

UTAH

Utah ranks 41st among the states in number of local governments with 599 as of October 2007.

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 31,000 to 124,999 inhabitants
- Fourth class 11,000 to 30,999 inhabitants
- Fifth class 4,000 to 10,999 inhabitants
- Sixth class fewer than 4,000 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 (242)

Municipal Governments (242)

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

- 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)

All school districts in Utah are independent districts and all offer both elementary and high school education. 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.

The Utah College of Applied Technology system consists of nine applied technology college campuses which provide 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. These campuses are classified as dependent activities of the state government, and are not counted as separate governments.

SPECIAL DISTRICT GOVERNMENTS (288)

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

Basic Local Districts

A basic local district is a local district that is not a cemetery maintenance district, drainage district, fire protection district, improvement district, irrigation district, metropolitan water district, mosquito abatement district, public transit district, service area, or water conservancy district (see descriptions of each below). Such districts include entities existing and operated as a local district (referred to as special districts prior to the 2007 legislation) as defined under the law in effect before April 30, 2007. Provisions relevant to local districts generally are under the heading "Local Districts" below.

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 or following a resolution of the board of trustees of a local district whose boundaries encompass the proposed district. Creation of districts following the petition or resolution process is subject to 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 may not be created in a city of the first or second class. A three to nine member board of trustees, the total being an odd number, appointed by the municipal legislative body where districts are wholly within a municipality and by the county legislative body for other districts governs each district. The districts may levy ad valorem taxes and may issue revenue and general obligation bonds.

County Service Areas

County service areas are now listed as Service Areas below.

Drainage Districts

The creation of new drainage districts has been prohibited since June 30, 1975. Similar districts may be formed under the provisions of 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, appointed by the county legislative body governs each district. The district may levy benefit taxes and issue bonds upon voter approval.

Fire Protection Districts

The creation of new fire protection districts has been prohibited since June 30, 1975. Districts to provide fire protection may be formed under the provisions of the Utah County Service Area Act (see "Service Areas" above), the Utah Special Service District Act (see "Special Service Districts," below), or as a Basic Local District described above and below under Local Districts. The composition and method of appointing or electing board of trustees members existing on April 30, 2007 shall be

continued. 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 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.

In counties of the third, fourth, fifth, and sixth class, the governing body of each public body in the state, except the state itself, may contract with an interlocal agreement for services to be provided by an existing housing authority established in another political subdivision.

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. Either of these legislative bodies may at any time adopt a resolution providing for the election or appointment of the board of trustees. See "Subordinate Agencies and Areas," 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 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.

Local Districts ⁴

Amendments in 2007 provide for “limited purpose local government entities – local districts” with statutory provisions that apply to special districts in general except where specialized statutes prevail (See Basic Local Districts above). Local districts may provide any two services selected from a list which includes operation of an airport; the operation of a cemetery; fire protection, paramedic, and emergency services; garbage collection and disposal; health care, including health department or hospital service; operation of a library; abatement or control of mosquitos and other insects; operation of parks or recreation facilities or services; operation of a sewerage system; street lighting; construction of curbs, gutters, and sidewalks; transportation, including public transit and providing streets and roads; operation of a system or of components of a system for water supply, treatment and distribution; extended police protection; installation of underground electric utility. Districts providing more than two services before April 30, 2007 may continue to provide those services. Districts are also authorized to acquire, construct, and operate electrical generation, transmission, and distribution facilities incidental to the primary operations of the district and to sell electricity at wholesale to an electric utility or municipality with an existing distribution system. The district name may include words descriptive of services provided by the district.

Districts are created by resolution of the legislative body of the county and each municipality in which the district is located following petition of property owners or voters or following resolution of each of the legislative bodies or following resolution of the board of trustees of a local district, public hearing, and if

required election. Districts may be created only in those areas where the county or municipality has refused to provide the requested services. Districts are governed by an elected or appointed board of trustees having an odd number of members from three to nine. Districts may levy ad valorem taxes, impose rates and charges, and issue revenue and, subject to referendum, general obligation bonds.

A local districts may create one or more improvement districts within the local district area to undertake projects for which the local district was formed. These districts serve as assessment areas. Improvement districts governed by a special service district are classified for census purposes as adjuncts of the local district they serve.

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 rates, charges, and assessments; and issue both revenue and general obligation bonds, with the general obligation bonds requiring voter approval.

Mosquito Abatement Districts

Amendments in 2007 reinstated the creation of new mosquito abatement districts. Districts to provide for the extermination of mosquitos, flies, crickets, grasshoppers, and other insects are created by resolution of the legislative body

of one or more following petition of property owners or voters or following resolution of each of the legislative bodies or following resolution of the board of trustees of a local district, public hearing, and if required election. Districts may be created only in those areas where the county or municipality has refused to provide the requested services. A board of trustees appointed by the legislative bodies of each county and municipality represented in the district governs the district. The districts may levy ad valorem taxes and issue bonds.

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

Districts are created by resolution of the legislative body of the county and each municipality in which the district is located following petition of property owners or voters

or following resolution of each of the legislative bodies or following resolution of the board of trustees of a local district, public hearing, and if required election. Districts may be created only in those areas where the county or municipality has refused to provide the requested services. Districts are governed by a board of trustees appointed by member counties and municipalities. The board of trustees for a district having a population exceeding 200,000 must appoint one ex officio member representing the Utah Transportation Commission; smaller districts may appoint the ex officio member. Districts may fix and collect rates, fares, rentals, and charges; accept financial assistance from state and local governments; and with voter approval may levy a property tax for the purpose of paying bonded indebtedness and to pay judgements against the district. Districts may issue revenue and general obligation bonds. Member counties and municipalities are authorized to impose an optional sales and use tax which may be transferred directly to a designated public transit district.

As of 2007, two public transit districts have been created:

Cache Valley Transit District

Utah Transit Authority

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.

Amendments in 2007 provide for regional service areas to be designated as service areas effective April 30, 2007 with no impact on the area's basic structure and operations. See Service Areas below.

Service Areas ⁹

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 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. 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 service area; however, the board may pass a resolution for future boards to be elected or appointed. Areas administered by the county legislative body are not counted as separate

governments (see "Subordinate Agencies and Areas," below).

Amendments effective April 30, 2007 provide for regional service areas created and operating prior to that date to be designated as service areas with no impact on the area's basic structure and operations. The former regional service areas may add park, recreation, or parkway services to those services they provide. Service areas, with the consent of the county in which a service area is located, may provide planning and zoning service.

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 Telecommunication Open Infrastructure Agency (UTOPIA)

This agency was formed in 2002 by 14 Utah cities pursuant to the Municipal Cable Television and Public Telecommunications Services Act and the Interlocal Cooperation Act under an intergovernmental agreement, by resolution of the legislative bodies of the participating governments, to design, finance, build, operate, and maintain an open, wholesale, public telecommunication infrastructure that has the capacity to deliver high-speed connections to residents and businesses in the member communities. The agency is governed by a board of directors with each member municipality represented by one director. Revenues include fees and charges paid by commercial service providers, a share of customer access fees charged by service providers, and pledged revenues from sales taxes collected by member municipalities. The agency is authorized to issue revenue bonds.

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. Effective April 30, 2007 all water former conservancy subdistricts were converted to water conservancy districts.

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).⁵ 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. 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; however, the governing authority of the county or municipality adopting the original resolution has 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 levy ad valorem taxes and assessments on behalf of the districts. Subject to approval of the county or municipal legislative body, 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.

Special service districts may create one or more improvement districts within the special service district to undertake projects for which the special service districts were formed. These districts serve as assessment areas. Improvement districts governed by a special service district are classified for census purposes as adjuncts of the special service district they serve.

Utah Housing Corporation (state). 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 ¹

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)
Utah Communications Agency Network
Utah Higher Education Assistance Authority
Utah Military Installation Development Authority
Utah Science Center Authority
Utah State Armory Board
Utah State Bonding Commission
Utah State Building Board
Utah State Building Ownership Authority
Utah State Fair Corporation

County ^{6, 8}

Assessment areas (county) ²
Building authorities (county)
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
Service areas administered by the county legislative body
Special road districts

Municipal ⁷

Assessment areas (municipal) ³
Airport authorities
Building authorities (municipal)
Historic districts
Municipal improvement districts
Parking and business improvement districts

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

administration of justice.

1. Authorizing legislation for the Rural Development Board was repealed
2. County improvement districts are now known as assessment areas, effective April 2007.
3. Municipal improvement districts are now known as assessment areas, effective April 2007.
4. Amendments in 2007 affecting special district and local districts changed terminology applicable to what had previously been known as county and municipal improvement districts to assessment areas and expanded the entities authorized to designate assessment areas from counties and municipalities to include local districts and special service districts.
5. Amendments in 2007 affecting special district and local districts changed terminology applicable to what had previously been known as county and municipal improvement districts to assessment areas and expanded the entities authorized to designate assessment areas from counties and municipalities to include local districts and special service districts.
6. Sprinkling districts (county), authorized in 1889, were repealed as obsolete in 2006. Section 17-50-310 of the Utah Code authorizes counties to acquire real estate upon which to sink wells to obtain water for sprinkling roads and for other county purposes.
7. Sprinkling districts (municipal), authorized in 1889, were repealed as obsolete in 2006. Section 10-8-11 of the Utah Code authorizes municipalities to provide for the lighting, sprinkling and cleaning of streets, alleys, avenues, sidewalks, etc.
8. Pure sugar beet seed districts, authorized in 1935, were repealed as obsolete in 2006. The Utah-Idaho Sugar Company, originally the Utah Sugar Company formed in 1889, ceased all operations in 1981.

9. Effective with 2007 amendments governing local districts, the distinction between county service areas and regional service areas was dropped. Regional service areas were

reclassified as service areas and given additional powers as such.