

**COUNTY GOVERNANCE AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies provisions related to a county's fiscal procedures.

**Highlighted Provisions:**

This bill:

- ▶ defines terms, including the term "finance officer";
- ▶ modifies the duties of a county auditor, a county finance officer, and a county legislative body related to the provision of accounting services in a county;
- ▶ modifies the authority of a county legislative body and a county executive to receive financial information related to a county; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

- 10-3c-203**, as last amended by Laws of Utah 2019, Chapter 24
- 17-19a-101**, as enacted by Laws of Utah 2012, Chapter 17
- 17-19a-102**, as enacted by Laws of Utah 2012, Chapter 17
- 17-19a-205**, as enacted by Laws of Utah 2012, Chapter 17



28 17-36-3, as last amended by Laws of Utah 2014, Chapters 176, 189, 253 and last  
29 amended by Coordination Clause, Laws of Utah 2014, Chapter 253

30 17-36-4, as last amended by Laws of Utah 2019, Chapter 136

31 17-36-8, as last amended by Laws of Utah 2014, Chapter 176

32 17-36-10, as last amended by Laws of Utah 2012, Chapter 17

33 17-36-11, as last amended by Laws of Utah 2012, Chapter 17

34 17-36-15, as last amended by Laws of Utah 2012, Chapter 17

35 17-36-20, as last amended by Laws of Utah 2012, Chapter 17

36 17-36-22, as last amended by Laws of Utah 2009, Chapter 186

37 17-36-23, as enacted by Laws of Utah 1975, Chapter 22

38 17-36-32, as last amended by Laws of Utah 2012, Chapter 17

39 17-36-36, as last amended by Laws of Utah 2014, Chapter 176

40 17-36-37, as last amended by Laws of Utah 2014, Chapter 176

41 17-53-212, as last amended by Laws of Utah 2012, Chapter 17

42 17-53-303, as last amended by Laws of Utah 2012, Chapter 17

43 20A-7-101, as last amended by Laws of Utah 2021, Chapter 80

44 REPEALS:

45 17-19a-203, as last amended by Laws of Utah 2018, Chapter 68



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

48 Section 1. Section 10-3c-203 is amended to read:

49 **10-3c-203. Administrative and operational services -- Staff provided by county or**  
50 **municipal services district -- Recording of open meetings.**

51 (1) (a) This section applies only to a metro township in which:

52 (i) the electors at an election under Section 10-2a-404 chose a metro township that is  
53 included in a municipal services district and has limited municipal powers; or

54 (ii) the metro township is subsequently annexed into a municipal services district.

55 (b) This section does not apply to a metro township described in Subsection (7)(a) if  
56 the municipal services district is dissolved.

57 (2) (a) Any of the following officials elected or appointed, or persons employed by, the  
58 county in which a metro township is located may, for the purposes of interpreting and

59 complying with applicable law, fulfill the responsibilities and hold the following metro  
60 township offices or positions if the county official and the metro township agree:

61 (i) the county treasurer may fulfill the duties and hold the powers of treasurer for the  
62 metro township;

63 (ii) the county clerk may fulfill the duties and hold the powers of recorder and clerk for  
64 the metro township;

65 (iii) the county surveyor may fulfill, on behalf of the metro township, all surveyor  
66 duties imposed by law;

67 (iv) the county engineer may fulfill the duties and hold the powers of engineer for the  
68 metro township; and

69 (v) subject to Subsection (2)(b), the county auditor may fulfill the duties and hold the  
70 powers of auditor for the metro township.

71 (b) (i) The county auditor may fulfill the duties and hold the powers of auditor for the  
72 metro township to the extent that the county auditor's powers and duties are described in and  
73 delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and  
74 a municipal auditor's powers and duties described in this title are the same.

75 (ii) Notwithstanding Subsection (2)(b), in a metro township, services described in  
76 Sections [~~17-19a-203~~], 17-19a-204[,] and 17-19a-205, and services other than those described  
77 in Subsection (2)(b)(i) that are provided by a municipal auditor in accordance with this title that  
78 are required by law, may be performed by county staff other than the county auditor.

79 (3) (a) Nothing in Subsection (2) may be construed to relieve an official described in  
80 Subsections (2)(a)(i) through (v) of a duty to either the county or, if the official and the metro  
81 township agree as provided in Subsection (2)(a), the metro township or a duty to fulfill that  
82 official's position as required by law.

83 (b) Notwithstanding Subsection (3)(a), an official or the official's deputy or other  
84 person described in Subsections (2)(a)(i) through (v):

85 (i) is elected, appointed, or otherwise employed, in accordance with the provisions of  
86 Title 17, Counties, as applicable to that official's or person's county office;

87 (ii) is paid a salary and benefits and subject to employment discipline in accordance  
88 with the provisions of Title 17, Counties, as applicable to that official's or person's county  
89 office;

90 (iii) is not subject to:

91 (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

92 (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

93 (iv) is not required to provide a bond for the applicable municipal office if a bond for  
94 the office is required by this title.

95 (4) The district attorney of the county in which a metro township is located may  
96 provide legal counsel to the metro township if the county and the metro township agree.

97 (5) The metro township may establish a planning commission in accordance with  
98 Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701.

99 (6) A municipal services district established in accordance with Title 17B, Chapter 2a,  
100 Part 11, Municipal Services District Act, and of which the metro township is a part, may  
101 provide staff to the metro township planning commission and appeal authority.

102 (7) Notwithstanding Title 52, Chapter 4, Open and Public Meetings Act, and Section  
103 10-6-137, if the county clerk and the metro township agree to the county clerk providing  
104 recorder and clerk services to the metro township as provided in Subsection  
105 10-3c-203(1)(a)(ii):

106 (a) the county clerk may choose to not attend an open meeting of the metro township  
107 council; and

108 (b) if the county clerk does not attend an open meeting of the metro township council,  
109 the county clerk shall ensure that the chair of the metro township council or a designee of the  
110 county clerk, in accordance with Section 52-4-203, makes a recording of the meeting and  
111 prepares written minutes of the meeting.

112 Section 2. Section 17-19a-101 is amended to read:

113 **17-19a-101. Title and scope.**

114 (1) This chapter is known as "County Auditor."

115 [~~(2) (a) This chapter applies to a county of the first class.~~]

116 [~~(b) (i) On or before December 31, 2014, a county of the second, third, fourth, fifth, or  
117 sixth class is not subject to the provisions of this chapter; and]~~

118 [~~(ii) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth  
119 class is subject to the provisions of this chapter.~~]

120 (2) This chapter applies to each county in the state.

121 Section 3. Section 17-19a-102 is amended to read:

122 **17-19a-102. Definitions.**

123 As used in this chapter:

124 (1) "Account" or "accounting" means:

125 (a) the systematic recording, classification, or summarizing of a financial transaction or  
126 event; and

127 (b) the interpretation or presentation of the result of an action described in Subsection  
128 (1)(a).

129 (2) "Audit" or "auditing" means an examination that is a formal analysis of a county  
130 account or county financial record:

131 (a) to verify accuracy, completeness, or compliance with an internal control;

132 (b) to give a fair presentation of a county's financial status; and

133 (c) that conforms to the uniform classification of accounts established by the state  
134 auditor.

135 (3) "Book" means a financial record of the county, regardless of a record's format.

136 (4) (a) "Budget" or "budgeting" means ~~[a process or activity conducted by the budget~~  
137 ~~officer related to]~~ the preparation or presentation of a proposed or tentative budget as provided  
138 in Chapter 36, Uniform Fiscal Procedures Act for Counties.

139 (b) "Budget" or "budgeting" includes:

140 (i) a revenue projection;

141 (ii) a budget request compilation; or

142 (iii) the performance of an activity described in Subsection (4)(b)(i) or (ii).

143 ~~[(5) "Budget officer" means a person described in Section 17-19a-203.]~~

144 ~~[(6)]~~ (5) (a) "Claim" means under the color of law:

145 (i) a demand presented for money or damages; or

146 (ii) a cause of action presented for money or damages.

147 (b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill,  
148 purchase, or payroll.

149 ~~[(7)]~~ (6) "Performance audit" means a review and audit as described in Subsection  
150 17-19a-206(3) of a county program, county operation, county management system, or county  
151 agency to:

- 152 (a) review procedures, activities, or policies; and
- 153 (b) determine whether the county is achieving the best levels of economy, efficiency,
- 154 effectiveness, and compliance.

155 Section 4. Section 17-19a-205 is amended to read:

156 **17-19a-205. Accounting services.**

157 (1) Except as provided in Subsection (2), the county auditor shall provide accounting  
158 services for the county as established by ordinance.

159 (2) ~~[The]~~ For a county operating under the county executive-council form of  
160 government as described in Section 17-52a-203, a county legislative body may, by ordinance,  
161 delegate ~~[an accounting service]~~ accounting services provided for or executed on behalf of the  
162 entire county:

- 163 (a) to the county executive; or
- 164 (b) to an office's or department's officer or director.

165 (3) If a county legislative body delegates ~~[an accounting service]~~ the provision of  
166 accounting services in accordance with Subsection (2)~~[, the legislative body shall make the~~  
167 ~~delegation]~~:

168 (a) the legislative body shall make the delegation in accordance with good management  
169 practice to foster effectiveness, efficiency, and the adequate protection of a county asset; ~~[and]~~

170 (b) the legislative body shall make the delegation by considering appropriate checks  
171 and balances within county government~~[-]; and~~

172 (c) the entity that is selected to provide accounting services shall prepare the tentative  
173 budget as provided in Chapter 36, Uniform Fiscal Procedures Act for Counties.

174 Section 5. Section 17-36-3 is amended to read:

175 **17-36-3. Definitions.**

176 As used in this chapter:

177 (1) "Accrual basis of accounting" means a method where revenues are recorded when  
178 earned and expenditures recorded when they become liabilities notwithstanding that the receipt  
179 of the revenue or payment of the expenditure may take place in another accounting period.

180 (2) "Appropriation" means an allocation of money for a specific purpose.

181 (3) (a) "Budget" means a plan for financial operations for a fiscal period, embodying  
182 estimates for proposed expenditures for given purposes and the means of financing the

183 expenditures.

184 (b) "Budget" may refer to the budget of a fund for which a budget is required by law, or  
185 collectively to the budgets for all those funds.

186 (4) "Budgetary fund" means a fund for which a budget is required, such as those  
187 described in Section [17-36-8](#).

188 [~~(5)~~ "Budget officer" means a person described in Section [17-19a-203](#).]

189 [~~(6)~~ (5) "Budget period" means the fiscal period for which a budget is prepared.

190 [~~(7)~~ (6) "Check" means an order in a specific amount drawn upon the depository by  
191 any authorized officer in accordance with Section [17-19a-301](#), or [17-24-1](#).

192 [~~(8)~~ (7) "County general fund" means the general fund used by a county.

193 [~~(9)~~ (8) "Countywide service" means a service provided in both incorporated and  
194 unincorporated areas of a county.

195 [~~(10)~~ (9) "Current period" means the fiscal period in which a budget is prepared and  
196 adopted.

197 [~~(11)~~ (10) "Department" means any functional unit within a fund which carries on a  
198 specific activity.

199 [~~(12)~~ (11) "Encumbrance system" means a method of budgetary control where part of  
200 an appropriation is reserved to cover a specific expenditure by charging obligations, such as  
201 purchase orders, contracts, or salary commitments to an appropriation account. An expenditure  
202 ceases to be an encumbrance when paid or when the actual liability is entered in the books of  
203 account.

204 [~~(13)~~ (12) "Estimated revenue" means any revenue estimated to be received during the  
205 budget period in any fund for which a budget is prepared.

206 (13) "Finance officer" means the county auditor or the person selected to provide  
207 accounting services for the county in accordance with Section [17-19a-205](#).

208 (14) "Fiscal period" means the annual or biennial period for recording county fiscal  
209 operations.

210 (15) "Fund" means an independent fiscal and accounting entity comprised of a sum of  
211 money or other resources segregated for a specific purpose or objective.

212 (16) "Fund balance" means the excess of the assets over liabilities, reserves, and  
213 contributions, as reflected by its books of account.

214 (17) "Fund deficit" means the excess of liabilities, reserves, and contributions over its  
215 assets, as reflected by its books of account.

216 (18) "General fund" is as defined by the Governmental Accounting Standards Board as  
217 reflected in the Uniform Accounting Manual for All Local Governments prepared by the Office  
218 of the Utah State Auditor.

219 (19) "Interfund loan" means a loan of cash from one fund to another, subject to future  
220 repayment.

221 (20) "Last completed fiscal period" means the fiscal period next preceding the current  
222 period.

223 (21) "Modified accrual basis of accounting" means a method under which expenditures  
224 other than accrued interest on general long-term debt are recorded at the time liabilities are  
225 incurred and revenues are recorded when they become measurable and available to finance  
226 expenditures of the current period.

227 (22) "Municipal capital project" means the acquisition, construction, or improvement  
228 of capital assets that facilitate providing municipal service.

229 (23) "Municipal service" means a service not provided on a countywide basis and not  
230 accounted for in an enterprise fund, and includes police patrol, fire protection, culinary or  
231 irrigation water retail service, water conservation, local parks, sewers, sewage treatment and  
232 disposal, cemeteries, garbage and refuse collection, street lighting, airports, planning and  
233 zoning, local streets and roads, curb, gutter, and sidewalk maintenance, and ambulance service.

234 (24) "Retained earnings" means that part of the net earnings retained by an enterprise  
235 or internal service fund which is not segregated or reserved for any specific purpose.

236 (25) "Special fund" means any fund other than the county general fund, such as those  
237 described in Section [17-36-6](#).

238 (26) "Unappropriated surplus" means that part of a fund which is not appropriated for  
239 an ensuing budget period.

240 (27) "Warrant" means an order in a specific amount drawn upon the treasurer by the  
241 auditor.

242 Section 6. Section **17-36-4** is amended to read:

243 **17-36-4. State auditor -- Duties.**

244 (1) The state auditor shall:



- 245 (a) prescribe a uniform system of fiscal procedures for the several counties;  
246 (b) conduct a constant review and modification of such procedures to improve them;  
247 (c) prepare and supply each county [budget] finance officer with suitable budget forms;  
248 and  
249 (d) prepare instructional materials, conduct training programs, and render other  
250 services deemed necessary to assist counties in implementing the uniform system.

251 (2) The uniform system of procedure may include reasonable exceptions and  
252 modifications applicable to counties with a population of 25,000 or less, such population to be  
253 determined by the Utah Population Committee. Counties may expand the uniform system to  
254 serve better their needs. Deviations from or alterations to the basic prescribed classification  
255 system for the identity of funds and accounts should not be made.

256 Section 7. Section **17-36-8** is amended to read:

257 **17-36-8. Preparation of budgets.**

258 The [budget] finance officer of each county shall prepare each budget period, [on  
259 forms] in a format provided pursuant to Section **17-36-4**, a tentative budget for each of the  
260 following funds which are included in [its] the county's system of accounts:

- 261 (1) county general fund;  
262 (2) special revenue funds;  
263 (3) debt service funds;  
264 (4) capital project funds; and  
265 (5) any other fund or funds for which a budget is required by the uniform system of  
266 budgeting, accounting, and reporting.

267 Section 8. Section **17-36-10** is amended to read:

268 **17-36-10. Preparation of tentative budget.**

269 (1) On or before the first day of the next to last month of every fiscal period, the  
270 [budget] finance officer shall prepare for the next budget period and file with the governing  
271 body a tentative budget for each fund for which a budget is required.

272 (2) (a) A department for which county funds are appropriated shall file with the  
273 [budget] finance officer not less than three months before the commencement of each fiscal  
274 year on forms furnished by the [budget] finance officer a detailed estimate and statement of the  
275 revenue and necessary expenditures of the department for the next budget year.

276 (b) The estimate and statement described in Subsection (2)(a) shall set forth:  
277 (i) the number of persons to be regularly employed;  
278 (ii) the kinds of service the department will perform;  
279 (iii) the salaries and wages the department expects to pay;  
280 (iv) the kind of work the department will perform and the improvements the  
281 department expects to make; and  
282 (v) the estimated cost of the service, work, and improvements.

283 (c) The statement shall also record performance data expressed in work units, unit  
284 costs, man hours, and man years sufficient in detail, content, and scope to permit the [budget]  
285 finance officer to prepare and process the county budget.

286 (3) In the preparation of the budget, the [budget] finance officer and all other county  
287 officers are subject to Sections 17-36-1 through 17-36-44 and to the uniform system of  
288 budgeting, accounting, and reporting established therein.

289 (4) In the tentative budget, the [budget] finance officer shall set forth in tabular form:  
290 (a) actual revenues and expenditures in the last completed fiscal period;  
291 (b) estimated total revenues and expenditures for the current fiscal period;  
292 (c) the estimated available revenues and expenditures for the ensuing budget period  
293 computed by determining:  
294 (i) the estimated expenditure for each fund after review of each departmental budget  
295 request; and  
296 (ii) [~~(A)~~] the total revenue requirements of the fund[~~;~~], including:  
297 [~~(B)~~] (A) the part of the total revenue that will be derived from revenue sources other  
298 than property tax; and  
299 [~~(C)~~] (B) the part of the total revenue that [~~shall~~] will be derived from property taxes;  
300 and  
301 (d) if required by the governing body, actual performance experience to the extent  
302 available in work units, unit costs, man hours, and man years for each budgeted fund that  
303 includes an appropriation for salaries or wages for the last completed fiscal period and the first  
304 eight months of the current fiscal period if the county is on an annual fiscal period, or the first  
305 20 months of the current fiscal period if the county is on a biennial fiscal period, together with  
306 the total estimated performance data of like character for the current fiscal period and for the

307 ensuing budget period.

308 (5) The ~~[budget]~~ finance officer may recommend modification of any departmental  
309 budget request under Subsection (4)(c)(i) before ~~[it]~~ the budget request is filed with the  
310 governing body, if each department head has been given an opportunity to be heard concerning  
311 the modification.

312 (6) (a) A tentative budget shall contain the estimates of expenditures submitted by any  
313 department together with specific work programs and other supportive data as the governing  
314 body requests.

315 (b) The ~~[budget]~~ finance officer shall include with the tentative budget ~~[by]~~ a  
316 supplementary estimate of all capital projects or planned capital projects within the budget  
317 period and within the next three succeeding years.

318 (7) (a) A ~~[budget]~~ finance officer that submits a tentative budget in a county with a  
319 population ~~[in excess]~~ of more than 25,000 ~~[determined in accordance with Section 17-36-4]~~  
320 shall include with the tentative budget a budget message in explanation of the budget.

321 (b) The budget message shall ~~[contain]~~:

322 (i) include an outline of the proposed financial policies of the county for the budget  
323 period ~~[and]~~;

324 (ii) describe the important features of the budgetary plan~~[- It shall also]~~;

325 (iii) state the reasons for changes from the previous fiscal period in appropriation and  
326 revenue items; and

327 (iv) explain any major changes in financial policy.

328 (c) A ~~[budget message for counties]~~ finance officer of a county with a population of  
329 less than 25,000 ~~[is recommended but not incumbent upon the budget officer]~~ may prepare a  
330 budget message in explanation of the tentative budget.

331 (8) (a) The governing body shall review, consider, and adopt a tentative budget in a  
332 regular or special meeting called for that purpose.

333 (b) (i) Subject to Subsection (8)(b)(ii), the governing body may thereafter amend or  
334 revise the tentative budget prior to public hearings on the tentative budget.

335 (ii) A governing body may not:

336 (A) reduce below the required minimum an appropriation required for debt retirement  
337 and interest; or

338 (B) reduce, in accordance with Section 17-36-17, an existing deficit.

339 Section 9. Section 17-36-11 is amended to read:

340 **17-36-11. Tentative budget -- Public record prior to adoption.**

341 [The] A tentative budget and all supportive schedules and data shall be a public record  
342 available for inspection during business hours at the office of the [~~budget~~] finance officer for at  
343 least 10 days [~~prior to~~] before the public hearing on the adoption of a final budget.

344 Section 10. Section 17-36-15 is amended to read:

345 **17-36-15. Adoption of budget -- Immunity.**

346 (1) (a) On or before the last day of each fiscal period, the governing body by resolution  
347 shall adopt the final budget.

348 (b) A final budget adopted in accordance with Subsection (1)(a) is, unless amended, in  
349 effect for the next fiscal period.

350 (c) The [~~budget~~] finance officer shall:

351 (i) certify a copy of the final budget, and of any subsequent budget amendment; and

352 (ii) file a copy with the state auditor not later than 30 days after the day on which the  
353 governing body adopts the budget.

354 (d) The [~~budget~~] finance officer shall file a certified copy of the budget in the office of  
355 the [~~budget~~] finance officer for inspection by the public during business hours.

356 (2) (a) Except as provided in Subsection (2)(b), a county officer or county employee  
357 may not file a legal action in state or federal court against the county, a department, or a county  
358 officer for any matter related to the following:

359 (i) the adoption of a county budget;

360 (ii) a county appropriation;

361 (iii) a county personnel allocation; or

362 (iv) a fund related to the county budget, a county appropriation, or a county personnel  
363 allocation.

364 (b) A county or district attorney may enforce a procedural requirement that governs the  
365 adoption or approval of a budget in accordance with this chapter.

366 Section 11. Section 17-36-20 is amended to read:

367 **17-36-20. Purchases or encumbrances by purchasing agent.**

368 (1) A person may not make a purchase or incur an encumbrance on behalf of a county

369 unless that person acts in accordance with an order by, or approval of, the person duly  
370 authorized to act as purchasing agent for the county, except encumbrances or expenditures  
371 directly investigated and specifically approved by the executive or legislative body.

372 (2) Unless otherwise provided by the governing body, the [budget] finance officer or  
373 the [budget] finance officer's agents shall serve as a purchasing agent.

374 Section 12. Section **17-36-22** is amended to read:

375 **17-36-22. Transfer of unexpended appropriation balance by department.**

376 (1) After review by the [budget] finance officer and in accordance with budgetary and  
377 fiscal policies or ordinances adopted by the county legislative body, any department may:

378 (a) transfer any unencumbered or unexpended appropriation balance or any part from  
379 one expenditure account to another within the department during the budget year; or

380 (b) incur an excess expenditure of one or more line items.

381 (2) A transfer or expenditure under Subsection (1) may not occur if the transfer or  
382 expenditure would cause the total of all excess expenditures or encumbrances to exceed the  
383 total unused appropriation within the department at the close of the budget period.

384 Section 13. Section **17-36-23** is amended to read:

385 **17-36-23. Transfer of unexpended appropriation balance by governing body.**

386 At the request of the [budget] finance officer or upon [its] the governing body's own  
387 motion, the governing body may by resolution transfer any unencumbered or unexpended  
388 appropriation balance or part thereof from one department in a fund to another department  
389 within the same fund[;], provided that no appropriation for debt retirement and interest,  
390 reduction of deficit, or other appropriation required by law may be reduced below the required  
391 minimum.

392 Section 14. Section **17-36-32** is amended to read:

393 **17-36-32. Operating and capital budget -- Expenditures.**

394 (1) (a) As used in this section, "operating and capital budget" means a plan of financial  
395 operation for an enterprise or other special fund embodying estimates of operating and  
396 nonoperating resources and expenses and other outlays for a fiscal period.

397 (b) Except as otherwise expressly provided, "budget" or "budgets" and the procedures  
398 and controls relating to them in other sections of this act are not applicable to the operating and  
399 capital budgets provided in this section.

400 (2) At or before the time that the governing body adopts budgets for the budgetary  
401 funds specified in Section 17-36-8, the governing body shall adopt an operating and capital  
402 budget for the next fiscal period for:

403 (a) each enterprise fund; and

404 (b) any other special nonbudgetary fund for which operating and capital budgets are  
405 prescribed by the uniform system of budgeting, accounting, and reporting.

406 (3) (a) The governing body shall adopt and administer the operating and capital budget  
407 in accordance with this Subsection (3).

408 (b) At or before the first day of the next to last month of each fiscal period, the  
409 [budget] finance officer shall prepare for the next fiscal period on forms provided pursuant to  
410 Section 17-36-4, and file with the governing body a tentative operating and capital budget for:

411 (i) each enterprise fund; and

412 (ii) any other special fund that requires an operating and capital budget.

413 (c) The tentative operating and capital budget shall be accompanied by a  
414 supplementary estimate of all capital projects or planned capital projects:

415 (i) within the next fiscal period; and

416 (ii) within the fiscal period immediately following the fiscal period described in  
417 Subsection (3)(c)(i).

418 (d) (i) Subject to Subsection (3)(d)(ii), the [budget] finance officer shall prepare all  
419 estimates after review and consultation, if requested, with a department proposing a capital  
420 project.

421 (ii) After complying with Subsection (3)(d)(i), the [budget] finance officer may revise  
422 any departmental estimate before it is filed with the governing body.

423 (e) (i) Except as provided in Subsection (3)(e)(iv), if a governing body includes in a  
424 tentative budget, or an amendment to a budget, allocations or transfers between a utility  
425 enterprise fund and another fund that are not reasonable allocations of costs between the utility  
426 enterprise fund and the other fund, the governing body shall:

427 (A) hold a public hearing;

428 (B) prepare a written notice of the date, time, place, and purpose of the hearing, in  
429 accordance with Subsection (3)(e)(ii); and

430 (C) subject to Subsection (3)(e)(iii), mail the notice to each utility enterprise fund

431 customer at least seven days before the day of the hearing.

432 (ii) The purpose portion of the written notice described in Subsection (3)(e)(i)(B) shall  
433 identify:

434 (A) the utility enterprise fund from which money is being transferred;

435 (B) the amount being transferred; and

436 (C) the fund to which the money is being transferred.

437 (iii) The governing body:

438 (A) may print the written notice required under Subsection (3)(e)(i) on the utility  
439 enterprise fund customer's bill; and

440 (B) shall include the written notice required under Subsection (3)(e)(i) as a separate  
441 notification mailed or transmitted with the utility enterprise fund customer's bill.

442 (iv) The notice and hearing requirements in this Subsection (3)(e) are not required for  
443 an allocation or a transfer included in an original budget or in a subsequent budget amendment  
444 previously approved by the governing body for the current fiscal year.

445 (f) (i) The governing body shall review the tentative operating and capital budget at any  
446 regular or special meeting called for that purpose.

447 (ii) In accordance with Subsection (3)(f)(i), the governing body may make any changes  
448 to the tentative operating and capital budget that the governing body considers advisable.

449 (iii) Before the close of the fiscal period, the governing body shall adopt an operating  
450 and capital budget for the next fiscal period.

451 (g) (i) Upon final adoption by the governing body, the operating and capital budget  
452 shall be in effect for the budget period subject to amendment.

453 (ii) The governing body shall:

454 (A) certify a copy of the operating and capital budget for each fund with the [~~budget~~]  
455 finance officer; and

456 (B) make a copy available to the public during business hours in the offices of the  
457 county auditor.

458 (iii) The governing body shall file a copy of the operating and capital budget with the  
459 state auditor within 30 days after the day on which the operating and capital budget is adopted.

460 (iv) The governing body may during the budget period amend the operating and capital  
461 budget of an enterprise or other special fund by resolution.

462 (v) A copy of the operating and capital budget as amended shall be filed with the state  
463 auditor.

464 (4) Any expenditure from an operating and capital budget shall conform to the  
465 requirements for budgets specified by Sections 17-36-20, 17-36-22, 17-36-23, and 17-36-24.

466 Section 15. Section 17-36-36 is amended to read:

467 **17-36-36. Financial statements.**

468 (1) The [~~budget~~] finance officer shall present to the governing body the following  
469 financial statements prepared in the manner prescribed by the uniform system of budgeting,  
470 accounting, and reporting:

471 (a) [~~A~~] a summary of cash receipts and disbursements for each fund or group of funds  
472 and for each department within each fund reportable at the end of each month showing the cash  
473 and invested balance at the beginning of the period, the total receipts collected during the  
474 period, the total disbursements made during the period and the cash and invested balance at the  
475 end of the period[-];

476 (b) [~~Not~~] not less than once each quarter or more often if requested by the governing  
477 body, a condensed statement of revenues and expenditures and comparison with the budget of  
478 the county general fund and the allotments thereof, as reflected by the books of account[-];

479 (c) [~~A~~] a comparative quarterly income and expense statement for each enterprise fund  
480 showing a comparative analysis between the operations of such fund for the current fiscal  
481 reporting period and the same period in the previous year[-];

482 (d) [~~A~~] a condensed statement of the operating and capital budget of each enterprise  
483 fund showing revenues and expenses and balances compared with the budget for any period  
484 requested by the governing body or required by the uniform system of budgeting, accounting  
485 and reporting[-]; and

486 (e) [~~Any~~] any other statements of operations or reports on financial condition as the  
487 governing body or the uniform system of budgeting, accounting, and reporting may require.

488 (2) All financial statements made pursuant to this section shall be open for public  
489 inspection during regular business hours.

490 Section 16. Section 17-36-37 is amended to read:

491 **17-36-37. Finance officer -- Annual financial statement -- Contents.**

492 (1) The [~~budget~~] finance officer of each county, within 180 days after the close of each



493 fiscal period, or, for a county that has adopted a fiscal period that is a biennial period, within  
494 180 days after both the midpoint and the close of the fiscal period, except as provided by  
495 Section [17-36-38](#), shall prepare and make available to the governing body an annual financial  
496 report [~~which~~] that shall contain:

497 (a) a statement of revenues and expenditures and a comparison with the budget of the  
498 county general fund, similar statements of all other funds for which budgets are required, and  
499 statements of revenues and expenditures or of income and expense[~~, as the case may be, of~~] for  
500 all other operating funds of the county;

501 (b) a balance sheet of each fund and a combined balance sheet of all funds as of:

502 (i) for a county that has adopted a fiscal period that is a biennial period, the midpoint  
503 and the close of the fiscal period; and

504 (ii) for each other county, the close of the fiscal period; or

505 (c) any other reports the governing body may require, including work performance  
506 data, tax levies, taxable values, details of bonded indebtedness, and historical facts of interest  
507 to the governing body and the public.

508 (2) Copies of the annual report shall be furnished to the state auditor and made a matter  
509 of public record in the office of the [~~budget~~] finance officer.

510 Section 17. Section **17-53-212** is amended to read:

511 **17-53-212. Examination and audit of accounts.**

512 (1) As used in this section, "finance officer" means the same as that term is defined in  
513 Section [17-36-3](#).

514 ~~[(+)]~~ (2) A county legislative body may examine and audit the accounts of all officers  
515 having the care, management, collection, or disbursement of money belonging to the county or  
516 appropriated by law or otherwise for its use and benefit.

517 (3) (a) Subject to Subsection (3)(b), the finance officer of the county shall reply to each  
518 request for financial information by a county legislative body within five business days after  
519 the day on which the request is received.

520 (b) If a request for financial information requires an extended time period to research  
521 and compile, the finance officer of the county shall provide written notice to the legislative  
522 body that includes an explanation for the delay and the date when the information will be  
523 provided to the legislative body.

524 (4) A county legislative body may hire professional staff to provide technical assistance  
525 and analysis of all financial matters of the county.

526 (5) A county legislative body may request assistance from the attorney general or the  
527 state auditor if a county officer fails to reasonably respond to a request related to Subsection  
528 (3).

529 ~~[(2)]~~ (6) Nothing in this section may be construed to affect a county auditor's authority  
530 under Chapter 19a, County Auditor.

531 Section 18. Section **17-53-303** is amended to read:

532 **17-53-303. Examination and audit of accounts.**

533 (1) As used in this section, "finance officer" means the same as that term is defined in  
534 Section [17-36-3](#).

535 ~~[(+)]~~ (2) The county executive may examine and audit the accounts of all officers  
536 having the care, management, collection, or disbursement of money belonging to the county or  
537 appropriated by law or otherwise for its use and benefit.

538 (3) (a) Subject to Subsection (3)(b), the finance officer of the county shall reply to each  
539 request for financial information by a county executive within five business days after the day  
540 on which the request is received.

541 (b) If a request for financial information requires an extended time period to research  
542 and compile, the finance officer of the county shall provide written notice to the county  
543 executive that includes an explanation for the delay and the date when the information will be  
544 provided to the county executive.

545 (4) A county executive may hire professional staff to provide technical assistance and  
546 analysis of all financial matters of the county.

547 (5) A county executive may request assistance from the attorney general or the state  
548 auditor if a county officer fails to reasonably respond to a request related to Subsection (3).

549 ~~[(2)]~~ (6) Nothing in this section may be construed to affect a county auditor's authority  
550 under Chapter 19a, County Auditor.

551 Section 19. Section **20A-7-101** is amended to read:

552 **20A-7-101. Definitions.**

553 As used in this chapter:

554 (1) "Budget officer" means:

555 (a) for a county, the person designated as ~~[budget officer in Section 17-19a-203]~~  
556 finance officer as defined in Section 17-36-3;

557 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4);

558 (c) for a town, the town council; or

559 (d) for a metro township, the person described in Subsection (1)(a) for the county in  
560 which the metro township is located.

561 (2) "Certified" means that the county clerk has acknowledged a signature as being the  
562 signature of a registered voter.

563 (3) "Circulation" means the process of submitting an initiative or referendum petition  
564 to legal voters for their signature.

565 (4) "Eligible voter" means a legal voter who resides in the jurisdiction of the county,  
566 city, or town that is holding an election on a ballot proposition.

567 (5) "Final fiscal impact statement" means a financial statement prepared after voters  
568 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or  
569 20A-7-502.5(2).

570 (6) "Initial fiscal impact estimate" means:

571 (a) a financial statement prepared under Section 20A-7-202.5 after the filing of an  
572 application for an initiative petition; or

573 (b) a financial and legal statement prepared under Section 20A-7-502.5 or 20A-7-602.5  
574 for an initiative or referendum petition.

575 (7) "Initiative" means a new law proposed for adoption by the public as provided in  
576 this chapter.

577 (8) "Initiative packet" means a copy of the initiative petition, a copy of the proposed  
578 law, and the signature sheets, all of which have been bound together as a unit.

579 (9) (a) "Land use law" means a law of general applicability, enacted based on the  
580 weighing of broad, competing policy considerations, that relates to the use of land, including  
581 land use regulation, a general plan, a land use development code, an annexation ordinance, the  
582 rezoning of a single property or multiple properties, or a comprehensive zoning ordinance or  
583 resolution.

584 (b) "Land use law" does not include a land use decision, as defined in Section  
585 10-9a-103 or 17-27a-103.

- 586 (10) "Legal signatures" means the number of signatures of legal voters that:  
587 (a) meet the numerical requirements of this chapter; and  
588 (b) have been obtained, certified, and verified as provided in this chapter.
- 589 (11) "Legal voter" means a person who:  
590 (a) is registered to vote; or  
591 (b) becomes registered to vote before the county clerk certifies the signatures on an  
592 initiative or referendum petition.
- 593 (12) "Legally referable to voters" means:  
594 (a) for a proposed local initiative, that the proposed local initiative is legally referable  
595 to voters under Section [20A-7-502.7](#); or  
596 (b) for a proposed local referendum, that the proposed local referendum is legally  
597 referable to voters under Section [20A-7-602.7](#).
- 598 (13) "Local attorney" means the county attorney, city attorney, or town attorney in  
599 whose jurisdiction a local initiative or referendum petition is circulated.
- 600 (14) "Local clerk" means the county clerk, city recorder, or town clerk in whose  
601 jurisdiction a local initiative or referendum petition is circulated.
- 602 (15) (a) "Local law" includes:  
603 (i) an ordinance;  
604 (ii) a resolution;  
605 (iii) a land use law;  
606 (iv) a land use regulation, as defined in Section [10-9a-103](#); or  
607 (v) other legislative action of a local legislative body.  
608 (b) "Local law" does not include a land use decision, as defined in Section [10-9a-103](#).
- 609 (16) "Local legislative body" means the legislative body of a county, city, town, or  
610 metro township.
- 611 (17) "Local obligation law" means a local law passed by the local legislative body  
612 regarding a bond that was approved by a majority of qualified voters in an election.
- 613 (18) "Local tax law" means a law, passed by a political subdivision with an annual or  
614 biannual calendar fiscal year, that increases a tax or imposes a new tax.
- 615 (19) "Measure" means a proposed constitutional amendment, an initiative, or  
616 referendum.

617 (20) "Referendum" means a process by which a law passed by the Legislature or by a  
618 local legislative body is submitted or referred to the voters for their approval or rejection.

619 (21) "Referendum packet" means a copy of the referendum petition, a copy of the law  
620 being submitted or referred to the voters for their approval or rejection, and the signature  
621 sheets, all of which have been bound together as a unit.

622 (22) (a) "Signature" means a holographic signature.

623 (b) "Signature" does not mean an electronic signature.

624 (23) "Signature sheets" means sheets in the form required by this chapter that are used  
625 to collect signatures in support of an initiative or referendum.

626 (24) "Special local ballot proposition" means a local ballot proposition that is not a  
627 standard local ballot proposition.

628 (25) "Sponsors" means the legal voters who support the initiative or referendum and  
629 who sign the application for petition copies.

630 (26) (a) "Standard local ballot proposition" means a local ballot proposition for an  
631 initiative or a referendum.

632 (b) "Standard local ballot proposition" does not include a property tax referendum  
633 described in Section [20A-7-613](#).

634 (27) "Tax percentage difference" means the difference between the tax rate proposed  
635 by an initiative or an initiative petition and the current tax rate.

636 (28) "Tax percentage increase" means a number calculated by dividing the tax  
637 percentage difference by the current tax rate and rounding the result to the nearest thousandth.

638 (29) "Verified" means acknowledged by the person circulating the petition as required  
639 in Sections [20A-7-205](#) and [20A-7-305](#).

640 Section 20. **Repealer.**

641 This bill repeals:

642 Section [17-19a-203](#), **Budget officer.**