

PRELIMINARY

UTAH

Utah ranks 40th. among the states in number of local governments, with 605 as of June 2002.

COUNTY GOVERNMENTS (29)

There are no areas in Utah lacking county government. Counties operating under general law are divided into the following classes, based on their population:

- First class--700,000 or more inhabitants
- Second class--125,000 to 699,999 inhabitants
- Third class--18,000 to 124,999 inhabitants
- Fourth class--10,000 to 17,999 inhabitants
- Fifth class--3,500 to 9,999 inhabitants
- Sixth class--fewer than 3,500 inhabitants

Under general law, as established in 2001, four forms of county government are allowed:

County commission with the commission consisting of three members elected at large and acting as both the county legislative body and county executive.

Expanded county commission consisting of five or seven members elected at large and acting as both the county legislative body and county executive.

County executive and council consisting of an elected county council and an elected county executive as provided for in the adopted optional plan.

Council-manager consisting of an elected county council possessing the legislative powers of the county and a county manager appointed by the council who possesses the executive powers of the county as provided for in the adopted optional plan.

Unless a county adopts another form of government, subject to voter approval, each county operates under the county commission form of government.

SUBCOUNTY GENERAL PURPOSE GOVERNMENTS (236)

Municipal Governments (236)

Municipal governments in Utah are the cities and towns. The following classes, based on population size, apply to cities:

- First class – 100,000 inhabitants or more
- Second class – 65,000 to 99,999 inhabitants
- Third class – 30,000 to 64,999
- Fourth class – 10,000 to 29,999
- Fifth class – 1,000 to 9,999
- Town – Fewer than 1,000 inhabitants

The minimum population requirement for incorporation is 100.

Township Governments (0)

Utah has no township governments.

PUBLIC SCHOOL SYSTEMS (40)

School District Governments (40)

Amendments to the school district law effective in 1988 established that all school districts in Utah are independent of municipal and county governments. Any district formed after May 1, 2000, may not use the word “county” in its name. Districts may cross county boundaries. Districts may consolidate or restructure by transferring territory to other districts, following approval of the legislative bodies of each affected county and subject to referendum. A district serving the area of a municipality may be expanded to include students in a newly annexed area of the municipality upon approval of the affected school boards or the state board of education. New districts may be created from a single school district by a county legislative body, subject to referendum, provided the newly created district and the remaining district both have a minimum enrollment of 5,000 students.

Despite changes in the law in 1988, districts have made few changes and the count of districts has remained stable. In general, school districts using the former designation of city school districts serve the corporate area of municipalities; districts using the former designation of county school districts serve a county area with some county areas having more than one school district. The Park City School District is an exception and serves an area larger than the corporate area of Park City.

An elected board of education governs each school district. School districts may levy ad valorem taxes and, subject to referendum, issue bonds. In order to qualify for receipt of the state contribution toward the basic program, each district is required to impose a minimum basic tax.

Dependent Public School Systems (0)

Utah has no dependent public school systems.

Other Educational Activities

Four regional service centers, authorized by administrative rules to service small and rural districts, serve school districts in cooperative projects such as purchasing, media services, in-service, and special education. They are classified as dependent activities of member school districts, and are not counted as governments.

Beginning September 1, 2001, the applied technology centers were reorganized under the newly created Utah College of Applied Technology. The system consists of nine applied technology college campuses which provide open-entry, open-

exit, competency-based education for both high school and adult students. The nine applied technology college campuses are: Bridgerland, Davis, Dixie, Mountainland, Ogden-Weber, Salt Lake/Tooele, Southeast, Southwest, and Uintah Basin. As was done prior to the 2001 reorganization, the college and technology college campuses are classified as dependent activities of the state government, and are not counted as separate governments.

Cemetery Maintenance Districts

These districts are created by resolution of the legislative body of each county and municipality in which the district is located, following petition of landowners or voters or following a resolution of each legislative body of those counties and municipalities proposing creation of the district and after subsequent public hearing and, if required, referendum. The district may include only those areas for which the respective county or municipal legislative bodies have, upon request of petitioners, refused to provide county or municipal services. A three to nine member board of trustees, the total being an odd number, appointed by the legislative body of each jurisdiction having territory included in the district governs each district. The districts may levy ad valorem taxes.

County Service Areas

These areas are created by resolution of the legislative body of the county and each municipality in which district is located, following petition of landowners or voters or following a resolution of the legislative bodies of the county and each municipality proposing creation of the district and after subsequent public hearing and, if required, referendum. The service area may include only those areas for which the respective county or municipal legislative bodies have, upon request of petitioners, refused to provide county or municipal services. Districts may provide any of the following services that are not provided by the county or municipal government: police or fire protection; paramedic and emergency services; irrigation or domestic water supply; water conservation; park, recreation, or parkway facilities; cemeteries; libraries; sewers, sewage and storm water treatment and disposal; flood control; garbage and refuse collection; street lighting; airports; planning and zoning; street, road, sidewalk, and curb construction and maintenance; mosquito abatement; health or hospital services; and underground installation of electric utility lines. An established county service area may offer additional services by following the same procedures for creation of a district. The board of trustees may be appointed or elected as determined by ordinance of the county legislative body or upon petition of voters for an elected board. County service areas may levy ad valorem taxes and service charges, and may issue bonds with voter approval.

The county legislative body may serve ex officio as the board of trustees of a county service area. Areas so administered are not counted as separate governments (see "Subordinate Agencies and Areas," below).

Drainage Districts

No districts may be formed under this law after June 30, 1975, but similar districts may be formed under the provisions of the

SPECIAL DISTRICT GOVERNMENTS (300)

Utah statutes authorize the creation of a variety of special districts or authorities that are counted as governments. These are discussed in detail below.

Utah Special Service District Act (see "Special Service Districts," below). A three to nine-member board of trustees, the total being an odd number, appointed by the county legislative body governs each district. The district may levy benefit taxes and issue bonds upon voter approval.

Fire Protection Districts

No districts may be formed under this law after June 30, 1975, but districts to provide fire protection may be formed under the provisions of the Utah County Service Area Act (see "County Service Areas" above) or the Utah Special Service District Act (see "Special Service Districts," below). A three to nine member board of trustees, the total being an odd number, may be appointed or elected. The districts may levy ad valorem taxes and, subject to voter approval, may issue bonds.

Countywide fire protection districts, excluding any first and second class cities, are administered by the county legislative body, and are not counted as separate governments. See "Subordinate Agencies and Areas," below.

Housing Authorities

A 1969 law provides that a municipal or county governing body may establish a housing authority by resolution, on its own motion or on petition of voters. A board of commissioners appointed by the mayor with the consent of the municipal governing body (in the case of municipal housing authorities) or by the county governing body (in the case of county housing authorities) governs each authority. The authority may fix rents and charges, receive federal grants, and issue revenue bonds.

Similar provisions apply to Indian housing authorities formed under state statutes. In the 1987 Census of Governments, and in previous census reporting, Indian housing authorities were classified as subordinate agencies of the state government, and were not counted as separate governments. All Indian housing authorities currently existing in Utah were formed under federal legislation with the tribal council serving as the authority governing body. These authorities are classified as being tribal dependent and out-of-scope.

Improvement Districts for Utility or Sewer Systems

Districts may be created to provide for sewage treatment and disposal; storm and flood water collection and disposal; water supply; electric power generation, distribution, and sale; or natural or manufactured gas transmission. These districts are created by resolution of the legislative body of each county and municipality in which the district is located following petition of landowners or voters or following a resolution of each legislative body of those counties and municipalities proposing creation of the district and after subsequent public hearing and, if required,

referendum. The district may include only those areas for which the respective county or municipal legislative bodies have, upon request of petitioners, refused to provide county or municipal services. Districts for electric service may not include areas where retail electric service is provided or where electric consumers are not located. The board of trustees is appointed by the creating legislative bodies or elected if district voters petition for an elected board. Districts which provide electric service have elected boards. The districts may levy ad valorem taxes and fix rates and charges for services. Districts may issue both revenue or general obligation bonds; however, general obligation bonds require voter approval.

Improvement districts administered by the county legislative body or municipal legislative body ex officio are not counted as separate governments. See "Subordinate Agencies and Areas," below.

Intermountain Power Agency

This agency is now covered under "Municipal Power Agencies," below.

Irrigation Districts

These districts are created by resolution of the legislative body of each county and municipality in which the district is located following petition of landowners or voters or following a resolution of each legislative body of those counties and municipalities proposing creation of the district and after subsequent public hearing and, if required, referendum. The district may include only those areas for which the respective county or municipal legislative bodies have, upon request of petitioners, refused to provide county or municipal services. An elected board of trustees governs each district. Districts acting independently or jointly, pursuant to the Interlocal Cooperation Act, may own and operate water facilities related to irrigation purposes and electric facilities for the generation of hydroelectric power. Districts may issue bonds on approval of the voters, impose use charges, collect impact and connection fees, and fix tolls and charges for the sale of water and electricity.

Metropolitan Water Districts

Districts to provide for the distribution of water for municipal and domestic purposes, mining, and irrigation, power, milling, manufacturing, metallurgical and any other beneficial purposes are created by resolution of the legislative body of one or more municipalities following petition of landowners or voters or following a resolution of each legislative body of those municipalities proposing creation of the district and after subsequent public hearing and, if required, referendum. The district may include only those areas for which the respective municipal legislative bodies have, upon request of petitioners, refused to provide municipal services. A board of trustees, appointed by the legislative bodies of the establishing municipalities, governs each district. The district may levy ad valorem taxes, fix water rates, and issue both revenue and general obligation bonds, with the general obligation bonds requiring voter approval.

Mosquito Abatement Districts

No districts of this type may be formed after March 23, 1998. A board of trustees appointed by the legislative bodies of the county government and each municipality in the district governs each district. The districts may levy ad valorem taxes.

Municipal Power Agencies

The following power agencies were created pursuant to the Interlocal Cooperation Act:

Intermountain Power Agency
Southern Utah Valley Power Agency
Utah Associated Municipal Power Systems
Utah Municipal Power Agency

These agencies were established under intergovernmental agreements, by resolution of the legislative bodies of the participating governments, to generate and transmit electric power. Three of the four agencies generate power. The Southern Utah Valley Power Agency, although authorized to generate power, owns and manages a power transmission system which is complementary to activities of those agencies which generate electric power. A board of directors selected by and from representatives of participating governments, as specified in the agreement establishing the agency, governs each agency. The agencies receive revenue from the sale of electricity and services to member governments, or other entities under contract, and may issue revenue bonds.

Public Transit Districts

No districts of this type may be formed after March 23, 1998. The Utah Transit Authority, providing bus and light rail service in an area which includes Salt Lake City and neighboring jurisdictions, was established under this law. A board of trustees appointed by the executive officers of member jurisdictions governs the district. The district may fix rates and charges for service and accept grants and, subject to voter approval, may issue both general obligation and revenue bonds. Subject to voter approval, the participating county governments may levy ad valorem taxes to benefit the public transit district and impose a local option public transit sales tax.

Regional Service Areas

No districts of this type may be formed after May 3, 1998. Pursuant to 1995 legislation, county service areas, by resolution of the board of trustees, were authorized to reorganize as regional service areas to provide park, recreation, or parkway services. Each regional service area is authorized to provide all the services and facilities that were provided by the predecessor service area. Only one regional service area, encompassing the entire county or part of the county, is permitted in a county area. An elected three to nine member board of trustees, the total being an odd number, governs each district. The board of trustees may levy ad valorem taxes, impose and collect fees and charges, and with voter approval issue both revenue and general obligation bonds.

Soil Conservation Districts

Soil conservation districts are created by the state soil conservation commission, on petition of landowners and after public hearing. A board of five elected supervisors governs each

district. The districts may accept funds from federal, state, and local government sources and borrow money.

Utah Associated Municipal Power System

This system is now listed under "Municipal Power Agencies," above.

Water Conservancy Districts and Subdistricts

These districts are created by resolution of the legislative body of each county and municipality in which the district is located, following petition of landowners or voters or following a resolution of each legislative body of those counties and municipalities proposing creation of the district and after subsequent public hearing and, if required, referendum. The district may include only those areas for which the respective county or municipal legislative bodies have, upon request of petitioners, refused to provide county or municipal services. An appointed board of trustees governs each district. The district may issue bonds upon voter approval; levy ad valorem taxes and special benefit assessments; and fix fees and rates for the sale of water, electricity, and related services.

SUBORDINATE AGENCIES AND AREAS

Shown below are various governmental designations in Utah that have certain characteristics of governmental units but that are treated in census statistics as subordinate agencies of the state or local governments or as private rather than governmental activities, and are not counted as separate governments.

Special Service Districts (county and municipal). Utah statutes authorize the creation of special service districts by county or municipal governing bodies, on their own initiative or upon petition of landowners or voters, after public hearing. These districts may perform one or more of the following functions: water supply, sewerage, drainage, flood control, garbage collection and disposal, health care, transportation, recreation, fire protection and emergency medical or ambulance or both, street lighting, consolidated 911 and emergency dispatch, animal shelter and control, and snow removal. In a county of the first class, districts may also operate jail facilities for the confinement of municipal, state, and other detainees and prisoners. Districts may include part of one or more additional counties and municipalities, but the governing authority of the county or municipality adopting the original resolution shall have jurisdiction of the entire service district. These districts may be governed by an administrative control board that is either elected or appointed, and frequently is comprised of employees of the creating government, or may be governed by the county or city governing body ex officio. The district board may fix service charges. The county or municipal governing body may issue both revenue and general obligation bonds and impose tax levies on behalf of the districts. In districts where an administrative control board exists, the district may issue revenue and general obligation bonds and impose a tax levy, subject to voter approval; however, the administrative control board may not hold an election, levy a tax or assessment, or issue bonds or interim warrants unless the county or municipal legislative body that created the district has approved such actions.

Improvement districts governed by a special service district are

classified for census purposes as adjuncts of the special service district they serve.

Special service districts, prior to 1989, were classified as dependent activities of their county or municipal governments. From 1989 to 2001, special service districts were classified as independent special districts. Effective for the 2002 Census of Governments, special service districts were again classified as dependent activities of their county or municipal governments.

Utah Housing Corporation (state). ¹ This agency was formed to provide mortgage credit for low and moderate income housing. The agency governing body is a nine-member board of trustees, including six members appointed by the Governor, plus the executive director of the department of community and economic development, the commissioner of the department of financial institutions, and the state treasurer, or their designees, who serve in an ex officio capacity. The agency may fix charges in connection with its loans, accept gifts, receive state and federal grants and appropriations, and issue revenue bonds.

Other examples include:

State ²

Bounty districts (under Agricultural Wildlife Damage Prevention Board)
Hazardous Waste Facilities Authority
Heber Valley Historic Railroad Authority
Registration districts (vital statistics, under department of health)
Rural Development Board
Utah Higher Education Assistance Authority
Utah Science Center Authority
Utah Sports Authority ³
Utah State Armory Board
Utah State Building Board
Utah State Building Ownership Authority
Utah State Fair Corporation
Utah Technology Finance Corporation ⁴

County ⁵

Building authorities (county)
County improvement districts
County service areas administered by the county legislative body
Fire protection districts administered by the county legislative body
Historic districts
Improvement districts administered by the county legislative body
Interlocal finance authorities (sometimes called finance cooperatives)
Local mental health authorities
Local substance abuse authorities
Municipal-type services districts
Parking and business improvement districts
Pure sugar beet seed districts
Redevelopment agencies ⁶
Special road districts
Sprinkling districts (county)

Municipal 7

Airport authorities 8

Building authorities (municipal)

Historic districts

Improvement districts administered by the municipal legislative body

Municipal improvement districts

Parking and business improvement districts

Redevelopment agencies 9

Sprinkling districts (municipal)

Utah laws also provide for various types of local areas for election purposes and administration of justice.

1. The Utah Housing Corporation, effective July 1, 2001, succeeded the Utah Housing Finance Agency and is the legal continuation of that agency. This entity may also be known as and doing business as the Utah Housing Finance Association.

2. Authorizing legislation for fire districts (for range fires) was repealed in 1988. Indian housing authorities, listed as subordinate agencies of the state in the 1987 Census of Governments and then counted as special district governments in the 1992 Census of Governments, effective for the 1997 Census of Governments, were classified as dependent on their tribal governments (formed under federal legislation) and outside of the census of governments universe. Authorizing legislation for the Utah Intermountain Port Authority was repealed effective July 1, 1993. Authorizing legislation for the Great Salt Lake

Development Authority was repealed effective April, 29, 1991.

3. The Utah Sports Authority will dissolve effective July 1, 2003.

4. The Utah Technology Finance Corporation will dissolve effective June 30, 2003. The corporation's mission will be continued outside of government.

5. Authorizing legislation for zoning districts was repealed in 1992. Authorizing legislation for port authorities was repealed effective March 16, 1991. Salt Lake County Flood Control District, previously listed, does not appear as a component unit of the county in the Salt Lake County financial report; flood control is a responsibility of the public works department.

6. Authorizing legislation for community and neighborhood redevelopment agencies was replaced with legislation authorizing redevelopment agencies.

7. Authorizing legislation for zoning districts was repealed in 1992. Authorizing legislation for port authorities was repealed effective March 16, 1991.

8. Authorizing legislation for airport authorities was repealed effective May 5, 2003.

9. Authorizing legislation for community and neighborhood redevelopment agencies was replaced with legislation authorizing redevelopment agencies.