and

3002 (vi) request the county legislative body to provide notice of the petition and of a public
3003 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning
3004 advisory area.

3005 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
3006 clerk shall:

3007 (A) with the assistance of other county officers from whom the clerk requests
3008 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
3009 and

3010 (B) (I) if the clerk determines that the petition complies with the requirements of
3011 Subsection (4)(c):

3012 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3013 and

3014 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3015 (II) if the clerk determines that the petition fails to comply with any of the requirements
3016 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
3017 and the reasons for the rejection.

3018 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
3019 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3020 county clerk.

3021 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,
3022 the county legislative body shall hold a public hearing on the proposal to dissolve the planning
3023 advisory area.

3024 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

3025 (A) within the boundary of the planning advisory area; or

3026 (B) if holding a public hearing in that area is not practicable, as close to that area as
3027 practicable.

3028 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
3029 body shall publish notice of the petition and the time, date, and place of the public hearing[+
3030 ~~(A) at least once a week for three consecutive weeks in a newspaper of general circulation in~~
3031 ~~the planning advisory area; and (B)] on the Utah Public Notice Website created in Section
3032 [63F-1-701](#), for three consecutive weeks immediately before the public hearing.~~

3033 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
3034 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters
3035 residing within the planning advisory area at the next regular general election that is more than
3036 90 days after the public hearing.

3037 (g) A planning advisory area is dissolved at the time of the canvass of the results of an
3038 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the
3039 proposal to dissolve the planning advisory area voted in favor of the proposal.

3040 (5) (a) If a portion of an area located within a planning advisory area is annexed by a
3041 municipality or incorporates, that portion is withdrawn from the planning advisory area.

3042 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,
3043 the planning advisory area is dissolved.

3044 Section 48. Section ~~17-27a-404~~ is amended to read:

3045 **17-27a-404. Public hearing by planning commission on proposed general plan or**
3046 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
3047 **by legislative body.**

3048 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
3049 amend the general plan, the planning commission shall schedule and hold a public hearing on
3050 the proposed plan or amendment.

3051 (b) The planning commission shall provide notice of the public hearing, as required by
3052 Section [17-27a-204](#).

3053 (c) After the public hearing, the planning commission may modify the proposed
3054 general plan or amendment.

3055 (2) The planning commission shall forward the proposed general plan or amendment to
3056 the legislative body.

3057 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
3058 shall provide notice of its intent to consider the general plan proposal.

3059 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
3060 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
3061 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
3062 (3)(b).

3063 (ii) The hearing format shall allow adequate time for public comment at the actual
3064 public hearing, and shall also allow for public comment in writing to be submitted to the
3065 legislative body for not fewer than 90 days after the date of the public hearing.

3066 (c) (i) The legislative body shall give notice of the hearing in accordance with this
3067 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
3068 complete.

3069 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
3070 the state Legislature, executive director of the Department of Environmental Quality, the state
3071 planning coordinator, the Resource Development Coordinating Committee, and any other
3072 citizens or entities who specifically request notice in writing.

3073 (iii) Public notice shall be given by publication[~~:(A) in at least one major Utah~~
3074 ~~newspaper having broad general circulation in the state; (B) in at least one Utah newspaper~~
3075 ~~having a general circulation focused mainly on the county where the proposed high-level~~
3076 ~~nuclear waste or greater than class C radioactive waste site is to be located; and (C)] on the
3077 Utah Public Notice Website created in Section 63F-1-701.~~

3078 (iv) The notice shall be published to allow reasonable time for interested parties and
3079 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),

3080 including~~[(A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days~~
 3081 ~~before the date of the hearing to be held under this Subsection (3); and (B)]~~ publication
 3082 described in Subsection (3)(c)(iii)~~[(B) or (C)]~~ for 180 days before the date of the hearing to be
 3083 held under this Subsection (3).

3084 (4) (a) After the public hearing required under this section, the legislative body may
 3085 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

3086 (b) The legislative body shall respond in writing and in a substantive manner to all
 3087 those providing comments as a result of the hearing required by Subsection (3).

3088 (c) If the county legislative body rejects the proposed general plan or amendment, it
 3089 may provide suggestions to the planning commission for the planning commission's review and
 3090 recommendation.

3091 (5) The legislative body shall adopt:

3092 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

3093 (b) a transportation and traffic circulation element as provided in Subsection
 3094 17-27a-403(2)(a)(ii);

3095 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to
 3096 provide a realistic opportunity to meet the need for additional moderate income housing; and

3097 (d) before August 1, 2017, a resource management plan as provided by Subsection
 3098 17-27a-403(2)(a)(iv).

3099 Section 49. Section 17-41-302 is amended to read:

3100 **17-41-302. Notice of proposal for creation of protection area -- Responses.**

3101 (1) An applicable legislative body shall provide notice of the proposal by:

3102 ~~[(a) (i) publishing notice in a newspaper having general circulation within:]~~

3103 ~~[(A) the same county as the land proposed for inclusion within an agriculture~~
 3104 ~~protection area, industrial protection area, or critical infrastructure materials protection area, as~~
 3105 ~~the case may be, if the land is within the unincorporated part of the county; or]~~

3106 ~~[(B) the same city or town as the land proposed for inclusion within an agriculture~~

3107 ~~protection area, industrial protection area, or critical infrastructure materials protection area, as~~
3108 ~~the case may be, if the land is within a city or town; and]~~

3109 ~~[(ii) as required in Section [45-1-101](#)];~~

3110 (a) posting notice on the Utah Public Notice Website created in Section [63F-1-701](#);

3111 (b) posting notice at five public places, designated by the county or municipal
3112 legislative body, within or near the proposed agriculture protection area, industrial protection
3113 area, or critical infrastructure materials protection area; and

3114 (c) mailing written notice to each owner of land within 1,000 feet of the land proposed
3115 for inclusion within an agriculture protection area, industrial protection area, or critical
3116 infrastructure materials protection area.

3117 (2) The notice shall contain:

3118 (a) a statement that a proposal for the creation of an agriculture protection area,
3119 industrial protection area, or critical infrastructure materials protection area has been filed with
3120 the applicable legislative body;

3121 (b) a statement that the proposal will be open to public inspection in the office of the
3122 applicable legislative body;

3123 (c) a statement that any person affected by the establishment of the area may, within 15
3124 days of the date of the notice, file with the applicable legislative body:

3125 (i) written objections to the proposal; or

3126 (ii) a written request to modify the proposal to exclude land from or add land to the
3127 proposed protection area;

3128 (d) a statement that the applicable legislative body will submit the proposal to the
3129 advisory committee and to the planning commission for review and recommendations;

3130 (e) a statement that the applicable legislative body will hold a public hearing to discuss
3131 and hear public comment on:

3132 (i) the proposal to create the agriculture protection area, industrial protection area, or
3133 critical infrastructure materials protection area;

3134 (ii) the recommendations of the advisory committee and planning commission; and
3135 (iii) any requests for modification of the proposal and any objections to the proposal;
3136 and

3137 (f) a statement indicating the date, time, and place of the public hearing.

3138 (3) (a) A person wishing to modify the proposal for the creation of the agriculture
3139 protection area, industrial protection area, or critical infrastructure materials protection area
3140 shall, within 15 days after the date of the notice, file a written request for modification of the
3141 proposal, which identifies specifically the land that should be added to or removed from the
3142 proposal.

3143 (b) A person wishing to object to the proposal for the creation of the agriculture
3144 protection area, industrial protection area, or critical infrastructure materials protection area
3145 shall, within 15 days after the date of the notice, file a written objection to the creation of the
3146 relevant protection area.

3147 Section 50. Section **17-41-304** is amended to read:

3148 **17-41-304. Public hearing -- Review and action on proposal.**

3149 (1) After receipt of the written reports from the advisory committee and planning
3150 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
3151 legislative body shall:

3152 (a) schedule a public hearing;

3153 (b) provide notice of the public hearing by:

3154 [~~(i) publishing notice:~~]

3155 [~~(A) in a newspaper having general circulation within:~~]

3156 [~~(I) the same county as the land proposed for inclusion within the agriculture protection
3157 area, industrial protection area, or critical infrastructure materials protection area, if the land is
3158 within the unincorporated part of the county; or]~~]

3159 [~~(H) the same city or town as the land proposed for inclusion within an agriculture
3160 protection area, industrial protection area, or critical infrastructure materials protection area, if~~]

3161 ~~the land is within a city or town; and]~~
3162 ~~[(B)]~~ (i) posting notice on the Utah Public Notice Website created in Section
3163 63F-1-701;
3164 (ii) posting notice at five public places, designated by the applicable legislative body,
3165 within or near the proposed agriculture protection area, industrial protection area, or critical
3166 infrastructure materials protection area; and
3167 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed
3168 for inclusion within an agriculture protection area, industrial protection area, or critical
3169 infrastructure materials protection area; and
3170 (c) ensure that the notice includes:
3171 (i) the time, date, and place of the public hearing on the proposal;
3172 (ii) a description of the proposed agriculture protection area, industrial protection area,
3173 or critical infrastructure materials protection area;
3174 (iii) any proposed modifications to the proposed agriculture protection area, industrial
3175 protection area, or critical infrastructure materials protection area;
3176 (iv) a summary of the recommendations of the advisory committee and planning
3177 commission; and
3178 (v) a statement that interested persons may appear at the public hearing and speak in
3179 favor of or against the proposal, any proposed modifications to the proposal, or the
3180 recommendations of the advisory committee and planning commission.
3181 (2) The applicable legislative body shall:
3182 (a) convene the public hearing at the time, date, and place specified in the notice; and
3183 (b) take oral or written testimony from interested persons.
3184 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3185 body shall approve, modify and approve, or reject the proposal.
3186 (b) The creation of an agriculture protection area, industrial protection area, or critical
3187 infrastructure materials protection area is effective at the earlier of:

3188 (i) the applicable legislative body's approval of a proposal or modified proposal; or
3189 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
3190 the applicable legislative body has failed to approve or reject the proposal within that time.

3191 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area
3192 is effective only if the applicable legislative body, at its discretion, approves a proposal or
3193 modified proposal.

3194 (4) (a) To give constructive notice of the existence of the agriculture protection area,
3195 industrial protection area, or critical infrastructure materials protection area to all persons who
3196 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant
3197 protection area within 10 days of the creation of the relevant protection area, the applicable
3198 legislative body shall file an executed document containing a legal description of the relevant
3199 protection area with:

- 3200 (i) the county recorder of deeds; and
- 3201 (ii) the affected planning commission.

3202 (b) If the legal description of the property to be included in the relevant protection area
3203 is available through the county recorder's office, the applicable legislative body shall use that
3204 legal description in its executed document required in Subsection (4)(a).

3205 (5) Within 10 days of the recording of the agriculture protection area, the applicable
3206 legislative body shall:

3207 (a) send written notification to the commissioner of agriculture and food that the
3208 agriculture protection area has been created; and

3209 (b) include in the notification:

- 3210 (i) the number of landowners owning land within the agriculture protection area;
- 3211 (ii) the total acreage of the area;
- 3212 (iii) the date of approval of the area; and
- 3213 (iv) the date of recording.

3214 (6) The applicable legislative body's failure to record the notice required under

3215 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
3216 creation of an agriculture protection area.

3217 (7) The applicable legislative body may consider the cost of recording notice under
3218 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
3219 under Subsection 17-41-301(4)(b).

3220 Section 51. Section 17-41-405 is amended to read:

3221 **17-41-405. Eminent domain restrictions.**

3222 (1) A political subdivision having or exercising eminent domain powers may not
3223 condemn for any purpose any land within an agriculture protection area that is being used for
3224 agricultural production, land within an industrial protection area that is being put to an
3225 industrial use, or land within a critical infrastructure materials protection area, unless the
3226 political subdivision obtains approval, according to the procedures and requirements of this
3227 section, from the applicable legislative body and the advisory board.

3228 (2) Any condemnor wishing to condemn property within an agriculture protection area,
3229 industrial protection area, or critical infrastructure materials protection area shall file a notice
3230 of condemnation with the applicable legislative body and the relevant protection area's advisory
3231 board at least 30 days before filing an eminent domain complaint.

3232 (3) The applicable legislative body and the advisory board shall:

3233 (a) hold a joint public hearing on the proposed condemnation at a location within the
3234 county in which the relevant protection area is located;

3235 (b) ~~publish~~ post notice of the time, date, place, and purpose of the public hearing:

3236 ~~[(i) in a newspaper of general circulation within the relevant protection area; and]~~

3237 ~~[(ii)]~~ (i) on the Utah Public Notice Website created in Section 63F-1-701; and

3238 ~~[(c) post notice of the time, date, place, and purpose of the public hearing]~~

3239 (ii) in five conspicuous public places, designated by the applicable legislative body,
3240 within or near the relevant protection area.

3241 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or

3242 liquid waste materials, the applicable legislative body and the advisory board may approve the
3243 condemnation only if there is no reasonable and prudent alternative to the use of the land
3244 within the agriculture protection area, industrial protection area, or critical infrastructure
3245 materials protection area for the project.

3246 (b) If the condemnation is for any other purpose, the applicable legislative body and the
3247 advisory board may approve the condemnation only if:

3248 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
3249 preservation and enhancement of:

3250 (A) agriculture within the agriculture protection area;

3251 (B) the industrial use within the industrial protection area; or

3252 (C) critical infrastructure materials operations within the critical infrastructure
3253 materials protection area; or

3254 (ii) there is no reasonable and prudent alternative to the use of the land within the [the]
3255 relevant protection area for the project.

3256 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
3257 legislative body and the advisory board shall approve or reject the proposed condemnation.

3258 (b) If the applicable legislative body and the advisory board fail to act within the 60
3259 days or such further time as the applicable legislative body establishes, the condemnation shall
3260 be considered rejected.

3261 (6) The applicable legislative body or the advisory board may request the county or
3262 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
3263 this section.

3264 Section 52. Section **17B-1-111** is amended to read:

3265 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

3266 (1) (a) If a local district wishes to impose impact fees, the board of trustees of the local
3267 district shall:

3268 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,

3269 Chapter 36a, Impact Fees Act;

3270 (ii) make a copy of the impact fee resolution available to the public at least 14 days
3271 before the date of the public hearing and hold a public hearing on the proposed impact fee
3272 resolution; and

3273 (iii) provide reasonable notice of the public hearing at least 14 days before the date of
3274 the hearing.

3275 (b) After the public hearing, the board of trustees may:

3276 (i) adopt the impact fee resolution as proposed;

3277 (ii) amend the impact fee resolution and adopt or reject it as amended; or

3278 (iii) reject the resolution.

3279 (2) A local district meets the requirements of reasonable notice required by this section
3280 if it:

3281 (a) posts notice of the hearing or meeting in at least three public places within the
3282 jurisdiction [~~and publishes notice of the hearing or meeting in a newspaper of general~~
3283 ~~circulation in the jurisdiction, if one is available~~]; or

3284 (b) gives actual notice of the hearing or meeting.

3285 (3) The local district's board of trustees may enact a resolution establishing stricter
3286 notice requirements than those required by this section.

3287 (4) (a) Proof that one of the two forms of notice required by this section was given is
3288 prima facie evidence that notice was properly given.

3289 (b) If notice given under authority of this section is not challenged within 30 days from
3290 the date of the meeting for which the notice was given, the notice is considered adequate and
3291 proper.

3292 Section 53. Section **17B-1-211** is amended to read:

3293 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3294 (1) Before holding a public hearing or set of public hearings under Section **17B-1-210**,
3295 the legislative body of each county or municipality with which a request is filed or that adopts a

3296 resolution under Subsection 17B-1-203(1)(d) and the board of trustees of each local district
3297 that adopts a resolution under Subsection 17B-1-203(1)(e) shall:

3298 ~~[(a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice~~
3299 ~~in a newspaper or combination of newspapers of general circulation within the applicable area~~
3300 ~~in accordance with Subsection (2); or]~~

3301 ~~[(B) if there is no newspaper or combination of newspapers of general circulation~~
3302 ~~within the applicable area, post notice]~~

3303 (a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population
3304 of ~~[that]~~ the applicable area and at places within the area that are most likely to provide actual
3305 notice to residents of the area; and

3306 (ii) publish notice on the Utah Public Notice Website created in Section 63F-1-701, for
3307 two weeks before the hearing or the first of the set of hearings; or

3308 (b) mail a notice to each registered voter residing within and each owner of real
3309 property located within the proposed local district.

3310 ~~[(2) Each published notice under Subsection (1)(a)(i)(A) shall:]~~

3311 ~~[(a) be no less than 1/4 page in size, use type no smaller than 18 point, and be~~
3312 ~~surrounded by a 1/4-inch border;]~~

3313 ~~[(b) if possible, appear in a newspaper that is published at least one day per week;]~~

3314 ~~[(c) if possible, appear in a newspaper of general interest and readership in the area and~~
3315 ~~not of limited subject matter;]~~

3316 ~~[(d) be placed in a portion of the newspaper other than where legal notices and~~
3317 ~~classified advertisements appear; and]~~

3318 ~~[(e) be published once each week for four consecutive weeks, with the final publication~~
3319 ~~being no fewer than five and no more than 20 days before the hearing or the first of the set of~~
3320 ~~hearings.]~~

3321 ~~[(3)]~~ (2) Each notice required under Subsection (1) shall:

3322 (a) if the hearing or set of hearings is concerning a resolution:

- 3323 (i) contain the entire text or an accurate summary of the resolution; and
- 3324 (ii) state the deadline for filing a protest against the creation of the proposed local
- 3325 district;
- 3326 (b) clearly identify each governing body involved in the hearing or set of hearings;
- 3327 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
- 3328 the hearing or set of hearings; and
- 3329 (d) describe or include a map of the entire proposed local district.

3330 ~~[(4)]~~ (3) County or municipal legislative bodies may jointly provide the notice required

3331 under this section if all the requirements of this section are met as to each notice.

3332 Section 54. Section **17B-1-304** is amended to read:

3333 **17B-1-304. Appointment procedures for appointed members.**

3334 (1) The appointing authority may, by resolution, appoint persons to serve as members

3335 of a local district board by following the procedures established by this section.

3336 (2) (a) In any calendar year when appointment of a new local district board member is

3337 required, the appointing authority shall prepare a notice of vacancy that contains:

- 3338 (i) the positions that are vacant that shall be filled by appointment;
- 3339 (ii) the qualifications required to be appointed to those positions;
- 3340 (iii) the procedures for appointment that the governing body will follow in making
- 3341 those appointments; and
- 3342 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
- 3343 to be considered for appointment to those positions.

3344 (b) The appointing authority shall:

3345 (i) post the notice of vacancy in four public places within the local district at least one

3346 month before the deadline for accepting nominees for appointment; and

3347 ~~[(ii) publish the notice of vacancy:]~~

3348 ~~[(A) in a daily newspaper of general circulation within the local district for five~~

3349 ~~consecutive days before the deadline for accepting nominees for appointment; or]~~

3350 ~~[(B) in a local weekly newspaper circulated within the local district in the week before~~
3351 ~~the deadline for accepting nominees for appointment; and]~~

3352 [(iii)] (ii) [publish] post the notice of vacancy [in accordance with Section ~~45-1-101~~]
3353 on the Utah Public Notice Website, created in Section 63F-1-701, for five days before the
3354 deadline for accepting nominees for appointment.

3355 (c) The appointing authority may bill the local district for the cost of preparing,
3356 printing, and publishing the notice.

3357 (3) (a) Not sooner than two months after the appointing authority is notified of the
3358 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
3359 who meet the qualifications established by law.

3360 (b) The appointing authority shall:

3361 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
3362 appointment;

3363 (ii) allow any interested persons to be heard; and

3364 (iii) adopt a resolution appointing a person to the local district board.

3365 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
3366 appointing authority, the appointing authority shall select the appointee from the two top
3367 candidates by lot.

3368 (4) Persons appointed to serve as members of the local district board serve four-year
3369 terms, but may be removed for cause at any time after a hearing by two-thirds vote of the
3370 appointing body.

3371 (5) (a) At the end of each board member's term, the position is considered vacant, and,
3372 after following the appointment procedures established in this section, the appointing authority
3373 may either reappoint the incumbent board member or appoint a new member.

3374 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
3375 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

3376 (6) Notwithstanding any other provision of this section, if the appointing authority

3377 appoints one of its own members and that member meets all applicable statutory board member
3378 qualifications, the appointing authority need not comply with Subsection (2) or (3).

3379 Section 55. Section **17B-1-306** is amended to read:

3380 **17B-1-306. Local district board -- Election procedures.**

3381 (1) Except as provided in Subsection (12), each elected board member shall be selected
3382 as provided in this section.

3383 (2) (a) Each election of a local district board member shall be held:

3384 (i) at the same time as the municipal general election or the regular general election, as
3385 applicable; and

3386 (ii) at polling places designated by the local district board in consultation with the
3387 county clerk for each county in which the local district is located, which polling places shall
3388 coincide with municipal general election or regular general election polling places, as
3389 applicable, whenever feasible.

3390 (b) The local district board, in consultation with the county clerk, may consolidate two
3391 or more polling places to enable voters from more than one district to vote at one consolidated
3392 polling place.

3393 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
3394 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
3395 polling place per division of the district, designated by the district board.

3396 (ii) Each polling place designated by an irrigation district board under Subsection
3397 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
3398 (2)(a)(ii).

3399 (3) The clerk of each local district with a board member position to be filled at the next
3400 municipal general election or regular general election, as applicable, shall provide notice of:

3401 (a) each elective position of the local district to be filled at the next municipal general
3402 election or regular general election, as applicable;

3403 (b) the constitutional and statutory qualifications for each position; and

3404 (c) the dates and times for filing a declaration of candidacy.

3405 (4) The clerk of the local district shall publish the notice described in Subsection (3):

3406 (a) by posting the notice on the Utah Public Notice Website created in Section

3407 63F-1-701, for 10 days before the first day for filing a declaration of candidacy; and

3408 (b) ~~[(i)]~~ by posting the notice in at least five public places within the local district at

3409 least 10 days before the first day for filing a declaration of candidacy; ~~[or]~~ and

3410 ~~[(ii) publishing the notice:]~~

3411 ~~[(A) in a newspaper of general circulation within the local district at least three but no~~

3412 ~~more than 10 days before the first day for filing a declaration of candidacy;]~~

3413 ~~[(B) in accordance with Section 45-1-101, for 10 days before the first day for filing a~~

3414 ~~declaration of candidacy; and]~~

3415 (c) if the local district has a website, on the local district's website for 10 days before

3416 the first day for filing a declaration of candidacy.

3417 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective

3418 local district board position, an individual shall file a declaration of candidacy in person with

3419 an official designated by the local district, during office hours, within the candidate filing

3420 period for the applicable election year in which the election for the local district board is held.

3421 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the

3422 filing time shall be extended until the close of normal office hours on the following regular

3423 business day.

3424 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a

3425 declaration of candidacy with the official designated by the local district if:

3426 (i) the individual is located outside of the state during the entire filing period;

3427 (ii) the designated agent appears in person before the official designated by the local

3428 district; and

3429 (iii) the individual communicates with the official designated by the local district using

3430 an electronic device that allows the individual and official to see and hear each other.

3431 (d) (i) Before the filing officer may accept any declaration of candidacy from an
3432 individual, the filing officer shall:

3433 (A) read to the individual the constitutional and statutory qualification requirements for
3434 the office that the individual is seeking; and

3435 (B) require the individual to state whether the individual meets those requirements.

3436 (ii) If the individual does not meet the qualification requirements for the office, the
3437 filing officer may not accept the individual's declaration of candidacy.

3438 (iii) If it appears that the individual meets the requirements of candidacy, the filing
3439 officer shall accept the individual's declaration of candidacy.

3440 (e) The declaration of candidacy shall be in substantially the following form:

3441 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
3442 _____, City of _____, County of _____, state of Utah, (Zip
3443 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
3444 office of board of trustees member for _____ (state the name of the local
3445 district); that I am a candidate for that office to be voted upon at the next election; and that, if
3446 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
3447 period, and I hereby request that my name be printed upon the official ballot for that election.

3448 (Signed) _____

3449 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
3450 of _____, _____.

3451 (Signed) _____

3452 (Clerk or Notary Public)"

3453 (f) An agent designated under Subsection (5)(c) may not sign the form described in
3454 Subsection (5)(e).

3455 (g) Each individual wishing to become a valid write-in candidate for an elective local
3456 district board position is governed by Section [20A-9-601](#).

3457 (h) If at least one individual does not file a declaration of candidacy as required by this

3458 section, an individual shall be appointed to fill that board position in accordance with the
3459 appointment provisions of Section 20A-1-512.

3460 (i) If only one candidate files a declaration of candidacy and there is no write-in
3461 candidate who complies with Section 20A-9-601, the board, in accordance with Section
3462 20A-1-206, may:

3463 (i) consider the candidate to be elected to the position; and

3464 (ii) cancel the election.

3465 (6) (a) A primary election may be held if:

3466 (i) the election is authorized by the local district board; and

3467 (ii) the number of candidates for a particular local board position or office exceeds
3468 twice the number of persons needed to fill that position or office.

3469 (b) The primary election shall be conducted:

3470 (i) on the same date as the municipal primary election or the regular primary election,
3471 as applicable; and

3472 (ii) according to the procedures for primary elections provided under Title 20A,
3473 Election Code.

3474 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
3475 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
3476 names to the clerk of each county in which the local district is located.

3477 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
3478 20A-6-305, the clerk of each county in which the local district is located and the local district
3479 clerk shall coordinate the placement of the name of each candidate for local district office in
3480 the nonpartisan section of the ballot with the appropriate election officer.

3481 (ii) If consolidation of the local district election ballot with the municipal general
3482 election ballot or the regular general election ballot, as applicable, is not feasible, the local
3483 district board of trustees, in consultation with the county clerk, shall provide for a separate
3484 local district election ballot to be administered by poll workers at polling locations designated

3485 under Subsection (2).

3486 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
3487 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3488 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
3489 prescribe the form of the ballot for each board member election.

3490 (B) Each ballot for an election of an irrigation district board member shall be in a
3491 nonpartisan format.

3492 (C) The name of each candidate shall be placed on the ballot in the order specified
3493 under Section [20A-6-305](#).

3494 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

3495 (i) be a registered voter within the district, except for an election of:

3496 (A) an irrigation district board of trustees member; or

3497 (B) a basic local district board of trustees member who is elected by property owners;

3498 and

3499 (ii) meet the requirements to vote established by the district.

3500 (b) Each voter may vote for as many candidates as there are offices to be filled.

3501 (c) The candidates who receive the highest number of votes are elected.

3502 (9) Except as otherwise provided by this section, the election of local district board
3503 members is governed by Title 20A, Election Code.

3504 (10) (a) Except as provided in Subsection [17B-1-303](#)(8), a person elected to serve on a
3505 local district board shall serve a four-year term, beginning at noon on the January 1 after the
3506 person's election.

3507 (b) A person elected shall be sworn in as soon as practical after January 1.

3508 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
3509 the county or municipality holding an election under this section for the costs of the election
3510 attributable to that local district.

3511 (b) Each irrigation district shall bear its own costs of each election it holds under this

3512 section.

3513 (12) This section does not apply to an improvement district that provides electric or gas
3514 service.

3515 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
3516 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3517 (14) (a) As used in this Subsection (14), "board" means:

3518 (i) a local district board; or

3519 (ii) the administrative control board of a special service district that has elected
3520 members on the board.

3521 (b) A board may hold elections for membership on the board at a regular general
3522 election instead of a municipal general election if the board submits an application to the
3523 lieutenant governor that:

3524 (i) requests permission to hold elections for membership on the board at a regular
3525 general election instead of a municipal general election; and

3526 (ii) indicates that holding elections at the time of the regular general election is
3527 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
3528 material reason.

3529 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
3530 governor may approve the application if the lieutenant governor concludes that holding the
3531 elections at the regular general election is beneficial based on the criteria described in
3532 Subsection (14)(b)(ii).

3533 (d) If the lieutenant governor approves a board's application described in this section:

3534 (i) all future elections for membership on the board shall be held at the time of the
3535 regular general election; and

3536 (ii) the board may not hold elections at the time of a municipal general election unless
3537 the board receives permission from the lieutenant governor to hold all future elections for
3538 membership on the board at a municipal general election instead of a regular general election,

3539 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3540 Section 56. Section **17B-1-313** is amended to read:

3541 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**

3542 **No contest after contest period.**

3543 (1) After the board of trustees of a local district adopts a resolution or takes other
3544 action on behalf of the district, the board may provide for the publication of a notice of the
3545 resolution or other action.

3546 (2) Each notice under Subsection (1) shall:

3547 (a) include, as the case may be:

3548 (i) the language of the resolution or a summary of the resolution; or

3549 (ii) a description of the action taken by the board;

3550 (b) state that:

3551 (i) any person in interest may file an action in district court to contest the regularity,
3552 formality, or legality of the resolution or action within 30 days after the date of publication; and

3553 (ii) if the resolution or action is not contested by filing an action in district court within
3554 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
3555 action after the expiration of the 30-day period; and

3556 [~~(c) be published:~~]

3557 [~~(i) in a newspaper that is published or has general circulation in the district; and]~~

3558 [~~(ii) as required in Section [45-1-101](#).~~]

3559 (c) be posted on the Utah Public Notice Website created in Section [63F-1-701](#).

3560 (3) For a period of 30 days after the date of the publication, any person in interest may
3561 contest the regularity, formality, or legality of the resolution or other action by filing an action
3562 in district court.

3563 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
3564 the regularity, formality, or legality of the resolution or action for any cause.

3565 Section 57. Section **17B-1-417** is amended to read:

3566 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
3567 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
3568 **Recording requirements -- Effective date.**

3569 (1) As used in this section, "affected area" means the area located within the
3570 boundaries of one local district that will be removed from that local district and included within
3571 the boundaries of another local district because of a boundary adjustment under this section.

3572 (2) The boards of trustees of two or more local districts having a common boundary
3573 and providing the same service on the same wholesale or retail basis may adjust their common
3574 boundary as provided in this section.

3575 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
3576 common with another local district shall:

3577 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

3578 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
3579 after the adoption of the resolution under Subsection (3)(a)(i); and

3580 ~~[(iii)(A) publish notice:]~~

3581 ~~[(I)(Aa) once a week for two successive weeks in a newspaper of general circulation~~
3582 ~~within the local district; or]~~

3583 ~~[(Bb) if there is no newspaper of general circulation within the local district, post~~
3584 ~~notice]~~

3585 (iii) (A) post notice:

3586 (I) in at least four conspicuous places within the local district at least two weeks before
3587 the public hearing; and

3588 (II) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks; or

3589 (B) mail a notice to each owner of property located within the affected area and to each
3590 registered voter residing within the affected area.

3591 (b) The notice required under Subsection (3)(a)(iii) shall:

3592 (i) state that the board of trustees of the local district has adopted a resolution

3593 indicating the board's intent to adjust a boundary that the local district has in common with
3594 another local district that provides the same service as the local district;

3595 (ii) describe the affected area;

3596 (iii) state the date, time, and location of the public hearing required under Subsection
3597 (3)(a)(ii);

3598 (iv) provide a local district telephone number where additional information about the
3599 proposed boundary adjustment may be obtained;

3600 (v) explain the financial and service impacts of the boundary adjustment on property
3601 owners or residents within the affected area; and

3602 (vi) state in conspicuous and plain terms that the board of trustees may approve the
3603 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
3604 written protests to the adjustment are filed with the board by:

3605 (A) the owners of private real property that:

3606 (I) is located within the affected area;

3607 (II) covers at least 50% of the total private land area within the affected area; and

3608 (III) is equal in assessed value to at least 50% of the assessed value of all private real
3609 property within the affected area; or

3610 (B) registered voters residing within the affected area equal in number to at least 50%
3611 of the votes cast in the affected area for the office of governor at the last regular general
3612 election before the filing of the protests.

3613 ~~[(c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be~~
3614 ~~within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).]~~

3615 ~~[(d)]~~ (c) The boards of trustees of the local districts whose boundaries are being
3616 adjusted may jointly:

3617 (i) ~~[publish, post,]~~ post or mail the notice required under Subsection (3)(a)(iii); and

3618 (ii) hold the public hearing required under Subsection (3)(a)(ii).

3619 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees

3620 may adopt a resolution approving the adjustment of the common boundary unless, at or before
3621 the public hearing, written protests to the boundary adjustment have been filed with the board
3622 by:

3623 (a) the owners of private real property that:

3624 (i) is located within the affected area;

3625 (ii) covers at least 50% of the total private land area within the affected area; and

3626 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
3627 property within the affected area; or

3628 (b) registered voters residing within the affected area equal in number to at least 50%
3629 of the votes cast in the affected area for the office of governor at the last regular general
3630 election before the filing of the protests.

3631 (5) A resolution adopted under Subsection (4) does not take effect until the board of
3632 each local district whose boundaries are being adjusted has adopted a resolution under
3633 Subsection (4).

3634 (6) The board of the local district whose boundaries are being adjusted to include the
3635 affected area shall:

3636 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
3637 lieutenant governor:

3638 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
3639 that meets the requirements of Subsection 67-1a-6.5(3); and

3640 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

3641 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
3642 under Section 67-1a-6.5:

3643 (i) if the affected area is located within the boundary of a single county, submit to the
3644 recorder of that county:

3645 (A) the original:

3646 (I) notice of an impending boundary action;

3647 (II) certificate of boundary adjustment; and
3648 (III) approved final local entity plat; and
3649 (B) a certified copy of each resolution adopted under Subsection (4); or
3650 (ii) if the affected area is located within the boundaries of more than a single county:
3651 (A) submit to the recorder of one of those counties:
3652 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and
3653 (II) a certified copy of each resolution adopted under Subsection (4); and
3654 (B) submit to the recorder of each other county:
3655 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);
3656 and
3657 (II) a certified copy of each resolution adopted under Subsection (4).
3658 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment
3659 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are
3660 being adjusted to include the affected area, and the affected area is withdrawn from the local
3661 district whose boundaries are being adjusted to exclude the affected area.
3662 (b) (i) The effective date of a boundary adjustment under this section for purposes of
3663 assessing property within the affected area is governed by Section 59-2-305.5.
3664 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
3665 recorder of the county in which the property is located, a local district in whose boundary an
3666 affected area is included because of a boundary adjustment under this section may not:
3667 (A) levy or collect a property tax on property within the affected area;
3668 (B) levy or collect an assessment on property within the affected area; or
3669 (C) charge or collect a fee for service provided to property within the affected area.
3670 (iii) Subsection (7)(b)(ii)(C):
3671 (A) may not be construed to limit a local district's ability before a boundary adjustment
3672 to charge and collect a fee for service provided to property that is outside the local district's
3673 boundary; and

3674 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
3675 local district's boundary adjustment, with respect to a fee that the local district was charging for
3676 service provided to property within the area affected by the boundary adjustment immediately
3677 before the boundary adjustment.

3678 Section 58. Section **17B-1-505.5** is amended to read:

3679 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**
3680 **district providing fire protection, paramedic, and emergency services or law enforcement**
3681 **service.**

3682 (1) As used in this section:

3683 (a) "Feasibility consultant" means a person with expertise in:

3684 (i) the processes and economics of local government; and

3685 (ii) the economics of providing fire protection, paramedic, and emergency services or
3686 law enforcement service.

3687 (b) "Feasibility study" means a study to determine the functional and financial
3688 feasibility of a municipality's withdrawal from a first responder local district.

3689 (c) "First responder district" means a local district, other than a municipal services
3690 district, that provides:

3691 (i) fire protection, paramedic, and emergency services; or

3692 (ii) law enforcement service.

3693 (d) "Withdrawing municipality" means a municipality whose legislative body has
3694 adopted a resolution under Subsection **17B-1-505(3)(a)** to initiate the process of the
3695 municipality's withdrawal from a first responder district.

3696 (2) This section applies and a feasibility study shall be conducted, as provided in this
3697 section, if:

3698 (a) the legislative body of a municipality has adopted a resolution under Subsection
3699 **17B-1-505(3)(a)** to initiate the process of the municipality's withdrawal from a first responder
3700 district;

3701 (b) the municipality and first responder district have not agreed in writing to the
3702 withdrawal; and

3703 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election
3704 to be held approving the withdrawal.

3705 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
3706 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

3707 (b) The withdrawing municipality and first responder district shall jointly choose and
3708 engage a feasibility consultant according to applicable municipal or local district procurement
3709 procedures.

3710 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
3711 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
3712 legislative body of the withdrawing municipality submits written notice to the first responder
3713 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder
3714 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
3715 at least eight feasibility consultants provided by the Utah Association of Certified Public
3716 Accountants.

3717 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
3718 feasibility consultant that has had a contract to provide services to the withdrawing
3719 municipality or first responder district at any time during the two-year period immediately
3720 preceding the date the list is provided under Subsection (3)(c)(i).

3721 (iii) (A) Beginning with the first responder district, the first responder district and
3722 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
3723 list of feasibility consultants until one feasibility consultant remains.

3724 (B) Within five days after receiving the list of consultants from the Utah Association of
3725 Certified Public Accountants, the first responder district shall make the first elimination of a
3726 feasibility consultant from the list and notify the withdrawing municipality in writing of the
3727 elimination.

3728 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
3729 municipality and first responder district shall each, within three days after receiving the written
3730 notification of the preceding elimination, notify the other in writing of the elimination of a
3731 feasibility consultant from the list.

3732 (d) If a withdrawing municipality and first responder district do not engage a feasibility
3733 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
3734 shall engage the feasibility consultant that has not been eliminated from the list at the
3735 completion of the process described in Subsection (3)(c).

3736 (4) A feasibility consultant that conducts a feasibility study under this section shall be
3737 independent of and unaffiliated with the withdrawing municipality and first responder district.

3738 (5) In conducting a feasibility study under this section, the feasibility consultant shall
3739 consider:

3740 (a) population and population density within the withdrawing municipality;

3741 (b) current and five-year projections of demographics and economic base in the
3742 withdrawing municipality, including household size and income, commercial and industrial
3743 development, and public facilities;

3744 (c) projected growth in the withdrawing municipality during the next five years;

3745 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
3746 including overhead, of providing the same service in the withdrawing municipality as is
3747 provided by the first responder district, including:

3748 (i) the estimated cost if the first responder district continues to provide service; and

3749 (ii) the estimated cost if the withdrawing municipality provides service;

3750 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
3751 including overhead, of the first responder district providing service with:

3752 (i) the municipality included in the first responder district's service area; and

3753 (ii) the withdrawing municipality excluded from the first responder district's service
3754 area;

- 3755 (f) a projection of any new taxes per household that may be levied within the
3756 withdrawing municipality within five years after the withdrawal;
- 3757 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
3758 municipalities and unincorporated areas served by the first responder district, including any rate
3759 increase that may become necessary to maintain required coverage ratios for the first responder
3760 district's debt;
- 3761 (h) the physical and other assets that will be required by the withdrawing municipality
3762 to provide, without interruption or diminution of service, the same service that is being
3763 provided by the first responder district;
- 3764 (i) the physical and other assets that will no longer be required by the first responder
3765 district to continue to provide the current level of service to the remainder of the first responder
3766 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
3767 municipality;
- 3768 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
3769 district's assets between the first responder district and the withdrawing municipality, effective
3770 upon the withdrawal of the withdrawing municipality from the first responder district;
- 3771 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
3772 responder district and any local building authority of the first responder district, between the
3773 withdrawing municipality and the remaining first responder district, taking into consideration:
- 3774 (i) any requirement to maintain the excludability of interest from the income of the
3775 holder of the debt, liability, or obligation for federal income tax purposes; and
- 3776 (ii) any first responder district assets that have been purchased with the proceeds of
3777 bonds issued by the first responder district that the first responder district will retain and any of
3778 those assets that will be transferred to the withdrawing municipality;
- 3779 (l) the number and classification of first responder district employees who will no
3780 longer be required to serve the remaining portions of the first responder district after the
3781 withdrawing municipality withdraws from the first responder district, including the dollar

3782 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
3783 associated with termination of the employees if the withdrawing municipality does not employ
3784 the employees;

3785 (m) maintaining as a base, for a period of three years after withdrawal, the existing
3786 schedule of pay and benefits for first responder district employees who are transferred to the
3787 employment of the withdrawing municipality; and

3788 (n) any other factor that the feasibility consultant considers relevant to the question of
3789 the withdrawing municipality's withdrawal from the first responder district.

3790 (6) (a) For purposes of Subsections (5)(d) and (e):

3791 (i) the feasibility consultant shall assume a level and quality of service to be provided
3792 in the future to the withdrawing municipality that fairly and reasonably approximates the level
3793 and quality of service that the first responder district provides to the withdrawing municipality
3794 at the time of the feasibility study;

3795 (ii) in determining the present value cost of a service that the first responder district
3796 provides, the feasibility consultant shall consider:

3797 (A) the cost to the withdrawing municipality of providing the service for the first five
3798 years after the withdrawal; and

3799 (B) the first responder district's present and five-year projected cost of providing the
3800 same service within the withdrawing municipality; and

3801 (iii) the feasibility consultant shall consider inflation and anticipated growth in
3802 calculating the cost of providing service.

3803 (b) The feasibility consultant may not consider an allocation of first responder district
3804 assets or a transfer of first responder district employees to the extent that the allocation or
3805 transfer would impair the first responder district's ability to continue to provide the current
3806 level of service to the remainder of the first responder district without the withdrawing
3807 municipality, unless the first responder district consents to the allocation or transfer.

3808 (7) A feasibility consultant may retain an architect, engineer, or other professional, as

3809 the feasibility consultant considers prudent and as provided in the agreement with the
3810 withdrawing municipality and first responder district, to assist the feasibility consultant to
3811 conduct a feasibility study.

3812 (8) The withdrawing municipality and first responder district shall require the
3813 feasibility consultant to:

3814 (a) complete the feasibility study within a time established by the withdrawing
3815 municipality and first responder district;

3816 (b) prepare and submit a written report communicating the results of the feasibility
3817 study, including a one-page summary of the results; and

3818 (c) attend all public hearings relating to the feasibility study under Subsection (14).

3819 (9) A written report of the results of a feasibility study under this section shall:

3820 (a) contain a recommendation concerning whether a withdrawing municipality's
3821 withdrawal from a first responder district is functionally and financially feasible for both the
3822 first responder district and the withdrawing municipality; and

3823 (b) include any conditions the feasibility consultant determines need to be satisfied in
3824 order to make the withdrawal functionally and financially feasible, including:

3825 (i) first responder district assets and liabilities to be allocated to the withdrawing
3826 municipality; and

3827 (ii) (A) first responder district employees to become employees of the withdrawing
3828 municipality; and

3829 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
3830 responder district employees that the withdrawing municipality needs to assume.

3831 (10) The withdrawing municipality and first responder district shall equally share the
3832 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
3833 municipality and first responder district and the feasibility consultant.

3834 (11) (a) Upon completion of the feasibility study and preparation of a written report,
3835 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and

3836 first responder district.

3837 (b) (i) A withdrawing municipality or first responder district that disagrees with any
3838 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
3839 report under Subsection (11)(a), submit to the feasibility consultant a written objection
3840 detailing the disagreement.

3841 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
3842 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

3843 (B) A first responder district that submits a written objection under Subsection
3844 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

3845 (iii) A withdrawing municipality or first responder district may, within 10 business
3846 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
3847 consultant a written response to the objection.

3848 (iv) (A) A withdrawing municipality that submits a response under Subsection
3849 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

3850 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
3851 simultaneously deliver a copy of the response to the withdrawing municipality.

3852 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
3853 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
3854 submitting a response to an objection:

3855 (A) modify the feasibility study report or explain in writing why the feasibility
3856 consultant is not modifying the feasibility study report; and

3857 (B) deliver the modified feasibility study report or written explanation to the
3858 withdrawing municipality and first responder local district.

3859 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
3860 for submitting an objection or, if an objection is submitted, within seven days after receiving a
3861 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
3862 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

3863 (a) make a copy of the report available to the public at the primary office of the
3864 withdrawing municipality; and

3865 (b) if the withdrawing municipality has a website, post a copy of the report on the
3866 municipality's website.

3867 (13) A feasibility study report or, if a feasibility study report is modified under
3868 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
3869 the challenge is that the report results from collusion or fraud.

3870 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
3871 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
3872 the withdrawing municipality's receipt of the modified feasibility study report or written
3873 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
3874 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
3875 held:

3876 (i) within the following 60 days; and

3877 (ii) for the purpose of allowing:

3878 (A) the feasibility consultant to present the results of the feasibility study; and

3879 (B) the public to become informed about the feasibility study results, to ask the
3880 feasibility consultant questions about the feasibility study, and to express the public's views
3881 about the proposed withdrawal.

3882 (b) At a public hearing under Subsection (14)(a), the legislative body of the
3883 withdrawing municipality shall:

3884 (i) provide a copy of the feasibility study for public review; and

3885 (ii) allow the public to:

3886 (A) ask the feasibility consultant questions about the feasibility study; and

3887 (B) express the public's views about the withdrawing municipality's proposed
3888 withdrawal from the first responder district.

3889 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a

3890 hearing under Subsection (14)[~~:(i) at least once a week for three successive weeks in a~~
3891 ~~newspaper of general circulation within the withdrawing municipality, with the last publication~~
3892 ~~occurring no less than three days before the first public hearing held under Subsection (14); and~~
3893 ~~(ii)] on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive~~
3894 weeks immediately before the public hearing.

3895 (b) A notice under Subsection (15)(a) shall state:

3896 (i) the date, time, and location of the public hearing; and

3897 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
3898 office of the withdrawing municipality or on the withdrawing municipality's website.

3899 (16) Unless the withdrawing municipality and first responder district agree otherwise,
3900 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
3901 be functionally and financially feasible for the withdrawing municipality and first responder
3902 district are binding on the withdrawing municipality and first responder district if the
3903 withdrawal occurs.

3904 Section 59. Section 17B-1-609 is amended to read:

3905 **17B-1-609. Hearing to consider adoption -- Notice.**

3906 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

3907 (a) establish the time and place of a public hearing to consider its adoption; and

3908 (b) except as provided in Subsection (6), order that notice of the hearing:

3909 [~~(i) (A) be published at least seven days before the hearing in at least one issue of a~~
3910 ~~newspaper of general circulation in the county or counties in which the district is located; or~~

3911 ~~— (B) if no newspaper is circulated generally in the county or counties,]~~

3912 (i) be posted in three public places within the district; and

3913 (ii) be published at least seven days before the hearing on the Utah Public Notice
3914 Website created in Section 63F-1-701.

3915 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
3916 required in Subsection (1)(b):

- 3917 (a) may be combined with the notice required under Section 59-2-919; and
3918 (b) shall be published in accordance with the advertisement provisions of Section
3919 59-2-919.
- 3920 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
3921 notice required in Subsection (1)(b):
- 3922 (a) may be combined with the notice required under Section 17B-1-643; and
3923 (b) shall be published or mailed in accordance with the notice provisions of Section
3924 17B-1-643.
- 3925 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
3926 prima facie evidence that notice was properly given.
- 3927 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
3928 30 days after the day on which the hearing is held, the notice is adequate and proper.
- 3929 (6) A board of trustees of a local district with an annual operating budget of less than
3930 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:
- 3931 (a) mailing a written notice, postage prepaid, to each voter in the local district; and
3932 (b) posting the notice in three public places within the district.
- 3933 Section 60. Section 17B-1-643 is amended to read:
- 3934 **17B-1-643. Imposing or increasing a fee for service provided by local district.**
- 3935 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
3936 by a local district, each local district board of trustees shall first hold a public hearing at which:
- 3937 (i) the local district shall demonstrate its need to impose or increase the fee; and
3938 (ii) any interested person may speak for or against the proposal to impose a fee or to
3939 increase an existing fee.
- 3940 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
3941 no earlier than 6 p.m.
- 3942 (c) A public hearing required under this Subsection (1) may be combined with a public
3943 hearing on a tentative budget required under Section 17B-1-610.

3944 (d) Except to the extent that this section imposes more stringent notice requirements,
3945 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
3946 in holding the public hearing under Subsection (1)(a).

3947 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
3948 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

3949 ~~[(b) The notice required under Subsection (2)(a) shall be published:]~~

3950 (b) The local district board shall:

3951 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website
3952 established in Section [63F-1-701](#); and

3953 ~~[(ii) (A) in a newspaper or combination of newspapers of general circulation in the
3954 local district, if there is a newspaper or combination of newspapers of general circulation in the
3955 local district; or]~~

3956 ~~[(B) if there is no newspaper or combination of newspapers of general circulation in
3957 the local district, the local district board shall]~~

3958 (ii) post at least one [notice] of the notices required under Subsection (2)(a) per 1,000
3959 population within the local district, at places within the local district that are most likely to
3960 provide actual notice to residents within the local district.

3961 ~~[(c) (i) The notice described in Subsection (2)(b)(ii)(A):]~~

3962 ~~[(A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
3963 point, and surrounded by a 1/4-inch border;]~~

3964 ~~[(B) may not be placed in that portion of the newspaper where legal notices and
3965 classified advertisements appear;]~~

3966 ~~[(C) whenever possible, shall appear in a newspaper that is published at least one day
3967 per week;]~~

3968 ~~[(D) shall be in a newspaper or combination of newspapers of general interest and
3969 readership in the local district, and not of limited subject matter; and]~~

3970 ~~[(E) shall be run once each week for the two weeks preceding the hearing.]~~

3971 ~~[(f)]~~ (c) The notice described in Subsection (2)(b) shall state that the local district
3972 board intends to impose or increase a fee for a service provided by the local district and will
3973 hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not
3974 less than seven days after the day the first notice is published, for the purpose of hearing
3975 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
3976 the proposed imposition or increase.

3977 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
3978 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
3979 within the district who:

3980 (A) will be charged the fee for a district service, if the fee is being imposed for the first
3981 time; or

3982 (B) are being charged a fee, if the fee is proposed to be increased.

3983 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)~~[(f)]~~.

3984 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
3985 fee.

3986 (e) If the hearing required under this section is combined with the public hearing
3987 required under Section 17B-1-610, the notice required under this Subsection (2):

3988 (i) may be combined with the notice required under Section 17B-1-609; and

3989 (ii) shall be ~~[published,]~~ posted~~;~~ or mailed in accordance with the notice provisions of
3990 this section.

3991 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
3992 evidence that notice was properly given.

3993 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
3994 within 30 days after the date of the hearing, the notice is considered adequate and proper.

3995 (3) After holding a public hearing under Subsection (1), a local district board may:

3996 (a) impose the new fee or increase the existing fee as proposed;

3997 (b) adjust the amount of the proposed new fee or the increase of the existing fee and

3998 then impose the new fee or increase the existing fee as adjusted; or

3999 (c) decline to impose the new fee or increase the existing fee.

4000 (4) This section applies to each new fee imposed and each increase of an existing fee
4001 that occurs on or after July 1, 1998.

4002 (5) (a) This section does not apply to an impact fee.

4003 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
4004 Impact Fees Act.

4005 Section 61. Section **17B-1-1204** is amended to read:

4006 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
4007 **supplemented validation petition.**

4008 (1) Upon the entry of an order under Section **17B-1-1203** setting a hearing on a
4009 validation petition, the local district that filed the petition shall post notice:

4010 [~~(a) publish notice;~~]

4011 [~~(i) at least once a week for three consecutive weeks in a newspaper of general
4012 circulation in the county in which the principal office of the district is located; and]~~

4013 [~~(ii)~~] (a) on the Utah Public Notice Website created in Section **63F-1-701**, for three
4014 weeks immediately before the hearing; and

4015 (b) [~~post notice in its~~] in the local district's principal office at least 21 days before the
4016 date set for the hearing.

4017 (2) Each notice under Subsection (1) shall:

4018 (a) state the date, time, and place of the hearing on the validation petition;

4019 (b) include a general description of the contents of the validation petition; and

4020 (c) if applicable, state the location where a complete copy of a contract that is the
4021 subject of the validation petition may be examined.

4022 (3) If a district amends or supplements a validation petition under Subsection
4023 **17B-1-1202**(3) after publishing and posting notice as required under Subsection (1), the district
4024 is not required to publish or post notice again unless required by the court.

4025 Section 62. Section **17B-1-1307** is amended to read:

4026 **17B-1-1307. Notice of public hearing and of dissolution.**

4027 (1) Before holding a public hearing required under Section **17B-1-1306**, the
4028 administrative body shall:

4029 (a) post notice of the public hearing and of the proposed dissolution:

4030 [~~(a) (i) publish notice of the public hearing and of the proposed dissolution:]~~

4031 [~~(A) in a newspaper of general circulation within the local district proposed to be
4032 dissolved; and]~~

4033 [~~(B)~~] (i) on the Utah Public Notice Website created in Section **63F-1-701**, for 30 days
4034 before the public hearing; and

4035 (ii) [~~post notice of the public hearing and of the proposed dissolution]~~ in at least four
4036 conspicuous places within the local district proposed to be dissolved, no less than five and no
4037 more than 30 days before the public hearing; or

4038 (b) mail a notice to each owner of property located within the local district and to each
4039 registered voter residing within the local district.

4040 (2) Each notice required under Subsection (1) shall:

4041 (a) identify the local district proposed to be dissolved and the service it was created to
4042 provide; and

4043 (b) state the date, time, and location of the public hearing.

4044 Section 63. Section **17B-2a-705** is amended to read:

4045 **17B-2a-705. Taxation -- Additional levy -- Election.**

4046 (1) If a mosquito abatement district board of trustees determines that the funds required
4047 during the next ensuing fiscal year will exceed the maximum amount that the district is
4048 authorized to levy under Subsection **17B-1-103(2)(g)**, the board of trustees may call an election
4049 on a date specified in Section **20A-1-204** and submit to district voters the question of whether
4050 the district should be authorized to impose an additional tax to raise the necessary additional
4051 funds.

4052 (2) The board shall publish notice of the election:
4053 [~~(a) (i) in a newspaper of general circulation within the district at least once, no later~~
4054 ~~than four weeks before the day of the election;~~]
4055 [~~(ii) if there is no newspaper of general circulation in the district, at least four weeks~~
4056 ~~before the day of the election;~~]
4057 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
4058 the district, in places within the district that are most likely to give notice to the voters in the
4059 district; or
4060 [~~(iii)~~] (ii) at least four weeks before the day of the election, by mailing notice to each
4061 registered voter in the district;
4062 (b) by posting notice on the Utah Public Notice Website created in Section 63F-1-701,
4063 for four weeks before the day of the election; and
4064 [~~(c) in accordance with Section 45-1-101, for four weeks before the day of the election;~~
4065 ~~and~~]
4066 [~~(d)~~] (c) if the district has a website, by posting notice on the district's website for four
4067 weeks before the day of the election.

4068 (3) No particular form of ballot is required, and no informalities in conducting the
4069 election may invalidate the election, if it is otherwise fairly conducted.

4070 (4) At the election each ballot shall contain the words, "Shall the district be authorized
4071 to impose an additional tax to raise the additional sum of \$ ____?"

4072 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
4073 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
4074 additional levy to raise the additional amount of money required.

4075 Section 64. Section 17B-2a-1007 is amended to read:

4076 **17B-2a-1007. Contract assessments.**

4077 (1) As used in this section:

4078 (a) "Assessed land" means:

4079 (i) for a contract assessment under a water contract with a private water user, the land
4080 owned by the private water user that receives the beneficial use of water under the water
4081 contract; or

4082 (ii) for a contract assessment under a water contract with a public water user, the land
4083 within the boundaries of the public water user that is within the boundaries of the water
4084 conservancy district and that receives the beneficial use of water under the water contract.

4085 (b) "Contract assessment" means an assessment levied as provided in this section by a
4086 water conservancy district on assessed land.

4087 (c) "Governing body" means:

4088 (i) for a county, city, or town, the legislative body of the county, city, or town;

4089 (ii) for a local district, the board of trustees of the local district;

4090 (iii) for a special service district:

4091 (A) the legislative body of the county, city, or town that established the special service
4092 district, if no administrative control board has been appointed under Section 17D-1-301; or

4093 (B) the administrative control board of the special service district, if an administrative
4094 control board has been appointed under Section 17D-1-301; and

4095 (iv) for any other political subdivision of the state, the person or body with authority to
4096 govern the affairs of the political subdivision.

4097 (d) "Petitioner" means a private petitioner or a public petitioner.

4098 (e) "Private petitioner" means an owner of land within a water conservancy district
4099 who submits a petition to a water conservancy district under Subsection (3) to enter into a
4100 water contract with the district.

4101 (f) "Private water user" means an owner of land within a water conservancy district
4102 who enters into a water contract with the district.

4103 (g) "Public petitioner" means a political subdivision of the state:

4104 (i) whose territory is partly or entirely within the boundaries of a water conservancy
4105 district; and

4106 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
4107 into a water contract with the district.

4108 (h) "Public water user" means a political subdivision of the state:

4109 (i) whose territory is partly or entirely within the boundaries of a water conservancy
4110 district; and

4111 (ii) that enters into a water contract with the district.

4112 (i) "Water contract" means a contract between a water conservancy district and a
4113 private water user or a public water user under which the water user purchases, leases, or
4114 otherwise acquires the beneficial use of water from the water conservancy district for the
4115 benefit of:

4116 (i) land owned by the private water user; or

4117 (ii) land within the public water user's boundaries that is also within the boundaries of
4118 the water conservancy district.

4119 (j) "Water user" means a private water user or a public water user.

4120 (2) A water conservancy district may levy a contract assessment as provided in this
4121 section.

4122 (3) (a) The governing body of a public petitioner may authorize its chief executive
4123 officer to submit a written petition on behalf of the public petitioner to a water conservancy
4124 district requesting to enter into a water contract.

4125 (b) A private petitioner may submit a written petition to a water conservancy district
4126 requesting to enter into a water contract.

4127 (c) Each petition under this Subsection (3) shall include:

4128 (i) the petitioner's name;

4129 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

4130 (iii) a description of the land upon which the water will be used;

4131 (iv) the price to be paid for the water;

4132 (v) the amount of any service, turnout, connection, distribution system, or other charge

4133 to be paid;

4134 (vi) whether payment will be made in cash or annual installments;

4135 (vii) a provision requiring the contract assessment to become a lien on the land for
4136 which the water is petitioned and is to be allotted; and

4137 (viii) an agreement that the petitioner is bound by the provisions of this part and the
4138 rules and regulations of the water conservancy district board of trustees.

4139 (4) (a) If the board of a water conservancy district desires to consider a petition
4140 submitted by a petitioner under Subsection (3), the board shall:

4141 (i) [~~publish~~] post notice of the petition and of the hearing required under Subsection
4142 (4)(a)(ii) [~~at least once a week in two successive weeks in a newspaper of general circulation~~
4143 ~~within the county in which the political subdivision or private petitioner's land, as the case may~~
4144 ~~be, is located~~] on the Utah Public Notice Website, created in Section 63F-1-701, for at least
4145 two successive weeks immediately before the date of the hearing; and

4146 (ii) hold a public hearing on the petition.

4147 (b) Each notice under Subsection (4)(a)(i) shall:

4148 (i) state that a petition has been filed and that the district is considering levying a
4149 contract assessment; and

4150 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

4151 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
4152 water conservancy district shall:

4153 (A) allow any interested person to appear and explain why the petition should not be
4154 granted; and

4155 (B) consider each written objection to the granting of the petition that the board
4156 receives before or at the hearing.

4157 (ii) The board of trustees may adjourn and reconvene the hearing as the board
4158 considers appropriate.

4159 (d) (i) Any interested person may file with the board of the water conservancy district,

4160 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
4161 a petition.

4162 (ii) Each person who fails to submit a written objection within the time provided under
4163 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
4164 levying a contract assessment.

4165 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
4166 trustees of a water conservancy district may:

4167 (a) deny the petition; or

4168 (b) grant the petition, if the board considers granting the petition to be in the best
4169 interests of the district.

4170 (6) The board of a water conservancy district that grants a petition under this section
4171 may:

4172 (a) make an allotment of water for the benefit of assessed land;

4173 (b) authorize any necessary construction to provide for the use of water upon the terms
4174 and conditions stated in the water contract;

4175 (c) divide the district into units and fix a different rate for water purchased or otherwise
4176 acquired and for other charges within each unit, if the rates and charges are equitable, although
4177 not equal and uniform, for similar classes of services throughout the district; and

4178 (d) levy a contract assessment on assessed land.

4179 (7) (a) The board of trustees of each water conservancy district that levies a contract
4180 assessment under this section shall:

4181 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
4182 to be recorded in the office of the recorder of each county in which assessed land is located;
4183 and

4184 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
4185 auditor of each county in which assessed land is located the amount of the contract assessment.

4186 (b) Upon the recording of the resolution, ordinance, or order, in accordance with

4187 Subsection (7)(a)(i):

4188 (i) the contract assessment associated with allotting water to the assessed land under
4189 the water contract becomes a political subdivision lien, as that term is defined in Section
4190 [11-60-102](#), on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision
4191 Lien Authority, as of the effective date of the resolution, ordinance, or order; and

4192 (ii) (A) the board of trustees of the water conservancy district shall certify the amount
4193 of the assessment to the county treasurer; and

4194 (B) the county treasurer shall include the certified amount on the property tax notice
4195 required by Section [59-2-1317](#) for that year.

4196 (c) (i) Each county in which assessed land is located shall collect the contract
4197 assessment in the same manner as taxes levied by the county.

4198 (ii) If the amount of a contract assessment levied under this section is not paid in full in
4199 a given year:

4200 (A) by September 15, the governing body of the water conservancy district that levies
4201 the contract assessment shall certify any unpaid amount to the treasurer of the county in which
4202 the property is located; and

4203 (B) the county treasurer shall include the certified amount on the property tax notice
4204 required by Section [59-2-1317](#) for that year.

4205 (8) (a) The board of trustees of each water conservancy district that levies a contract
4206 assessment under this section shall:

4207 (i) hold a public hearing, before August 8 of each year in which a contract assessment
4208 is levied, to hear and consider objections filed under Subsection (8)(b); and

4209 ~~[(ii) twice publish a notice, at least a week apart;]~~

4210 ~~[(A) in a newspaper of general circulation in each county with assessed land included~~
4211 ~~within the district boundaries or, if there is no newspaper of general circulation within the~~
4212 ~~county, in a newspaper of general circulation in an adjoining county; and]~~

4213 (ii) post a notice:

4214 (A) on the Utah Public Notice Website, created in Section [63F-1-701](#), for at least the
4215 two consecutive weeks before the public hearing; and

4216 (B) that contains a general description of the assessed land, the amount of the contract
4217 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

4218 (b) An owner of assessed land within the water conservancy district who believes that
4219 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
4220 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
4221 the assessment, stating the grounds for the objection.

4222 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and
4223 consider the evidence and arguments supporting each objection.

4224 (ii) After hearing and considering the evidence and arguments supporting an objection,
4225 the board of trustees:

4226 (A) shall enter a written order, stating its decision; and

4227 (B) may modify the assessment.

4228 (d) (i) An owner of assessed land may file a petition in district court seeking review of
4229 a board of trustees' order under Subsection (8)(c)(ii)(A).

4230 (ii) Each petition under Subsection (8)(d)(i) shall:

4231 (A) be filed within 30 days after the board enters its written order;

4232 (B) state specifically the part of the board's order for which review is sought; and

4233 (C) be accompanied by a bond with good and sufficient security in an amount not
4234 exceeding \$200, as determined by the court clerk.

4235 (iii) If more than one owner of assessed land seeks review, the court may, upon a
4236 showing that the reviews may be consolidated without injury to anyone's interests, consolidate
4237 the reviews and hear them together.

4238 (iv) The court shall act as quickly as possible after a petition is filed.

4239 (v) A court may not disturb a board of trustees' order unless the court finds that the
4240 contract assessment on the petitioner's assessed land is manifestly disproportionate to

4241 assessments imposed upon other land in the district.

4242 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is
4243 conclusively considered to have been made in proportion to the benefits conferred on the land
4244 in the district.

4245 (9) Each resolution, ordinance, or order under which a water conservancy district
4246 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect
4247 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district
4248 may continue to levy the assessment according to the terms of the resolution, ordinance, or
4249 order.

4250 (10) A contract assessment is not a levy of an ad valorem property tax and is not
4251 subject to the limits stated in Section 17B-2a-1006.

4252 Section 65. Section 17B-2a-1110 is amended to read:

4253 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**
4254 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**
4255 **transferred to municipal services district.**

4256 (1) (a) A municipality may withdraw from a municipal services district in accordance
4257 with Section 17B-1-502 or 17B-1-505, as applicable, and the requirements of this section.

4258 (b) If a municipality engages a feasibility consultant to conduct a feasibility study
4259 under Subsection (2)(a), the 180 days described in Subsection 17B-1-502(3)(a)(iii)(B) is tolled
4260 from the day that the municipality engages the feasibility consultant to the day on which the
4261 municipality holds the final public hearing under Subsection (5).

4262 (2) (a) If a municipality decides to withdraw from a municipal services district, the
4263 municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or
4264 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.

4265 (b) The feasibility consultant shall be chosen:

4266 (i) by the municipal legislative body; and

4267 (ii) in accordance with applicable municipal procurement procedures.

- 4268 (3) The municipal legislative body shall require the feasibility consultant to:
- 4269 (a) complete the feasibility study and submit the written results to the municipal
- 4270 legislative body before the council adopts a resolution under Section 17B-1-502;
- 4271 (b) submit with the full written results of the feasibility study a summary of the results
- 4272 no longer than one page in length; and
- 4273 (c) attend the public hearings under Subsection (5).
- 4274 (4) (a) The feasibility study shall consider:
- 4275 (i) population and population density within the withdrawing municipality;
- 4276 (ii) current and five-year projections of demographics and economic base in the
- 4277 withdrawing municipality, including household size and income, commercial and industrial
- 4278 development, and public facilities;
- 4279 (iii) projected growth in the withdrawing municipality during the next five years;
- 4280 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
- 4281 including overhead, of municipal services in the withdrawing municipality;
- 4282 (v) assuming the same tax categories and tax rates as currently imposed by the
- 4283 municipal services district and all other current service providers, the present and five-year
- 4284 projected revenue for the withdrawing municipality;
- 4285 (vi) a projection of any new taxes per household that may be levied within the
- 4286 withdrawing municipality within five years of the withdrawal; and
- 4287 (vii) the fiscal impact on other municipalities serviced by the municipal services
- 4288 district.
- 4289 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
- 4290 level and quality of municipal services to be provided to the withdrawing municipality in the
- 4291 future that fairly and reasonably approximates the level and quality of municipal services being
- 4292 provided to the withdrawing municipality at the time of the feasibility study.
- 4293 (ii) In determining the present cost of a municipal service, the feasibility consultant
- 4294 shall consider:

4295 (A) the amount it would cost the withdrawing municipality to provide municipal
4296 services for the first five years after withdrawing; and

4297 (B) the municipal services district's present and five-year projected cost of providing
4298 municipal services.

4299 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
4300 and anticipated growth.

4301 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
4302 municipal legislative body shall, at its next regular meeting after receipt of the results of the
4303 feasibility study, schedule at least one public hearing to be held:

4304 (a) within the following 60 days; and

4305 (b) for the purpose of allowing:

4306 (i) the feasibility consultant to present the results of the study; and

4307 (ii) the public to become informed about the feasibility study results, including the
4308 requirement that if the municipality withdraws from the municipal services district, the
4309 municipality must comply with Subsection (9), and to ask questions about those results of the
4310 feasibility consultant.

4311 (6) At a public hearing described in Subsection (5), the municipal legislative body
4312 shall:

4313 (a) provide a copy of the feasibility study for public review; and

4314 (b) allow the public to express its views about the proposed withdrawal from the
4315 municipal services district.

4316 (7) (a) [(+)] The municipal clerk or recorder shall publish notice of the public hearings
4317 required under Subsection (5):

4318 [~~(A) at least once a week for three successive weeks in a newspaper of general~~
4319 ~~circulation within the municipality; and]~~

4320 [(B)] (i) by posting the notice on the Utah Public Notice Website created in Section
4321 63F-1-701, for three weeks[-]; and

4322 ~~[(ii) The municipal clerk or recorder shall publish the last publication of notice~~
 4323 ~~required under Subsection (7)(a)(i)(A) at least three days before the first public hearing~~
 4324 ~~required under Subsection (5).]~~

4325 ~~[(b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation~~
 4326 ~~within the proposed municipality, the municipal clerk or recorder shall post]~~

4327 (ii) by posting at least one notice of the hearings per 1,000 population in conspicuous
 4328 places within the municipality that are most likely to give notice of the hearings to the
 4329 residents.

4330 ~~[(i)]~~ (b) The municipal clerk or recorder shall post the notices under Subsection
 4331 ~~[(7)(b)(i)]~~ (7)(a)(ii) at least seven days before the first hearing under Subsection (5).

4332 (c) The notice under ~~[Subsections (7)(a) and (b)]~~ Subsection (7)(a) shall include the
 4333 feasibility study summary and shall indicate that a full copy of the study is available for
 4334 inspection and copying at the office of the municipal clerk or recorder.

4335 (8) At a public meeting held after the public hearing required under Subsection (5), the
 4336 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as
 4337 applicable, if the municipality is in compliance with the other requirements of that section.

4338 (9) The municipality shall pay revenues in excess of 5% to the municipal services
 4339 district for 10 years beginning on the next fiscal year immediately following the municipal
 4340 legislative body adoption of a resolution or an ordinance to withdraw under Section [17B-1-502](#)
 4341 or [17B-1-505](#) if the results of the feasibility study show that the average annual amount of
 4342 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection
 4343 (4)(a)(iv) by more than 5%.

4344 Section 66. Section [17C-1-601.5](#) is amended to read:

4345 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**
 4346 **Auditor forms -- Requirement to file form.**

4347 (1) Each agency shall prepare an annual budget of the agency's revenues and
 4348 expenditures for each fiscal year.

- 4349 (2) The board shall adopt each agency budget:
- 4350 (a) for an agency created by a municipality, before June 30; or
- 4351 (b) for an agency created by a county, before December 15.
- 4352 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
- 4353 created the agency.
- 4354 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the
- 4355 annual budget.
- 4356 (b) Each agency shall provide notice of the public hearing on the annual budget by:
- 4357 ~~[(i) (A) publishing at least one notice in a newspaper of general circulation within the~~
- 4358 ~~agency boundaries, one week before the public hearing; or]~~
- 4359 ~~[(B) if there is no newspaper of general circulation within the agency boundaries,]~~
- 4360 (i) posting a notice of the public hearing in at least three public places within the
- 4361 agency boundaries; and
- 4362 (ii) publishing notice on the Utah Public Notice Website created in Section [63F-1-701](#),
- 4363 at least one week before the public hearing.
- 4364 (c) Each agency shall make the annual budget available for public inspection at least
- 4365 three days before the date of the public hearing.
- 4366 (5) The state auditor shall prescribe the budget forms and the categories to be contained
- 4367 in each annual budget, including:
- 4368 (a) revenues and expenditures for the budget year;
- 4369 (b) legal fees; and
- 4370 (c) administrative costs, including rent, supplies, and other materials, and salaries of
- 4371 agency personnel.
- 4372 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of
- 4373 the annual budget with the auditor of the county in which the agency is located, the State Tax
- 4374 Commission, the state auditor, the State Board of Education, and each taxing entity from which
- 4375 the agency receives project area funds.

4376 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4377 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4378 state auditor.

4379 Section 67. Section **17C-1-701.5** is amended to read:

4380 **17C-1-701.5. Agency dissolution -- Restrictions -- Notice -- Recording**
4381 **requirements -- Agency records -- Dissolution expenses.**

4382 (1) (a) Subject to Subsection (1)(b), the community legislative body may, by ordinance,
4383 dissolve an agency.

4384 (b) A community legislative body may adopt an ordinance described in Subsection
4385 (1)(a) only if the agency has no outstanding bonded indebtedness, other unpaid loans,
4386 indebtedness, or advances, and no legally binding contractual obligations with a person other
4387 than the community.

4388 (2) (a) The community legislative body shall:

4389 (i) within 10 days after adopting an ordinance described in Subsection (1), file with the
4390 lieutenant governor a copy of a notice of an impending boundary action, as defined in Section
4391 [67-1a-6.5](#), that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

4392 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
4393 [67-1a-6.5](#), submit to the recorder of the county in which the agency is located:

4394 (A) the original notice of an impending boundary action;

4395 (B) the original certificate of dissolution; and

4396 (C) a certified copy of the ordinance that dissolves the agency.

4397 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
4398 Section [67-1a-6.5](#), the agency is dissolved.

4399 (c) Within 10 days after receiving the certificate of dissolution from the lieutenant
4400 governor under Section [67-1a-6.5](#), the community legislative body shall send a copy of the
4401 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
4402 Education, and each taxing entity.

4403 (d) The community legislative body shall ~~[publish]~~ post a notice of dissolution ~~[in a~~
4404 ~~newspaper of general circulation in the county in which the dissolved agency is located]~~ on the
4405 Utah Public Notice Website created in Section 63F-1-701.

4406 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
4407 deposited for safekeeping and reference with the recorder of the community that dissolved the
4408 agency.

4409 (4) The agency shall pay all expenses of the dissolution.

4410 Section 68. Section 17C-1-806 is amended to read:

4411 **17C-1-806. Requirements for notice provided by agency.**

4412 (1) The notice required by Section 17C-1-805 shall be given by:

4413 ~~[(a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a~~
4414 ~~newspaper of general circulation within the county in which the project area or proposed~~
4415 ~~project area is located, at least 14 days before the hearing;]~~

4416 ~~[(ii) if there is no newspaper of general circulation;]~~

4417 (a) (i) posting notice at least 14 days before the day of the hearing in at least three
4418 conspicuous places within the county in which the project area or proposed project area is
4419 located; or

4420 ~~[(iii)]~~ (ii) posting notice, excluding the map described in Subsection (3)(b), at least 14
4421 days before the day on which the hearing is held on:

4422 (A) the Utah Public Notice Website described in Section 63F-1-701; and

4423 (B) the public website of a community located within the boundaries of the project
4424 area; and

4425 (b) at least 30 days before the hearing, mailing notice to:

4426 (i) each record owner of property located within the project area or proposed project
4427 area;

4428 (ii) the State Tax Commission;

4429 (iii) the assessor and auditor of the county in which the project area or proposed project

4430 area is located; and

4431 (iv) (A) if a project area is subject to a taxing entity committee, each member of the
4432 taxing entity committee and the State Board of Education; or

4433 (B) if a project area is not subject to a taxing entity committee, the legislative body or
4434 governing board of each taxing entity within the boundaries of the project area or proposed
4435 project area.

4436 (2) The mailing of the notice to record property owners required under Subsection
4437 (1)(b)(i) shall be conclusively considered to have been properly completed if:

4438 (a) the agency mails the notice to the property owners as shown in the records,
4439 including an electronic database, of the county recorder's office and at the addresses shown in
4440 those records; and

4441 (b) the county recorder's office records used by the agency in identifying owners to
4442 whom the notice is mailed and their addresses were obtained or accessed from the county
4443 recorder's office no earlier than 30 days before the mailing.

4444 (3) The agency shall include in each notice required under Section [17C-1-805](#):

4445 (a) (i) a boundary description of the project area or proposed project area; or

4446 (ii) (A) a mailing address or telephone number where a person may request that a copy
4447 of the boundary description be sent at no cost to the person by mail, email, or facsimile
4448 transmission; and

4449 (B) if the agency or community has an Internet website, an Internet address where a
4450 person may gain access to an electronic, printable copy of the boundary description and other
4451 related information;

4452 (b) a map of the boundaries of the project area or proposed project area;

4453 (c) an explanation of the purpose of the hearing; and

4454 (d) a statement of the date, time, and location of the hearing.

4455 (4) The agency shall include in each notice under Subsection (1)(b):

4456 (a) a statement that property tax revenue resulting from an increase in valuation of

4457 property within the project area or proposed project area will be paid to the agency for project
4458 area development rather than to the taxing entity to which the tax revenue would otherwise
4459 have been paid if:

4460 (i) (A) the taxing entity committee consents to the project area budget; or
4461 (B) one or more taxing entities agree to share property tax revenue under an interlocal
4462 agreement; and

4463 (ii) the project area plan provides for the agency to receive tax increment; and

4464 (b) an invitation to the recipient of the notice to submit to the agency comments
4465 concerning the subject matter of the hearing before the date of the hearing.

4466 (5) An agency may include in a notice under Subsection (1) any other information the
4467 agency considers necessary or advisable, including the public purpose achieved by the project
4468 area development and any future tax benefits expected to result from the project area
4469 development.

4470 Section 69. Section **17C-2-108** is amended to read:

4471 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
4472 **of plan -- Contesting the formation of the plan.**

4473 (1) (a) Upon the community legislative body's adoption of an urban renewal project
4474 area plan, or an amendment to a project area plan under Section **17C-2-110**, the community
4475 legislative body shall provide notice as provided in Subsection (1)(b) by:

4476 [~~(i) (A) publishing or causing to be published a notice in a newspaper of general~~
4477 ~~circulation within the agency's boundaries; or]~~

4478 [~~(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4479 (i) causing a notice to be posted in at least three public places within the agency's
4480 boundaries; and

4481 (ii) posting a notice on the Utah Public Notice Website described in Section

4482 **63F-1-701.**

4483 (b) Each notice under Subsection (1)(a) shall:

4484 (i) set forth the community legislative body's ordinance adopting the project area plan
4485 or a summary of the ordinance; and

4486 (ii) include a statement that the project area plan is available for general public
4487 inspection and the hours for inspection.

4488 (2) The project area plan shall become effective on the date of:

4489 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4490 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4491 (3) (a) For a period of 30 days after the effective date of the project area plan under
4492 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
4493 project area plan if the plan or procedure fails to comply with applicable statutory
4494 requirements.

4495 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4496 the project area plan or procedure used to adopt the project area plan for any cause.

4497 (4) Upon adoption of the project area plan by the community legislative body, the
4498 agency may carry out the project area plan.

4499 (5) Each agency shall make the project area plan available to the general public at the
4500 agency's office during normal business hours.

4501 Section 70. Section **17C-3-107** is amended to read:

4502 **17C-3-107. Notice of economic development project area plan adoption --**

4503 **Effective date of plan -- Contesting the formation of the plan.**

4504 (1) (a) Upon the community legislative body's adoption of an economic development
4505 project area plan, or an amendment to the project area plan under Section **17C-3-109** that
4506 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4507 [~~(i) publishing or causing to be published a notice;~~]

4508 [~~(A) in a newspaper of general circulation within the agency's boundaries; or]~~

4509 [~~(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4510 (i) causing a notice to be posted in at least three public places within the agency's

4511 boundaries; and

4512 (ii) posting a notice on the Utah Public Notice Website described in Section
4513 63F-1-701.

4514 (b) Each notice under Subsection (1)(a) shall:

4515 (i) set forth the community legislative body's ordinance adopting the project area plan
4516 or a summary of the ordinance; and

4517 (ii) include a statement that the project area plan is available for public inspection and
4518 the hours for inspection.

4519 (2) The project area plan shall become effective on the date of:

4520 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4521 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4522 (3) (a) For a period of 30 days after the effective date of the project area plan under
4523 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
4524 project area plan if the plan or procedure fails to comply with applicable statutory
4525 requirements.

4526 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4527 the project area plan or procedure used to adopt the project area plan for any cause.

4528 (4) Upon adoption of the economic development project area plan by the community
4529 legislative body, the agency may implement the project area plan.

4530 (5) Each agency shall make the economic development project area plan available to
4531 the general public at the agency's office during normal business hours.

4532 Section 71. Section **17C-4-106** is amended to read:

4533 **17C-4-106. Notice of community development project area plan adoption --**
4534 **Effective date of plan -- Contesting the formation of the plan.**

4535 (1) (a) Upon the community legislative body's adoption of a community development
4536 project area plan, the community legislative body shall provide notice as provided in
4537 Subsection (1)(b) by:

4538 ~~[(i) (A) publishing or causing to be published a notice in a newspaper of general~~
4539 ~~circulation within the agency's boundaries; or]~~

4540 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4541 (i) causing a notice to be posted in at least three public places within the agency's
4542 boundaries; and

4543 (ii) ~~[publishing]~~ posting a notice or causing a notice to be ~~[published in accordance~~
4544 ~~with Section 45-1-101]~~ posted on the Utah Public Notice Website created in Section
4545 63F-1-701.

4546 (b) Each notice under Subsection (1)(a) shall:

4547 (i) set forth the community legislative body's ordinance adopting the community
4548 development project area plan or a summary of the ordinance; and

4549 (ii) include a statement that the project area plan is available for general public
4550 inspection and the hours for inspection.

4551 (2) The community development project area plan shall become effective on the date
4552 of~~[:]~~ the posting of the notice under Subsection (1)(a).

4553 ~~[(a) if notice was published under Subsection (1)(a), publication of the notice; or]~~

4554 ~~[(b) if notice was posted under Subsection (1)(a), posting of the notice.]~~

4555 (3) (a) For a period of 30 days after the effective date of the community development
4556 project area plan under Subsection (2), any person may contest the project area plan or the
4557 procedure used to adopt the project area plan if the plan or procedure fails to comply with
4558 applicable statutory requirements.

4559 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4560 the community development project area plan or procedure used to adopt the project area plan
4561 for any cause.

4562 (4) Upon adoption of the community development project area plan by the community
4563 legislative body, the agency may carry out the project area plan.

4564 (5) Each agency shall make the adopted project area plan available to the public at the

4565 agency's office during normal business hours.

4566 Section 72. Section 17C-4-202 is amended to read:

4567 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**
4568 **the community development project area plan -- Notice -- Effective date of resolution or**
4569 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
4570 **of resolution or interlocal agreement.**

4571 (1) The approval and adoption of each resolution or interlocal agreement under
4572 Subsection 17C-4-201(2) shall be in an open and public meeting.

4573 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
4574 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4575 [~~(i)(A) publishing or causing to be published a notice in a newspaper of general~~
4576 ~~circulation within the agency's boundaries; or]~~

4577 [~~(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4578 (i) causing a notice to be posted in at least three public places within the agency's
4579 boundaries; and

4580 (ii) [~~publishing~~] posting or causing to be [~~published~~] posted a notice on the Utah Public
4581 Notice Website created in Section 63F-1-701.

4582 (b) Each notice under Subsection (2)(a) shall:

4583 (i) set forth a summary of the resolution or interlocal agreement; and

4584 (ii) include a statement that the resolution or interlocal agreement is available for
4585 public inspection and the hours of inspection.

4586 (3) The resolution or interlocal agreement shall become effective on the date of[~~:~~] the
4587 posting of the notice under Subsection (2)(a).

4588 [~~(a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of~~
4589 ~~the notice; or]~~

4590 [~~(b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.]~~

4591 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal

4592 agreement under Subsection (3), any person may contest the resolution or interlocal agreement
 4593 or the procedure used to adopt the resolution or interlocal agreement if the resolution or
 4594 interlocal agreement or procedure fails to comply with applicable statutory requirements.

4595 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

4596 (i) the resolution or interlocal agreement;

4597 (ii) a distribution of tax increment to the agency under the resolution or interlocal
 4598 agreement; or

4599 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

4600 (5) Each agency that is to receive project area funds under a resolution or interlocal
 4601 agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters
 4602 into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal
 4603 agreement, as the case may be, available at the taxing entity's offices to the public for
 4604 inspection and copying during normal business hours.

4605 Section 73. Section 17C-5-110 is amended to read:

4606 **17C-5-110. Notice of community reinvestment project area plan adoption --**
 4607 **Effective date of plan -- Contesting the formation of the plan.**

4608 (1) (a) Upon a community legislative body's adoption of a community reinvestment
 4609 project area plan in accordance with Section 17C-5-109, or an amendment to a community
 4610 reinvestment project area plan in accordance with Section 17C-5-112, the community
 4611 legislative body shall provide notice of the adoption or amendment in accordance with
 4612 Subsection (1)(b) by:

4613 ~~[(i) (A) causing a notice to be published in a newspaper of general circulation within~~
 4614 ~~the community; or]~~

4615 ~~[(B) if there is no newspaper of general circulation within the community;]~~

4616 (i) causing a notice to be posted in at least three public places within the community;

4617 and

4618 (ii) posting a notice on the Utah Public Notice Website described in Section

4619 63F-1-701.

4620 (b) A notice described in Subsection (1)(a) shall include:

4621 (i) a copy of the community legislative body's ordinance, or a summary of the
4622 ordinance, that adopts the community reinvestment project area plan; and

4623 (ii) a statement that the community reinvestment project area plan is available for
4624 public inspection and the hours for inspection.

4625 (2) A community reinvestment project area plan is effective on the day on which notice
4626 of adoption is published or posted in accordance with Subsection (1)(a).

4627 (3) A community reinvestment project area is considered created the day on which the
4628 community reinvestment project area plan becomes effective as described in Subsection (2).

4629 (4) (a) Within 30 days after the day on which a community reinvestment project area
4630 plan is effective, a person may contest the community reinvestment project area plan or the
4631 procedure used to adopt the community reinvestment project area plan if the community
4632 reinvestment project area plan or the procedure fails to comply with a provision of this title.

4633 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4634 contest the community reinvestment project area plan or the procedure used to adopt the
4635 community reinvestment project area plan.

4636 (5) Upon adoption of a community reinvestment project area plan by the community
4637 legislative body, the agency may implement the community reinvestment project area plan.

4638 (6) The agency shall make the community reinvestment project area plan available to
4639 the public at the agency's office during normal business hours.

4640 Section 74. Section 17C-5-205 is amended to read:

4641 **17C-5-205. Interlocal agreement to provide project area funds for the community**
4642 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
4643 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
4644 **agreement.**

4645 (1) An agency shall:

4646 (a) approve and adopt an interlocal agreement described in Section 17C-5-204 at an
4647 open and public meeting; and

4648 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community
4649 Reinvestment Project Area."

4650 (2) (a) Upon the execution of an interlocal agreement described in Section 17C-5-204,
4651 the agency shall provide notice of the execution by:

4652 ~~[(i) (A) publishing or causing to be published a notice in a newspaper of general
4653 circulation within the agency's boundaries; or]~~

4654 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4655 (i) causing the notice to be posted in at least three public places within the agency's
4656 boundaries; and

4657 (ii) ~~[publishing]~~ posting the notice or causing the notice to be ~~[published]~~ posted on the
4658 Utah Public Notice Website created in Section 63F-1-701.

4659 (b) A notice described in Subsection (2)(a) shall include:

4660 (i) a summary of the interlocal agreement; and

4661 (ii) a statement that the interlocal agreement:

4662 (A) is available for public inspection and the hours for inspection; and

4663 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
4664 sales and use tax revenue.

4665 (3) An interlocal agreement described in Section 17C-5-204 is effective the day on
4666 which the notice described in Subsection (2) is ~~[published or]~~ posted in accordance with
4667 Subsection (2)(a).

4668 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
4669 person may contest the interlocal agreement or the procedure used to adopt the interlocal
4670 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

4671 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4672 contest:

- 4673 (i) the interlocal agreement;
- 4674 (ii) a distribution of tax increment to the agency under the interlocal agreement; or
- 4675 (iii) the agency's use of project area funds under the interlocal agreement.
- 4676 (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204
- 4677 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
- 4678 for inspection and copying during normal business hours.

4679 Section 75. Section 20A-1-206 is amended to read:

4680 **20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**
4681 **Notice.**

- 4682 (1) A municipal legislative body may cancel a local election if:
 - 4683 (a) (i) (A) all municipal officers are elected in an at-large election under Subsection
 - 4684 10-3-205.5(1); and
 - 4685 (B) the number of municipal officer candidates, including any eligible write-in
 - 4686 candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the
 - 4687 number of open at-large municipal offices for which the candidates have filed; or
 - 4688 (ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);
 - 4689 (B) the number of municipal officer candidates, including any eligible write-in
 - 4690 candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed
 - 4691 the number of open at-large municipal offices for which the candidates have filed; and
 - 4692 (C) each municipal officer candidate, including any eligible write-in candidates under
 - 4693 Section 20A-9-601, in each district is unopposed;
- 4694 (b) there are no other municipal ballot propositions; and
- 4695 (c) the municipal legislative body passes, no later than 20 days before the day of the
- 4696 scheduled election, a resolution that cancels the election and certifies that:
 - 4697 (i) each municipal officer candidate is:
 - 4698 (A) unopposed; or
 - 4699 (B) a candidate for an at-large municipal office for which the number of candidates

4700 does not exceed the number of open at-large municipal offices; and

4701 (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.

4702 (2) A municipal legislative body that cancels a local election in accordance with

4703 Subsection (1) shall give notice that the election is cancelled by:

4704 (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter

4705 Information Website as described in Section [20A-7-801](#), for 15 consecutive days before the day

4706 of the scheduled election;

4707 (b) if the municipality has a public website, posting notice on the municipality's public

4708 website for 15 days before the day of the scheduled election;

4709 (c) if the municipality publishes a newsletter or other periodical, publishing notice in

4710 the next scheduled newsletter or other periodical published before the day of the scheduled

4711 election;

4712 ~~[(d) (i) publishing notice at least twice in a newspaper of general circulation in the~~

4713 ~~municipality before the day of the scheduled election;]~~

4714 ~~[(ii) if there is no newspaper of general circulation in the municipality;]~~

4715 (d) (i) at least 10 days before the day of the scheduled election, ~~[by]~~ posting one notice,

4716 and at least one additional notice per 2,000 population within the municipality, in places within

4717 the municipality that are most likely to give notice to the voters in the municipality; or

4718 ~~[(iii)]~~ (ii) at least 10 days before the day of the scheduled election, mailing notice to

4719 each registered voter in the municipality; and

4720 (e) ~~[in accordance with Section [45-1-101](#), publishing]~~ posting notice on the Utah

4721 Public Notice Website, created in Section [63F-1-701](#), for at least 10 days before the day of the

4722 scheduled election.

4723 (3) A local district board may cancel an election as described in Section [17B-1-306](#) if:

4724 (a) (i) (A) any local district officers are elected in an at-large election; and

4725 (B) the number of local district officer candidates for the at-large local district offices,

4726 including any eligible write-in candidates under Section [20A-9-601](#), does not exceed the

4727 number of open at-large local district offices for which the candidates have filed; or
4728 (ii) (A) the local district has divided the local district into divisions under Section
4729 17B-1-306.5;
4730 (B) the number of local district officer candidates, including any eligible write-in
4731 candidates under Section 20A-9-601, for the at-large local district offices within the local
4732 district, if any, does not exceed the number of open at-large local district offices for which the
4733 candidates have filed; and
4734 (C) each local district officer candidate, including any eligible write-in candidates
4735 under Section 20A-9-601, in each division of the local district is unopposed;
4736 (b) there are no other local district ballot propositions; and
4737 (c) the local district governing body, no later than 20 days before the day of the
4738 scheduled election, adopts a resolution that cancels the election and certifies that:
4739 (i) each local district officer candidate is:
4740 (A) unopposed; or
4741 (B) a candidate for an at-large local district office for which the number of candidates
4742 does not exceed the number of open at-large local district offices; and
4743 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.
4744 (4) A local district that cancels a local election in accordance with Subsection (3) shall
4745 publish notice that the election is cancelled:
4746 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter
4747 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day
4748 of the scheduled election;
4749 (b) if the local district has a public website, by posting notice on the local district's
4750 public website for 15 days before the day of the scheduled election;
4751 (c) if the local district publishes a newsletter or other periodical, by publishing notice
4752 in the next scheduled newsletter or other periodical published before the day of the scheduled
4753 election;

4754 ~~[(d) (i) at least twice in a newspaper of general circulation in the local district before~~
4755 ~~the scheduled election;]~~

4756 ~~[(ii) if there is no newspaper of general circulation in the local district,]~~

4757 (d) at least 10 days before the day of the scheduled election[;]:

4758 (i) by posting one notice, and at least one additional notice per 2,000 population of the
4759 local district, in places within the local district that are most likely to give notice to the voters
4760 in the local district; or

4761 ~~[(iii) at least 10 days before the day of the scheduled election,]~~

4762 (ii) by mailing notice to each registered voter in the local district; and

4763 (e) ~~[in accordance with Section 45-1-101]~~ by posting notice on the Utah Public Notice
4764 Website, created in Section 63F-1-701, for at least 10 days before the day of the scheduled
4765 election.

4766 (5) A municipal legislative body that posts a notice in accordance with Subsection
4767 (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for
4768 a notice that fails to post due to technical or other error by the publisher of the Statewide
4769 Electronic Voter Information Website.

4770 Section 76. Section **20A-3a-604** is amended to read:

4771 **20A-3a-604. Notice of time and place of early voting.**

4772 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the
4773 election officer shall, at least 19 days before the date of the election, publish notice of the dates,
4774 times, and locations of early voting:

4775 ~~[(a) (i) in one issue of a newspaper of general circulation in the county;]~~

4776 ~~[(ii) if there is no newspaper of general circulation in the county, in addition to posting~~
4777 ~~the notice described in Subsection (1)(b);]~~

4778 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
4779 the county, in places within the county that are most likely to give notice to the residents in the
4780 county; or

4781 [~~(iii)~~] (ii) by mailing notice to each registered voter in the county;
4782 (b) by posting the notice at each early voting polling place;
4783 (c) on the Utah Public Notice Website created in Section [63F-1-701](#), for 19 days before
4784 the day of the election; and
4785 [~~(d)~~ in accordance with Section [45-1-101](#), for 19 days before the date of the election;
4786 ~~and~~]
4787 [~~(e)~~] (d) on the county's website for 19 days before the day of the election.

4788 (2) Instead of publishing all dates, times, and locations of early voting under
4789 Subsection (1), the election officer may publish a statement that specifies the following sources
4790 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

- 4791 (a) the county's website;
 - 4792 (b) the physical address of the county's offices; and
 - 4793 (c) a mailing address and telephone number.
- 4794 (3) The election officer shall include in the notice described in Subsection (1):
- 4795 (a) the address of the Statewide Electronic Voter Information Website and, if available,
4796 the address of the election officer's website, with a statement indicating that the election officer
4797 will post on the website the location of each early voting polling place, including any changes
4798 to the location of an early voting polling place and the location of additional early voting
4799 polling places; and
 - 4800 (b) a phone number that a voter may call to obtain information regarding the location
4801 of an early voting polling place.

4802 Section 77. Section **20A-4-104** is amended to read:

4803 **20A-4-104. Counting ballots electronically.**

4804 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
4805 election officer shall test the automatic tabulating equipment to ensure that it will accurately
4806 count the votes cast for all offices and all measures.

4807 (b) The election officer shall publish public notice of the time and place of the test:

- 4808 ~~[(i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of~~
4809 ~~general circulation in the county, municipality, or jurisdiction where the equipment is used;]~~
- 4810 ~~[(B) if there is no daily or weekly newspaper of general circulation in the county,~~
4811 ~~municipality, or jurisdiction where the equipment is used;]~~
- 4812 (i) at least 10 days before the day of the test~~[;]~~;
- 4813 (A) by posting one notice, and at least one additional notice per 2,000 population of the
4814 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
4815 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or
4816 ~~[(C) at least 10 days before the day of the test;]~~
- 4817 (B) by mailing notice to each registered voter in the county, municipality, or
4818 jurisdiction where the equipment is used;
- 4819 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks
4820 before the day of the test; and
- 4821 ~~[(iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the~~
4822 ~~test; and]~~
- 4823 ~~[(iv)]~~ (iii) if the county, municipality, or jurisdiction has a website, on the website for
4824 four weeks before the day of the test.
- 4825 (c) The election officer shall conduct the test by processing a preaudited group of
4826 ballots.
- 4827 (d) The election officer shall ensure that:
- 4828 (i) a predetermined number of valid votes for each candidate and measure are recorded
4829 on the ballots;
- 4830 (ii) for each office, one or more ballots have votes in excess of the number allowed by
4831 law in order to test the ability of the automatic tabulating equipment to reject those votes; and
- 4832 (iii) a different number of valid votes are assigned to each candidate for an office, and
4833 for and against each measure.
- 4834 (e) If any error is detected, the election officer shall determine the cause of the error

4835 and correct it.

4836 (f) The election officer shall ensure that:

4837 (i) the automatic tabulating equipment produces an errorless count before beginning
4838 the actual counting; and

4839 (ii) the automatic tabulating equipment passes the same test at the end of the count
4840 before the election returns are approved as official.

4841 (2) (a) The election officer or the election officer's designee shall supervise and direct
4842 all proceedings at the counting center.

4843 (b) (i) Proceedings at the counting center are public and may be observed by interested
4844 persons.

4845 (ii) Only those persons authorized to participate in the count may touch any ballot or
4846 return.

4847 (c) The election officer shall deputize and administer an oath or affirmation to all
4848 persons who are engaged in processing and counting the ballots that they will faithfully
4849 perform their assigned duties.

4850 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
4851 automatic tabulating equipment, the election officer shall ensure that two counting judges
4852 jointly:

4853 (a) make a true replication of the ballot with an identifying serial number;

4854 (b) substitute the replicated ballot for the damaged or defective ballot;

4855 (c) label the replicated ballot "replicated"; and

4856 (d) record the replicated ballot's serial number on the damaged or defective ballot.

4857 (4) The election officer may:

4858 (a) conduct an unofficial count before conducting the official count in order to provide
4859 early unofficial returns to the public;

4860 (b) release unofficial returns from time to time after the polls close; and

4861 (c) report the progress of the count for each candidate during the actual counting of

4862 ballots.

4863 (5) The election officer shall review and evaluate the provisional ballot envelopes and
4864 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

4865 (6) (a) The election officer or the election officer's designee shall:

4866 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

4867 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

4868 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
4869 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
4870 count the valid write-in vote as being the obvious intent of the voter.

4871 (7) (a) The election officer shall certify the return printed by the automatic tabulating
4872 equipment, to which have been added write-in and absentee votes, as the official return of each
4873 voting precinct.

4874 (b) Upon completion of the count, the election officer shall make official returns open
4875 to the public.

4876 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
4877 tabulating equipment, the election officer may direct that they be counted manually according
4878 to the procedures and requirements of this part.

4879 (9) After the count is completed, the election officer shall seal and retain the programs,
4880 test materials, and ballots as provided in Section [20A-4-202](#).

4881 Section 78. Section **20A-4-304** is amended to read:

4882 **20A-4-304. Declaration of results -- Canvassers' report.**

4883 (1) Each board of canvassers shall:

4884 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
4885 declare "elected" or "nominated" those persons who:

4886 (i) had the highest number of votes; and

4887 (ii) sought election or nomination to an office completely within the board's
4888 jurisdiction;

- 4889 (b) declare:
- 4890 (i) "approved" those ballot propositions that:
- 4891 (A) had more "yes" votes than "no" votes; and
- 4892 (B) were submitted only to the voters within the board's jurisdiction;
- 4893 (ii) "rejected" those ballot propositions that:
- 4894 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
- 4895 votes; and
- 4896 (B) were submitted only to the voters within the board's jurisdiction;
- 4897 (c) certify the vote totals for persons and for and against ballot propositions that were
- 4898 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
- 4899 the lieutenant governor; and
- 4900 (d) if applicable, certify the results of each local district election to the local district
- 4901 clerk.
- 4902 (2) As soon as the result is declared, the election officer shall prepare a report of the
- 4903 result, which shall contain:
- 4904 (a) the total number of votes cast in the board's jurisdiction;
- 4905 (b) the names of each candidate whose name appeared on the ballot;
- 4906 (c) the title of each ballot proposition that appeared on the ballot;
- 4907 (d) each office that appeared on the ballot;
- 4908 (e) from each voting precinct:
- 4909 (i) the number of votes for each candidate;
- 4910 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 4911 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 4912 potential ballot-counting phase and the name of the candidate excluded in each canvassing
- 4913 phase; and
- 4914 (iii) the number of votes for and against each ballot proposition;
- 4915 (f) the total number of votes given in the board's jurisdiction to each candidate, and for

4916 and against each ballot proposition;

4917 (g) the number of ballots that were rejected; and

4918 (h) a statement certifying that the information contained in the report is accurate.

4919 (3) The election officer and the board of canvassers shall:

4920 (a) review the report to ensure that it is correct; and

4921 (b) sign the report.

4922 (4) The election officer shall:

4923 (a) record or file the certified report in a book kept for that purpose;

4924 (b) prepare and transmit a certificate of nomination or election under the officer's seal

4925 to each nominated or elected candidate;

4926 (c) publish a copy of the certified report in accordance with Subsection (5); and

4927 (d) file a copy of the certified report with the lieutenant governor.

4928 (5) Except as provided in Subsection (6), the election officer shall, no later than seven

4929 days after the day on which the board of canvassers declares the election results, publish the

4930 certified report described in Subsection (2):

4931 [~~(a) (i) at least once in a newspaper of general circulation within the jurisdiction;~~]

4932 [~~(ii) if there is no newspaper of general circulation within the jurisdiction;~~]

4933 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of

4934 the jurisdiction, in places within the jurisdiction that are most likely to give notice to the

4935 residents of the jurisdiction; or

4936 [~~(iii) (ii) by mailing notice to each residence within the jurisdiction;~~]

4937 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for one week; and

4938 [~~(c) in accordance with Section [45-1-101](#), for one week; and~~]

4939 [~~(d)~~] (c) if the jurisdiction has a website, on the jurisdiction's website for one week.

4940 (6) Instead of publishing the entire certified report under Subsection (5), the election

4941 officer may publish a statement that:

4942 (a) includes the following: "The Board of Canvassers for [indicate name of

4943 jurisdiction] has prepared a report of the election results for the [indicate type and date of
4944 election]."; and

4945 (b) specifies the following sources where an individual may view or obtain a copy of
4946 the entire certified report:

4947 (i) if the jurisdiction has a website, the jurisdiction's website;

4948 (ii) the physical address for the jurisdiction; and

4949 (iii) a mailing address and telephone number.

4950 (7) When there has been a regular general or a statewide special election for statewide
4951 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
4952 or more county ballot proposition, each board of canvassers shall:

4953 (a) prepare a separate report detailing the number of votes for each candidate and the
4954 number of votes for and against each ballot proposition; and

4955 (b) transmit the separate report by registered mail to the lieutenant governor.

4956 (8) In each county election, municipal election, school election, local district election,
4957 and local special election, the election officer shall transmit the reports to the lieutenant
4958 governor within 14 days after the date of the election.

4959 (9) In a regular primary election and in a presidential primary election, the board shall
4960 transmit to the lieutenant governor:

4961 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
4962 governor not later than the second Tuesday after the election; and

4963 (b) a complete tabulation showing voting totals for all primary races, precinct by
4964 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
4965 primary election.

4966 Section 79. Section **20A-5-101** is amended to read:

4967 **20A-5-101. Notice of election.**

4968 (1) On or before November 15 in the year before each regular general election year, the
4969 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

4970 (a) designates the offices to be filled at the next year's regular general election;

4971 (b) identifies the dates for filing a declaration of candidacy, and for submitting and

4972 certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407,

4973 and 20A-9-408 for those offices; and

4974 (c) contains a description of any ballot propositions to be decided by the voters that

4975 have qualified for the ballot as of that date.

4976 (2) No later than seven business days after the day on which the lieutenant governor

4977 transmits the written notice described in Subsection (1), each county clerk shall publish notice,

4978 in accordance with Subsection (3):

4979 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in

4980 each voting precinct within the county; and

4981 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places

4982 where the notice was posted;

4983 [~~(b) (i) in a newspaper of general circulation in the county;~~]

4984 [~~(ii) if there is no newspaper of general circulation within the county, in addition to the~~

4985 ~~notice described in Subsection (2)(a);~~]

4986 (b) (i) by posting one notice, and at least one additional notice per 2,000 population of

4987 the county, in places within the county that are most likely to give notice of the election to the

4988 voters in the county; or

4989 [~~(iii)~~] (ii) by mailing notice to each registered voter in the county;

4990 (c) on the Utah Public Notice Website created in Section 63F-1-701, for seven days

4991 before the day of the election; and

4992 [~~(d) in accordance with Section 45-1-101, for seven days before the day of the election;~~

4993 ~~and]~~

4994 [~~(e)~~] (d) on the county's website for seven days before the day of the election.

4995 (3) The notice described in Subsection (2) shall:

4996 (a) designate the offices to be voted on in that election; and

4997 (b) identify the dates for filing a declaration of candidacy for those offices.
4998 (4) Except as provided in Subsection (6), before each election, the election officer shall
4999 give printed notice of the following information:
5000 (a) the date of election;
5001 (b) the hours during which the polls will be open;
5002 (c) the polling places for each voting precinct, early voting polling place, and election
5003 day voting center;
5004 (d) the address of the Statewide Electronic Voter Information Website and, if available,
5005 the address of the election officer's website, with a statement indicating that the election officer
5006 will post on the website any changes to the location of a polling place and the location of any
5007 additional polling place;
5008 (e) a phone number that a voter may call to obtain information regarding the location of
5009 a polling place; and
5010 (f) the qualifications for persons to vote in the election.
5011 (5) To provide the printed notice described in Subsection (4), the election officer shall
5012 publish the notice:
5013 ~~[(a) (i) in a newspaper of general circulation in the jurisdiction to which the election~~
5014 ~~pertains at least two days before the day of the election;]~~
5015 ~~[(ii) if there is no newspaper of general circulation in the jurisdiction to which the~~
5016 ~~election pertains,]~~
5017 (a) (i) at least two days before the day of the election, by posting one notice, and at
5018 least one additional notice per 2,000 population of the jurisdiction, in places within the
5019 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or
5020 ~~[(iii)]~~ (ii) by mailing the notice to each registered voter who resides in the jurisdiction
5021 to which the election pertains at least five days before the day of the election;
5022 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for two days
5023 before the day of the election; and

5024 ~~[(c) in accordance with Section 45-1-101, for two days before the day of the election;~~
5025 ~~and]~~

5026 ~~[(d)]~~ (c) if the jurisdiction has a website, on the jurisdiction's website for two days
5027 before the day of the election.

5028 (6) Instead of including the information described in Subsection (4) in the notice, the
5029 election officer may give printed notice that:

5030 (a) is entitled "Notice of Election";

5031 (b) includes the following: "A [indicate election type] will be held in [indicate the
5032 jurisdiction] on [indicate date of election]. Information relating to the election, including
5033 polling places, polling place hours, and qualifications of voters may be obtained from the
5034 following sources:"; and

5035 (c) specifies the following sources where an individual may view or obtain the
5036 information described in Subsection (4):

5037 (i) if the jurisdiction has a website, the jurisdiction's website;

5038 (ii) the physical address of the jurisdiction offices; and

5039 (iii) a mailing address and telephone number.

5040 Section 80. Section **20A-5-403.5** is amended to read:

5041 **20A-5-403.5. Ballot drop boxes.**

5042 (1) An election officer:

5043 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

5044 (b) shall clearly mark each ballot drop box as an official ballot drop box for the
5045 election officer's jurisdiction.

5046 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer
5047 shall, at least 19 days before the date of the election, publish notice of the location of each
5048 ballot drop box designated under Subsection (1):

5049 ~~[(a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the~~
5050 ~~election;]~~

5051 ~~[(ii) if there is no newspaper of general circulation in the jurisdiction holding the~~
5052 ~~election;]~~

5053 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
5054 the jurisdiction holding the election, in places within the jurisdiction that are most likely to give
5055 notice to the residents in the jurisdiction; or

5056 ~~[(iii)]~~ (ii) by mailing notice to each registered voter in the jurisdiction holding the
5057 election;

5058 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before
5059 the day of the election; and

5060 ~~[(c) in accordance with Section 45-1-101, for 19 days before the date of the election;~~
5061 ~~and]~~

5062 ~~[(d)]~~ (c) on the jurisdiction's website for 19 days before the day of the election.

5063 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the
5064 election officer may publish a statement that specifies the following sources where a voter may
5065 view or obtain a copy of all ballot drop box locations:

5066 (a) the jurisdiction's website;

5067 (b) the physical address of the jurisdiction's offices; and

5068 (c) a mailing address and telephone number.

5069 (4) The election officer shall include in the notice described in Subsection (2):

5070 (a) the address of the Statewide Electronic Voter Information Website and, if available,
5071 the address of the election officer's website, with a statement indicating that the election officer
5072 will post on the website the location of each ballot drop box, including any changes to the
5073 location of a ballot drop box and the location of additional ballot drop boxes; and

5074 (b) a phone number that a voter may call to obtain information regarding the location
5075 of a ballot drop box.

5076 (5) (a) Except as provided in Section 20A-1-308, the election officer may, after the
5077 deadline described in Subsection (2):

5078 (i) if necessary, change the location of a ballot drop box; or
5079 (ii) if the election officer determines that the number of ballot drop boxes is
5080 insufficient due to the number of registered voters who are voting, designate additional ballot
5081 drop boxes.

5082 (b) Except as provided in Section 20A-1-308, if an election officer changes the
5083 location of a ballot box or designates an additional ballot drop box location, the election officer
5084 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
5085 the additional ballot drop box location:

5086 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

5087 (ii) by posting the information on the website of the election officer, if available; and

5088 (iii) by posting notice:

5089 (A) for a change in the location of a ballot drop box, at the new location and, if
5090 possible, the old location; and

5091 (B) for an additional ballot drop box location, at the additional ballot drop box
5092 location.

5093 (6) An election officer may, at any time, authorize two or more poll workers to remove
5094 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

5095 Section 81. Section 20A-5-405 is amended to read:

5096 **20A-5-405. Election officer to provide ballots.**

5097 (1) An election officer shall:

5098 (a) provide ballots for every election of public officers in which the voters, or any of
5099 the voters, within the election officer's jurisdiction participate;

5100 (b) cause the name of every candidate whose nomination has been certified to or filed
5101 with the election officer in the manner provided by law to be included on each ballot;

5102 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
5103 be included on each ballot;

5104 (d) ensure that the ballots are prepared and in the possession of the election officer

5105 before commencement of voting;

5106 (e) allow candidates and their agents and the sponsors of ballot propositions that have

5107 qualified for the official ballot to inspect the ballots;

5108 (f) cause sample ballots to be printed that are in the same form as official ballots and

5109 that contain the same information as official ballots but that are printed on different colored

5110 paper than official ballots or are identified by a watermark;

5111 (g) ensure that the sample ballots are printed and in the possession of the election

5112 officer at least seven days before commencement of voting;

5113 (h) make the sample ballots available for public inspection by:

5114 (i) posting a copy of the sample ballot in the election officer's office at least seven days

5115 before commencement of voting;

5116 (ii) mailing a copy of the sample ballot to:

5117 (A) each candidate listed on the ballot; and

5118 (B) the lieutenant governor;

5119 (iii) publishing a copy of the sample ballot:

5120 [~~(A) except as provided in Subsection (2), at least seven days before the day of the~~

5121 ~~election in a newspaper of general circulation in the jurisdiction holding the election;]~~

5122 [~~(B) if there is no newspaper of general circulation in the jurisdiction holding the~~

5123 ~~election;]~~

5124 (A) at least seven days before the day of the election, by posting one copy of the

5125 sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the

5126 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in

5127 the jurisdiction; or

5128 [~~(C)~~] (B) at least 10 days before the day of the election, by mailing a copy of the

5129 sample ballot to each registered voter who resides in the jurisdiction holding the election;

5130 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created

5131 in Section 63F-1-701, for seven days before the day of the election; and

5132 [~~(v)~~ in accordance with Section ~~45-1-101~~, publishing a copy of the sample ballot for at
5133 least seven days before the day of the election; and]

5134 [~~(vi)~~] (v) if the jurisdiction has a website, publishing a copy of the sample ballot for at
5135 least seven days before the day of the election;

5136 (i) deliver at least five copies of the sample ballot to poll workers for each polling
5137 place and direct them to post the sample ballots as required by Section ~~20A-5-102~~; and

5138 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough
5139 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
5140 each voting precinct.

5141 (2) Instead of publishing the entire sample ballot under Subsection (1)(h)(iii)(A), the
5142 election officer may publish a statement that:

5143 (a) is entitled, "sample ballot";

5144 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
5145 upcoming [indicate type and date of election] may be obtained from the following sources:";
5146 and

5147 (c) specifies the following sources where an individual may view or obtain a copy of
5148 the sample ballot:

5149 (i) if the jurisdiction has a website, the jurisdiction's website;

5150 (ii) the physical address of the jurisdiction's offices; and

5151 (iii) a mailing address and telephone number.

5152 (3) (a) Each election officer shall, without delay, correct any error discovered in any
5153 ballot, if the correction can be made without interfering with the timely distribution of the
5154 ballots.

5155 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
5156 not possible to correct the error or omission, the election officer shall direct the poll workers to
5157 make the necessary corrections on the manual ballots before the ballots are distributed.

5158 (ii) If the election officer discovers an error or omission in an electronic ballot and it is

5159 not possible to correct the error or omission by revising the electronic ballot, the election
5160 officer shall direct the poll workers to post notice of each error or omission with instructions on
5161 how to correct each error or omission in a prominent position at each polling booth.

5162 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a
5163 candidate or a candidate's agent may file a verified petition with the district court asserting that:

5164 (A) an error or omission has occurred in:

5165 (I) the publication of the name or description of a candidate;

5166 (II) the preparation or display of an electronic ballot; or

5167 (III) in the printing of sample or official manual ballots; and

5168 (B) the election officer has failed to correct or provide for the correction of the error or
5169 omission.

5170 (ii) The district court shall issue an order requiring correction of any error in a ballot or
5171 an order to show cause why the error should not be corrected if it appears to the court that the
5172 error or omission has occurred and the election officer has failed to correct or provide for the
5173 correction of the error or ~~[ommission]~~ omission.

5174 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
5175 Supreme Court within five days after the day on which the district court enters the decision.

5176 Section 82. Section **20A-9-203** is amended to read:

5177 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5178 (1) An individual may become a candidate for any municipal office if:

5179 (a) the individual is a registered voter; and

5180 (b) (i) the individual has resided within the municipality in which the individual seeks
5181 to hold elective office for the 12 consecutive months immediately before the date of the
5182 election; or

5183 (ii) the territory in which the individual resides was annexed into the municipality, the
5184 individual has resided within the annexed territory or the municipality the 12 consecutive
5185 months immediately before the date of the election.

5186 (2) (a) For purposes of determining whether an individual meets the residency
5187 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
5188 before the election, the municipality is considered to have been incorporated 12 months before
5189 the date of the election.

5190 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
5191 council position shall, if elected from a district, be a resident of the council district from which
5192 the candidate is elected.

5193 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
5194 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
5195 against the elective franchise may not hold office in this state until the right to hold elective
5196 office is restored under Section 20A-2-101.3 or 20A-2-101.5.

5197 (3) (a) An individual seeking to become a candidate for a municipal office shall,
5198 regardless of the nomination method by which the individual is seeking to become a candidate:

5199 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
5200 Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a
5201 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
5202 described in Section 10-3-301 and not later than the close of those office hours, between June 1
5203 and June 7 of any odd-numbered year; and

5204 (ii) pay the filing fee, if one is required by municipal ordinance.

5205 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
5206 declaration of candidacy with the city recorder or town clerk if:

5207 (i) the individual is located outside of the state during the entire filing period;

5208 (ii) the designated agent appears in person before the city recorder or town clerk;

5209 (iii) the individual communicates with the city recorder or town clerk using an
5210 electronic device that allows the individual and city recorder or town clerk to see and hear each
5211 other; and

5212 (iv) the individual provides the city recorder or town clerk with an email address to

5213 which the city recorder or town clerk may send the individual the copies described in
5214 Subsection (4).

5215 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5216 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
5217 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
5218 the office hours described in Section 10-3-301 and not later than the close of those office
5219 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
5220 of the nomination petition of the lesser of at least:

5221 (A) 25 registered voters who reside in the municipality; or

5222 (B) 20% of the registered voters who reside in the municipality; and

5223 (ii) paying the filing fee, if one is required by municipal ordinance.

5224 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
5225 petition, the filing officer shall:

5226 (i) read to the prospective candidate or individual filing the petition the constitutional
5227 and statutory qualification requirements for the office that the candidate is seeking;

5228 (ii) require the candidate or individual filing the petition to state whether the candidate
5229 meets the requirements described in Subsection (4)(a)(i); and

5230 (iii) inform the candidate or the individual filing the petition that an individual who
5231 holds a municipal elected office may not, at the same time, hold a county elected office.

5232 (b) If the prospective candidate does not meet the qualification requirements for the
5233 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5234 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
5235 filing officer shall:

5236 (i) inform the candidate that the candidate's name will appear on the ballot as it is
5237 written on the declaration of candidacy;

5238 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
5239 for the office the candidate is seeking and inform the candidate that failure to comply will

5240 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5241 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide

5242 Electronic Voter Information Website Program and inform the candidate of the submission

5243 deadline under Subsection 20A-7-801(4)(a);

5244 (iv) provide the candidate with a copy of the pledge of fair campaign practices

5245 described under Section 20A-9-206 and inform the candidate that:

5246 (A) signing the pledge is voluntary; and

5247 (B) signed pledges shall be filed with the filing officer; and

5248 (v) accept the declaration of candidacy or nomination petition.

5249 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing

5250 officer shall:

5251 (i) accept the candidate's pledge; and

5252 (ii) if the candidate has filed for a partisan office, provide a certified copy of the

5253 candidate's pledge to the chair of the county or state political party of which the candidate is a

5254 member.

5255 (5) (a) The declaration of candidacy shall be in substantially the following form:

5256 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,

5257 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a

5258 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet

5259 the legal qualifications required of candidates for this office. If filing via a designated agent, I

5260 attest that I will be out of the state of Utah during the entire candidate filing period. I will file

5261 all campaign financial disclosure reports as required by law and I understand that failure to do

5262 so will result in my disqualification as a candidate for this office and removal of my name from

5263 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5264 _____

5265 Subscribed and sworn to (or affirmed) before me by ____ on this

5266 _____(month\day\year).

5267 (Signed) _____ (Clerk or other officer qualified to administer oath).²["[:]

5268 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
5269 not sign the form described in Subsection (5)(a).

5270 (c) (i) A nomination petition shall be in substantially the following form:
5271 "NOMINATION PETITION
5272 The undersigned residents of (name of municipality), being registered voters, nominate
5273 (name of nominee) for the office of (name of office) for the (length of term of office)."
5274 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5275 individuals signing the petition and each individual's address and phone number.

5276 (6) If the declaration of candidacy or nomination petition fails to state whether the
5277 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
5278 for the four-year term.

5279 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
5280 voters.

5281 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5282 print the candidate's name on the ballot.

5283 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
5284 clerk shall:
5285 (a) publish a list of the names of the candidates as they will appear on the ballot:
5286 [~~(i) (A) in at least two successive publications of a newspaper of general circulation in~~
5287 ~~the municipality;~~
5288 ~~[(B) if there is no newspaper of general circulation in the municipality;]~~
5289 (i) (A) by posting one copy of the list, and at least one additional copy of the list per
5290 2,000 population of the municipality, in places within the municipality that are most likely to
5291 give notice to the voters in the municipality; or
5292 [~~(C)~~] (B) by mailing notice to each registered voter in the municipality;
5293 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for seven days;

5294 and

5295 [~~(iii) in accordance with Section 45-1-101, for seven days; and]~~

5296 [~~(iv)~~] (iii) if the municipality has a website, on the municipality's website for seven
5297 days; and

5298 (b) notify the lieutenant governor of the names of the candidates as they will appear on
5299 the ballot.

5300 (9) Except as provided in Subsection (10)(c), an individual may not amend a
5301 declaration of candidacy or nomination petition filed under this section after the candidate
5302 filing period ends.

5303 (10) (a) A declaration of candidacy or nomination petition that an individual files under
5304 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
5305 five days after the last day for filing.

5306 (b) If a person files an objection, the clerk shall:

5307 (i) mail or personally deliver notice of the objection to the affected candidate
5308 immediately; and

5309 (ii) decide any objection within 48 hours after the objection is filed.

5310 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
5311 days after the day on which the clerk sustains the objection, correct the problem for which the
5312 objection is sustained by amending the candidate's declaration of candidacy or nomination
5313 petition, or by filing a new declaration of candidacy.

5314 (d) (i) The clerk's decision upon objections to form is final.

5315 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
5316 prompt application is made to the district court.

5317 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5318 of its discretion, agrees to review the lower court decision.

5319 (11) A candidate who qualifies for the ballot under this section may withdraw as a
5320 candidate by filing a written affidavit with the municipal clerk.

5321 Section 83. Section **26-8a-405.3** is amended to read:

5322 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

5323 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
5324 Section **26-8a-405.2**, or for non-911 services under Section **26-8a-405.4**, shall be solicited
5325 through a request for proposal and the provisions of this section.

5326 (b) The governing body of the political subdivision shall approve the request for
5327 proposal prior to the notice of the request for proposals under Subsection (1)(c).

5328 (c) ~~[(f)]~~ Notice of the request for proposals shall be published:

5329 ~~[(A) at least once a week for three consecutive weeks in a newspaper of general
5330 circulation published in the county; or]~~

5331 ~~[(B) if there is no such newspaper, then notice shall be posted]~~

5332 (i) by posting the notice for at least 20 days in at least five public places in the county;

5333 and

5334 ~~[(ii) in accordance with Section **45-1-101** for at least 20 days.]~~

5335 (ii) by posting the notice on the Utah Public Notice Website, created in Section
5336 **63F-1-701**, for at least 20 days.

5337 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
5338 offerors during the process of negotiations.

5339 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
5340 political subdivision shall hold a presubmission conference with interested applicants for the
5341 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

5342 (ii) A political subdivision shall allow at least 90 days from the presubmission
5343 conference for the proposers to submit proposals.

5344 (c) Subsequent to the presubmission conference, the political subdivision may issue
5345 addenda to the request for proposals. An addenda to a request for proposal shall be finalized
5346 and posted by the political subdivision at least 45 days before the day on which the proposal
5347 must be submitted.

5348 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
5349 respect to any opportunity for discussion and revisions of proposals, and revisions may be
5350 permitted after submission and before a contract is awarded for the purpose of obtaining best
5351 and final offers.

5352 (e) In conducting discussions, there shall be no disclosures of any information derived
5353 from proposals submitted by competing offerors.

5354 (3) (a) (i) A political subdivision may select an applicant approved by the department
5355 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the
5356 most responsible offeror as defined in Section 63G-6a-103.

5357 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
5358 proposal is determined in writing to be the most advantageous to the political subdivision,
5359 taking into consideration price and the evaluation factors set forth in the request for proposal.

5360 (b) The applicants who are approved under Section 26-8a-405 and who are selected
5361 under this section may be the political subdivision issuing the request for competitive sealed
5362 proposals, or any other public entity or entities, any private person or entity, or any
5363 combination thereof.

5364 (c) A political subdivision may reject all of the competitive proposals.

5365 (4) In seeking competitive sealed proposals and awarding contracts under this section,
5366 a political subdivision:

5367 (a) shall apply the public convenience and necessity factors listed in Subsections
5368 26-8a-408(2) through (6);

5369 (b) shall require the applicant responding to the proposal to disclose how the applicant
5370 will meet performance standards in the request for proposal;

5371 (c) may not require or restrict an applicant to a certain method of meeting the
5372 performance standards, including:

5373 (i) requiring ambulance medical personnel to also be a firefighter; or

5374 (ii) mandating that offerors use fire stations or dispatch services of the political

5375 subdivision;

5376 (d) shall require an applicant to submit the proposal:

5377 (i) based on full cost accounting in accordance with generally accepted accounting

5378 principals; and

5379 (ii) if the applicant is a governmental entity, in addition to the requirements of

5380 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and

5381 in compliance with the State of Utah Legal Compliance Audit Guide; and

5382 (e) shall set forth in the request for proposal:

5383 (i) the method for determining full cost accounting in accordance with generally

5384 accepted accounting principles, and require an applicant to submit the proposal based on such

5385 full cost accounting principles;

5386 (ii) guidelines established to further competition and provider accountability; and

5387 (iii) a list of the factors that will be considered by the political subdivision in the award

5388 of the contract, including by percentage, the relative weight of the factors established under this

5389 Subsection (4)(e), which may include such things as:

5390 (A) response times;

5391 (B) staging locations;

5392 (C) experience;

5393 (D) quality of care; and

5394 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

5395 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement

5396 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply

5397 to the procurement process required by this section, except as provided in Subsection (5)(c).

5398 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have

5399 jurisdiction to review and determine an appeal of an offeror under this section.

5400 (c) (i) An offeror may appeal the solicitation or award as provided by the political

5401 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror

5402 may appeal under the provisions of Subsections (5)(a) and (b).

5403 (ii) A procurement appeals panel described in Section 63G-6a-1702 shall determine
5404 whether the solicitation or award was made in accordance with the procedures set forth in this
5405 section and Section 26-8a-405.2.

5406 (d) The determination of an issue of fact by the appeals board shall be final and
5407 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
5408 63G-6a-1705.

5409 Section 84. Section 38-8-3 is amended to read:

5410 **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**

5411 (1) An owner may enforce a lien described in Section 38-8-2 against an occupant if:

5412 (a) the occupant is in default for a continuous 30-day period; and

5413 (b) the owner provides written notice of the owner's intent to enforce the lien, in
5414 accordance with the requirements of this section, to:

5415 (i) the occupant;

5416 (ii) each lienholder disclosed by the occupant under Subsection 38-8-2(3)(b);

5417 (iii) each person that has filed a valid financing statement with the Division of
5418 Corporations and Commercial Code; and

5419 (iv) each person identified as a lienholder in the records of the Motor Vehicle Division.

5420 (2) An owner shall provide the written notice described in Subsection (1)(b):

5421 (a) in person;

5422 (b) by certified mail, to the person's last known address; or

5423 (c) subject to Subsection (3), by email, to the person's last known email address.

5424 (3) If an owner sends a notice described in Subsection (2) by email and does not
5425 receive a response, return receipt, or delivery confirmation from the email address to which the
5426 notice was sent within three business days after the day on which the notice was sent, the
5427 owner shall deliver the notice in person or by certified mail to the person's last known address.

5428 (4) A written notice described in Subsection (1)(b) shall include:

5429 (a) an itemized statement of the owner's claim showing the sum due at the time of the
5430 notice and the date when the sum became due;

5431 (b) a brief description of the personal property subject to the lien that permits the
5432 person to identify the property, unless the property is locked, fastened, sealed, tied, or
5433 otherwise stored in a manner that prevents immediate identification of the property;

5434 (c) if permitted by the terms of the rental agreement, a notice that the occupant may not
5435 access the occupant's personal property until the occupant complies with the requirements
5436 described in Subsection (9);

5437 (d) the name, street address, and telephone number of the owner or the individual the
5438 occupant may contact to respond to the notification;

5439 (e) a demand for payment within a specified time not less than 15 days after the day on
5440 which the notice is delivered; and

5441 (f) a conspicuous statement that, unless the claim is paid within the time stated in the
5442 notice, the personal property will be advertised for sale and will be sold at a specified time and
5443 place.

5444 (5) A notice under this section shall be presumed delivered when it is deposited with
5445 the United States Postal Service and properly addressed with postage prepaid.

5446 (6) (a) (i) After the expiration of the time given in the notice, the owner shall publish
5447 an advertisement of the sale of the personal property subject to the lien once in a newspaper of
5448 general circulation in the county where the self-service storage facility is located.

5449 ~~[(b)]~~ (ii) An advertisement described in Subsection (6)(a)(i) shall include:

5450 ~~[(i)]~~ (A) the address of the self-service storage facility and the number, if any, of the
5451 space where the personal property is located;

5452 ~~[(ii)]~~ (B) the name of the occupant; and

5453 ~~[(iii)]~~ (C) the time, place, and manner of the sale, which shall take place not sooner
5454 than 15 days after the day on which the sale is advertised under Subsection (6)(a)(i).

5455 (b) Subsection (6)(a) does not apply if:

5456 (i) the owner:
5457 (A) provided the notice described in Subsection (1)(b) by email; and
5458 (B) received a response or return receipt from the email address to which the notice
5459 was sent; or
5460 (ii) the owner:
5461 (A) provided the notice described in Subsection (1)(b) by certified mail; and
5462 (B) has evidence of providing the notice by certified mail.
5463 (7) A sale of the personal property shall conform to the terms of the notice provided for
5464 in this section.
5465 (8) A sale of the personal property shall be held at the self-service storage facility, at
5466 the nearest suitable place to where the personal property is held or stored, or online.
5467 (9) Before a sale of personal property under this section, the occupant may pay the
5468 amount necessary to satisfy the lien and the reasonable expenses incurred under this section
5469 and thereby redeem the personal property; upon receipt of this payment, the owner shall return
5470 the personal property, and thereafter the owner shall have no liability to any person with respect
5471 to that personal property.
5472 (10) A purchaser in good faith of the personal property sold to satisfy a lien as
5473 provided for in this chapter takes the property free of any rights of persons against whom the
5474 lien was valid and free of any rights of a secured creditor, despite noncompliance by the owner
5475 with the requirements of this section.
5476 (11) In the event of a sale under this section, the owner may satisfy the lien for the
5477 proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior
5478 lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good
5479 faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge
5480 for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for
5481 delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or
5482 other person in interest does not claim the balance of the proceeds within one year of the date

5483 of sale, it shall become the property of the Utah state treasurer as unclaimed property with no
5484 further claim against the owner.

5485 (12) If the requirements of this chapter are not satisfied, if the sale of the personal
5486 property is not in conformity with the notice of sale, or if there is a willful violation of this
5487 chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any
5488 other person.

5489 Section 85. Section **54-8-10** is amended to read:

5490 **54-8-10. Public hearing -- Notice -- Publication.**

5491 (1) Such notice shall be:

5492 [~~(a) (i) published;~~]

5493 [~~(A) in full one time in a newspaper of general circulation in the district; or (B) if there~~
5494 ~~be no such newspaper, in a newspaper of general circulation in the county, city, or town in~~
5495 ~~which the district is located; and]~~

5496 [(~~ii~~) (a) published on the Utah Public Notice Website created in Section [63F-1-701](#);

5497 and

5498 (b) posted in not less than three public places in the district.

5499 (2) A copy of the notice shall be mailed by certified mail to the last known address of
5500 each owner of land within the proposed district whose property will be assessed for the cost of
5501 the improvement.

5502 (3) The address to be used for that purpose shall be that last appearing on the real
5503 property assessment rolls of the county in which the property is located.

5504 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so
5505 mailed addressed to the street number of each piece of improved property to be affected by the
5506 assessment.

5507 (5) Mailed notices and the published notice shall state where a copy of the resolution
5508 creating the district will be available for inspection by any interested parties.

5509 Section 86. Section **54-8-16** is amended to read:

5510 **54-8-16. Notice of assessment -- Publication.**

5511 (1) After the preparation of a resolution under Section 54-8-14, notice of a public
5512 hearing on the proposed assessments shall be given.

5513 (2) The notice described in Subsection (1) shall be:

5514 [~~(a) published:~~]

5515 [~~(i) one time in a newspaper in which the first notice of hearing was published at least
5516 20 days before the date fixed for the hearing; and]~~

5517 [(ii)] (a) published on the Utah Public Notice Website created in Section 63F-1-701,
5518 for at least 20 days before the date fixed for the hearing; and

5519 (b) mailed by certified mail not less than 15 days prior to the date fixed for such
5520 hearing to each owner of real property whose property will be assessed for part of the cost of
5521 the improvement at the last known address of such owner using for such purpose the names
5522 and addresses appearing on the last completed real property assessment rolls of the county
5523 wherein said affected property is located.

5524 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
5525 mailed addressed to the street number of each piece of improved property to be affected by
5526 such assessment.

5527 (4) Each notice shall state that at the specified time and place, the governing body will
5528 hold a public hearing upon the proposed assessments and shall state that any owner of any
5529 property to be assessed pursuant to the resolution will be heard on the question of whether his
5530 property will be benefited by the proposed improvement to the amount of the proposed
5531 assessment against his property and whether the amount assessed against his property
5532 constitutes more than his proper proportional share of the total cost of the improvement.

5533 (5) The notice shall further state where a copy of the resolution proposed to be adopted
5534 levying the assessments against all real property in the district will be on file for public
5535 inspection, and that subject to such changes and corrections therein as may be made by the
5536 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

5537 (6) A published notice shall describe the boundaries or area of the district with
5538 sufficient particularity to permit each owner of real property therein to ascertain that his
5539 property lies in the district.

5540 (7) The mailed notice may refer to the district by name and date of creation and shall
5541 state the amount of the assessment proposed to be levied against the real property of the person
5542 to whom the notice is mailed.

5543 Section 87. Section **54-8-23** is amended to read:

5544 **54-8-23. Objection to amount of assessment -- Civil action -- Litigation to**
5545 **question or attack proceedings or legality of bonds.**

5546 (1) No special assessment levied under this chapter shall be declared void, nor shall
5547 any such assessment or part thereof be set aside in consequence of any error or irregularity
5548 permitted or appearing in any of the proceedings under this chapter, but any party feeling
5549 aggrieved by any such special assessment or proceeding may bring a civil action to cause such
5550 grievance to be adjudicated if such action is commenced prior to the expiration of the period
5551 specified in this section.

5552 (2) The burden of proof to show that such special assessment or part thereof is invalid,
5553 inequitable or unjust shall rest upon the party who brings such suit.

5554 (3) Any such litigation shall not be regarded as an appeal within the meaning of the
5555 prohibition contained in Section [54-8-18](#).

5556 (4) Every person whose property is subject to such special assessment and who fails to
5557 appear during the public hearings on said assessments to raise his objection to such tax shall be
5558 deemed to have waived all objections to such levy except the objection that the governing body
5559 lacks jurisdiction to levy such tax.

5560 (5) For a period of 20 days after the governing body has adopted the enactment
5561 authorizing the assessment, any taxpayer in the district shall have the right to institute litigation
5562 for the purpose of questioning or attacking the proceedings pursuant to which the assessments
5563 have been authorized subject to the provisions of the preceding paragraph.

5564 (6) Whenever any enactment authorizing the issuance of any bonds pursuant to the
5565 improvement contemplated shall have been adopted such resolution shall be ~~[published;~~
5566 posted on the Utah Public Notice Website created in Section 63F-1-701.

5567 ~~[(a) once in a newspaper in which the original notice of hearing was published; and]~~
5568 ~~[(b) as required in Section 45-1-101.]~~

5569 (7) For a period of 20 days thereafter, any person whose property shall have been
5570 assessed and any taxpayer in the district shall have the right to institute litigation for the
5571 purpose of questioning or attacking the legality of such bonds.

5572 (8) After the expiration of such 20-day period, all proceedings theretofore had by the
5573 governing body, the bonds to be issued pursuant thereto, and the special assessments from
5574 which such bonds are to be paid, shall become incontestable, and no suit attacking or
5575 questioning the legality thereof may be instituted in this state, and no court shall have the
5576 authority to inquire into such matters.

5577 Section 88. Section **57-13a-104** is amended to read:

5578 **57-13a-104. Abandonment of prescriptive easement for water conveyance.**

5579 (1) A holder of a prescriptive easement for a water conveyance established under
5580 Section **57-13a-102** may, in accordance with this section, abandon all or part of the easement.

5581 (2) A holder of a prescriptive easement for a water conveyance established under
5582 Section **57-13a-102** who seeks to abandon the easement or part of the easement shall:

5583 (a) in each county where the easement or part of the easement is located~~[-(i)]~~, file in
5584 the office of the county recorder a notice of intent to abandon the prescriptive easement that
5585 describes the easement or part of the easement to be abandoned; ~~[and]~~

5586 ~~[(ii) publish the notice of intent to abandon the prescriptive easement once a week for~~
5587 ~~two consecutive weeks in:]~~

5588 ~~[(A) a local newspaper of general circulation that is published in the area generally~~
5589 ~~served by the water conveyance that utilizes the easement; or]~~

5590 ~~[(B) if a newspaper described in Subsection (2)(a)(ii)(A) does not exist, in a newspaper~~

5591 of general circulation in the county;]

5592 (b) post copies of the notice of intent to abandon the prescriptive easement in three
5593 public places located within the area generally served by the water conveyance that utilizes the
5594 easement;

5595 (c) mail a copy of the notice of intent to abandon the prescriptive easement to each
5596 municipal and county government where the easement or part of the easement is located;

5597 (d) [~~in accordance with Section 45-1-101, publish~~] post a copy of the notice of intent to
5598 abandon the prescriptive easement on the [~~public legal notice website described in Subsection~~
5599 ~~45-1-101(2)(b)~~] Utah Public Notice Website created in Section 63F-1-701; and

5600 (e) after meeting the requirements of Subsections (2)(a), (b), (c), and (d) and at least 45
5601 days after the last day on which the holder of the easement [~~publishes~~] posts the notice of intent
5602 to abandon the prescriptive easement in accordance with Subsection [~~(2)(a)(ii)~~] (2)(b), file in
5603 the office of the county recorder for each county where the easement or part of the easement is
5604 located a notice of abandonment that contains the same description required by Subsection
5605 (2)(a)(i).

5606 (3) (a) Upon completion of the requirements described in Subsection (2) by the holder
5607 of a prescriptive easement for a water conveyance established under Section 57-13a-102:

5608 (i) all interest to the easement or part of the easement abandoned by the holder of the
5609 easement is extinguished; and

5610 (ii) subject to each legal right that exists as described in Subsection (3)(b), the owner of
5611 a servient estate whose land was encumbered by the easement or part of the easement
5612 abandoned may reclaim the land area occupied by the former easement or part of the easement
5613 and resume full utilization of the land without liability to the former holder of the easement.

5614 (b) Abandonment of a prescriptive easement under this section does not affect a legal
5615 right to have water delivered or discharged through the water conveyance and easement
5616 established by a person other than the holder of the easement who abandons an easement as
5617 provided in this section.

5618 Section 89. Section **59-12-402** is amended to read:

5619 **59-12-402. Additional resort communities sales and use tax -- Base -- Rate --**
5620 **Collection fees -- Resolution and voter approval requirements -- Election requirements --**
5621 **Notice requirements -- Ordinance requirements -- Prohibition of military installation**
5622 **development authority imposition of tax.**

5623 (1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in
5624 which the transient room capacity as defined in Section **59-12-405** is greater than or equal to
5625 66% of the municipality's permanent census population may, in addition to the sales tax
5626 authorized under Section **59-12-401**, impose an additional resort communities sales tax in an
5627 amount that is less than or equal to .5% on the transactions described in Subsection
5628 **59-12-103**(1) located within the municipality.

5629 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not
5630 impose a tax under this section on:

5631 (i) the sale of:

5632 (A) a motor vehicle;

5633 (B) an aircraft;

5634 (C) a watercraft;

5635 (D) a modular home;

5636 (E) a manufactured home; or

5637 (F) a mobile home;

5638 (ii) the sales and uses described in Section **59-12-104** to the extent the sales and uses
5639 are exempt from taxation under Section **59-12-104**; and

5640 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and
5641 food ingredients.

5642 (c) For purposes of this Subsection (1), the location of a transaction shall be
5643 determined in accordance with Sections **59-12-211** through **59-12-215**.

5644 (d) A municipality imposing a tax under this section shall impose the tax on the

5645 purchase price or sales price for amounts paid or charged for food and food ingredients if the
5646 food and food ingredients are sold as part of a bundled transaction attributable to food and food
5647 ingredients and tangible personal property other than food and food ingredients.

5648 (2) (a) An amount equal to the total of any costs incurred by the state in connection
5649 with the implementation of Subsection (1) which exceed, in any year, the revenues received by
5650 the state from its collection fees received in connection with the implementation of Subsection
5651 (1) shall be paid over to the state General Fund by the cities and towns which impose the tax
5652 provided for in Subsection (1).

5653 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among
5654 those cities and towns according to the amount of revenue the respective cities and towns
5655 generate in that year through imposition of that tax.

5656 (3) To impose an additional resort communities sales tax under this section, the
5657 governing body of the municipality shall:

5658 (a) pass a resolution approving the tax; and

5659 (b) except as provided in Subsection (6), obtain voter approval for the tax as provided
5660 in Subsection (4).

5661 (4) To obtain voter approval for an additional resort communities sales tax under
5662 Subsection (3)(b), a municipality shall:

5663 (a) hold the additional resort communities sales tax election during:

5664 (i) a regular general election; or

5665 (ii) a municipal general election; and

5666 (b) ~~publish~~ post notice of the election:

5667 (i) 15 days or more before the day on which the election is held; and

5668 ~~[(ii) (A) in a newspaper of general circulation in the municipality; and]~~

5669 ~~[(B) as required in Section 45-1-101.]~~

5670 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

5671 (5) An ordinance approving an additional resort communities sales tax under this

5672 section shall provide an effective date for the tax as provided in Section 59-12-403.

5673 (6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the
5674 voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the
5675 municipality imposed a license fee or tax on businesses based on gross receipts pursuant to
5676 Section 10-1-203.

5677 (b) The exception from the voter approval requirements in Subsection (6)(a) does not
5678 apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only
5679 one class of businesses based on gross receipts pursuant to Section 10-1-203.

5680 (7) A military installation development authority authorized to impose a resort
5681 communities tax under Section 59-12-401 may not impose an additional resort communities
5682 sales tax under this section.

5683 Section 90. Section 59-12-2208 is amended to read:

5684 **59-12-2208. Legislative body approval requirements -- Voter approval**
5685 **requirements.**

5686 (1) Subject to the other provisions of this section, before imposing a sales and use tax
5687 under this part, a county, city, or town legislative body shall:

5688 (a) obtain approval to impose the sales and use tax from a majority of the members of
5689 the county, city, or town legislative body; and

5690 (b) submit an opinion question to the county's, city's, or town's registered voters voting
5691 on the imposition of the sales and use tax so that each registered voter has the opportunity to
5692 express the registered voter's opinion on whether a sales and use tax should be imposed under
5693 this section.

5694 (2) The opinion question required by this section shall state:

5695 "Shall (insert the name of the county, city, or town), Utah, be authorized to impose a
5696 (insert the tax rate of the sales and use tax) sales and use tax for (list the purposes for which the
5697 revenues collected from the sales and use tax shall be expended)?"

5698 (3) (a) Subject to Subsection (3)(b), the election required by this section shall be held:

5699 (i) at a regular general election conducted in accordance with the procedures and
5700 requirements of Title 20A, Election Code, governing regular general elections; or

5701 (ii) at a municipal general election conducted in accordance with the procedures and
5702 requirements of Section [20A-1-202](#).

5703 (b) (i) Subject to Subsection (3)(b)(ii), the county clerk of the county in which the
5704 opinion question required by this section will be submitted to registered voters shall, no later
5705 than 15 days before the date of the election:

5706 [~~(A) publish a notice;~~]

5707 [~~(F) once in a newspaper published in that county; and]~~

5708 [~~(H) as required in Section [45-1-101](#); or]~~

5709 (A) post a notice on the Utah Public Notice Website created in Section [63F-1-701](#); or

5710 (B) (I) cause a copy of the notice to be posted in a conspicuous place most likely to
5711 give notice of the election to the registered voters voting on the imposition of the sales and use
5712 tax; and

5713 (II) prepare an affidavit of that posting, showing a copy of the notice and the places
5714 where the notice was posted.

5715 (ii) The notice under Subsection (3)(b)(i) shall:

5716 (A) state that an opinion question will be submitted to the county's, city's, or town's
5717 registered voters voting on the imposition of a sales and use tax under this section so that each
5718 registered voter has the opportunity to express the registered voter's opinion on whether a sales
5719 and use tax should be imposed under this section; and

5720 (B) list the purposes for which the revenues collected from the sales and use tax shall
5721 be expended.

5722 (4) A county, city, or town that submits an opinion question to registered voters under
5723 this section is subject to Section [20A-11-1203](#).

5724 (5) Subject to Section [59-12-2209](#), if a county, city, or town legislative body
5725 determines that a majority of the county's, city's, or town's registered voters voting on the

5726 imposition of a sales and use tax under this part have voted in favor of the imposition of the
5727 sales and use tax in accordance with this section, the county, city, or town legislative body shall
5728 impose the sales and use tax.

5729 (6) If, after imposing a sales and use tax under this part, a county, city, or town
5730 legislative body seeks to impose a tax rate for the sales and use tax that exceeds or is less than
5731 the tax rate stated in the opinion question described in Subsection (2) or repeals the tax rate
5732 stated in the opinion question described in Subsection (2), the county, city, or town legislative
5733 body shall:

5734 (a) obtain approval from a majority of the members of the county, city, or town
5735 legislative body to impose a tax rate for the sales and use tax that exceeds or is less than the tax
5736 rate stated in the opinion question described in Subsection (2) or repeals the tax rate stated in
5737 the opinion question described in Subsection (2); and

5738 (b) in accordance with the procedures and requirements of this section, submit an
5739 opinion question to the county's, city's, or town's registered voters voting on the tax rate so that
5740 each registered voter has the opportunity to express the registered voter's opinion on whether to
5741 impose a tax rate for the sales and use tax that exceeds or is less than the tax rate stated in the
5742 opinion question described in Subsection (2) or repeal the tax rate stated in the opinion
5743 question described in Subsection (2).

5744 Section 91. Section **62A-5-202.5** is amended to read:

5745 **62A-5-202.5. Utah State Developmental Center Board -- Creation -- Membership**
5746 **-- Duties -- Powers.**

5747 (1) There is created the Utah State Developmental Center Board within the Department
5748 of Human Services.

5749 (2) The board is composed of nine members as follows:

5750 (a) the director of the division or the director's designee;

5751 (b) the superintendent of the developmental center or the superintendent's designee;

5752 (c) the executive director of the Department of Human Services or the executive

5753 director's designee;

5754 (d) a resident of the developmental center selected by the superintendent; and

5755 (e) five members appointed by the governor with the advice and consent of the Senate

5756 as follows:

5757 (i) three members of the general public; and

5758 (ii) two members who are parents or guardians of individuals who receive services at
5759 the developmental center.

5760 (3) In making appointments to the board, the governor shall ensure that:

5761 (a) no more than three members have immediate family residing at the developmental
5762 center; and

5763 (b) members represent a variety of geographic areas and economic interests of the state.

5764 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a
5765 term of four years.

5766 (b) An appointed member may not serve more than two full consecutive terms unless
5767 the governor determines that an additional term is in the best interest of the state.

5768 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,
5769 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
5770 of appointed members are staggered so that approximately half of the appointed members are
5771 appointed every two years.

5772 (d) Appointed members shall continue in office until the expiration of their terms and
5773 until their successors are appointed, which may not exceed 120 days after the formal expiration
5774 of a term.

5775 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
5776 appointed for the unexpired term.

5777 (5) (a) The director shall serve as the chair.

5778 (b) The board shall appoint a member to serve as vice chair.

5779 (c) The board shall hold meetings quarterly or as needed.

5780 (d) Five members are necessary to constitute a quorum at any meeting, and, if a
5781 quorum exists, the action of the majority of members present shall be the action of the board.

5782 (e) The chair shall be a non-voting member except that the chair may vote to break a tie
5783 vote between the voting members.

5784 (6) An appointed member may not receive compensation or benefits for the member's
5785 service, but, at the executive director's discretion, may receive per diem and travel expenses in
5786 accordance with:

5787 (a) Section 63A-3-106;

5788 (b) Section 63A-3-107; and

5789 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
5790 63A-3-107.

5791 (7) (a) The board shall adopt bylaws governing the board's activities.

5792 (b) Bylaws shall include procedures for removal of a member who is unable or
5793 unwilling to fulfill the requirements of the member's appointment.

5794 (8) The board shall:

5795 (a) act for the benefit of the developmental center and the division;

5796 (b) advise and assist the division with the division's functions, operations, and duties
5797 related to the developmental center, described in Sections 62A-5-102, 62A-5-103, 62A-5-201,
5798 62A-5-203, and 62A-5-206;

5799 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as
5800 described in Section 62A-5-206.5;

5801 (d) administer the Utah State Developmental Center Land Fund, as described in
5802 Section 62A-5-206.6;

5803 (e) approve the sale, lease, or other disposition of real property or water rights
5804 associated with the developmental center, as described in Subsection 62A-5-206.6(2); and

5805 (f) within 21 days after the day on which the board receives the notice required under
5806 Subsection 10-2-419(3)(~~d~~)(c), provide a written opinion regarding the proposed boundary

5807 adjustment to:

5808 (i) the director of the Division of Facilities and Construction Management; and

5809 (ii) the Legislative Management Committee.

5810 Section 92. Section **63A-5b-305** is amended to read:

5811 **63A-5b-305. Duties and authority of director.**

5812 (1) The director shall:

5813 (a) administer the division's duties and responsibilities;

5814 (b) report all property acquired by the state, except property acquired by an institution
5815 of higher education or the trust lands administration, to the director of the Division of Finance
5816 for inclusion in the state's financial records;

5817 (c) after receiving the notice required under Subsection 10-2-419(3)~~(d)~~(c), file a
5818 written protest at or before the public hearing under Subsection 10-2-419(2)(b), if:

5819 (i) it is in the best interest of the state to protest the boundary adjustment; or

5820 (ii) the Legislature instructs the director to protest the boundary adjustment; and

5821 (d) take all other action that the director is required to take under this chapter or other
5822 applicable statute.

5823 (2) The director may:

5824 (a) create forms and make policies necessary for the division or director to perform the
5825 division or director's duties;

5826 (b) (i) hire or otherwise procure assistance and service, professional, skilled, or
5827 otherwise, necessary to carry out the director's duties under this chapter; and

5828 (ii) expend funds provided for the purpose described in Subsection (2)(b)(i) through
5829 annual operation budget appropriations or from other nonlapsing project funds;

5830 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5831 make rules necessary for the division or director to perform the division or director's duties;

5832 and

5833 (d) take all other action necessary for carrying out the purposes of this chapter.

5834 Section 93. Section **63F-1-701** is amended to read:

5835 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

5836 (1) As used in this part:

5837 (a) "Division" means the Division of Archives and Records Service of the Department
5838 of Administrative Services.

5839 (b) "Executive board" means the same as that term is defined in Section [67-1-2.5](#).

5840 (c) "Public body" means the same as that term is defined in Section [52-4-103](#).

5841 (d) "Public information" means a public body's public notices, minutes, audio
5842 recordings, and other materials that are required to be posted to the website under Title 52,
5843 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

5844 (e) "Website" means the Utah Public Notice Website created under this section.

5845 (2) There is created the Utah Public Notice Website to be administered by the Division
5846 of Archives and Records Service.

5847 (3) The website shall consist of an Internet website provided to assist the public to find
5848 posted public information.

5849 (4) The division, with the technical assistance of the Department of Technology
5850 Services, shall create the website that shall:

5851 (a) allow a public body, or other certified entity, to easily post any public information,
5852 including the contact information required under Subsections [17B-1-303\(9\)](#) and
5853 [17D-1-106\(1\)\(b\)\(ii\)](#);

5854 (b) allow the public to easily search the public information by:

5855 (i) public body name;

5856 (ii) date of posting of the notice;

5857 (iii) date of any meeting or deadline included as part of the public information; and

5858 (iv) any other criteria approved by the division;

5859 (c) allow the public to easily search and view past, archived public information;

5860 (d) allow an individual to subscribe to receive updates and notices associated with a

5861 public body or a particular type of public information;

5862 (e) be easily accessible by the public from the State of Utah home page;

5863 (f) have a unique and simplified website address;

5864 (g) be directly accessible via a link from the main page of the official state website;

5865 [~~and~~]

5866 (h) allow a newspaper to request and automatically receive a transmission of a posting
5867 to the website as the posting occurs; and

5868 [~~h~~] (i) include other links, features, or functionality that will assist the public in
5869 obtaining and reviewing public information posted on the website, as may be approved by the
5870 division.

5871 (5) (a) Subject to Subsection (5)(b), the division and the governor's office shall
5872 coordinate to ensure that the website, the database described in Section 67-1-2.5, and the
5873 website described in Section 67-1-2.5 automatically share appropriate information in order to
5874 ensure that:

5875 (i) an individual who subscribes to receive information under Subsection (4)(d) for an
5876 executive board automatically receives notifications of vacancies on the executive board that
5877 will be publicly filled, including a link to information regarding how an individual may apply
5878 to fill the vacancy; and

5879 (ii) an individual who accesses an executive board's information on the website has
5880 access to the following through the website:

5881 (A) the executive board's information in the database, except an individual's physical
5882 address, e-mail address, or phone number; and

5883 (B) the portal described in Section 67-1-2.5 through which an individual may provide
5884 input on an appointee to, or member of, the executive board.

5885 (b) The division and the governor's office shall comply with Subsection (5)(a) as soon
5886 as reasonably possible within existing funds appropriated to the division and the governor's
5887 office.

- 5888 (6) Before August 1 of each year, the division shall:
- 5889 (a) identify each executive board that is a public body that did not submit to the
- 5890 website a notice of a public meeting during the previous fiscal year; and
- 5891 (b) report the name of each identified executive board to the governor's boards and
- 5892 commissions administrator.
- 5893 (7) The division is responsible for:
- 5894 (a) establishing and maintaining the website, including the provision of equipment,
- 5895 resources, and personnel as is necessary;
- 5896 (b) providing a mechanism for public bodies or other certified entities to have access to
- 5897 the website for the purpose of posting and modifying public information; and
- 5898 (c) maintaining an archive of all public information posted to the website.
- 5899 (8) A public body is responsible for the content the public body is required to post to
- 5900 the website and the timing of posting of that information.
- 5901 Section 94. Section **63G-6a-112** is amended to read:
- 5902 **63G-6a-112. Required public notice.**
- 5903 (1) A procurement unit that issues a solicitation shall [~~publish~~] post notice of the
- 5904 solicitation:
- 5905 (a) at least seven days before the day of the deadline for submission of a solicitation
- 5906 response; and
- 5907 [~~(b) (i) in a newspaper of general circulation in the state;~~]
- 5908 [~~(ii) in a newspaper of local circulation in the area;~~]
- 5909 [~~(A) directly impacted by the procurement; or~~]
- 5910 [~~(B) over which the procurement unit has jurisdiction;~~]
- 5911 [~~(iii)~~] (b) (i) on the main website for the procurement unit; or
- 5912 [~~(iv)~~] (ii) on a state website that is owned, managed by, or provided under contract
- 5913 with, the division for posting a public procurement notice.
- 5914 (2) A procurement unit may reduce the seven-day period described in Subsection (1), if

5915 the procurement unit's procurement official signs a written statement that:

5916 (a) states that a shorter time is needed; and

5917 (b) determines that competition from multiple sources may be obtained within the
5918 shorter period of time.

5919 (3) (a) It is the responsibility of a person seeking information provided by a notice
5920 published under this section to seek out, find, and respond to the notice.

5921 (b) As a courtesy and in order to promote competition, a procurement unit may
5922 provide, but is not required to provide, individual notice.

5923 Section 95. Section **72-5-105** is amended to read:

5924 **72-5-105. Highways, streets, or roads once established continue until abandoned**
5925 **-- Temporary closure.**

5926 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads
5927 once established shall continue to be highways, streets, or roads until formally abandoned or
5928 vacated by written order, resolution, or ordinance resolution of a highway authority having
5929 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has
5930 been duly recorded in the office of the recorder of the county or counties where the highway,
5931 street, or road is located.

5932 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
5933 proper authority with the county recorder's office, title to the vacated or abandoned highway,
5934 street, or road shall vest to the adjoining record owners, with one-half of the width of the
5935 highway, street, or road assessed to each of the adjoining owners.

5936 (b) Provided, however, that should a description of an owner of record extend into the
5937 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
5938 highway, street, or road shall vest in the record owner, with the remainder of the highway,
5939 street, or road vested as otherwise provided in this Subsection (2).

5940 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
5941 traffic under Subsection (3) or (7) remains vested in the city.

5942 (3) (a) In accordance with this section, a state or local highway authority may
5943 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,
5944 C, or D road or R.S. 2477 right-of-way.

5945 (b) (i) A temporary closure authorized under this section is not an abandonment.

5946 (ii) The erection of a barrier or sign on a highway, street, or road once established is
5947 not an abandonment.

5948 (iii) An interruption of the public's continuous use of a highway, street, or road once
5949 established is not an abandonment even if the interruption is allowed to continue unabated.

5950 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
5951 following circumstances:

5952 (i) when a federal authority, or other person, provides an alternate route to an R.S.
5953 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

5954 (A) accepted by the highway authority; and

5955 (B) formalized by a federal permit or a written agreement between the federal authority
5956 or other person and the highway authority;

5957 (ii) when a state or local highway authority determines that correction or mitigation of
5958 injury to private or public land resources is necessary on or near a class B or D road or portion
5959 of a class B or D road; or

5960 (iii) when a local highway authority makes a finding that temporary closure of all or
5961 part of a class C road is necessary to mitigate unsafe conditions.

5962 (d) (i) If a local highway authority temporarily closes all or part of a class C road under
5963 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to
5964 another public use or purpose related to the mitigation of the unsafe condition.

5965 (ii) If a local highway authority temporarily closes all or part of a class C road under
5966 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement
5967 between the local highway authority and another entity, the local highway authority may not
5968 reopen the closed portion of the road until the lease agreement terminates.

5969 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
5970 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
5971 reason.

5972 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

5973 (i) be authorized annually; and

5974 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
5975 whichever is less.

5976 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway
5977 authority shall pass an ordinance to temporarily or indefinitely close the road.

5978 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),
5979 a highway authority shall:

5980 (a) hold a hearing on the proposed temporary or indefinite closure;

5981 (b) provide notice of the hearing by mailing a notice to the Department of
5982 Transportation and all owners of property abutting the highway; and

5983 (c) except for a closure under Subsection (3)(c)(iii)[?], post the notice:

5984 [~~(i) publishing the notice:~~]

5985 [~~(A) in a newspaper of general circulation in the county at least once a week for four
5986 consecutive weeks before the hearing; and]~~

5987 [~~(B)~~] (i) on the Utah Public Notice Website created in Section [63F-1-701](#), for four
5988 weeks before the hearing; or

5989 (ii) [~~posting the notice~~] in three public places for at least four consecutive weeks before
5990 the hearing.

5991 (6) The right-of-way and easements, if any, of a property owner and the franchise rights
5992 of any public utility may not be impaired by a temporary or indefinite closure authorized under
5993 this section.

5994 (7) (a) A local highway authority may close to vehicular travel and convert to another
5995 public use or purpose a highway, road, or street over which the local highway authority has

5996 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding
5997 that:

- 5998 (i) the closed highway, road, or street is not necessary for vehicular travel;
- 5999 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury
6000 to private or public land resources on or near the highway, road, or street; or
- 6001 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
6002 conditions.

6003 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
6004 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease
6005 agreement between the local highway authority and another entity, the local highway authority
6006 may not reopen the closed portion of the road until the lease agreement terminates.

6007 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

6008 Section 96. Section **72-6-108** is amended to read:

6009 **72-6-108. Class B and C roads -- Improvement projects -- Contracts -- Retainage.**

6010 (1) A county executive for class B roads and the municipal executive for class C roads
6011 shall cause plans, specifications, and estimates to be made prior to the construction of any
6012 improvement project, as defined in Section [72-6-109](#), on a class B or C road if the estimated
6013 cost for any one project exceeds the bid limit as defined in Section [72-6-109](#) for labor,
6014 equipment, and materials.

6015 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let
6016 to the lowest responsible bidder.

6017 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,
6018 equipment, and materials, the project may not be divided to permit the construction in parts,
6019 unless each part is done by contract.

6020 (3) ~~(a)~~ The advertisement on bids shall be ~~[published]~~ posted:

6021 ~~[(i) in a newspaper of general circulation in the county in which the work is to be~~
6022 ~~performed at least once a week for three consecutive weeks; and]~~

6023 [~~(ii) in accordance with Section 45-1-101 for three weeks.]~~

6024 (a) on the Utah Public Notice Website, created in Section 63F-1-701, for three weeks;

6025 and

6026 (b) [~~If there is no newspaper of general circulation as described in Subsection (3)(a)(i);~~
6027 ~~the notice shall be posted]~~ for at least 20 days in at least five public places in the county.

6028 (4) The county or municipal executive or their designee shall receive sealed bids and
6029 open the bids at the time and place designated in the advertisement. The county or municipal
6030 executive or their designee may then award the contract but may reject any and all bids.

6031 (5) The person, firm, or corporation that is awarded a contract under this section is
6032 subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

6033 (6) If any payment on a contract with a private contractor for construction or
6034 improvement of a class B or C road is retained or withheld, the payment shall be retained or
6035 withheld and released as provided in Section 13-8-5.

6036 Section 97. Section 76-8-809 is amended to read:

6037 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**
6038 **-- Posting of notices.**

6039 Any individual, partnership, association, corporation, municipal corporation or state or
6040 any political subdivision thereof engaged in or preparing to engage in the manufacture,
6041 transportation or storage of any product to be used in the preparation of the United States or
6042 any of the states for defense or for war or in the prosecution of war by the United States, or in
6043 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or
6044 any of said natural or artificial persons operating any public utility who has property so used
6045 which he or it believes will be endangered if public use and travel is not restricted or prohibited
6046 on one or more highways or parts thereof upon which the property abuts, may petition the
6047 highway commissioners of any city, town, or county to close one or more of the highways or
6048 parts thereof to public use and travel or to restrict by order the use and travel upon one or more
6049 of the highways or parts thereof.

6050 Upon receipt of the petition, the highway commissioners shall set a day for hearing and
6051 give notice [~~thereof by publication in a newspaper having general circulation in the city, town,~~
6052 ~~or county in which the property is located and as required in Section 45-1-101, the publication~~
6053 ~~shall be made]~~ of the hearing by posting a notice on the Utah Public Notice Website, created in
6054 Section 63F-1-701, at least seven days prior to the date set for hearing. If, after hearing, the
6055 highway commissioners determine that the public safety and the safety of the property of the
6056 petitioner so require, they shall by suitable order close to public use and travel or reasonably
6057 restrict the use of and travel upon one or more of the highways or parts thereof; provided the
6058 highway commissioners may issue written permits to travel over the highway so closed or
6059 restricted to responsible and reputable persons for a term, under conditions and in a form as the
6060 commissioners may prescribe. Appropriate notices in letters at least three inches high shall be
6061 posted conspicuously at each end of any highway so closed or restricted by an order. The
6062 highway commissioners may at any time revoke or modify any order so made.

6063 Section 98. Section **78A-7-202** is amended to read:

6064 **78A-7-202. Justice court judges to be appointed -- Procedure.**

6065 (1) As used in this section:

6066 (a) "Local government executive" means:

6067 (i) for a county:

6068 (A) the chair of the county commission in a county operating under the county
6069 commission or expanded county commission form of county government;

6070 (B) the county executive in a county operating under the county executive-council form
6071 of county government; and

6072 (C) the county manager in a county operating under the council-manager form of
6073 county government;

6074 (ii) for a city or town:

6075 (A) the mayor of the city or town; or

6076 (B) the city manager, in the council-manager form of government described in

6077 Subsection 10-3b-103(7); and
6078 (iii) for a metro township, the chair of the metro township council.
6079 (b) "Local legislative body" means:
6080 (i) for a county, the county commission or county council; and
6081 (ii) for a city or town, the council of the city or town.
6082 (2) There is created in each county a county justice court nominating commission to
6083 review applicants and make recommendations to the appointing authority for a justice court
6084 position. The commission shall be convened when a new justice court judge position is created
6085 or when a vacancy in an existing court occurs for a justice court located within the county.
6086 (a) Membership of the justice court nominating commission shall be as follows:
6087 (i) one member appointed by:
6088 (A) the county commission if the county has a county commission form of
6089 government; or
6090 (B) the county executive if the county has an executive-council form of government;
6091 (ii) one member appointed by the municipalities in the counties as follows:
6092 (A) if the county has only one municipality, appointment shall be made by the
6093 governing authority of that municipality; or
6094 (B) if the county has more than one municipality, appointment shall be made by a
6095 municipal selection committee composed of the mayors of each municipality and the chairs of
6096 each metro township in the county;
6097 (iii) one member appointed by the county bar association; and
6098 (iv) two members appointed by the governing authority of the jurisdiction where the
6099 judicial office is located.
6100 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be
6101 appointed by the regional bar association. If no regional bar association exists, the state bar
6102 association shall make the appointment.
6103 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing

6104 authority or an elected official of a county or municipality.

6105 (d) The nominating commission shall submit at least three names to the appointing
6106 authority of the jurisdiction expected to be served by the judge. The local government
6107 executive shall appoint a judge from the list submitted and the appointment ratified by the local
6108 legislative body.

6109 (e) The state court administrator shall provide staff to the commission. The Judicial
6110 Council shall establish rules and procedures for the conduct of the commission.

6111 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through
6112 the Utah State Bar, on the Utah Public Notice Website, created in Section [63F-1-701](#), and
6113 through other appropriate means.

6114 (4) Selection of candidates shall be based on compliance with the requirements for
6115 office and competence to serve as a judge.

6116 (5) Once selected, every prospective justice court judge shall attend an orientation
6117 seminar conducted under the direction of the Judicial Council. Upon completion of the
6118 orientation program, the Judicial Council shall certify the justice court judge as qualified to
6119 hold office.

6120 (6) The selection of a person to fill the office of justice court judge is effective upon
6121 certification of the judge by the Judicial Council. A justice court judge may not perform
6122 judicial duties until certified by the Judicial Council.