

Utah Department of Workforce Services
Housing and Community Development Division



PERMANENT COMMUNITY IMPACT FUND BOARD

2023 ANNUAL POLICY MANUAL

Permanent Community Impact Fund Board
Salt Lake City, Utah (385) 341-0199

FEDERAL & STATE STATUTES

MINERAL LEASE FUNDS – FEDERAL STATUTE

30 USC 191: Disposition of moneys received

Text contains those laws in effect on May 7, 2023

Title 30-MINERAL LANDS AND MINING

§191. Disposition of moneys received

(a) In general

All money received from sales, bonuses, royalties including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 [30 U.S.C. 1701 et seq.], and rentals of the public lands under the provisions of this chapter and the Geothermal Steam Act of 1970 [30 U.S.C. 1001 et seq.], shall be paid into the Treasury of the United States; and, subject to the provisions of subsection (b), 50 per centum thereof shall be paid by the Secretary of the Treasury to the State other than Alaska within the boundaries of which the leased lands or deposits are or were located; said moneys paid to any of such States on or after January 1, 1976, to be used by such State and its subdivisions, as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this chapter, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public service; and excepting those from Alaska, 40 per centum thereof shall be paid into, reserved, appropriated, as part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902, and of those from Alaska, 90 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided*, That all moneys which may accrue to the United States under the provisions of this chapter and the Geothermal Steam Act of 1970 from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts", as provided by section 8733(b) of title 10. All moneys received under the provisions of this chapter and the Geothermal Steam Act of 1970 not otherwise disposed of by this section shall be credited to miscellaneous receipts. Payments to States under this section with respect to any moneys received by the United States, shall be made not later than the last business day of the month in which such moneys are warranted by the United States Treasury to the Secretary as having been received, except for any portion of such moneys which is under challenge and placed in a suspense account pending resolution of a dispute. Such warrants shall be issued by the United States Treasury not later than 10 days after receipt of such moneys by the Treasury. Moneys placed in a suspense account which are determined to be payable to a State shall be made not later than the last business day of the month in which such dispute is resolved. Any such amount placed in a suspense account pending resolution shall bear interest until the dispute is resolved.

(b) Deduction for administrative costs

In determining the amount of payments to the States under this section, beginning in fiscal year 2014 and for each year thereafter, the amount of such payments shall be reduced by 2 percent for any administrative or other costs incurred by the United States in carrying out the program authorized by this chapter, and the amount of such reduction shall be deposited to miscellaneous receipts of the Treasury.

(c) Rentals received on or after August 8, 2005

- (1) Notwithstanding the first sentence of subsection (a), any rentals received from leases in any State (other than the State of Alaska) on or after August 8, 2005, shall be deposited in the Treasury, to be allocated in accordance with paragraph (2).
- (2) Of the amounts deposited in the Treasury under paragraph (1)-
 - (A) 50 percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the leased land is located or the deposits were derived; and
 - (B) 50 percent shall be deposited in a special fund in the Treasury, to be known as the "BLM Permit Processing Improvement Fund" (referred to in this subsection as the "Fund").
- (3) Use of fund.-
 - (A) In general.-The Fund shall be available to the Secretary of the Interior for expenditure, without further appropriation and without fiscal year limitation, for the coordination and processing of oil and gas use authorizations on onshore Federal and Indian trust mineral estate land.
 - (B) Accounts.-The Secretary shall divide the Fund into-
 - (i) a Rental Account (referred to in this subsection as the "Rental Account") comprised of rental receipts collected under this section; and
 - (ii) a Fee Account (referred to in this subsection as the "Fee Account") comprised of fees collected under subsection (d).
- (4) Rental account.-
 - (A) In general.-The Secretary shall use the Rental Account for-
 - (i) the coordination and processing of oil and gas use authorizations on onshore Federal and Indian trust mineral estate land under the jurisdiction of the Project offices identified under section 15924(d) of title 42; and
 - (ii) training programs for development of expertise related to coordinating and processing oil and gas use authorizations.
 - (B) Allocation.-In determining the allocation of the Rental Account among Project offices for a fiscal year, the Secretary shall consider-
 - (i) the number of applications for permit to drill received in a Project office during the previous fiscal year;
 - (ii) the backlog of applications described in clause (i) in a Project office;
 - (iii) publicly available industry forecasts for development of oil and gas resources under the jurisdiction of a Project office; and
 - (iv) any opportunities for partnership with local industry organizations and educational institutions in developing training programs to facilitate the coordination and processing of oil and gas use authorizations.
- (5) Fee account.-

(A) In general.-The Secretary shall use the Fee Account for the coordination and processing of oil and gas use authorizations on onshore Federal and Indian trust mineral estate land.

(B) Allocation.-The Secretary shall transfer not less than 75 percent of the revenues collected by an office for the processing of applications for permits to the State office of the State in which the fees were collected.

(d) BLM oil and gas permit processing fee

(1) In general

Notwithstanding any other provision of law, for each of fiscal years 2016 through 2026, the Secretary, acting through the Director of the Bureau of Land Management, shall collect a fee for each new application for a permit to drill that is submitted to the Secretary.

(2) Amount

The amount of the fee shall be \$9,500 for each new application, as indexed for United States dollar inflation from October 1, 2015 (as measured by the Consumer Price Index).

(3) Use

Of the fees collected under this subsection for a fiscal year, the Secretary shall transfer-

(A) for each of fiscal years 2016 through 2019-

(i) 15 percent to the field offices that collected the fees and used to process protests, leases, and permits under this chapter, subject to appropriation; and

(ii) 85 percent to the BLM Permit Processing Improvement Fund established under subsection (c)(2)(B) (referred to in this subsection as the "Fund"); and

(B) for each of fiscal years 2020 through 2026, all of the fees to the Fund.

(4) Additional costs

During each of fiscal years of 2016 through 2026, the Secretary shall not implement a rulemaking that would enable an increase in fees to recover additional costs related to processing applications for permits to drill.

Feb. 25, 1920, ch. 85, §35, 41 Stat. 450; May 27, 1947, ch. 83, 61 Stat. 119; Aug. 3, 1950, ch. 527, 64 Stat. 402; Pub. L. 85-88, §2, July 10, 1957, 71 Stat. 282; Pub. L. 85-508, §§6(k), 28(b), July 7, 1958, 72 Stat. 343, 351; Pub. L. 94-273, §6(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94-377, §9, Aug. 4, 1976, 90 Stat. 1089; Pub. L. 94-422, title III, §301, Sept. 28, 1976, 90 Stat. 1323; Pub. L. 94-579, title III, §317(a), Oct. 21, 1976, 90 Stat. 2770; Pub. L. 97-451, title I, §§104(a), 111(g), Jan. 12, 1983, 96 Stat. 2451, 2456; Pub. L. 100-203, title V, §5109, Dec. 22, 1987, 101 Stat. 1330-261; Pub. L. 100-443, §5(b), Sept. 22, 1988, 102 Stat. 1768; Pub. L. 103-66, title X, §10201, Aug. 10, 1993, 107 Stat. 407; Pub. L. 106-393, title V, §503, Oct. 30, 2000, 114 Stat. 1624; Pub. L. 109-58, title III, §365(g), Aug. 8, 2005, 119 Stat. 725; Pub. L. 113-67, div. A, title III, §302, Dec. 26, 2013, 127 Stat. 1181; Pub. L. 113-291, div. B, title XXX, §3021(b), (c)(1), Dec. 19, 2014, 128 Stat. 3760, 3761; Pub. L. 115-232, div. A, title VIII, §809(i)(1), Aug. 13, 2018, 132 Stat. 1843.)

EDITORIAL NOTES

REFERENCES IN TEXT

The Federal Oil and Gas Royalty Management Act of 1982, referred to in subsec. (a), is Pub. L. 97-451, Jan. 12, 1983, 96 Stat. 2447, which is classified generally to chapter 29 (§1701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of this title and Tables.

The Geothermal Steam Act of 1970, referred to in subsec. (a), is Pub. L. 91-581, Dec. 24, 1970, 84 Stat. 1566, which is classified principally to chapter 23 (§1001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

The Reclamation Act, approved June 17, 1902, referred to in subsec. (a), is act June 17, 1902, ch. 1093, 32 Stat. 388, which is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

CODIFICATION

Provisions of subsec. (a) which authorized the payment of monies to the Territory of Alaska were omitted as superseded by the provisions authorizing the payment of monies to the State of Alaska.

AMENDMENTS

2018-Subsec. (a). Pub. L. 115-232 substituted "section 8733(b) of title 10" for "the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252)".

2014-Subsec. (c)(3) to (5). Pub. L. 113-291, §3021(c)(1), added pars. (3) to (5) and struck out former par. (3) which read as follows: "For each of fiscal years 2006 through 2015, the Fund shall be available to the Secretary of the Interior for expenditure, without further appropriation and without fiscal year limitation, for the coordination and processing of oil and gas use authorizations on onshore Federal land under the jurisdiction of the Pilot Project offices identified in section 15924(d) of title 42."

Subsec. (d). Pub. L. 113–291, §3021(b), added subsec. (d)

2013-Subsec. (b). Pub. L. 113–67 amended subsec. (b) generally. Prior to amendment, text read as follows: "In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States."

2005-Subsec. (c). Pub. L. 109–58 added subsec. (c).

2000-Subsec. (b). Pub. L. 106–393 amended subsec. (b) generally. Prior to amendment, subsec. (b) related to deductions for administration from the amount to be paid to States under this section or under other laws requiring payment to a State of revenues derived from the leasing of onshore lands owned by the United States for the production of the same types of minerals leasable under this chapter or of geothermal steam.

1993-Pub. L. 103–66 struck out last sentence, designated remaining provisions as subsec. (a) and in first sentence inserted "and, subject to the provisions of subsection (b)," before "50 per centum", and added subsec. (b). Prior to amendment, last sentence read as follows: "In determining the amount of payments to States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States."

1988-Pub. L. 100–443 struck out "notwithstanding the provisions of section 20 thereof," before "shall be paid".

1987-Pub. L. 100–203 inserted at end "In determining the amount of payments to States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States."

1983-Pub. L. 97–451, §111(g), inserted reference to interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982.

Pub. L. 97–451, §104(a), struck out "as soon as practicable after March 31 and September 30 of each year" after "Secretary of the Treasury" and "of those from Alaska", and inserted at end provisions directing that payments to States be made not later than the last business day of the month in which such moneys are warranted by the United States Treasury to the Secretary as having been received, that warrants be issued by the Treasury not later than 10 days after receipt of the money by the Treasury, that moneys placed in a suspense account which are determined to be payable to a State be made not later than the last business day of the month in which a dispute is resolved, and that amounts placed in a suspense account pending resolution bear interest until the dispute is resolved.

1976-Pub. L. 94–579 substituted provisions setting forth determination of amount, time for payments, and manner of expenditure by the States of all moneys received from sales, etc., under provisions of this chapter and the Geothermal Steam Act of 1970, and proviso relating to naval petroleum reserve moneys, for provisions setting forth determination of amount and time for payment to the States of all moneys received from sales, etc., under the provisions of this chapter, and provisos relating to naval petroleum reserve moneys, additional moneys from sales, etc., under this chapter and the Geothermal Steam Act of 1970, and expenditure of State oil shale funds.

Pub. L. 94–422 inserted proviso that all moneys paid to any State from sales, bonuses, royalties, and rentals of oil shale in public lands may be used by any State for planning, construction, and maintenance of public facilities as legislature of State may direct.

Pub. L. 94–377 substituted "40 per centum thereof shall be paid into, reserved" for "52½ per centum thereof shall be paid into, reserved", inserted "and the Geothermal Steam Act of 1970, notwithstanding the provisions of section 20 thereof" before "shall be paid into the Treasury of the United States", "and the Geothermal Steam Act of 1970" before "from lands within the naval petroleum reserves" and before "not otherwise disposed of by this section", and provisos relating to the payment of an additional 12½ per centum of all money received from lands under provisions of this chapter and the Geothermal Steam Act of 1970 to the State within whose boundaries the lands are located, to be used for construction of public facilities, and relating to the use of funds received by Colorado and Utah under the specified leases.

Pub. L. 94–273 substituted "March" for "December" and "September" for "June".

1958-Pub. L. 85–508, §§6(k), 28(b), struck out provisions which related to disposition of proceeds or income derived by the United States from mineral school sections in the Territory of Alaska and substituted ", and of those from Alaska 52½ per centum thereof shall be paid to the State of Alaska for disposition by the legislators thereof" for ", and of those from Alaska 52½ per centum thereof shall be paid to the Territory of Alaska for disposition by the Legislature of the Territory of Alaska" before proviso.

1957-Pub. L. 85–88 inserted ", and of those from Alaska 52½ per centum thereof shall be paid to the Territory of Alaska for disposition by the Legislature of the Territory of Alaska" before proviso.

1950-Act Aug. 3, 1950, in providing that payments to States be made bi-annually instead of annually, substituted "as soon as practicable after December 31 and June 30 of each year" for "after the expiration of each fiscal year".

1947-Act May 27, 1947, extended provisions by allocating 37½% of the money received from sales, bonuses, royalties, and rentals of public lands to the Territory of Alaska, for the construction and maintenance of public schools or other public educational institutions and inserted provisions relating to disposition of proceeds or income derived by the United States from mineral school sections in the Territory of Alaska.

STATUTORY NOTES AND RELATED SUBSIDIARIES

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding [section 3001 of Title 10, Armed Forces](#).

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 104(a) of Pub. L. 97–451 applicable with respect to payments received by the Secretary of the Treasury after Oct. 1, 1983, unless the Secretary by rule, prescribes an earlier effective date, see section 104(c) of Pub. L. 97–451, set out as an Effective Date note under [section 1714 of this title](#).

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94–579, set out as a note under [section 1701 of Title 43, Public Lands](#).

FINDINGS

[Pub. L. 106–393, title V, §502, Oct. 30, 2000, 114 Stat. 1624](#), provided that: "The Congress finds the following:

"(1) Section 10201 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 407) amended section 35 of the Mineral Leasing Act (30 U.S.C. 191) to change the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues '50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws * * *'.

"(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

"(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that 'the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions'.

"(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 [Aug. 10, 1993] is justified."

FUNDS HELD BY COLORADO AND UTAH FROM INTERIOR DEPARTMENT OIL SHALE TEST LEASES

[Pub. L. 94–579, title III, §317\(b\), Oct. 21, 1976, 90 Stat. 2771](#), provided that: "Funds now held pursuant to said section 35 [this section] by the States of Colorado and Utah separately from the Department of the Interior oil shale test leases known as C–A; C–B; U–A and U–B shall be used by such States and subdivisions as the legislature of each State may direct giving priority to those subdivisions socially or economically impacted by the development of minerals leased under this Act for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services."

OUTER CONTINENTAL SHELF; REVENUES FROM LEASES

Disposition of revenues from leases on submerged lands of outer Continental Shelf, see [sections 1337 and 1338 of Title 43, Public Lands](#).

EXECUTIVE DOCUMENTS

ADMISSION OF ALASKA AS STATE

Effectiveness of amendment by Pub. L. 85–508 was dependent on admission of Alaska into the Union under sections 6(k) and 8(b) of Pub. L. 85–508. Admission was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85–508. See notes preceding [section 21 of Title 48, Territories and Insular Possessions](#).

Index	Utah Code
Title 59	Revenue and Taxation
Chapter 21	Mineral Lease Funds

Effective 5/5/2021

59-21-1. Disposition of federal mineral lease money -- Priority to political subdivisions impacted by mineral development -- Disposition of mineral bonus payments -- Appropriation of money attributable to royalties from extraction of minerals on federal land located within boundaries of Grand Staircase-Escalante National Monument.

- (1) Except as provided in Subsections [\(2\)](#) through [\(4\)](#), all money received from the United States under the provisions of the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq., shall:
 - (a) be deposited in the Mineral Lease Account of the General Fund; and
 - (b) be appropriated by the Legislature giving priority to those subdivisions of the state socially or economically impacted by development of minerals leased under the Mineral Lands Leasing Act, for:
 - (i) planning;
 - (ii) construction and maintenance of public facilities; and
 - (iii) provision of public services.
- (2) Seventy percent of money received from federal mineral lease bonus payments shall be deposited into the Permanent Community Impact Fund and shall be used as provided in [Title 35A, Chapter 8, Part 3, Community Impact Fund Act](#).
- (3) Thirty percent of money received from federal mineral lease bonus payments shall be deposited in the Mineral Bonus Account created by Subsection [59-21-2\(1\)](#) and appropriated as provided in that subsection.
- (4) (a) For purposes of this Subsection [\(4\)](#):
 - (i) the "boundaries of the Grand Staircase-Escalante National Monument" means the boundaries:
 - (A) established by Presidential Proclamation No. 6920, 61 Fed. Reg. 50,223 (1996); and
 - (B) modified by:
 - (I) Pub. L. No. 105-335, 112 Stat. 3139; and
 - (II) Pub. L. No. 105-355, 112 Stat. 3247; and
 - (ii) a special service district, school district, or federal land is considered to be located within the boundaries of the Grand Staircase-Escalante National Monument if a portion of the special service district, school district, or federal land is located within the boundaries described in Subsection [\(4\)\(a\)\(i\)](#).
- (b) Beginning on July 1, 1999, the Legislature shall appropriate, as provided in Subsections [\(4\)\(c\)](#) through [\(g\)](#), money received from the United States that is attributable to royalties from the extraction of minerals on federal land that, on September 18, 1996, was located within the boundaries of the Grand Staircase-Escalante National Monument.
- (c) The Legislature shall annually appropriate 40% of the money described in Subsection [\(4\)\(b\)](#) to the Division of Finance to be distributed by the Division of Finance to special service districts that are:
 - (i) established by counties under [Title 17D, Chapter 1, Special Service District Act](#);
 - (ii) socially or economically impacted by the development of minerals under the Mineral Lands Leasing Act; and
 - (iii) located within the boundaries of the Grand Staircase-Escalante National Monument.
- (d) The Division of Finance shall distribute the money described in Subsection [\(4\)\(c\)](#) in amounts proportionate to the amount of federal mineral lease money generated by the county in which a special service district is located.
- (e) The Legislature shall annually appropriate 40% of the money described in Subsection [\(4\)\(b\)](#) to the State Board of Education to be distributed equally to school districts that are:
 - (i) socially or economically impacted by the development of minerals under the Mineral Lands Leasing Act; and
 - (ii) located within the boundaries of the Grand Staircase-Escalante National Monument.
- (f) The Legislature shall annually appropriate 2.25% of the money described in Subsection [\(4\)\(b\)](#) to the Utah Geological Survey to facilitate the development of energy and mineral resources in counties that are:
 - (i) socially or economically impacted by the development of minerals under the Mineral Lands Leasing Act; and

(ii) located within the boundaries of the Grand Staircase-Escalante National Monument.

(g) Seventeen and three-fourths percent of the money described in Subsection [\(4\)\(b\)](#) shall be deposited annually into the State School Fund established by Utah Constitution Article X, Section 5.

Amended by Chapter [339](#), 2021 General Session

Effective 5/3/2023

**59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus Account money --
Mineral Lease Account created -- Contents -- Appropriation of money from Mineral Lease Account.**

- (1)
 - (a) There is created a restricted account within the General Fund known as the "Mineral Bonus Account."
 - (b) The Mineral Bonus Account consists of federal mineral lease bonus payments deposited pursuant to Subsection [59-21-1\(3\)](#).
 - (c) The Legislature shall make appropriations from the Mineral Bonus Account in accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.
 - (d) The state treasurer shall:
 - (i) invest the money in the Mineral Bonus Account by following the procedures and requirements of [Title 51, Chapter 7, State Money Management Act](#); and
 - (ii) deposit all interest or other earnings derived from the account into the Mineral Bonus Account.
 - (e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of mineral lease bonus payments deposited under Subsection [\(1\)\(b\)](#) from the previous fiscal year into the Wildland Fire Suppression Fund created in Section [65A-8-204](#), up to \$2,000,000 but not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire Suppression Fund.
- (2)
 - (a) There is created a restricted account within the General Fund known as the "Mineral Lease Account."
 - (b) The Mineral Lease Account consists of federal mineral lease money deposited pursuant to Subsection [59-21-1\(1\)](#).
 - (c) The Legislature shall make appropriations from the Mineral Lease Account as provided in Subsection [59-21-1\(1\)](#) and this Subsection [\(2\)](#).
 - (d) The Legislature shall annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the Permanent Community Impact Fund established by Section [35A-8-303](#).
 - (e) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.
 - (f) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by the survey having as a purpose the development and exploitation of natural resources in the state.
 - (g) The Legislature shall annually appropriate 2.25% of all deposits made to the Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used for activities carried on by the laboratory having as a purpose the development and exploitation of water resources in the state.
 - (h)
 - (i) The Legislature shall annually appropriate to the Division of Finance 40% of all deposits made to the Mineral Lease Account to be distributed as provided in Subsection [\(2\)\(h\)\(ii\)](#) to:
 - (A) counties;
 - (B) special service districts established:
 - (I) by counties;
 - (II) under [Title 17D, Chapter 1, Special Service District Act](#); and
 - (III) for the purpose of constructing, repairing, or maintaining roads; or
 - (C) special service districts established:
 - (I) by counties;
 - (II) under [Title 17D, Chapter 1, Special Service District Act](#); and
 - (III) for other purposes authorized by statute.
 - (ii) The Division of Finance shall allocate the funds specified in Subsection [\(2\)\(h\)\(i\)](#):
 - (A) in amounts proportionate to the amount of mineral lease money generated by each county; and
 - (B) to a county or special service district established by a county under [Title 17D, Chapter 1, Special Service District Act](#), as determined by the county legislative body.
 - (i)
 - (i) The Legislature shall annually appropriate 5% of all deposits made to the Mineral Lease Account to the Department of Workforce Services to be distributed to:
 - (A) special service districts established:
 - (I) by counties;
 - (II) under [Title 17D, Chapter 1, Special Service District Act](#); and
 - (III) for the purpose of constructing, repairing, or maintaining roads; or

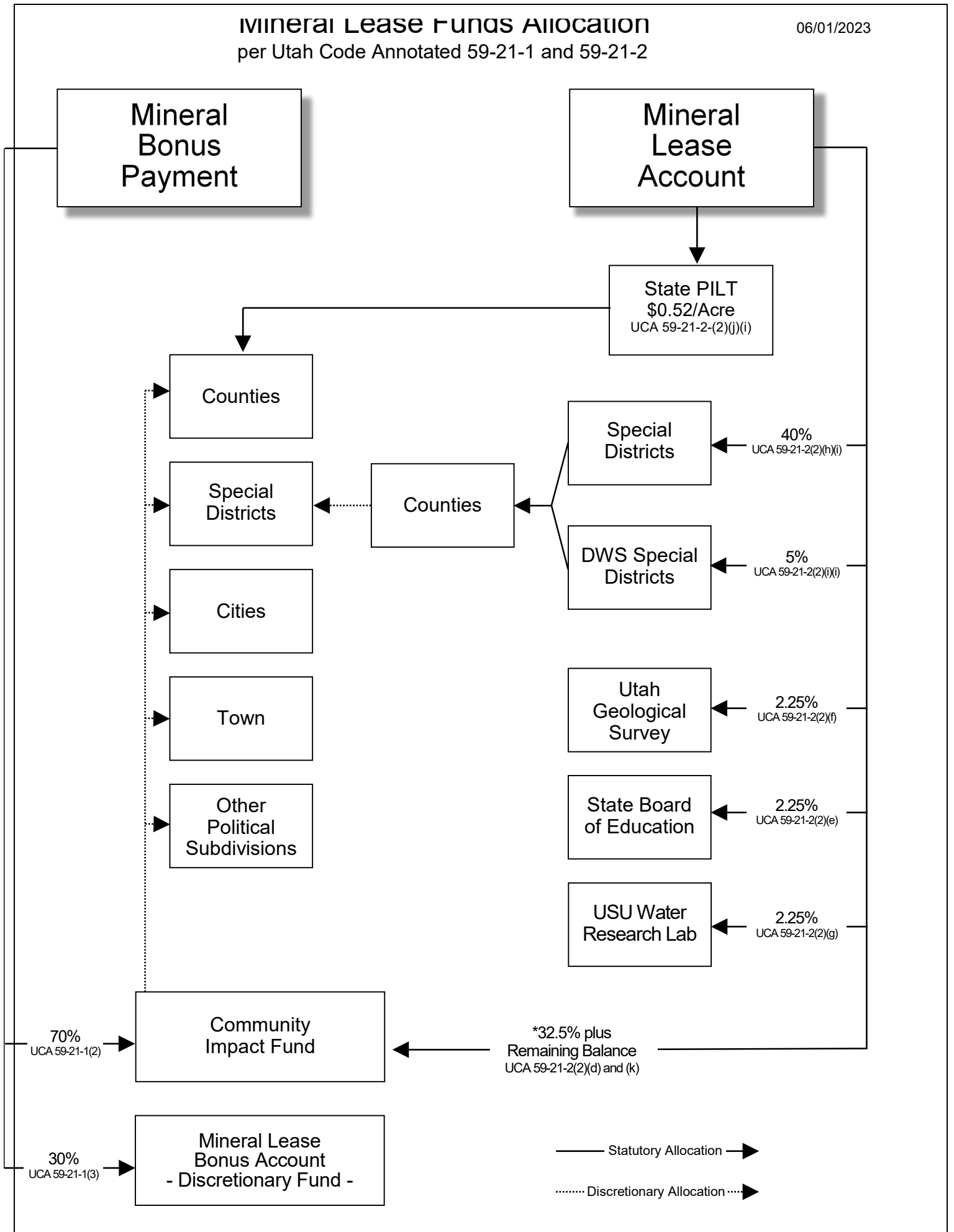
- (B) special service districts established:
 - (I) by counties;
 - (II) under [Title 17D, Chapter 1, Special Service District Act](#); and
 - (III) for other purposes authorized by statute.
- (ii) The Department of Workforce Services may distribute the amounts described in Subsection [\(2\)\(i\)\(i\)](#) only to special service districts established under [Title 17D, Chapter 1, Special Service District Act](#), by counties:
 - (A) of the third, fourth, fifth, or sixth class;
 - (B) in which 4.5% or less of the mineral lease money within the state is generated; and
 - (C) that are significantly socially or economically impacted as provided in Subsection [\(2\)\(i\)\(iii\)](#) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec. 181 et seq.
- (iii) The significant social or economic impact required under Subsection [\(2\)\(i\)\(ii\)\(C\)](#) shall be as a result of:
 - (A) the transportation within the county of hydrocarbons, including solid hydrocarbons as defined in Section [59-5-101](#);
 - (B) the employment of persons residing within the county in hydrocarbon extraction, including the extraction of solid hydrocarbons as defined in Section [59-5-101](#); or
 - (C) a combination of Subsections [\(2\)\(i\)\(iii\)\(A\)](#) and [\(B\)](#).
- (iv) For purposes of distributing the appropriations under this Subsection [\(2\)\(i\)](#) to special service districts established by counties under [Title 17D, Chapter 1, Special Service District Act](#), the Department of Workforce Services shall:
 - (A) (I) allocate 50% of the appropriations equally among the counties meeting the requirements of Subsections [\(2\)\(i\)\(ii\)](#) and [\(iii\)](#); and
 - (II) allocate 50% of the appropriations based on the ratio that the population of each county meeting the requirements of Subsections [\(2\)\(i\)\(ii\)](#) and [\(iii\)](#) bears to the total population of all of the counties meeting the requirements of Subsections [\(2\)\(i\)\(ii\)](#) and [\(iii\)](#); and
 - (B) after making the allocations described in Subsection [\(2\)\(i\)\(iv\)\(A\)](#), distribute the allocated revenues to special service districts established by the counties under [Title 17D, Chapter 1, Special Service District Act](#), as determined by the executive director of the Department of Workforce Services after consulting with the county legislative bodies of the counties meeting the requirements of Subsections [\(2\)\(i\)\(ii\)](#) and [\(iii\)](#).
- (v) The executive director of the Department of Workforce Services:
 - (A) shall determine whether a county meets the requirements of Subsections [\(2\)\(i\)\(ii\)](#) and [\(iii\)](#);
 - (B) shall distribute the appropriations under Subsection [\(2\)\(i\)\(i\)](#) to special service districts established by counties under [Title 17D, Chapter 1, Special Service District Act](#), that meet the requirements of Subsections [\(2\)\(i\)\(ii\)](#) and [\(iii\)](#); and
 - (C) in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#), may make rules:
 - (I) providing a procedure for making the distributions under this Subsection [\(2\)\(i\)](#) to special service districts; and
 - (II) defining the term "population" for purposes of Subsection [\(2\)\(i\)\(iv\)](#).
- (i) (i) The Legislature shall annually make the following appropriations from the Mineral Lease Account:
 - (A) an amount equal to 52 cents multiplied by the number of acres of school or institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu of taxes contract, to each county in which those lands are located;
 - (B) to each county in which school or institutional trust lands are transferred to the federal government after December 31, 1992, an amount equal to the number of transferred acres in the county multiplied by a payment per acre equal to the difference between 52 cents per acre and the per acre payment made to that county in the most recent payment under the federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal payment was equal to or exceeded the 52 cents per acre, in which case a payment under this Subsection [\(2\)\(i\)\(i\)\(B\)](#) may not be made for the transferred lands;
 - (C) to each county in which federal lands, which are entitlement lands under the federal in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to the number of transferred acres in the county multiplied by a payment per acre equal to the difference between the most recent per acre payment made under the federal payment in lieu of taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52 cents per acre, in which case a payment under this Subsection [\(2\)\(i\)\(i\)\(C\)](#) may not be made for the transferred land; and
 - (D) to a county of the fifth or sixth class, an amount equal to the product of:
 - (I) \$1,000; and
 - (II) the number of residences described in Subsection [\(2\)\(i\)\(iv\)](#) that are located within the county.

- (ii) A county receiving money under Subsection [\(2\)\(j\)\(i\)](#) may, as determined by the county legislative body, distribute the money or a portion of the money to:
 - (A) special service districts established by the county under [Title 17D, Chapter 1, Special Service District Act](#);
 - (B) school districts; or
 - (C) public institutions of higher education.
- (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the Division of Finance shall increase or decrease the amounts per acre provided for in Subsections [\(2\)\(j\)\(i\)\(A\)](#) through [\(C\)](#) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.
- (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance shall increase or decrease the amount described in Subsection [\(2\)\(j\)\(i\)\(D\)\(I\)](#) by the average annual change in the Consumer Price Index for all urban consumers published by the Department of Labor.
- (iv) Residences for purposes of Subsection [\(2\)\(j\)\(i\)\(D\)\(II\)](#) are residences that are:
 - (A) owned by:
 - (I) the Division of State Parks;
 - (II) [the Division of Outdoor Recreation](#); or
 - (III) the Division of Wildlife Resources;
 - (B) located on lands that are owned by:
 - (I) the Division of State Parks;
 - (II) [the Division of Outdoor Recreation](#); or
 - (III) the Division of Wildlife Resources; and
 - (C) are not subject to taxation under:
 - (I) [Chapter 2, Property Tax Act](#); or
 - (II) [Chapter 4, Privilege Tax](#).
- (k) The Legislature shall annually appropriate to the Permanent Community Impact Fund all deposits remaining in the Mineral Lease Account after making the appropriations provided for in Subsections [\(2\)\(d\)](#) through [\(j\)](#).
- (3) (a) Each agency, board, institution of higher education, and political subdivision receiving money under this chapter shall provide the Legislature, through the Office of the Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual basis.
- (b) The accounting required under Subsection [\(3\)\(a\)](#) shall:
 - (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year; and
 - (ii) be reviewed by the Business, Economic Development, and Labor Appropriations Subcommittee as part of its normal budgetary process under [Title 63J, Chapter 1, Budgetary Procedures Act](#).

Amended by Chapter [217, 2023 General Session](#)

Mineral Lease Funds Allocation
 per Utah Code Annotated 59-21-1 and 59-21-2

06/01/2023



SCHOOL AND INSTITUTIONAL TRUST LANDS ~ SITLA – STATE STATUTE

Index	Utah Code
Title 53C	School and Institutional Trust Lands Management Act
Chapter 3	Deposit and Allocation of Revenue from Trust Lands
Part 2	Federal-State Land Exchange
Section 201	Definitions.
Section 202	Collection and Distribution of revenues from federal land exchange parcels
Section 203	Land Exchange Distribution Account

53C-3-201 Definitions.

As used in this part:

- (1) "Acquired lands" means lands acquired by the administration under the agreement.
- (2) "Acquired mineral interests" means mineral interests acquired by the administration pursuant to Section 3(F), (K), (L), or (M) of the agreement.
- (3) "Agreement" means the Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America, signed May 8, 1998, as ratified by the Utah School and Lands Exchange Act of 1998, Pub. L. No. 105-335.
- (4) "Exchange" means a land or mineral interest exchange by the administration and the United States of America after March 1, 2007 that is directed by Congressional action.
- (5) "Exchanged lands" means lands:
 - (a) acquired by the administration through an exchange; and
 - (b) reduced in value to take into account the presence of minerals subject to leasing under the Mineral Leasing Act, 30 U.S.C. Sec. 181 et seq.
- (6) "Exchanged mineral interests" means mineral interests:
 - (a) acquired by the administration through an exchange; and
 - (b) reduced in value to take into account the presence of minerals subject to leasing under the Mineral Leasing Act, 30 U.S.C. Sec. 181 et seq.
- (7) "Identified tracts" means the tracts identified in Section 3(F), (G), (J), (K), (L), and (M) of the agreement, generally referred to as the Cottonwood Tract, Westridge Coal Tract, Ferron Field, Mill Fork Tract, Dugout Canyon Tract, Muddy Tract, and North Horn Coal Tract.
- (8) "Subject mineral" means a mineral that is covered by the Mineral Leasing Act, 30 U.S.C. Sec. 181 et seq.

Amended by Chapter 79, 2010 General Session

53C-3-202 Collection and distribution of revenues from federal land exchange parcels.

- (1) The director shall collect all bonus payments, rentals, and royalties from the lease of:
 - (a) minerals on acquired lands;
 - (b) acquired mineral interests;
 - (c) minerals on exchanged lands; and
 - (d) exchanged mineral interests.
- (2) No later than the last day of the second month following each calendar quarter, the director shall distribute:
 - (a) bonus payments received during the calendar quarter from the lease of coal, oil and gas, and coalbed methane on the identified tracts as follows:
 - (i) 50% to the United States; and
 - (ii) 50% to the Land Exchange Distribution Account created in Section 53C-3-203;
 - (b) rentals and royalties received during the calendar quarter from the lease of subject minerals on the acquired lands and the lease of acquired mineral interests as follows:
 - (i) 50% to the Land Grant Management Fund created by Section 53C-3-101; and
 - (ii) 50% to the Land Exchange Distribution Account created in Section 53C-3-203;
 - (c) mineral bonus, rental, and royalty revenue generated from the lease of subject minerals, other than oil shale, on exchanged lands or from the lease of exchanged mineral interests, other than interests in oil shale, as follows:
 - (i) 50% to the Land Grant Management Fund created by Section 53C-3-101; and
 - (ii) 50% to the Land Exchange Distribution Account created in Section 53C-3-203; and
 - (d) mineral bonus, rental, and royalty revenue generated from the lease of oil shale on exchanged lands or the lease of exchanged mineral interests that are interests in oil shale, net of amounts paid to the United States pursuant to a reserved interest of the United States in oil shale, as follows:
 - (i) 50% to the Land Grant Management Fund created by Section 53C-3-101; and
 - (ii) 50% to the Land Exchange Distribution Account created in Section 53C-3-203.

(3)

- (a) Except as provided in Subsection (3)(c), the director may retain up to 3% of the money collected under Subsection (1) to pay for administrative costs incurred under Subsections (1) and (2).
- (b) Except as provided in Subsection (3)(c), the director may deduct administrative costs before distributions are made under Subsection (2).
- (c) The director may not deduct administrative costs from the portion of collections derived from minerals on exchanged lands or exchanged mineral interests that is equal to the United States' reserved interest in oil shale.
- (d) The director shall keep the administrative cost deductions in separate accounts.
- (e) The money retained under Subsection (3)(a) is nonlapsing.
- (f) The director shall distribute in accordance with Subsection (2) the unused balance of the money retained under Subsection (3)(a) that exceeds \$2,000,000 at the end of a fiscal year.

Amended by Chapter 342, 2011 General Session

Affected by [63I-1-253](#) on 7/1/2030

Effective 5/12/2020

53C-3-203. Land Exchange Distribution Account.

- (1) As used in this section, "account" means the Land Exchange Distribution Account created in Subsection (2)(a).
- (2) (a) There is created within the General Fund a restricted account known as the Land Exchange Distribution Account.
 - (b) The account shall consist of revenue deposited in the account as required by Section [53C-3-202](#).
- (3) (a) The state treasurer shall invest money in the account according to [Title 51, Chapter 7, State Money Management Act](#).
 - (b) The Division of Finance shall deposit interest or other earnings derived from investment of account money into the General Fund.
- (4) The Legislature shall annually appropriate from the account in the following order:
 - (a) \$1,000,000 to the Constitutional Defense Restricted Account created in Section [63C-4a-402](#); and
 - (b) from the deposits to the account remaining after the appropriation in Subsection (4)(a), the following amounts:
 - (i) 55% of the deposits to counties in amounts proportionate to the amounts of mineral revenue generated from the acquired land, exchanged land, acquired mineral interests, or exchanged mineral interests located in each county, to be used to mitigate the impacts caused by mineral development;
 - (ii) 25% of the deposits to counties in amounts proportionate to the total surface and mineral acreage within each county that was conveyed to the United States under the agreement or an exchange, to be used to mitigate the loss of mineral development opportunities resulting from the agreement or exchange;
 - (iii) 1.68% of the deposits to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah;
 - (iv) 1.66% of the deposits to the Geological Survey, to be used for natural resources development in the state;
 - (v) 1.66% of the deposits to the Water Research Laboratory at Utah State University, to be used for water development in the state;
 - (vi) 11% of the deposits to the Constitutional Defense Restricted Account created in Section [63C-4a-402](#);
 - (vii) 1% of the deposits to the Geological Survey, to be used for test wells and other hydrologic studies in the West Desert; and
 - (viii) 3% of the deposits to the Permanent Community Impact Fund created in Section [35A-8-303](#), to be used for grants to political subdivisions of the state to mitigate the impacts resulting from the development or use of school and institutional trust lands.
- (5) The administration shall make recommendations to the Permanent Community Impact Fund Board for the Permanent Community Impact Fund Board's consideration when awarding the grants described in Subsection (4)(b)(viii).

Amended by Chapter [234](#), 2020 General Session

HCD ~ COMMUNITY IMPACT FUND ACT – STATE STATUTE

Index	Utah Code
Title 35A	Utah Workforce Services Code
Chapter 8	Housing and Community Development Division
Part 3	Community Impact <u>Fund Act</u>

Effective 5/5/2021

35A-8-301 Legislative intent -- Purpose and policy.

- (1) It is the intent of the Legislature to make available funds received by the state from federal mineral lease revenues under Section 59-21-2, bonus payments on federal oil shale lease tracts U-A and U-B, and all other bonus payments on federal mineral leases to be used for planning, construction and maintenance of public facilities, and provision of public service, subject to the limitations provided for in Section 35 of the Mineral Leasing Act of 1920 (41 Stat. 450, 30 U.S.C. Sec. 191).
- (2) To the extent allowed under the Mineral Leasing Act, any ambiguity as to whether a particular use of the lease revenue and bonus payments described in Subsection (1) is a permissible use under this part shall be resolved in favor of upholding the use.
- (3) The purpose of this part is to maximize the long-term benefit of funds derived from these lease revenues and bonus payments by fostering funding mechanisms which will, consistent with sound financial practices, result in the greatest use of financial resources for the greatest number of citizens of this state, with priority given to those communities designated as impacted by the development of natural resources covered by the Mineral Leasing Act.
- (4) The policy of this state is to promote cooperation and coordination between the state and the state's agencies and political subdivisions with individuals, firms, and business organizations engaged in the development of the natural resources of this state.

Amended by Chapter 339, 2021 General Session

Effective 5/5/2021

35A-8-302. Definitions.

As used in this part:

- (1) "Bonus payments" means that portion of the bonus payments received by the United States government under the Leasing Act paid to the state under Section 35 of the Leasing Act, 30 U.S.C. Sec. 191, together with any interest that had accrued on those payments.
- (2) "Impact board" means the Permanent Community Impact Fund Board created under Section 35A-8-304.
- (3) "Impact fund" means the Permanent Community Impact Fund established by this chapter.
- (4) "Interlocal agency" means a legal or administrative entity created by a subdivision or combination of subdivisions under the authority of Title 11, Chapter 13, [Interlocal Cooperation Act](#).
- (5) "Leasing Act" means the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 181 et seq.
- (6) "Qualifying sales and use tax distribution reduction" means that, for the calendar year beginning on January 1, 2008, the total sales and use tax distributions a city received under Section 59-12-205 were reduced by at least 15% from the total sales and use tax distributions the city received under Section 59-12-205 for the calendar year beginning on January 1, 2007.
- (7) (a) "Planning" means any of the following performed by or on behalf of the state, a subdivision, or an interlocal entity:
 - (i) a study, analysis, plan, or survey; or
 - (ii) activities necessary to obtain a permit or land use approval, including review to determine the need, cost, or feasibility of obtaining a permit or land use approval.
- (b) "Planning" includes:
 - (i) the preparation of maps and guidelines;
 - (ii) land use planning;
 - (iii) a study or analysis of:
 - (A) the social or economic impacts associated with natural resource development;
 - (B) the demand for the transportation of individuals or goods;
 - (C) state, regional, and local development and growth;

- (A) population and employment;
 - (B) development related to natural resources; and
 - (C) as related to any other activity described in this Subsection (7), engineering, financial analysis, legal analysis, or any other analysis helpful to the state, subdivision, or interlocal agency; and
- (iv) any activity described in this Subsection (7) regardless of whether the activity is for a public facility or a public service.
- (8) "Public facility" means a facility:
- (a) in whole or in part, owned, controlled, or operated by the state, a subdivision, or an interlocal agency; and
 - (b) that serves a public purpose.
- (9) (a) "Public service" means a service that:
- (i) is provided, in whole or in part, by or on behalf of the state, a subdivision, or an interlocal agency; and
 - (ii) serves a public purpose.
- (b) "Public service" includes:
- (i) a service described in Subsection (9)(a) regardless of whether the service is provided in connection with a public facility;
 - (ii) the cost of providing a service described in Subsection (9)(a), including administrative costs, wages, and legal fees; and
 - (iii) a contract with a public postsecondary institution to fund research, education, or a public service program.
- (10) "Subdivision" means a county, city, town, county service area, special service district, special improvement district, water conservancy district, water improvement district, sewer improvement district, housing authority, building authority, school district, or public postsecondary institution organized under the laws of this state.
- (11) (a) "Throughput infrastructure project" means the following facilities, whether located within, partially within, or outside of the state:
- (i) a bulk commodities ocean terminal;
 - (ii) a pipeline for the transportation of liquid or gaseous hydrocarbons;
 - (iii) electric transmission lines and ancillary facilities;
 - (iv) a short line freight railroad and ancillary facilities;
 - (v) a plant or facility for storing, distributing, or producing hydrogen, including the liquefaction of hydrogen, for use as a fuel in zero emission motor vehicles, for electricity generation, or for industrial use; or
 - (vi) a plant for the production of zero emission hydrogen fueled trucks.
- (b) "Throughput infrastructure project" includes:
- (i) an ownership interest or a joint or undivided ownership interest in a facility;
 - (ii) a membership interest in the owner of a facility; or
 - (iii) a contractual right, whether secured or unsecured, to use all or a portion of the throughput, transportation, or transmission capacity of a facility.

Amended by Chapter 339, 2021 General Session

35A-8-303. Impact fund -- Deposits and contents -- Use of fund money.

- (1) There is created an enterprise fund entitled the "Permanent Community Impact Fund."
- (2) The fund consists of:
 - (a) all amounts appropriated to the impact fund under Section 59-21-2;
 - (b) bonus payments deposited to the impact fund under Subsection 59-21-1(2);
 - (c) all amounts appropriated to the impact fund under Section 53C-3-203;
 - (d) all amounts received for the repayment of loans made by the impact board under this chapter; and
 - (e) all other money appropriated or otherwise made available to the impact fund by the Legislature.
- (3) The state treasurer shall:
 - (a) invest the money in the impact fund by following the procedures and requirements of [Title 51, Chapter 7, State Money Management Act](#); and
 - (b) deposit all interest or other earnings derived from those investments into the impact fund.

- (4) The amounts in the impact fund available for loans, grants, administrative costs, or other purposes of this part shall be limited to that which the Legislature appropriates for these purposes.
- (5) Federal mineral lease revenue received by the state under the Leasing Act that is deposited into the impact fund shall be used:
 - (a) in a manner consistent with the provisions of:
 - (i) the Leasing Act; and
 - (ii) this part; and
 - (b) for loans, grants, or both to state agencies or subdivisions that are socially or economically impacted by the leasing of minerals under the Leasing Act.
- (6) The money described in Subsection (2)(c) shall be used for grants to political subdivisions of the state to mitigate the impacts resulting from the development or use of school and institutional trust lands.

Renumbered and Amended by Chapter 212, 2012 General Session

Effective 5/4/2022

35A-8-304. Permanent Community Impact Fund Board created -- Members -- Terms -- Chair -- Expenses.

- (1) There is created within the department the Permanent Community Impact Fund Board composed of 11 members as follows:
 - (a) the state treasurer or the state treasurer's designee;
 - (b) the chair of the Transportation Commission or the chair's designee;
 - (c) the executive director of the Governor's Office of Planning and Budget or the executive director's designee;
 - (d) a locally elected official who resides in Carbon, Emery, Grand, or San Juan County;
 - (e) a locally elected official who resides in Juab, Millard, Sanpete, Sevier, Piute, or Wayne County;
 - (f) a locally elected official who resides in Duchesne, Daggett, or Uintah County;
 - (g) a locally elected official who resides in Beaver, Iron, Washington, Garfield, or Kane County;
 - (h) a locally elected official from the county that:
 - (i) produced the most mineral lease money related to oil extraction during the four-year period immediately preceding the term of appointment, as determined by the department at the end of each term; and
 - (ii) does not already have a representative on the impact board;
 - (i) a locally elected official from the county that:
 - (i) produced the most mineral lease money related to natural gas extraction during the four-year period immediately preceding the term of appointment, as determined by the department at the end of each term; and
 - (ii) does not already have a representative on the impact board;
 - (j) a locally elected official from the county that:
 - (i) produced the most mineral lease money related to coal extraction during the four-year period immediately preceding the term of appointment, as determined by the department at the end of each term; and
 - (ii) does not already have a representative on the impact board; and
 - (k) an individual who resides in a county of the third, fourth, fifth, or sixth class, appointed by the governor with the advice and consent of the Senate in accordance with [Title 63G, Chapter 24, Part 2, Vacancies](#).
- (2) (a) The members specified under Subsections (1)(d) through (j) may not reside in the same county and shall be:
 - (i) nominated by the Board of Directors of the Southeastern Association of Local Governments, the Six County Association of Governments, the Uintah Basin Association of Governments, and the Five County Association of Governments, respectively, except that the members specified under Subsections (1)(h) through (j) shall be nominated by the Board of Directors of the Association of Governments from the region of the state in which the county is located; and
 - (ii) appointed by the governor with the advice and consent of the Senate in accordance with [Title 63G, Chapter 24, Part 2, Vacancies](#).
- (b) Except as required by Subsection (2)(c), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.
- (c) Notwithstanding the requirements of Subsection (2)(b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (d) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (3) The terms of office for the members specified under Subsections (1)(a) through (c) shall run concurrently with the term of office for the commission, department, or office from which each member comes.

- (4) (a) The member specified under Subsection [\(1\)\(k\)](#) is the chair of the impact board.
(b) The chair of the impact board is responsible for the call and conduct of meetings.
- (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
(a) Section [63A-3-106](#);
(b) Section [63A-3-107](#); and
(c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).
- (6) A member described in Subsections [\(1\)\(d\)](#) through [\(k\)](#) shall comply with the conflict of interest provisions described in [Title 63G, Chapter 24, Part 3, Conflicts of Interest](#).
- (7) (a) A majority of the members of the impact board constitutes a quorum.
(b) Action by a majority vote of a quorum of the impact board constitutes action by the impact board.
- (8) The department shall provide staff support to the impact board.

Amended by Chapter [427](#), 2022 General

Effective 5/5/2021

35A-8-305. Duties -- Loans -- Interest.

- (1) The impact board shall:
- (a) make grants and loans from the amounts appropriated by the Legislature out of the impact fund to state agencies, subdivisions, and interlocal agencies that are or may be socially or economically impacted, directly or indirectly, by mineral resource development for:
 - (i) planning;
 - (ii) construction and maintenance of public facilities; and
 - (iii) provision of public services;
 - (b) establish the criteria by which the loans and grants will be made;
 - (c) determine the order in which projects will be funded;
 - (d) in conjunction with other agencies of the state, subdivisions, or interlocal agencies, conduct studies, investigations, and research into the effects of proposed mineral resource development projects upon local communities;
 - (e) sue and be sued in accordance with applicable law;
 - (f) qualify for, accept, and administer grants, gifts, loans, or other funds from:
 - (i) the federal government; and
 - (ii) other sources, public or private; and
 - (g) perform other duties assigned to it under Sections [11-13-306](#) and [11-13-307](#).
- (2) Money, including all loan repayments and interest, in the impact fund derived from bonus payments may be used for any of the purposes set forth in Subsection [\(1\)\(a\)](#) but may only be given in the form of interest bearing loans to be paid back into the impact fund by the agency, subdivision, or interlocal agency.
- (3) The impact board may make a grant or loan under Subsection [\(1\)](#) regardless of whether the activity results in more than one impact or outcome, including an increase in natural resource development or an increase in economic development.
- (4) If the public service described in Subsection [\(1\)\(a\)](#) is a contract with a public postsecondary institution described in Subsection [35A-3-302\(9\)\(b\)\(iii\)](#), the contract shall be:
- (a) based on an application to the impact board from the impacted county; and
 - (b) approved by the county legislative body.

Amended by Chapter [339](#), 2021 General Session

Effective 5/14/2019

35A-8-306. Powers.

The impact board may:

- (1) appoint, where it considers this appropriate, a hearing examiner or administrative law judge with authority to conduct hearings, make determinations, and enter appropriate findings of facts, conclusions of law, and orders under authority of the impact board under Sections [11-13-306](#) and [11-13-307](#);

- (2) appoint additional professional and administrative staff necessary to effectuate Sections [11-13-306](#) and [11-13-307](#);
- (3) make independent studies regarding matters submitted to it under Sections [11-13-306](#) and [11-13-307](#) that the impactboard, in its discretion, considers necessary, which studies shall be made a part of the record and may be considered in the impact board's determination; and
- (4) make rules in accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act](#), to perform the impactboard's responsibilities under this part.

Amended by Chapter [89](#), 2019 General Session

Effective 5/5/2021

35A-8-307. Impact fund administered by impact board -- Eligibility for assistance -- Review by board -- Administration costs -- Annual report.

- (1) (a) The impact board shall:
 - (i) administer the impact fund in a manner that will keep a portion of the impact fund revolving;
 - (ii) determine provisions for repayment of loans;
 - (iii) establish criteria for determining eligibility for assistance under this part; and
 - (iv) consider recommendations from the School and Institutional Trust Lands Administration when awarding a grant described in Subsection [35A-8-303\(6\)](#).
 - (b) (i) The criteria for awarding loans or grants made from funds described in Subsection [35A-8-303\(5\)](#), shall be consistent with the requirements of Subsection [35A-8-303\(5\)](#).
 - (ii) The criteria for awarding grants made from funds described in Subsection [35A-8-303\(2\)\(c\)](#) shall be consistent with the requirements of Subsection [35A-8-303\(6\)](#).
 - (c) In order to receive assistance under this part, subdivisions and interlocal agencies shall submit formal applications containing the information that the impact board requires.
- (2) In determining eligibility for loans and grants under this part, the impact board shall consider the following:
 - (a) the subdivision's or interlocal agency's current mineral lease production;
 - (b) the feasibility of the actual development or the increased development of a resource that may impact the subdivision or interlocal agency directly or indirectly;
 - (c) current taxes being paid by the subdivision's or interlocal agency's residents;
 - (d) the borrowing capacity of the subdivision or interlocal agency, including:
 - (i) the subdivision's or interlocal agency's ability and willingness to sell bonds or other securities in the open market; and
 - (ii) the subdivision's or interlocal agency's current and authorized indebtedness;
 - (e) all possible additional sources of state and local revenue, including utility user charges;
 - (f) the availability of federal assistance funds;
 - (g) probable growth of population due to actual or prospective natural resource development in an area;
 - (h) existing public facilities and services;
 - (i) the extent of the expected direct or indirect impact upon public facilities and public services of the actual or prospective natural resource development in an area; and
 - (j) the extent of industry participation in an impact alleviation plan, either as specified in [Title 63M, Chapter 5, Resource Development Act](#), or otherwise.
 - (3) The impact board may not fund an education project that could otherwise have reasonably been funded by a school district through a program of annual budgeting, capital budgeting, bonded indebtedness, or special assessments.
 - (4) The impact board may restructure all or part of the agency's or subdivision's liability to repay loans for extenuating circumstances.
 - (5) The impact board shall:
 - (a) review the proposed uses of the impact fund for loans or grants before approving them and may condition its approval on whatever assurances the impact board considers necessary to ensure that proceeds of the loan or grant will be used in accordance with the Leasing Act and this part; and
 - (b) ensure that each loan specifies the terms for repayment and is evidenced by general obligation, special assessment, or revenue bonds, notes, or other obligations of the appropriate subdivision or interlocal agency issued to the impact board under whatever authority for the issuance of those

bonds, notes, or obligations exists at the time of the loan.

- (6) The impact board shall allocate from the impact fund to the department those funds that are appropriated by the Legislature for the administration of the impact fund, but this amount may not exceed 2% of the annual receipts to the impact fund.
- (7) The department shall include in the annual written report described in Section [35A-1-109](#), the number and type of loans and grants made as well as a list of subdivisions and interlocal agencies that received this assistance.

Amended by Chapter [339](#), 2021 General Session

Effective 5/5/2021

35A-8-308. Throughput Infrastructure Fund.

- (1) There is created an enterprise fund known as the Throughput Infrastructure Fund.
- (2) The fund consists of money generated from the following revenue sources:
 - (a) all amounts transferred to the fund by statute;
 - (b) any voluntary contributions received;
 - (c) appropriations made to the fund by the Legislature; and
 - (d) all amounts received from the repayment of loans made by the impact board under Section [35A-8-309](#).
- (3) The state treasurer shall:
 - (a) invest the money in the fund by following the procedures and requirements of [Title 51, Chapter 7, State Money Management Act](#); and
 - (b) deposit all interest or other earnings derived from those investments into the fund.

Amended by Chapter [367](#), 2021 General Session

Effective 5/5/2021

35A-8-309. Throughput Infrastructure Fund administered by impact board -- Uses -- Review by board -- Annual report -- First project.

- (1) The impact board shall:
 - (a) make grants and loans from the Throughput Infrastructure Fund created in Section [35A-8-308](#) for a throughput infrastructure project;
 - (b) use money transferred to the Throughput Infrastructure Fund in accordance with statute to provide a loan or grant to finance the cost of acquisition or construction of a throughput infrastructure project to one or more local political subdivisions, including a Utah interlocal agency created under [Title 11, Chapter 13, Interlocal Cooperation Act](#);
 - (c) administer the Throughput Infrastructure Fund in a manner that will keep a portion of the fund revolving;
 - (d) determine provisions for repayment of loans;
 - (e) establish criteria for awarding loans and grants; and
 - (f) establish criteria for determining eligibility for assistance under this section.
- (2) The cost of acquisition or construction of a throughput infrastructure project includes amounts for working capital, reserves, transaction costs, and other amounts determined by the impact board to be allocable to a throughput infrastructure project.
- (3) The impact board may restructure or forgive all or part of a local political subdivision's or interlocal agency's obligation to repay loans for extenuating circumstances.
- (4) To receive assistance under this section, a local political subdivision or an interlocal agency shall submit a formal application containing the information that the impact board requires.
- (5)
 - (a) The impact board shall:
 - (i) review the proposed uses of the Throughput Infrastructure Fund for a loan or grant before approving the loan or grant and may condition its approval on whatever assurances the impact board considers necessary to ensure that proceeds of the loan or grant will be used in accordance with this section;
 - (ii) ensure that each loan specifies terms for interest deferments, accruals, and scheduled principal repayment; and
 - (iii) ensure that repayment terms are evidenced by bonds, notes, or other obligations of the appropriate local political subdivision or interlocal agency issued to the impact board and payable from the net revenues of a throughput infrastructure project.
 - (b) An instrument described in Subsection [\(5\)\(a\)\(iii\)](#) may be:
 - (i) non-recourse to the local political subdivision or interlocal agency; and

- (ii) limited to a pledge of the net revenues from a throughput infrastructure project.
- (6) (a) Subject to the restriction in Subsection [\(6\)\(b\)](#), the impact board shall allocate from the Throughput Infrastructure Fund to the board those amounts that are appropriated by the Legislature for the administration of the Throughput Infrastructure Fund.
(b) The amount described in Subsection [\(6\)\(a\)](#) may not exceed 2% of the annual receipts to the fund.
- (7) The board shall include in the annual written report described in Section [35A-1-109](#):
 - (a) the number and type of loans and grants made under this section; and
 - (b) a list of local political subdivisions or interlocal agencies that received assistance under this section.
- (8) (a) The first throughput infrastructure project considered by the impact board shall be a bulk commodities ocean terminal project.
(b) Upon receipt of an application from an interlocal agency created for the sole purpose of undertaking a throughput infrastructure project that is a bulk commodities ocean terminal project, the impact board shall:
 - (i) grant up to 2% of the money in the Throughput Infrastructure Fund to the interlocal agency to pay or reimburse costs incurred by the interlocal agency preliminary to its acquisition of the throughput infrastructure project; and
 - (ii) fund the interlocal agency's application if the application meets all criteria established by the impact board.

Amended by Chapter 367, 2021 General Session

Effective 5/5/2021

35A-8-310. Application -- Retroactivity.

- (1) The provisions of Laws of Utah 2021, Chapter 339, apply to any claim for which a court of competent jurisdiction has not issued a final unappealable judgment or order.
- (2) The Legislature finds that the provisions of Laws of Utah 2021, Chapter 339:
 - (a) do not enlarge, eliminate, or destroy vested rights; and
 - (b) clarify legislative intent.

Revisor instructions Chapter [339](#), 2021 General Session Enacted by
Chapter [339](#), 2021 General Session

WATER COORDINATING COUNCIL – STATE STATUTE

Index	Utah Code
Title 73	Water and Irrigation
Chapter 10c	Water Development Coordinating Council
Section 3	Water Development Coordinating Council created -- Purpose -- Members.

Effective 5/4/2022

73-10c-3. Water Development Coordinating Council created -- Purpose -- Members.

- (1) (a) There is created within the Department of Natural Resources a Water Development Coordinating Council. The council is comprised of:
- (i) the director of the Division of Water Resources;
 - (ii) the executive secretary of the Water Quality Board;
 - (iii) the executive secretary of the Drinking Water Board;
 - (iv) the director of the Housing and Community Development Division or the director's designee; and
 - (v) the state treasurer or the state treasurer's designee.
- (b) The council shall choose a chair and vice chair from among its own members.
- (c) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (i) Section [63A-3-106](#);
 - (ii) Section [63A-3-107](#); and
 - (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).
- (2) The purposes of the council are to:
- (a) coordinate the use and application of the funds available to the state to give financial assistance to political subdivisions of this state so as to promote the conservation, development, treatment, restoration, and protection of the waters of this state;
 - (b) promote the coordination of the financial assistance programs administered by the state and the use of the financing alternative most economically advantageous to the state and its political subdivisions;
 - (c) promote the consideration by the Board of Water Resources, Drinking Water Board, and Water Quality Board of regional solutions to the water and wastewater needs of individual political subdivisions of this state;
 - (d) assess the adequacy and needs of the state and its political subdivisions with respect to water-related infrastructures and advise the governor and the Legislature on those funding needs; and
 - (e) conduct reviews and reports on water-related infrastructure issues as directed by statute.

Amended by Chapter [66](#), 2022 General Session

ADMINISTRATIVE RULES

CIB PROGRAM – UTAH ADMINISTRATIVE RULES

R990. Workforce Services, Housing and Community Development.

R990-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.

As in effect on June 1, 2023

R990. Workforce Services, Housing and Community Development.

R990-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.

R990-8-1. Purpose.

The Permanent Community Impact Fund Board (the Board) provides loans and/or grants to State agencies and subdivisions of the State which are or may be socially or economically impacted, directly or indirectly, by mineral resource development. Authorization for the Board is contained in Section 35A-8-301 et seq.

R990-8-2. Eligibility.

Only those applications for funding assistance which are submitted by an eligible applicant for an eligible project shall be funded by the Board.

Eligible projects include: a) planning; b) the construction and maintenance of public facilities; and c) the provision of public services. "Public Facilities and Services" means public infrastructure or services traditionally provided by local governmental entities.

Eligible applicants include state agencies and subdivisions of the state and Interlocal agencies as defined in Subsection 35A-8-302, which are or may be socially or economically impacted, directly or indirectly, by mineral resource development.

R990-8-3. Application Requirements.

A. Applicants shall submit funding requests on the Board's most current application form, furnished by the Housing and Community Development Division (HCDD). Applicants submitting incomplete applications will be notified of deficiencies and their request for funding assistance will be held by the Board's staff pending submission of the required information by the applicant.

Complete applications that have been accepted for processing will be placed on one of the Trimester's upcoming "Application Review Meeting" agendas.

B. Additional general information not specifically covered by the application form should also be furnished to the Board and its staff when such information would be helpful to the Board in appraising the merits of the project.

C. For proposed drinking water and sewer projects, sufficient technical information must be provided to the Utah Department of Environmental Quality (DEQ) to permit its review. The Board will not act on any drinking water or sewer project unless it receives such review from DEQ.

D. Planning grants and studies normally require a fifty percent cash contribution by the applicant. Planning assistance requests shall be reviewed or provided by the Community Development Office.

E. The Board requires each applicant to have a vigorous public participation effort. Each applicant shall hold at least one formal public hearing to solicit comment concerning the size, scope and nature of any funding request prior to its submission to the Board. In that public hearing, the public shall be advised the financing may be in the form of a loan, even if the application requests a grant.

Complete and detailed information shall be given to the public regarding the proposed project and its financing. The information shall include the expected financial impact including potential repayment terms and the costs to the public as user fees, special assessments, or property taxes if the financing is in the form of a loan. The Board may require additional public hearings if it determines the applicant did not adequately disclose to the public the impact of the financial assistance during the initial public hearing.

When the Board offers an applicant a financial package that is substantially different in the amounts, terms or conditions initially requested by the applicant, the Board may require additional public hearings to solicit public comment on the modified funding package.

A copy of the public notice and transcript or minutes of the hearing shall be attached to the funding request. Public opinion polls may be submitted in addition to the transcript or minutes.

F. Letters of comment outlining specific benefits or problems to the community and the state may be submitted with the application.

G. Each applicant shall notify in writing the applicable Association of Governments of the applicant's intention to submit a funding request to the Board. A copy of any comments made by the Association of Governments shall be attached to the funding request. The Board encourages regional review and prioritization of funding requests to help ensure the timely consideration of all worthwhile projects.

H. Section 9-8-404 requires state agencies, before expending any state funds or approving any undertaking, to take into account the effect of the undertaking on any district, site, building structure or specimen that is included in or eligible for inclusion in the National Register of Historic Places or the State Register and to allow the state historic preservation officer (SHPO) a reasonable opportunity to comment on the undertaking or expenditure. To comply with that duty, the Board requires each applicant to provide the Board's staff with a detailed description of the proposed project attached to the

application. The Board's staff will provide the SHPO with descriptions of applications which may have potential historic preservation concerns for the SHPO's review and comment in compliance with the Community Impact Board and SHPO Programmatic Agreement. The state historic preservation officer's comments on individual applications will be provided to the Board as part of the review process outlined in R990-8-4. If during the construction of the project the applicant discovers any cultural or paleontological resources, the applicant shall cease project activities which may affect or impact the cultural or paleontological resource, notify the Board and the SHPO of the discovery, allow the Board to take into account the effects of the project on cultural or paleontological resources, and not proceed until further approval is given by the Board.

I. Each applicant must provide evidence and arguments to the Board as to how the proposed funding assistance provides for planning, the construction and maintenance of public facilities, or the provision of public services.

J. Each applicant must demonstrate that the facilities or services provided will be available and open to the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector.

K. Each applicant must demonstrate that any arrangement with a lessee of the proposed project will constitute a true lease, and not a disguised financing arrangement. The lessee must be required to pay a reasonable market rental for the use of the facility. The applicant shall have no arrangement with the lessee to sell the facility to the lessee, unless fair market value is received.

L. Each applicant must submit evidence and legal opinion that it has the authority to construct, own, and lease the proposed project. In the case of a request for an interest-bearing loan, the applicant must provide an opinion of nationally-recognized bond counsel that the interest will not be subject to federal income taxes.

M. Each applicant shall certify to the Board that the applicant will comply with the provisions of Titles VI and VII of the Civil Rights Act of 1964, 42 USC 2000d et seq., which prohibit discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin. Each applicant shall comply with 41 CFR 60-1 (July 1968), which prohibits discrimination on the basis of sex; 45 CFR 90 (June 1979), which prohibits discrimination on the basis of age; Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and 28 CFR 35 (July 1991), which prohibit discrimination on the basis of disability; and the Utah Antidiscrimination Act, Section 34A-5-101 through 34A-5-112, which prohibits discrimination against any employee or applicant for employment because of race, color, sex, age, religion, national origin, or handicap. Each applicant shall certify compliance with the Americans with Disabilities Act to the Board on an annual basis and upon completion of the project.

R990-8-4. Board Review Procedures.

A. The Board will review applications and authorize funding assistance on a "Trimester" basis. The initial meetings of each "Trimester" are "Project Review Meetings". The final meeting of each "Trimester" is the "Project Funding Meeting". Board meetings shall be held monthly on the 1st Thursday of each month, unless rescheduled or cancelled by the chairman or by formal motion of the board. The Trimesters shall be as follows:

1. 1st Trimester: application deadline, June 1st; Project Review Meetings, July, August, September; Project Funding Meeting October.
2. 2nd Trimester: application deadline, October 1st; Project Review Meetings, November, December, January; Project Funding Meeting, February.
3. 3rd Trimester: application deadline, February 1st; Project Review Meetings, March April, May; Project Funding Meeting, June.

B. The process for review of new applications for funding assistance shall be as follows:

1. Submission of an application, on or before the applicable deadline to the Board's staff for technical review and analysis.

2. Incomplete applications will be held by the Board's staff pending submission of required information.

3. Complete applications accepted for processing will be placed on one of the Trimester's upcoming "Project Review Meeting" agendas.

4. At the "Project Review Meeting" the Board may either:

- a. deny the application;
- b. place the application on the "Pending List" for consideration at a future "Project Review Meeting" after additional review, options analysis and funding coordination by the applicant and the Board's staff;
- c. place the application on the "Priority List" for consideration at the next "Project Funding Meeting".

C. Applicants and their representatives shall be informed of any "Project Review Meeting" at which their applications will be considered. Applicants shall make formal presentations to the Board and respond to the Board's questions during the "Project Review Meetings". If an applicant or its representatives are not present to make a presentation, the board may either:

1. deny the application;
2. place the application on the "Pending List" for consideration at a future "Project Review Meeting".

D. No funds shall be committed by the Board at the "Project Review Meetings", with the exception of circumstances described in Subsection F.

E. Applications for funding assistance which have been placed on the "Priority List" will be considered at the "Project Funding Meeting" for that Trimester. At the "Project Funding Meeting" the Board may either:

1. deny the application;
2. place the application on the "Pending List" for consideration at a future "Project Review Meeting".

3. authorize funding the application in the amount and terms as determined by the Board.

F. In instances of bona fide public safety or health emergencies or for other compelling reasons, the Board may suspend the provisions of this section and accept, process, review and authorize funding of an application on an expedited basis.

R990-8-5. Community Impact Board (CIB) Application Lists.

A. A consolidated list of the anticipated capital needs for eligible entities, the CIB application list, shall be submitted by each county area, or in the case of state agencies, by HCDD. This list shall be produced as a cooperative venture of eligible entities within a county area.

B. The CIB application list shall contain a one-year short-term component, which shall be submitted to the Board, and a five-year medium-term component, which shall be maintained by the Association of Governments responsible for the CIB application list.

C. The CIB application list shall contain the following items: statement of jurisdiction, summary description, project time frame, anticipated time of submission to the Board, projected overall cost of project, anticipated funding sources, the individual applicant's priority for the applicant's projects, and the county area priority for each project. The county area priority for each project shall be developed as a cooperative venture of eligible entities within a county area.

D. Projects not identified in a county area's or HCDD's CIB application list will not be funded by the Board, unless the project addresses a bona fide public safety or health emergency, or for other compelling reasons.

E. The CIB application list shall be submitted to the Board annually and no later than May 1st of each year. The annual list shall be submitted in the uniform format required by the Board.

F. If the CIB application list from a county area does not contain the information required in Subsection R990-8-5(C), or is not in the uniform format required in Subsection R990-8-5(E), all applications from the affected county area will be held by the Board's staff until a future Trimester pending submission of the required information in the uniform format.

G. The Board has authorized its staff to hold any application that does not appear on the applicable CIB application list.

H. The regional Association of Governments is the compiler of the CIB application list for each region and may not amend the annual CIB application list, unless the CIB application list submitted to the Board is incomplete or in the incorrect format as provided in Subsection R990-8-5(F), then the Association of Governments may amend the CIB application list to submit the required information in the uniform format.

I. An applicant whose project addresses a bona fide public safety or health emergency, or who presents other compelling reasons for project funding, may request "Special Consideration" to have the project placed on a Board agenda.

J. "Special Consideration" projects on a Board agenda will be considered by the Board only if the Board passes a motion to consider the project.

R990-8-6. Modification or Alteration of Approved Projects.

A recipient of PCIFB grant funds may not, for a period of ten years from the approval of funding by the Board, change or alter the use, intended use, ownership or scope of a project without the prior approval of the Board. A recipient of PCIFB loan funds may not, for the term of the loan, change or alter the use, intended use, ownership or scope of a project without the prior approval of the Board. The recipient shall submit a written request for such approval and provide such information as requested by the Board or its staff, including at a minimum a description of the modified project sufficient for the Board to determine whether the modified project is an eligible use of PCIFB funds.

The Board may place such conditions on the proposed modifications or modified project as it deems appropriate, including but not limited to modifying or changing the financial terms, requiring additional project actions or participants, or requiring purchase or other satisfaction of all or a portion of the Board's interests in the approved project. Approval shall only be granted if the modified project, use or ownership is also an eligible use of PCIFB funds, unless the recipient purchases or otherwise satisfies in full the Board's interest in the previously approved or the proposed project.

R990-8-7. Procedures for Electronic Meetings.

A. These provisions govern any meeting at which one or more members of the Board or one or more applicant agencies appear telephonically or electronically pursuant to Section 52-4-207.

B. If one or more members of the Board or one or more applicant agencies may participate electronically or telephonically, public notices of the meeting shall so indicate. The notice shall specify the anchor location where the members of the Board not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting. The Board may convene and conduct an electronic meeting without an anchor location in compliance with Subsection 52-4-207(4).

C. Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be provided to at least one newspaper of general circulation within the state and to a local media correspondent. These notices shall be provided at least 24 hours before the meeting.

D. Notice of the possibility of an electronic meeting shall be given to the members of the Board and applicant agencies at least 24 hours before the meeting. The notice shall describe how the members of the Board and applicant agencies may participate in the meeting electronically or telephonically.

E. When notice is given of the possibility of a member of the Board appearing electronically or telephonically, any member of the Board may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Board. At the commencement of the meeting, or at such time as any member of the Board

initially appears electronically or telephonically, the Chair shall identify for the record all those who are appearing telephonically or electronically. Votes by members of the Board who are not at the anchor location of the meeting shall be confirmed by the Chair.

F. The anchor location shall be designated in the notice. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. The anchor location must have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

R990-8-8. Major Infrastructure Set Aside Fund.

A. Creation of Fund

1. There is hereby created within the Permanent Community Impact Fund the Major Infrastructure Set Aside Fund.

2. The Purpose of this Fund is to allow the Board to participate and fund major transportation and other significant infrastructure studies and projects where the Board participation may exceed five million dollars (\$5,000,000).

B. Transfer of Monies to the Fund

1. At each funding meeting, after action is taken on all projects on the prioritization list, the Board shall consider whether to transfer any money in the Permanent Community Impact Fund to the Major Infrastructure Set Aside Fund. The Board may transfer such amounts as it deems appropriate, in its discretion, based on motion and a majority vote of the Board.

2. When money is transferred to the Major Infrastructure Set Aside Fund the Board shall identify whether the money being transferred is Bonus or Mineral Lease money. The status of the money as Bonus monies or Mineral Lease monies shall continue while the monies are in the Major Infrastructure Set Aside Fund and may only be granted or loaned in accordance with that status.

3. The Division shall maintain an accounting of the funds in the Major Infrastructure Set Aside Fund as bonus funds or mineral lease funds and shall separately identify the status of the money in the Major Infrastructure Set Aside Fund in its briefings to the Board.

C. Use of the Fund

1. Money in the Major Infrastructure Set Aside Fund may only be used to fund major transportation and other significant infrastructure studies and projects. These projects would include pipelines, roadways, rail lines, and other major infrastructure activities where the cost may exceed five million dollars (\$5,000,000) and where the project is within the purposes for the creation and use of the Fund. The Board, on motion and majority vote, shall designate and allow the use of the money from the Fund, specifying whether the money comes from the Bonus or Mineral Lease monies in the Fund.

2. Repayment on any loans from the Major Infrastructure Set Aside Fund shall be credited to and placed in the Major Infrastructure Set Aside Fund. Payments on Bonus money loans shall maintain their status as Bonus monies. The Division shall maintain a separate accounting of all loan payments in the Major Infrastructure Set Aside Fund.

D. Reconversion of Monies from the Fund

1. The Board may, at any time on motion and majority vote, reconvert and transfer funds from the Major Infrastructure Set Aside Fund back to the general Permanent Community Impact Fund. The motion and action of the Board shall specify if the money being transferred back to the general Permanent Community Impact Fund is Bonus or Mineral Lease money, and that status of the money shall continue in the general Permanent Community Impact Fund.

KEY: grants

Date of Last Change: July 1, 2021

Notice of Continuation: June 28, 2022

Authorizing, and Implemented or Interpreted Law: 35A-8-305; 35A-8-306; 35A-8-307

D2 CIB PROGRAM BONDS – UTAH ADMINISTRATIVE RULES

R990. Workforce Services, Housing and Community Development.

R990-9. Policy Concerning Enforceability and Taxability of Bonds Purchased.

As in effect on June 1, 2023

R990-9-1. Enforceability.

In providing any financial assistance in the form of a loan, the (Board/Committee) representing the State of Utah (the "State") may purchase Bonds or other legal obligations (the "Bonds") of various political subdivisions (interchangeably, as appropriate, the "Issuer" or "Sponsor") of the State only if the Bonds are accompanied by a legal opinion of recognized municipal bond counsel to the effect that the Bonds are legal and binding under applicable Utah law.

R990-9-2. Tax-Exempt Bonds.

In providing any financial assistance in the form of a loan, the (Board/Committee) may purchase either taxable or tax-exempt Bonds; provided that it shall be the general policy of the (Board/Committee) to purchase Bonds of the Issuer only if the Bonds are tax-exempt and are accompanied by a legal opinion of recognized municipal bond counsel to the effect that interest on the Bonds is exempt from federal income taxation. This does not apply for Bonds carrying a zero percent interest taxation. This tax opinion must be provided by the Issuer in the following circumstances:

a. When Bonds are issued and sold to the State to finance a project which will also be financed in part at any time by the proceeds of other Bonds, the interest on which is exempt from federal income taxation.

b. When (i) Bonds are issued which are not subject to the arbitrage rebate provision or Section 148 of the Internal Revenue Code of 1986 (or any successor provisions of similar intent) (the "Code"), including, without limitation, Bonds covered by the "small governmental units" exemption contained in Section 148 (f) (4) (c) of the Code, and (ii) when Bonds are issued which are not subject to arbitrage rebate because the gross proceeds from the loan will be completely expended within six months after the issuance of the Bonds.

Notwithstanding the above, the (Board/Committee) may purchase taxable Bonds if it determines, after evaluating all relevant circumstances including the Issuer's ability to pay, that the purchase of the taxable Bonds is in the best interests of the State and the Issuer.

R990-9-3. Parity Bonds.

In addition to the policy stated above, it is the general policy of the (Board/Committee) that Bonds purchased by the (Board/Committee) shall be full parity Bonds with other outstanding Bonds of the Issuer. Exceptions to this parity requirement may be authorized by the (Board/Committee) if the (Board/Committee) makes a determination that

(i) the revenues or other resources pledged as security for the repayment of the Bonds are adequate (in excess of 100% coverage) to secure all future payments on the Bonds and all debt having a lien superior to that of the Bonds and

(ii) the Issuer has covenanted not to issue additional Bonds having a lien superior to the Bonds owned by the (Board/Committee) without the prior written consent of the (Board/Committee), and

(iii) requiring the Issuer to issue parity bonds would cause undue stress on the financial feasibility of the project.

KEY: grants

Date of Last Change: July 9, 2012

Notice of Continuation: June 28, 2022

Authorizing, and Implemented or Interpreted Law: 35A-8-1004

R990. Workforce Services, Housing and Community Development.

R990-10. Procedures in Case of Inability to Formulate Contract for Alleviation of Impact.

As in effect on June 1, 2023

R990-10-1. Purpose.

A. The following procedures are promulgated and adopted by the Permanent Community Impact Fund Board ("Board") of the Department of Workforce Services of the State of Utah pursuant to Section 35A-8-306(4), UCA 1953 as amended.

B. In the event a project entity or a candidate ("Complainant") submits a request for determination to the Board under Section 11-13-306, UCA 1953 as amended, the Board shall hold a hearing on the questions presented. These proceedings shall be conducted informally, in accordance with the requirements of the Utah Administrative Procedure Act ("Act"), Section 63G-4-202(1), UCA 1953 as amended, unless the Board at its discretion converts the proceeding to a formal proceeding, in accordance with Section 63G-4-202(3) UCA 1953 as amended, if such action is deemed to be in the public interest and does not unfairly prejudice the rights of any party.

C. The only grounds available for relief are those set forth in Section 11-13-306, UCA 1953 as amended, or those reasonably inferred therefrom.

R990-10-2. Commencement of the Procedure Requesting a Determination.

A. Commencement of the procedure to request a determination from the Board shall be conducted in conformity with Section 63G-4-201(3).

1. A complainant requesting a determination from the Board must submit such a request:

- a. In writing;
- b. Signed by the person invoking the jurisdiction of the Board or by that person's representative; and
- c. Including the following information:
 1. The names and addresses of all parties to whom a copy of the request for a hearing is being sent;
 2. The Board's file number or other reference number;
 3. The name of the adjudicative proceeding, if known;
 4. The date the request for the hearing was mailed;
 5. A statement of the legal authority and jurisdiction under which action by the Board is requested;
 6. A statement of relief sought from the Board; and
 7. A statement of facts and reasons forming the basis for relief.

B. The Complainant shall file the request for a determination with the Board and at the same time, shall serve a copy of the request upon the party complained against (the "Respondent"). The Complainant shall also mail a copy of the request to each person known to have a direct interest in the request for a determination by the Board.

C. The Respondent shall serve a response within fifteen (15) days after the request is served upon the Respondent. The Respondent may admit, deny or explain the point of view of Respondent as to each allegation in the request. Not to respond to any allegation is to admit that allegation. The Respondent may pose a counteroffer to Complainant's request for relief. Any counteroffer must be supported by reasons. Requests and responses may be directed at multiple parties.

R990-10-3. Notification of Parties.

A. The Board shall promptly give notice by mail to all parties that the hearing will be held, stating the following:

1. The Board's file number or other reference number;
2. The name of the proceedings;
3. Designate that the proceeding is to be conducted informally according to the provisions or rules enacted under Section 63G-4-202 and Section 63G-4-202, UCA 1953 as amended, with citation to Section 63G-4-202 authorizing the designation;
4. State the time and place of the scheduled hearing, the purpose for which the hearing is to be held, and that a party who fails to attend or participate may be held in default; and
5. Give the name, title, mailing address and telephone number of the presiding officer for the hearing.

B. At any time twenty (20) or more days before the hearing begins, either party may serve upon the adverse party an offer to agree to specific terms and payments. If, within ten (10) days after the service of the offer, the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with proof of service thereof, and the Board shall enter a corresponding order. An offer not accepted shall be deemed withdrawn and evidence concerning it is not admissible except in a proceeding to determine costs. If the order finally obtained from the offeree is not more favorable than the offer, the offeree shall pay the costs incurred after the making of the offer, including a reasonable attorney's fee. The fact that an offer is made but not accepted does not preclude a subsequent offer.

R990-10-4. Informal Hearing Procedures.

A. Within forty (40) days after receiving a request for determination, the Board shall hold a public hearing on the questions

at issue.

B. The Board may appoint an administrative law judge to preside in its stead at the hearing and to hear such preliminary motions and manage such ancillary matters as the Board deems necessary and appropriate.

C. In the hearing, the parties named in the request for determination shall be permitted to testify, present evidence, comment on the issues and bring forth witnesses who may be examined and cross-examined. The hearing may be adjourned from time to time in the interest of a full and fair investigation of the facts and the law.

D. Discovery is prohibited, and the Board may not issue subpoenas or other discovery orders.

E. All parties shall have access to information contained in the Board's files and to all materials and information gathered by any investigation to the extent permitted by the law.

F. Any intervention is prohibited.

G. All hearings shall be open to all parties.

H. Within twenty (20) days after the close of the hearing, the Board or the administrative law judge shall issue a signed order in writing that states:

1. The decision;

2. The reasons for the decision;

3. A notice of any right for administrative or judicial review available to the parties; and

4. The time limits for filing a request for reconsideration or judicial review.

I. The order issued by the Board or by the administrative law judge shall be based on the facts appearing in the Board's files and on the facts presented in evidence at the hearing.

J. Any determination order issued by the Board or by the administrative law judge shall specify:

1. The direct impacts, if any, or methods determining the direct impacts to be covered; and

2. The amounts, or methods of computing the amounts, of the alleviation payments, if any, or the means to provide for impact alleviation, provisions assuring the timely completion of the facilities and the furnishing of the service, if any; and

3. Other pertinent matters.

K. A copy of the Board's or the administrative law judge's order shall be promptly sent to all parties.

L. All hearings shall be recorded at the Board's expense. Any party, at his own expense, may have a reporter approved by the Board prepare a transcript from the Board's record of the hearing.

R990-10-5. Formal Hearing Procedures.

A. At any time prior to issuance of the final order, the Board at its discretion may convert the informal adjudicative hearing into a formal adjudicative hearing, as allowed in Section 63G-4-202(3). The procedures to be followed in such a formal adjudicative hearing are given below.

B. The Board may appoint an administrative law judge to preside in its stead at the hearing and to hear such preliminary motions and manage such ancillary matters as the Board deems necessary and appropriate.

C. A party may be represented by an officer or the party or by legal counsel.

D. In the hearing, the parties named in the request for determination shall be permitted to testify, present evidence, comment on the issues and bring forth witnesses who may be examined and cross-examined. The hearing may be adjourned from time to time in the interest of a full and fair investigation of the facts and the law.

E. Utah Rules of Evidence shall be in effect; however,

1. Copies of original documents may be introduced into evidence unless objected to for reasons of illegibility or tampering.

2. Hearsay will be considered for its weight but will not be conclusive in and of itself as to any matter subject to proof.

F. Discovery in formal proceedings shall be limited. Because negotiation between the parties shall have been proceeding prior to a request for determination being submitted, the Board or the administrative law judge shall assume that discovery is complete when a request is submitted. However, upon motion and sufficient cause shown, the Board or the administrative law judge may extend the period of discovery.

G. All parties shall have access to information contained in the Board's files and to all materials and information gathered by any investigation to the extent permitted by the law.

H. The Board or the administrative law judge may give a person not a party to the proceeding the opportunity to present oral or written statements at the hearing.

I. All testimony presented at the hearing, if offered as evidence to be considered in reaching a decision on the merits, shall be given under oath.

J. All hearings shall be open to all parties.

K. Intervention into the formal hearing will be allowed on the following basis:

1. Any person not a party may file a signed, written petition to intervene in a formal adjudicative hearing with the Board. The person who wishes to intervene shall mail a copy of the petition to each party. The petition shall include:

a. The Board's file number or other reference number;

b. The name of the proceeding;

c. A statement of facts demonstrating that the petitioner's legal rights or interests are substantially affected by the formal adjudicative hearing, or that the petitioner qualifies as an intervenor under any provision of law; and

- d. A statement of the relief the petitioner seeks from the Board.
- 2. The Board or the administrative law judge shall grant a petition for intervention if it determines that:
 - a. The petitioner's legal interests may be substantially affected by the formal adjudicative hearing; and
 - b. The interests of justice and the orderly and prompt conduct of the adjudicative hearing will not be materially impaired by allowing the intervention.
- 3. Any order granting or denying a petition to intervene shall be in writing and sent by mail to the petitioner and each party.
- 4. An order permitting intervention may impose conditions on the intervenor's participation in the adjudicative hearing that are necessary for a just, orderly, and prompt conduct of that hearing. Such conditions may be imposed by the Board or the administrative law judge at any time after the intervention.
 - L. Within twenty (20) days after the close of the hearing, the Board or the administrative law judge shall issue a signed order in writing that states:
 - 1. The decision based upon findings of fact and conclusions of law;
 - 2. The reasons for the decision;
 - 3. A notice of any right for administrative or judicial review available to the parties; and
 - 4. The time limits for filing a request for reconsideration or judicial review.
 - M. The order issued by the Board or by the administrative law judge shall be based on the facts appearing in the Board's files and on the facts presented in evidence at the hearing.
 - N. Any determination order issued by the Board or by the administrative law judge shall specify:
 - 1. The direct impacts, if any, or methods determining the direct impacts to be covered; and
 - 2. The amounts, or methods of computing the amounts, of the alleviation payments, if any, or the means to provide for impact alleviation, provisions assuring the timely completion of the facilities and the furnishing of the service, if any; and
 - 3. Other pertinent matters.
 - O. A copy of the Board's or the administrative law judge's order shall be promptly sent to all parties.
 - P. All hearings shall be recorded at the Board's expense. Any party, at his own expense, may have a reporter approved by the Board prepare a transcript from the Board's record of the hearing.

R990-10-6. Default.

- A. The Board or the administrative law judge may enter an order of default against a party if that party fails to participate in the adjudicative proceedings.
- B. The order shall include a statement of the grounds for default and shall be mailed to all parties.
- C. A defaulted party may seek to have the Board set aside the default order according to procedures outlined in the Utah Rules of Civil Procedure.
- D. After issuing the order of default, the Board or the administrative law judge shall conduct any further proceedings necessary to complete the adjudicative proceeding without the participation of the party in default and shall determine all issues in the adjudicative proceeding, including those affecting the defaulted party.

R990-10-7. Reconsideration by the Board.

Within ten (10) days after the date that a final order is issued by the Board or the administrative law judge, any party may file a written request for reconsideration in accordance with the provisions of Section 63G-4-302, UCA 1953 as amended. Upon receipt of the request, the disposition by the Board of that written request shall be in accordance with Section 63G-4-302(3), UCA 1953 as amended. With the exception of reconsideration, all orders issued by the Board or the administrative law judge shall be final. There shall be no other review except for judicial review as provided below.

R990-10-8. Judicial Review.

An aggrieved party may also obtain judicial review of final orders issued by the Board or by the administrative law judge by filing a petition for judicial review of that order in compliance with the provisions and requirements of Section 63G-4-401 and Section 63G-4-402, UCA 1953 as amended.

KEY: impacted area programs

Date of Last Change: July 9, 2012

Notice of Continuation: June 28, 2022

Authorizing, and Implemented or Interpreted Law: 35A-8-306; 35A-8-1004

POLICY GUIDELINES

CIB PROGRAM SUMMARY, FUNDING CRITERIA & GUIDELINES

The following Funding Guidelines were formally adopted by the Permanent Community Impact Fund Board on July 7, 2022 These Funding Guidelines supersede all prior versions.

BACKGROUND

Whereas Utah Code Ann. § 35A-8-305(b) states that the Permanent Community Impact Fund Board (PCIFB or Board) shall “establish the criteria by which the loans and grants will be made;”

Whereas § 35A-8-301 states the legislative intent is to make these funds available for “planning, construction and maintenance of public facilities, and provision of public service” (1), and “to maximize the long term benefit of funds” “fostering funding mechanism which will, consistent with sound financial practices, result in the greatest use of financial resources for the greatest number of citizens of the state, with priority given to those communities designated as impacted by the development of natural resources” (2)

Whereas § 35A-8-307(a)(i) states that the board shall “administer the impact fund in a manner that will keep a portion of the impact fund revolving” and (iii) shall “establish criteria for determining eligibility for assistance under this part.”

APPLICANTS

Applicants must complete and submit applications to PCIFB staff before the established deadline. All statements provided by the applicant in an application must be factual. Any misleading statements will be grounds for summary rejection of the application. Applications submitted with limited understanding or oversight by the entity’s presiding official (e.g., the mayor in cities or towns; county commissioners in counties) will be grounds for summary rejection of an application.

Whereas § 35A-8-301 states the legislative intent is to “result in the greatest use of financial resources for the greatest number of citizens of the state,” projects where the majority of residences benefited are not primary residences (e.g., second homes, short-term rentals, vacation homes), or do not primarily benefit full-time residents (those who live there more than 50% of the year), will be grounds for the summary rejection of the application.

Applicants may provide their desired loan / grant mix and loan repayment terms. The application will be reviewed by the PCIFB board in project review meetings as outlined. Note: Applicants must have a noticed public hearing to thoroughly inform the public concerning the size, scope, nature and potential financial impact of any project and must provide evidence of that public forum through complete and detailed documentation prior to being placed on a Board agenda.

FUNDING PACKAGE CRITERIA

The criteria outlined in this section in no way replaces or subverts project eligibility decision criteria outlined in UCA § 35A-8-307. This policy supersedes all policies currently established around funding packages or loan terms.

It is the intent of the Board to allocate available funding through a methodology wherein similar applicants and projects are reviewed within guidelines defined in statute and noted in policy. This methodology is implemented through a funding package tool, which provides a suggested range of loan/grant mix and interest rate.

Staff will provide this potential funding range to the applicant prior to project review by the Board. Two macro criteria will be used to determine the funding package: 1) applicant and 2) project.

CRITERIA #1: APPLICANT

Through the defined analysis of an applicant, a suggested minimum and maximum loan mix and interest rate range will be determined. The suggested loan mix for all applicants begins at 25% minimum to 45% maximum loan; the suggested maximum interest rate for all applicants starts at the PCIFB benchmark rate (currently 2.5%). Each of the factors are weighted and are listed in order of weight. Each applicant’s minimum and maximum loan percentage and interest rate changes through the following criteria:

FACTORS BASED ON APPLICANT COUNTY

The following applicant factors are based on the county of the applicant. If the applicant spans multiple counties, an average of these factors would be used for the classification calculations.

Mineral Extraction Impacts (Production used as proxy): Whereas § 35A-8-301(2) states that use of PCIFB financial resources have “priority given to those communities designated as impacted,” criteria based on production is used as a proxy for impact. Production will be measured at the county level and applied to all applicants within the county borders. For applicants who cross county borders, an average of applicable county production weighted by jurisdictional emphasis will be used.

The intent of the Board is generally for applicants less impacted by mineral extraction to receive more loan and a higher interest rate generally than applicants who are highly impacted. County production classification tiers are established, 1 (low producing/impacted) – 5 (high producing/impacted), using a percentiles calculation and is established annually from compiled rolling five-year PCIFB revenue as data becomes available. Whereas § 35A-8-304(1)(j) states that the top two producing counties will be represented on the board, tier 5 will always constitute solely those top two producing counties.

Those defined as high producing / high impacted areas would have their loan percentage range and maximum interest rate decreased by a defined amount. Inversely, lower producers/less-impacted applicants would have their loan percentage range and loan interest rate increase by a defined amount. These amounts are established by staff and approved by the Board.

This policy will supersede the current policies established around nominally producing / marginally impacted areas.

Population: Whereas § 35A-8-301 states the legislative intent is to “result in the greatest use of financial resources for the greatest number of citizens of the state,” areas of the state with higher populations generally have access to internal capital improvement funding through taxation. The state currently provides county classifications based on population in §17-50-501. For applicants who cross county borders, an average of applicable county population weighted by jurisdictional emphasis will be used.

The intent of the Board is generally for applicants from highly populated areas to receive a higher interest rate and more loan than sparsely populated counties. As county population tiers are established externally to the board, no criteria calculations are needed. Applicants from counties with higher populations will proportionately increase their minimum, and maximum, loan interest rate.

Significant Public Lands (Land Ownership): Whereas § 35A-8-301(1) states the fund should alleviate “public finance impacts”, as those areas with fewer private lands only receive PILT payments and are limited in land to tax or annex, they generally struggle to fund critical infrastructure. In addition, PCIFB mineral lease revenue is generated on federal public lands. At the same time, this acknowledges that areas with certain amenity-rich federal public lands may benefit economically from proximity to those lands. Classifications will be made based on the percent of private land within the county. For applicants who cross county borders, the amount of private land will be divided by the amount of total land within the applicant’s county jurisdiction.

The intent of the Board is generally for applicants with more private land available for taxing to receive a higher interest rate and more loan than those with less private land. County private land availability tiers are established, 1 (significant private land / little public land) to 5 (little private land / significant public land), through specific, replicable calculations based on a geographic information system analysis of land ownership. The amount of change in loan and interest rate are reported by staff and approved by the PCIFB.

FACTORS BASED ON SPECIFIC APPLICANT

Annual Applicant Budget: Municipalities with larger existing budgets, if prioritized, may have a generally greater ability to accommodate capital improvements and infrastructure. Budget information will be self-reported by the applicant and classified.

The intent of the Board is generally for applicants with greater general budgets to receive a higher loan amount and interest rate than those with smaller general budgets. Annual budget tiers will be established ~ 1(limited budget) to 5 (significant budget). For applicants with significant budgets, the minimum and maximum interest rates would increase; for applicants with limited budgets, the minimum and maximum interest rates would decrease.

Local Population Income Levels: Whereas § 35A-8-301(1) states the fund should alleviate “public finance impacts”, applicants serving lower income residents struggle to fund critical infrastructure. As PCIFB’s project funding partner, the Division of Drinking Water, uses Median Adjusted Gross Income (MAGI) to assist in calculating their funding criteria, the PCIFB will similarly adopt MAGI as a measurement of local area applicant income. For applicants covering multi-municipal jurisdictions, a weighted average will be used. MAGI data is obtained from the Utah Tax Commission.

The intent of the Board is for applicants from higher income jurisdictions, with a greater ability to pay or raise taxes to pay without significant burdens on their general population, would receive a higher interest rate than those from lower income areas. For applicants with a MAGI lower than 85% of the state MAGI, the maximum and minimum loan interest rate would be reduced; inversely, for applicants with a MAGI higher than 125% of state MAGI, the maximum and minimum loan interest rate would be increased.

CRITERIA #2: PROJECT

Whereas § 35A-8-305 states that funds “shall be used for planning, construction and maintenance of public facilities and

provision of public services”, the Board acknowledges that some projects may be more essential to the health, safety, and welfare of a community than others. As such, the Board provides the following criteria to help establish the amount of loan and grant each applicant may be awarded.

Project Type: Some projects may be classified as more essential to the health, safety, and welfare of a community. The Board generally classifies macro project types into three classes relative to this measurement: high, medium, and low. It is the intent of the Board that more essential projects will be considered to receive better funding terms, including a greater proportion of grant in the funding package.

Each tier will provide a minimum loan amount. The staff establishes, and the Board approves, a classification for each project type based on that type’s essential requirement in preserving the health, safety, and welfare of the applicant community. Currently established criteria will be reviewed by the Board annually. These criteria should be viewed as compatible with, but may supersede current established criteria.

Project Lifespan (usable life): The estimated longevity of the project also constrains the term of any loan. It is the intent of the Board that loan financing should not extend past the useful life of the project. To not place undue financial hardships on applicants, staff will indicate a ceiling loan term length by a project’s estimated functional life.

Repayment Source: Different types of funding sources have external statutory limitations. B&C road revenues pledged for repayment of a loan cannot extend beyond a 10 year term and pledged mineral lease revenue cannot exceed 15 years. It is the intent of the Board to support externally imposed funding constraints.

PCIFB Project Burden (Matching Funds): Whereas § 35A-8-301 states the legislative intent is to “result in the greatest use of financial resources for the greatest number of citizens of the state,” the Board encourages applicants to seek funding participation outside of PCIFB which may then result in consideration of a lower minimum loan amount or interest rate.

EXEMPTIONS

Whereas R990-8-3 (I) states that “all applicants must provide evidence and arguments to the Board as to how the proposed funding assistance provides for planning, the construction and maintenance of public facilities or the provision of public services,” applicants must also provide evidence and arguments relative to each of these exemptions.

The Board’s intent with these exemptions is to provide a structured rationale for any variance to the established funding package criteria. Exemptions allow for significant alterations to loan terms, loan/grant mix and, as required, accelerated funding (suspend and fund). Petitions can be made as part of the application or after the funding criteria is introduced. Each of these petitions will be verified by staff during review of the applications prior to the project funding meeting. The Board may grant or reject the exemption and suggest/approve an alternative funding package. Changes may not be made to the funding package except as allowed through the defined exemptions.

Financial hardship: Applicants can select to request consideration under financial hardship. The applicant must provide evidence and argument that the proposed project is essential for the preservation of community health, safety and welfare AND the potential costs to finance under the proposed terms exceeds their available budget. The applicant will submit clarification as to the immediate need for the project regardless of affordability.

Emergency response/mitigation: Applicants may request a special consideration for a bona fide health or safety issue. The Board may consider the application for review, provide a funding package, suspend the rules and fund the project. The applicant must provide evidence of a natural disaster, declaration of emergency, or an unforeseen and immediate, pressing threat to community health, safety and welfare.

Unique project: The applicant must demonstrate that the proposed project is significantly unique when compared with a typical application of that type, necessary for the health, safety, and welfare of the community, and requires an alternate funding package to ensure its completion.

Special Circumstance: The applicant must demonstrate and provide evidence that their current abnormal circumstances warrant a suspension of standard funding requirements.

Administrative (Board only): During the project review or project funding meeting, the Board may evoke an administrative exemption to administer the impact fund consistent with sound financial practices, resulting in the greatest use of financial resources for the greatest number of citizens of the state. The Board will clearly state the rationale behind administrative funding package deviations.

E2 **CIB PROGRAM ~ PUBLIC ED, SECONDARY WATER, SOLID WASTE PROJECTS**

The following Funding Guidelines were formally adopted by the Permanent Community Impact Fund Board on February 4, 2021. These Funding Guidelines supersede all prior versions.

PUBLIC EDUCATION (School Districts)

PROJECT ELIGIBILITY

Section 9-4-307(1)(d) UCA prohibits the CIB from funding any education project that could otherwise have reasonably been funded by a school district through a program of annual budgeting, capital budgeting, bonded indebtedness, or special assignments.

NOMINALLY PRODUCING/MARGINALLY IMPACTED AREAS

The CIB has adopted guidelines for determining the amount and type of financial assistance to be offered to applicants from areas which produce nominal amounts of mineral lease funds or are marginally impacted (directly or indirectly) by production of mineral resources on federal lands within the state of Utah.

NON-CULINARY WATER PROJECTS

The CIB will not participate in the financing of non-culinary water projects where the primary beneficiaries are individuals, for profit corporations, associations, private non-profit organizations, stock companies, or other entities not specifically defined as eligible applicants.

The CIB may determine to participate in non-culinary water projects where an eligible applicant can demonstrate that the facilities or services provided would be available to or significantly benefit the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector.

Examples

YES: Construction of a pressurized secondary irrigation system owned by an eligible entity to reduced demands on treated culinary water

NO: Construction of dam and reservoir to provide irrigation water to agricultural or industrial users.
Lining canals to prevent water loss to agricultural or industrial users.

SOLID WASTE DISPOSAL PROJECTS

On January 6, 1994, the Permanent Community Impact Fund Board (CIB) voted to lift its moratorium on accepting applications for funding assistance on solid waste disposal projects. However, certain policy guidelines were adopted to define the scope and nature of CIB participation in the range of solid waste disposal projects.

- **Solid Waste Planning Projects**

Included are feasibility studies, environmental and sitting studies, development plans, etc. Funding for approved applications will be provided on a **50/50 cash matching basis, with a \$25,000 ceiling** on CIB participation. Applicants are encouraged to take a regional or countywide approach to solid waste planning activities. Development of specific plans should be coordinated with the Utah Division of Solid and Hazardous Waste (DSHW) to ensure compliance with DSHW regulations.

- **Solid Waste Disposal Projects**

Included are upgrading of existing facilities and the development of new facilities. Funding for approved applications will be provided via an interest-bearing loan. The amount and length of the loan will be determined on a case-by-case basis. Applicants are encouraged to take a regional or countywide approach to the development of solid waste disposal facilities. Applicants will be required to establish and fund an invested replacement account as a condition to receiving a loan. Funding of approved applications will be contingent upon the project sponsor receiving the necessary permits from DSHW. <https://deq.utah.gov/division-waste-management-radiation-control>

- **Closure of Existing Landfills**

Included is the closure of existing landfills to meet U.S. Environmental Protection Agency Regulations. Funding for approved applications will be provided via an interest-bearing loan. The amount and length of the loan will be determined on a case-by-case basis. Funding of approved applications will be contingent upon the project sponsor receiving the necessary permits from DSHW.

**PERMANENT COMMUNITY IMPACT FUND BOARD GUIDELINES
FOR PUBLIC POSTSECONDARY INSTITUTIONS
INCLUDING APPLIED TECHNOLOGY COLLEGES
(Revised 8/5/12)**

Eligibility

The Permanent Community Impact Fund Board (CIB) may provide financial assistance to public postsecondary institutions in Utah, which includes all state supported public universities, colleges, community colleges and applied technology colleges. Private institutions are not eligible for CIB assistance.

Applications relating to public postsecondary institutions will fall into two categories, capital projects and public services. The details of the two categories and associated requirements are given below.

Capital Projects

This category includes: a) buildings; b) equipment and systems; and c) planning or design related to item a or b. Applications for public facilities shall be submitted by the institutions in their own names. Applications will not be accepted which are submitted by a sub agency of the institution.

A. Buildings should be funded through the existing budgetary processes available to public postsecondary institutions. Application to CIB is not an alternative to circumvent review and approval by the State Board of Regents, the Utah College of Applied Technology's Board of Trustees, the State Building Board, the Governor or the Legislature. The CIB will only consider applications for buildings when extraordinary circumstances indicate CIB participation is appropriate.

B. Equipment and systems will be only considered by CIB when no other regular funding source is available. This type of application should increase the quality and accessibility of educational opportunities available in areas of the state, which are or may be socially or economically impacted, directly or indirectly, by mineral resource development.

C. Planning or design applications relating to actual building or equipment/systems projects will carry the same requirements as those building or equipment/systems applications. Applicants are advised that planning or design requests require a fifty percent (50%) cash contribution by the applicant.

Pre-submission Requirements for Capital Projects

In addition to CIB's standard requirements, applicants seeking financial assistance for higher education capital projects must meet the following requirements:

A) Local Community Support - All applications must contain evidence that interested and effected parties in the local community support the project. This will include letters of support from local governments and community-based organizations, public opinion polls, etc. Applications shall indicate if the proposed project is in conformity with local development plans and ordinances.

B) Coordination between Institutions - Where more than one institution is designated to serve within the same geographic area, i.e. community college/university, the application will be jointly submitted from both institutions to assure proper planning within the Higher Education System regarding the use of CIB Funds. The co-location and sharing of facilities and resources between institutions is strongly encouraged.

C) State Board of Regents Capital Planning - **All applications must include a letter from the State Board of Regents assuring the proposed project fits with the scope of State Board of Regents' projects.**

D) Utah College of Applied Technology's Board of Trustees Capital Planning - **All applications must include a letter from the UCAT Board of Trustees assuring the proposed project fits with the scope of UCAT Board of Trustees' projects.**

Public Service Projects - PUBLIC POSTSECONDARY INSTITUTIONS

Section 9-4-305(4)(a) UCA, states CIB will consider the provision of public services to include contracts funded through public postsecondary institutions for research, education, or public service programs.

These projects should be of direct benefit to impacted counties or their political subdivisions. Applications to CIB for these types of projects shall be submitted from an impacted county and approved by the county legislative body.

General land use plans developed by a public postsecondary institution for an impacted county or its political subdivisions are considered to be a public service program.

Applications for studies and research projects should be for practical or applied research directed to immediate accomplishment of traditional governmental services.

Applicants are advised that public service project or program requests relating to public postsecondary institutions require **a twenty percent (20%) cash contribution by the applicant.**

Applicants are advised that for public service project or program requests relating to public postsecondary institutions CIB and the State Board of Regents have agreed to a ten percent (10%) cap on indirect costs. A waiver of the allowed ten percent (10%) indirect costs by the public postsecondary institution may not be counted towards the required twenty percent (20%) cash contribution by the applicant.

CIB Application List Requirement

The CIB's administrative rules require that all project applications be identified on a "CIB Application List" submitted annually from each county, or in the case of state agencies, from the Housing and Community Development Division. Projects not identified on a county's or HCD's list will not be funded by CIB, unless they are a bona fide public safety or health emergency **or other compelling reason?**

The list should contain the following items: jurisdiction, summary description, project time frame, anticipated time of submission to CIB, projected overall cost of project, anticipated funding sources.

Capital Project Applications shall be submitted by the public postsecondary institution in its own name as a state agency. These applications will be identified on the CIB Application List submitted by HCD.

Public Service Project Applications will be submitted by an impacted county. These applications will be identified on the CIB Application List submitted by that county.

SUMMARY AND FORMS

F1 CIB PROGRAM ~ SUMMARY & APPLICATION GUIDELINES AS POSTED February 2023

PERMANENT COMMUNITY IMPACT FUND BOARD

GRANT & LOAN PROGRAM

(Revised February 2023)

I. OVERVIEW

The Permanent Community Impact Fund Board (CIB) is a program of the state of Utah which provides loans and/or grants to state agencies and subdivisions of the state which are or may be socially or economically impacted, directly or indirectly, by mineral resource development on federal lands. The source of funding through CIB is the mineral lease royalties returned to the state by the federal government. The CIB will consider only those applications submitted by an eligible applicant for an eligible project.

Applicant Eligibility

Utah state statute defines a "subdivision of the state" as being any of the following: counties, cities, towns, school districts, building authorities, special service districts, water conservancy districts, county service areas, special improvement districts, water or sewer improvement districts, and public postsecondary institutions.

Not eligible for financing from the CIB: Indian Tribes, individuals, corporations, associations, private and non-profit organizations.

Project Eligibility

Utah state statute authorizes the CIB to fund the following types of activities: planning, construction and maintenance of public facilities, and provision of public services.

The CIB's administrative rules further define "public facilities and services" to mean public infrastructure traditionally provided by governmental entities.

All applicants must demonstrate that the facilities or services provided will be available and open to the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector. *The applicant must clearly define the public purpose of the project. The project may not be solely economic development, but may have a positive effect on the entity's fiscal health.* Nothing in the statutory language precludes the CIB from considering the effect of a proposed project on "economic development" or "job creation" as long as the proposed project can be determined to fall within one of the three eligible categories.

FUNDING GUIDELINES

- **Planning and study** requests require a fifty percent cash contribution from the applicant.
- Funding requests for municipal planning and studies under \$50,000 are reviewed and authorized for funding by the Utah Community Development Office staff on an expedited basis. Planning Grant applications must include or subsequently provide all necessary documentation within the submittal trimester or the application will be denied and a new application must then be submitted. Contact bbpbrown@utah.gov or zleavitt@utah.gov . .
- In-kind funds must have a demonstrable value, such as real property.
- Projects deemed more essential to the health, safety, and welfare of a community will be considered to receive better funding terms, including a greater proportion of grant in the funding package.
- The estimated longevity of the project and loan financing will not extend past the useful life of the project.
- Revenue sources have inherent restrictions. B&C road revenues cannot be pledged in excess of 10 years and mineral lease revenues cannot exceed 15 years.
- *Applicants must provide evidence and arguments to the Board as to how the proposed funding assistance provides for planning, the construction and maintenance of public facilities or the provision of public services*
- **The CIB Application must identify how the project alleviates impacts on *public infrastructure, public finance, federal land, employment and safety.***
- **State Procurement Standards must be followed across all projects funded by CIB.**
- **As of January 1, 2021, the Board has recommended that projects with CIB funding over \$1,000,000 use State Purchasing to assist with the solicitation of bids for a project. <https://purchasing.utah.gov/for-agencies/>**

II. FUNDING PROCESS

Funding Cycles

The CIB reviews applications and authorizes funding assistance on a Trimester basis during the state fiscal year (July 1st – June 30th).

Construction & Equipment Applications:

Trimester	Application Deadline	Review Meetings	Funding Meetings
First	June 1	July, August, September	October
Second	October 1	November, December, January	February
Third	February 1	March, April, May	June

Planning Application/Funding Cycle for Planning Grants < \$50,000

Trimester	Application Deadline	Review	Funding
First	June 1	June	within 60 days
Second	October 1	October	within 60 days
Third	February 1	February	within 60 days

Application Submission

- *Applicant has compiled a Capital Asset Self-Inventory (CASI -required to be on the CIB FY2024 Application List) or equivalent prior to submission of application.*
- New applications must be received by the CIB’s staff prior to close of business on the applicable deadline. (June 1, February 1, October 1 by 5:00 pm)
- New applications will be submitted on the most current application form.
- The CIB’s staff will review all new applications for completeness. Incomplete applications will not be considered.
- Applications from *ineligible* applicants or applications for *ineligible* projects will not be reviewed by the CIB’s staff and the applicant will be notified of the ineligibility.
- Complete applications accepted for processing will be placed on one of the Trimester’s upcoming Project Review Meeting agendas for Board review.
- Through the defined analysis of an applicant within the CIB’s funding tool, a minimum and maximum allowed loan interest rate will be determined. The potential interest rate indicated by the funding tool for all applicants starts at the PCIFB benchmark rate.
- Whereas § 35A-8-301(2) states that use of PCIFB financial resources have “priority given to those communities designated as impacted,” criteria based on production is used as a proxy for impact. Production will be measured at the county level and applied to all applicants within the county borders. For applicants whose project crosses county borders, an average of applicable county production weighted by jurisdictional emphasis will be used.
- Applicant shall reference mineral revenue development impacts that affect public infrastructure, public finance, federal land, employment or safety and how this project may ease the burden.
- The PCIFB has adopted MAGI as a measurement of local area applicant income.

Project Review Meetings - At a Project Review Meeting the CIB may:

- **Deny** the application as submitted;
- Place the application on the “**Pending List**” for consideration at a future Project Review Meeting after additional review, options analysis and funding coordination by the applicant and the CIB’s staff;
- Place the application on the “**Prioritization List**” for consideration at the next Project Funding Meeting. Applicants and their representatives shall be informed when their project is on a CIB Project Review Agenda to be discussed. Applicants shall make formal presentations to the CIB and respond to the CIB’s questions. If an applicant or a representative of the entity is not present to make a presentation, the Board may: a) deny the application; or b) place the application on the Pending List for consideration at a future Project Review Meeting.

No funds shall be committed by the CIB at Project Review Meetings, with the exception of bona fide public health or safety emergencies or other compelling reasons.

Project funding Meetings - At a Project Funding Meeting the CIB may:

- **Deny** the application as submitted;
- Place the application on the “**Pending List**” for consideration at a future Project Review Meeting after additional review, options analysis and funding coordination by the applicant and the CIB’s staff;
- **Authorize funding** for applications in the amount and terms as determined by the CIB

Requests for Special Consideration

In instances of bona fide public safety or health emergencies or for other compelling reasons, the CIB may suspend its rules and procedures and accept process, review and authorize funding of an application on an expedited basis.

III. PRE-SUBMISSION REQUIREMENTS

CIB Application List (CASI is required to be listed)

A consolidated list of the anticipated capital priorities for eligible entities compiled by the applicable AOG shall be submitted from each county area, or in the case of state agencies, from the Housing & Community Development Division (HCD). This list shall be produced as a cooperative venture of all the eligible entities within each county area. **The list submitted to the CIB will contain projects intended to proceed within the fiscal year.** A medium term (two - five year) component should be compiled and held by the AOG. The one-year list of projects to be considered for funding shall be submitted **May 1st by the AOG** to the CIB staff.

The list shall contain the following items: jurisdiction, summary description, project time frame, anticipated time of submission to the CIB, projected overall cost of project, anticipated funding sources, the individual applicants' priority for their own projects, and the county area priority for each project. ***CIB Application Lists should encourage regional coordination of amenities.***

Projects not identified on a county's or HCD's one-year list will not be funded by the CIB. ***The CIB Application List shall not be amended. If the project addresses a bona fide public safety or health emergency or other compelling reason, the applicant may request "Special Consideration".***

(A project spanning multiple AOG's shall require full review from all associated AOG's and included on each associated county's consolidated CIB Application List.)

A newly compiled list shall be submitted to the CIB each year no later than **May 1st** of each year in the uniform format required by the Board. Again, the list may not be amended after submission.

Public Hearing

The CIB requires all applicants to have a vigorous public participation effort. All applicants shall hold a formally noticed public hearing to solicit comment concerning the size, scope and nature of any funding request to be submitted to the CIB *prior to review by the Board*. A Complete and detailed **scope of work** shall be given to the public and it's financing **and be documented in the minutes**. The information shall include the financial impact to the public as user fees, special assessments, or property taxes. *(The Board has adopted a funding matrix tool to assist reasonable consistency in regard to grant/loan award.)* The CIB may require further public hearings if it determines the applicant did not adequately disclose to the public the full scope of the project and **possible financial** impact of the financial assistance.

Association of Governments Notification*

All applicants are required to submit a copy of any proposed application for CIB funding assistance to the applicable Association of Governments (AOG) ***two weeks prior to submission**. The member counties for the various AOG's are:

County	Association of Governments
Box Elder, Cache, Rich	Bear River AOG, 170 N. Main, Logan, UT 84321. 435-752-7242
Beaver, Garfield, Iron, Kane, Washington	Five County AOG, 1070 W. 1600 S., Bldg. B, St. George, UT (mailing: P.O. Box 1550, St. George, UT 84771-1550). 435-673-3548 ext. 126 <u>or</u> 105
Summit, Wasatch	Mountainland AOG, 586 East 800 North, Orem, UT 84097-4146. 801-229-3800
Juab, Millard, Piute, Sanpete, Sevier, Wayne	Six County AOG, 250 North Main, Richfield, UT 84701. 435-893-0738
Carbon, Emery, Grand, San Juan	Southeastern AOG, 375 S. Carbon Avenue; P.O. Box 1106, Price, UT 84501. 435-613-0029.
Daggett, Duchesne, Uintah	Uintah Basin AOG, 330 East 100 South, Roosevelt, UT 84066. 435-722-4518.
Morgan, Tooele	Wasatch Front Regional Council, 41 North Rio Grande Street ~ Suite 103, Salt Lake City, UT 84101 801-363-4250.

Applicant entities should attend application training prior to applying. (On Line or Scheduled and conducted by AOG/RPP with CIB staff)

State Historic Preservation Office Notification

Pursuant to Utah Code Annotated 9-8-404, the CIB must consult with the State Historic Preservation Office by providing information concerning project applications affecting structures 50 years old or older and/or ground to be disturbed. **The applicant shall submit a copy of any proposed application to the State History Preservation Office (SHPO) for review and comment regarding the effect of the proposed project will have on any district, site, building structure or specimen that is included in or eligible for inclusion in the National Register of Historic Places or the State Register.** A copy of any comments made by the SHPO will be included in the application file. Please provide maps, photos or other items to identify property associated with the project. The SHPO may be contacted at the following address: Christopher Hansen, State Historic Preservation Office, [801-245-7239](tel:801-245-7239), clhansen@utah.gov.

Affordable Housing Plans

In 1998 the State Legislature established a requirement that each municipality and county in Utah develop and adopt a plan for meeting the housing needs of moderate-income persons. The general plan of a specified municipality, as defined in Section [10-9a-408](#), shall include a moderate income housing element that meets the requirements of Subsection [10-9a-403\(2\)\(a\)\(iii\)](#) [10-9a-401](#) UCA (municipalities) and Section [17-27a-408](#) UCA (counties). All applicants are required to submit ONLY a brief description of their efforts to CIB to meet the moderate income housing planning requirements. (Do not send CIB the whole plan) Additional information regarding these plans may be obtained from: Housing and Community Development Division, 140 East Broadway ~ 1st Floor ~ Salt Lake City Utah 84111, 385-249-4808 The Moderate Income Housing Report page: <https://jobs.utah.gov/housing/affordable/moderate/reporting>

Water & Sewer Applications - Department of Environmental Quality Review

The CIB and the Utah Department of Environmental Quality (DEQ) have entered into an agreement by which DEQ staff act as technical advisors to the CIB on drinking water and waste water projects. All applicants for proposed drinking water and waste water projects must provide sufficient technical information to DEQ to permit detailed technical review of the project. The CIB will not act on any drinking water or waste water project applications unless such a review is received from DEQ. Please refer to the [Drinking Water & Waste Water Project Supplement](#) to the application. DEQ contacts are listed below.

Drinking Water Applications	Waste Water Applications
Michael Grange Division of Drinking Water 195 North 1950 West Salt Lake City, Utah 84114 (385) 674-2563 mgrange@utah.gov	Skyler Davies Division of Water Quality 195 North 1950 West Salt Lake City, Utah 84114 (801) 536-4359 sdavies@utah.gov

CIB ADDRESS AND CONTACT

Permanent Community Impact Fund
 140 East 300 South ~ 1st Floor
 Salt Lake City, Utah 84111
 Office: 385-341-0199 cib@utah.gov

Web Site

<https://jobs.utah.gov/housing/community/cib/index.html>

HCD / CIB Staff

Candace Powers Fund Manager 385-341-0199 cpowers@utah.gov	Heather Poulsen Program Specialist 435-660-1382 hpoulsen@utah.gov
--	---

Community Development & Planning

Paul Moberly Planning Consultant 801-468-0074 moberpaul@utah.gov	Michael Mowes Community Development Specialist 803-795-6123 mmowes@utah.gov		
---	---	--	--

The following Funding Guidelines were formally adopted by the Permanent Community Impact Fund Board on November 5, 2020. These Funding Guidelines supersede all prior versions.

CIB FUNDING TOOL & CRITERIA CONSIDERATION

The CIB has adopted the following guidelines on the amount and type of financial assistance to be offered to applicants.

- The intent of the Board is to seek consistency in the allocation of funding with consideration given to mineral lease impacts to the entity.
- The Board shall establish the benchmark interest rate at the time of application.
- The maximum term on loan funding is 30 years. Actual term is contingent on the pledged revenue.
- The factors considered in the minimum/maximum funding allocation include but are not limited to mineral production impacts, population, public lands, applicant financial health, project type, project lifespan and matching cash.
- Exemptions to the established criteria include financial hardship, emergency response/mitigation, unique project and defined special circumstances.
- All other statutory and programmatic requirements of the CIB will apply.

PROCUREMENT POLICY

Funded entities shall follow *The State of Utah Procurement Code 63G-6a-101* which indicates processes used for the procurement or acquisition of supplies, services or construction.

- Projects over **\$1,000,000** are recommended to utilize State Purchasing and solicit 3 bids
<https://purchasing.utah.gov/for-agencies/>

NON-CULINARY WATER PROJECTS

The CIB will not participate in the financing of non-culinary water projects where the primary beneficiaries are individuals, for profit corporations, associations, private non-profit organizations, stock companies, or other entities not specifically defined as eligible applicants.

The CIB may determine to participate in non-culinary water projects where an eligible applicant can demonstrate that the facilities or services provided would be available to or significantly benefit the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector.

Examples

YES: Construction of a pressurized secondary irrigation system within a town to reduce demands on treated culinary water.

NO: Construction of dam and reservoir to provide irrigation water to agricultural or industrial users or lining of canals to prevent water loss to agricultural or industrial users.

ROAD AND STREET PROJECTS

Street and Road addendum must be completed and submitted to the CIB with all road applications.

SOLID WASTE DISPOSAL PROJECTS

On January 6, 1994, the Permanent Community Impact Fund Board (CIB) voted to lift its moratorium on accepting applications for funding assistance on solid waste disposal projects. However, certain policy guidelines were adopted to define the scope and nature of CIB participation in the range of solid waste disposal projects.

- ***Solid Waste Planning Projects***

Included are feasibility studies, environmental and sitting studies, development plans, etc. Funding for approved applications will be provided on a 50/50 cash matching basis, **with a \$25,000 ceiling on CIB participation**. Applicants are encouraged to take a regional or countywide approach to solid waste planning activities. Development of specific plans should be coordinated with the Utah Department of Environmental Quality; Division of Solid and Hazardous Waste (DSHW) to ensure compliance with DSHW regulations.

- ***Solid Waste Disposal Projects***

Included are upgrading of existing facilities and the development of new facilities. Funding for approved applications will be provided via an interest-bearing loan. The amount and length of the loan will be determined on a case-by-case basis. Applicants are encouraged to take a regional or countywide approach to the development of solid waste disposal facilities. Applicants will be required to establish and fund an invested replacement account as a condition to receiving a loan. Funding of approved applications will be contingent upon the project sponsor receiving the necessary permits from DSHW. <https://deq.utah.gov/division-waste-management-radiation-control>

- ***Closure of Existing Landfills***

Included is the closure of existing landfills to meet U.S. Environmental Protection Agency Regulations. Funding for approved applications will be provided via an interest-bearing loan. The amount and length of the loan will be determined on a case-by-case basis. However, the interest rate must be at least one-half (½) of the most recent

interest rate charged on state issued general obligation bonds. Funding of approved applications will be contingent upon the project sponsor receiving the necessary permits from DSHW.

PUBLIC EDUCATION (School Districts) PROJECT ELIGIBILITY

Section 35A-8-307(1)(d) UCA prohibits the CIB from funding any education project that could otherwise have reasonably been funded by a school district through a program of annual budgeting, capital budgeting, bonded indebtedness, or special assignments.

**GUIDELINES FOR PUBLIC POSTSECONDARY INSTITUTIONS
INCLUDING APPLIED TECHNOLOGY COLLEGES**

(Revised 3/1/2019)

Eligibility

The Permanent Community Impact Fund Board (CIB) may provide financial assistance to public postsecondary institutions in Utah, which includes all state supported public universities, colleges, community colleges and applied technology colleges. Private institutions are not eligible for CIB assistance.

Applications relating to public postsecondary institutions will fall into two categories, capital projects and public services. The details of the two categories and associated requirements are given below.

Capital Projects

This category includes: a) buildings; b) equipment and systems; and c) planning or design related to buildings or systems.

Note: *Applications for municipal planning and studies under \$50k shall be reviewed for funding by CIB Staff. Applications shall be submitted according to the deadlines established for all projects, but may be funded within 60 days. Incomplete small planning grant applications expire at the end of the trimester.*

Applications for public facilities shall be submitted by the institutions in their own names. Applications will not be accepted which are submitted by a sub agency of the institution.

A. *Buildings* should be funded through the existing budgetary processes available to public postsecondary institutions. Application to CIB is not an alternative to circumvent review and approval by the State Board of Regents, the Utah College of Applied Technology's Board of Trustees, the State Building Board, the Governor or the Legislature. The CIB will only consider applications for buildings when extraordinary circumstances indicate CIB participation is appropriate.

B. *Equipment and systems* will be only considered by CIB when no other regular funding source is available. This type of application should increase the quality and accessibility of educational opportunities available in areas of the state, which are or may be socially or economically impacted, directly or indirectly, by mineral resource development.

C. *Planning or design* applications relating to actual building or equipment/systems projects will carry the same requirements as those building or equipment/systems applications. Applicants are advised that planning or design requests require a fifty percent (50%) cash contribution by the applicant.

Pre-submission Requirements for Public Post-Secondary Institutions and Applied Technology Colleges ~ Capital Projects In addition to CIB's standard requirements, applicants seeking financial assistance for higher education capital projects must meet the following requirements:

A) *Local Community Support* - All applications must contain evidence that interested and effected parties in the local community support the project. This will include letters of support from local governments and community-based organizations, public opinion polls, etc. Applications shall indicate if the proposed project is in conformity with local development plans and ordinances.

B) *Coordination between Institutions* - Where more than one institution is designated to serve within the same geographic area, i.e. community college/university, the application will be jointly submitted from both institutions to assure proper planning within the Higher Education System regarding the use of CIB Funds. The co-location and sharing of facilities and resources between institutions is strongly encouraged.

C) *State Board of Regents Capital Planning* - All applications must include a letter from the State Board of Regents assuring the proposed project fits with the scope of State Board of Regents' projects.

D) *Utah College of Applied Technology's Board of Trustees Capital Planning* - All applications must include a letter from the UCAT Board of Trustees assuring the proposed project fits with the scope of UCAT Board of Trustees' projects.

Public Service Projects

Section 35A-8-305(4)(a) UCA, states CIB will consider the provision of public services to include contracts funded through public postsecondary institutions for research, education, or public service programs. These projects should be of direct benefit to impacted counties or their political subdivisions. Applications to CIB for these types of projects shall be submitted from an impacted county and approved by the county legislative body.

General land use plans developed by a public postsecondary institution for an impacted county or its political subdivisions are considered to be a public service program.

Applications for studies and research projects should be for practical or applied research directed to immediate accomplishment of traditional governmental services.

Applicants are advised that public service project or program requests relating to public postsecondary institutions require a twenty percent (20%) cash contribution by the applicant.

Applicants are advised that for public service project or program requests relating to public postsecondary institutions, CIB and the State Board of Regents have agreed to a ten percent (10%) cap on indirect costs. A waiver of the allowed ten percent (10%) indirect costs by the public postsecondary institution may not be counted towards the required twenty percent (20%) cash contribution by the applicant.

CIB Application List Requirement

The CIB's administrative rules require that all project applications be identified on a "CIB Application List" submitted annually from each county, or in the case of state agencies, from the Housing and Community Development Division (HCD). Projects not identified on a county's or HCD's list will not be funded by CIB, unless they are a bona fide public safety or health emergency or other compelling reason. *Capital Project* Applications shall be submitted by the public postsecondary institution in its own name as a state agency.

USE OF FUNDS ~ MISCELLANEOUS

The Permanent Community Impact Fund Board (CIB) allocates funding in specificity according to the applicant's request and scope of work. Funding is allocated for that scope of work. Reimbursements shall be for expenses within the scope of work.

When the applicant has completed the contracted scope of work:

- ***CIB funding recipients will submit an email verification of completion for all projects* in a reasonable time or an explanation of delay.***
- ***When project funding has received no activity for longer than 6 months, the recipient may be notified. Project funding may be recaptured.***

Remaining loan/grant funds are deemed to be grant funds (loan funding is allocated to the project first) and *grant* funds are recaptured into the Mineral Lease account. All interest accrued is recaptured into the mineral lease account. If the project was funded with 100% loan, the remaining funds are allocated to the end of the loan.

****All projects must proceed within a reasonable time. Funding recipients shall notify the CIB staff when project may be delayed or deferred.***



PERMANENT COMMUNITY IMPACT FUND NEW APPLICATION

Revised January 2023

PERMANENT COMMUNITY IMPACT FUND
140 East Broadway ~ 1st Floor
SALT LAKE CITY, UTAH 84111
O: 435-660-1382

EMAIL COMPLETE APPLICATIONS TO:
cib@utah.gov



**WORKFORCE
SERVICES**
HOUSING & COMMUNITY
DEVELOPMENT

APPLICATION DEADLINES
**JUNE 1; OCTOBER 1; FEBRUARY 1; (5:00
PM)**

PERMANENT COMMUNITY IMPACT FUND BOARD APPLICATION

PART A. GENERAL INFORMATION (Please use the tab key)

PROJECT TITLE: [REDACTED]

PROJECT LOCATION: [REDACTED]

POPULATION: [REDACTED]

APPLICANT ATTENDED TUTORIAL: Y N APPLICATION PROVIDED TO SHPO: Y N N/A

APPLICANT AGENCY:

NAME: [REDACTED]

FEDERAL TAX ID NUMBER: [REDACTED]

ADDRESS: [REDACTED]

CITY: [REDACTED]

COUNTY: [REDACTED]

ZIP: [REDACTED]

CONTACT NAME: [REDACTED]

Must be with the applicant agency and registered in webgrants

PHONE: [REDACTED]

EMAIL: [REDACTED]

CELL: [REDACTED]

PRESIDING OFFICIAL // NAME: [REDACTED]

This person shall sign application

TITLE:

PHONE: [REDACTED]

EMAIL: [REDACTED]

CLERK / RECORDER // NAME: [REDACTED]

PHONE: [REDACTED]

EMAIL: [REDACTED]

APPLICANT SUPPORT:

ENGINEER / ARCHITECT // NAME: [REDACTED]

COMPANY: [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: [REDACTED]

STATE: [REDACTED] ZIP: [REDACTED]

PHONE: [REDACTED]

EMAIL: [REDACTED]

CELL: [REDACTED]

BOND COUNSEL // NAME: [REDACTED]

COMPANY: [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: [REDACTED]

STATE: [REDACTED] ZIP: [REDACTED]

PHONE: [REDACTED]

EMAIL: [REDACTED]

CELL: [REDACTED]

FINANCIAL CONSULTANT // NAME: [REDACTED]

(OPTIONAL)

COMPANY: [REDACTED]

MAILING ADDRESS: [REDACTED]

CITY: [REDACTED]

STATE: [REDACTED] ZIP: [REDACTED]

PHONE: [REDACTED]

EMAIL: [REDACTED]

CELL: [REDACTED]

PART B. PROPOSED FUNDING

Note: The CIB may limit its total participation in any given project to a maximum of \$5,000,000.

TOTAL CIB FUNDS REQUESTED

One Lump Sum - Round to the nearest \$1000

APPLICANT'S GRANT/LOAN PACKAGE REQUEST

Grant Loan @ % for Years

SECURITY FOR LOAN

GENERAL OBLIGATION BOND

REVENUE BOND

BUILDING AUTHORITY LEASE REVENUE BOND

CLASS B & C ROAD FUND REVENUE BOND

MINERAL LEASE REVENUE

OTHER (SPECIFY):

SOURCE/LESSEE

TOTAL PROJECT FUNDING

SPECIFY

AMOUNT

APPLICANT CASH

APPLICANT IN-KIND**

OTHER LOCAL CASH

OTHER LOCAL IN-KIND**

FEDERAL GRANT

FEDERAL LOAN

STATE GRANT (DDW, DWQ, - NOT CIB)

STATE LOAN (DDW, DWQ, - NOT CIB)

TOTAL REQUESTED CIB FUNDS

TOTAL PROJECT COST

MUST MATCH PROJECT TOTAL (PG. 3)

PLEASE NOTE THIS WILL AUTOMATICALLY TOTAL THE ABOVE NUMBERS. PLEASE DO NOT OVERRIDE.

\$0

ADDITIONAL QUESTIONS

All applicants must indicate how they propose to finance cost over-runs for the proposed project.

Were other funding sources, (e.g., DDW, DWQ, USDA Rural Development) contacted to discuss financing this project? Y N Who?

Will the proposed facility be leased? Y N If yes, provide evidence that it will constitute a true lease. (Pass through public funding for private purpose is statutorily prohibited.)

Are there mineral revenue development impacts that affect *public infrastructure, public finance, federal land, employment and safety*? Describe:

Clearly define the public purpose for the project and identify how the project alleviates impacts on *public infrastructure, public finance, federal land, employment and safety*.

What is the percentage of federal land in the county?

Who are the prime beneficiaries of this project?

PART C. PROJECT BUDGET

COST ESTIMATES

INDIVIDUAL OR FIRM RESPONSIBLE

DATE OF ESTIMATE

CONSTRUCTION BUDGET

ATTACH DETAILED BUDGET AS PART OF ATTACHMENT #1

CONSTRUCTION

CONTINGENCY

CONSTRUCTION SUBTOTAL PLEASE NOTE THIS WILL AUTOMATICALLY TOTAL THE ABOVE NUMBERS. PLEASE DO NOT OVERRIDE. **\$0**

PRE-CONSTRUCTION ENGINEERING

Preliminary studies, layouts, cost estimates, design drawings, specification & contract documents

SPECIAL ENGINEERING SERVICES

Soil investigations, geotechnical studies, land surveys, environmental evaluations, permitting, water rights and other special investigations

CONSTRUCTION ENGINEERING SERVICES

Representation during construction, special inspections, materials testing and construction phase services

ENGINEERING SUBTOTAL PLEASE NOTE THIS WILL AUTOMATICALLY TOTAL THE ABOVE NUMBERS. PLEASE DO NOT OVERRIDE. **\$0**

PLANNING AND STUDIES SUBTOTAL

NEPA, EA, EIS, FEASIBILITY

LAND/EASEMENTS/WATER RIGHT SUBTOTAL

EQUIPMENT & FACILITIES SUBTOTAL

ADMIN // LEGAL / BONDING ONLY

ADMIN // FINANCIAL CONSULTANT

ADMIN SUBTOTAL PLEASE NOTE THIS WILL AUTOMATICALLY TOTAL THE ABOVE NUMBERS. PLEASE DO NOT OVERRIDE. **\$0**

PROJECT TOTAL - MUST MATCH TOTAL PROJECT COST (PG.2) = \$0 (THIS SHOULD BE \$0 IF PAGE 2=PAGE 3) **\$0**

PLEASE NOTE THIS WILL AUTOMATICALLY TOTAL THE ABOVE NUMBERS. PLEASE DO NOT OVERRIDE.

ANNUAL PLANNED BUDGET FOR COMPLETED PROJECT

ESTIMATED START DATE

OPERATIONS & MAINTENANCE

REPLACEMENT FUND

PART D. APPLICANT AGENCY FINANCIAL INFORMATION

CURRENT YEAR 2022
ANNUAL BUDGET

GENERAL FUND BUDGET

PROPERTY TAX

YEAR (LAST 5 YRS)

2021

2020

2019

2018

2017

TAX RATE

TAX COLLECTED

CURRENT DEBT STRUCTURE

ASSESSED VALUATION

G.O. DEBT CAPACITY*

OUTSTANDING G.O. DEBT

REMAINING G.O. DEBT CAPACITY

(SUBTRACT OUTSTANDING DEBT FROM DEBT CAPACITY)

\$0

**G.O. DEBT LIMITS: COUNTIES 2% of ASSESSED VALUE*

CITIES, TOWNS SCHOOL DISTRICTS 4% OF ASSESSED VALUE

CITIES (1st & 2nd class) +4% for water, lights, sewers OF ASSESSED VALUE

CITIES (3rd class) & TOWNS +8% for water, lights, sewers OF ASSESSED VALUE

TOTAL OUTSTANDING DEBT

TOTAL CURRENT ANNUAL DEBT SERVICE

USER FEES *(IF APPLICABLE)*

PROVIDE USER FEE STRUCTURES FOR ALL RELATED PROJECTS.

POPULATION.

#

COST OF PROJECT DIVIDED BY POPULATION = COST PER CAPITA.

\$

NUMBER OF USERS (OR ESTIMATE)

Bonded Debt Summary **Bond holder represents the funding entity*

Bonded debt information must be submitted in the format shown below. The submission of bonded debt information in an alternative format will not be accepted, since it precludes easy reference to the actual debt structure of applicant agencies. Please attach additional pages in the same format if there are insufficient columns to list all bonded debt issues.

	BOND ISSUE #1	BOND ISSUE #2	BOND ISSUE #3	BOND ISSUE #4	BOND ISSUE #5	BOND ISSUE #6	BOND ISSUE #7
PURPOSE							
\$ ISSUED							
INTEREST RATE							
DATE ISSUED							
DATE DUE							
BOND HOLDER*							
ANNUAL DEBT SERVICE							
2023							
2023							
2024							
2025							
2026							
2027							
2028							
2029							
2030							
2031							
2032							
2033							
2034							
2035							
2036							
2037							
2038							
2039							
2040							
2041							
2042							
2043							
2044							
2045							
2046							
2047							
2048							
2049							
2050							
2051							
2052							

PART E. PRE-SUBMISSION ATTACHMENT CHECKLIST

Note: Please refer to CIB PROGRAM SUMMARY (jobs.utah.gov/housing/cib/index.html). Incomplete applications will be held pending completion of all requirements.

REGISTRATION (*one time only)

To be eligible for funding, the applicant must be registered in WebGrants 3 (<https://webgrants.utah.gov/home.do>). The applicant will receive an email with their login ID and password. If applicant has submitted an application previously, they should already have a login and password. DO NOT REGISTER AGAIN. Contact Brenda Brown 801-707-0965.

PROJECT DESCRIPTION

WHO - the applicant agency including the problem, situation, condition or need to be addressed by the proposed project and the number of persons, land area, governmental facilities, services or operations impacted by the problem.

SCOPE OF WORK- a description of the proposed project including size, location, development timetable, etc. Include explanation of projected benefits to public infrastructure and alternatives considered and include a detailed construction budget estimate. Include 8½ X 11 maps, floor plans, site plans, prepared estimates, etc.

WHY – has the applicant investigated other sources of funding for this project and an explanation of why the applicant agency requires financial assistance from CIB? Specify.

CAPITAL IMPROVEMENT LIST

The 'Project' must be on the current consolidated county Capital Improvement List of the Housing & Community Development Division. CIB WILL NOT consider projects not identified on the current list, except in the case of a bona fide public safety or health emergency, or other compelling reason.

WATER & SEWER APPLICATIONS

ALL WATER AND SEWER APPLICATIONS REQUIRE A DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW Utah Department of Environmental Quality (DEQ) staff act as technical advisors to the CIB on drinking water and waste water projects. Applicants for proposed drinking water and waste water funding MUST COMPLETE AND SUBMIT the Drinking Water & Waste Water Project Supplement to DEQ with the CIB application. DEQ Supplemental form is located on CIB website: <https://jobs.utah.gov/housing/community/cib/index.html>

STREET AND ROAD APPLICATIONS

Requires a completed street and road addendum, located on: jobs.utah.gov/housing/community/cib/documents/streetsandroadsaddendum.doc

PLANNING APPLICATIONS

Requires a completed planning addendum. Planning grants are processed separately from other CIB funding. For more information on planning requirements: <https://jobs.utah.gov/housing/community/cib/index.html>

CONSTRUCTION APPLICATIONS // STATE HISTORIC PRESERVATION OFFICE (SHPO) REVIEW

Applications which include building, altering or disturbing properties fifty (50) years of age or older, or which may include new site excavation to include road realignments shall be submitted to SHPO and include photographs, map and address of the proposed project for review and comment by SHPO.

ASSOCIATION OF GOVERNMENTS NOTIFICATION

Provide a copy of current application to the applicable AOG two (2) weeks prior to submission.

AFFORDABLE HOUSING PLAN

Attach a brief summary (and date of adoption if applicable) of the applicant's efforts to comply with the requirements of Section 10-9a-403 UCA (municipalities) and Section 17-27a-403 UCA (counties). **DO NOT SUBMIT THE ENTIRE HOUSING PLAN.**

PUBLIC NOTICE AND PARTICIPATION

The CIB requires a vigorous public participation effort. Applicants shall hold AT LEAST one formal public hearing to solicit comments concerning the size, scope, nature of any funding request PRIOR to its submission to the board. The minutes must reflect a discussion of all financing scenarios including the possibility of loan funding. Complete and detailed information regarding the project scope and it's financing, including expected financial impact, potential repayment terms, potential costs to the public as user fees, special assessments, or property taxes shall be discussed. A copy of the public notice for any public hearings and the official transcript / minutes from the hearing must be attached. (NOTE: The board may require additional public hearings if it determines the applicant did not adequately disclose the impact to the public, or if it offers a substantially different financial package than from what was originally proposed.)

CURRENT AUDITED FINANCIAL REPORT

Provide a copy of most recent audited financial report.

PRESIDING OFFICIAL SIGNATURE

I, _____, of _____
(TYPED NAME) (TYPED TITLE) (TYPED ORGANIZATION)
the _____

do hereby certify the information presented in this application is accurate and correct to the best of my knowledge and this application has been authorized by the applicant agency. Furthermore, I certify that this project will comply with all applicable laws as outlined in R990-8-3 (M) prohibiting discrimination on the basis of race, religion, color, or national origin; sex, age, and disability. This project, when complete, will comply with the Americans with Disabilities Act (ADA).

ORIGINAL SIGNATURE

DATE

CDO SMALL PLANNING GRANT SUMMARY FY2024

The Community Development Office (CDO) provides an expedited review process for small planning grants defined as grant requests of \$50,000 or less. Applicants can apply for one small planning grant per fiscal year (July 1–June 30).

Funding eligibility is based on five defined criteria:

1. Eligible Applicant
2. Eligible Project
3. On the One Year CIB Application List
4. Completed Application
5. Interview with CDO

GENERAL GUIDANCE AND GRANT INFORMATION

IMPORTANT DATES Applications are to be submitted on a trimester basis by **5 p.m., on the application due date – June 1, October 1 and February 1**. Please review the application information section on the Permanent Community Impact Board Fund (CIB) website at: jobs.utah.gov/housing/community/cib.

APPLICATION: The CIB Application Form can be downloaded from:

jobs.utah.gov/housing/community/cib/documents/cibapplication.docm

Applications must include all required attachments.

REVIEW PROCESS: Complete applications will be reviewed based upon defined funding criteria and provided documentation. Information for vetting projects is provided through responses on the application, required attachments, and an interview between CDO and the applicant. Applicants with complete and submitted applications will be notified of a funding decision **within 60 days**. Grant recipients will receive a dated notice of award wherein expenses incurred for the approved project scope are eligible for reimbursement. A grant contract will be routed for signature; reimbursement for eligible expenses may commence once the contract is fully executed.

MATCH REQUIREMENTS: The applicant is required to commit financially a minimum 50% cash match to the project in order to apply. The small planning grants program will not fund more than 50% of the total project cost or more than \$50,000, whichever is lower. Planning project applications requesting funding above the \$50,000 threshold must apply as a regular CIB application requiring CIB board approval. All planning funding requires 50% cash match.

REIMBURSEMENTS: Funds are disbursed on a reimbursement basis meaning the entity pays the contractor and CIB reimburses the entity at 50% of invoice. Project funds expended prior to grant award cannot be reimbursed. Invoices may be submitted on a monthly or bimonthly basis.

ELIGIBLE APPLICANTS: An applicant must be eligible under Title 35A/Chapter 8/35A-8-S301.

TIMELINE FOR COMPLETION: A small planning grant contract is a two-year contract and must be completed within two years of the grant award date. Final versions of completed plans must be submitted to Brenda Brown (bpbrown@utah.gov), CIB staff, prior to final reimbursement.

ELIGIBLE PROJECT TYPES: CIB planning funds are available for general planning, master plans, hazard mitigation studies, environmental impact studies, water resource plans, soils analysis, and feasibility studies. Other types not specifically mentioned shall be reviewed for eligibility. Planning projects should address future considerations of a community's needs.

ELIGIBLE PROJECT COSTS: Consultant costs, professional services such as facilitation, professional planning, costs that directly relate to the planning activity such as inventories, GIS/mapping, printing, advertising expenses for required public hearing(s), focus groups, surveys, and web-based outreach.

INELIGIBLE PROJECT COST / IN-KIND MATCH: CIB will not reimburse for applicant staff expenses, grant writing or administration costs; volunteer time; future costs of land acquisition and facility development; expenses for existing operations; indirect costs related to events not included under the "Eligible Project Costs" section, publications, advertising, and/or similar expenses for fundraising or public meetings; construction/architectural design (these expenses must be affiliated with a physical construction project); any permitting costs; or costs related to consumables.

WATER & SEWER PLANNING APPLICATIONS: Applicants for proposed drinking water and wastewater funding, including projects that are planning by nature, must complete and submit the Drinking Water & Waste Water Project Supplement to DEQ with the CIB application. DEQ Supplemental form is located on CIB's website: <https://jobs.utah.gov/housing/community/cib/documents/deqform.doc>

SUCCESSFUL APPLICANTS

- Follow their own established procurement process that is in line with state procurement code
- Engage with the local Association of Governments Regional Planner on project scoping
- **Have the financial ability to implement the plan**
- Submit a completed application by the deadline.

SUCCESSFUL PROJECTS

- Be clearly defined with costs clearly justified
- Demonstrate a compelling need for the study, significant project preparation and community-wide benefit
- Implement best practices
- Include robust public engagement

SMALL PLANNING GRANT PROGRAM CONTACT:

It is recommended that applicants contact their regional planner to discuss and scope your project. If you have concerns or questions about the Small Planning Grant guidelines, please contact the Community Development Office prior to applying to address any questions or concerns. The CDO team encourages potential applicants to attend one of the annual CIB Application Tutorials, request sample grant applications, or submit a draft application early for review. Contact your assigned AOG Regional Planner for assistance.

<p>Bear River Brittany Alfau brittanya@brag.utah.gov 435.713.1423</p>	<p>Five County Gary Zabriskie gzabriskie@fivecounty.utah.gov 435.673.3548</p>	<p>Mountainland Robert Allen rallen@mountainland.org 801.229.3813</p>	<p>Six County Tyler Timmons ttimmons@sixcounty.com 435.893.0738</p>
<p>Southeastern Utah Camille Otto cotto@seualg.utah.gov 435-227-5476</p>	<p>Wasatch Front Christy Dahlberg christy@wfr.org 801.363.4250</p>	<p>Uintah Basin Kevin Yack keviny@ubaog.org 435.722.4518</p>	

PERMANENT COMMUNITY IMPACT FUND BOARD
 Supplemental Form for Drinking Water and Waste water projects

The PCIFB and the Utah Department of Environmental Quality (DEQ) have entered into an agreement by which DEQ staff act as technical advisors to the PCIFB on drinking water and wastewater projects. All applicants for proposed drinking water and wastewater projects must provide sufficient technical information to DEQ to permit detailed technical review of the project. The PCIFB will not act on any drinking water or wastewater project applications unless DEQ completes said review and supports the project. If you are applying for a water or sewer project, you must complete this supplemental form.

Applicants for drinking water projects need only submit information on their water system.
Applicants for wastewater projects need only submit information on their sewer system.
All applicants must complete the "Water Management & Conservation Plan" (pages 5-12)

APPLICANT NAME _____

a. Current Number of connections	DRINKING WATER	SEWER
Residential connections	_____	_____
Commercial Effective Residential connections	_____	_____
Other	_____	_____
TOTAL	_____	_____

b. Estimated Number of Connections in 20 years	DRINKING WATER	SEWER
Residential connections	_____	_____
Commercial Effective Residential connections	_____	_____
Other	_____	_____
TOTAL	_____	_____

c. Rate Schedule Used in Customer Billings
 (Use space below to describe, in detail, your water and sewer rate structures. Include information on base rates and overage charges. If necessary, distinguish between residential and commercial rates).

d. Residential connection	_____	\$/ ERC	\$/ERC
e. Impact Fees – per connection	_____	\$/ ERC	\$/ERC
f. System Income			
Typical Income to system from customer billings	_____	\$/yr	\$/yr
Typical Income to system from taxes	_____	\$/yr	\$/yr
Typical Income to system from connection fees	_____	\$/yr	\$/yr
Typical Income to system from impact fees	_____	\$/yr	\$/yr

g. System Expenses

If available, please attach sheets showing the budgets of your drinking water and sewer systems. Alternately, you may complete the following.

	DRINKING WATER	SEWER
Annual Principal and Interest Payments on Debt	_____	_____
Personnel	_____	_____
Power (electricity, gasoline, etc.)	_____	_____
Purchase of Water	_____	_____
Maintenance, Supplies	_____	_____
Treatment	_____	_____
Other (_____)	_____	_____
Other (_____)	_____	_____
Other (_____)	_____	_____
TOTAL	_____	_____

h. Information on Secondary Irrigation Systems

Please provide this information if you are applying for a drinking water project. This information is needed to compute the total cost of water for your customers.

Does your service area include a secondary water system, either ditch or piped?

Yes No

If so, what percentage of your customers are on the secondary system?

Piped System _____ %
Ditch System _____ %

For each customer, what is the typical yearly expense for secondary irrigation service?

Piped System _____ \$/yr
Ditch System _____ \$/yr

i. Transfers To or From Other Accounts

Do you transfer funds **from** other accounts to balance either your water or your sewer budgets?

Yes No

If so, please describe below:

Do you transfer funds **to** other accounts from either your water or sewer budgets?

Yes No

If so, please describe below:

j. Depreciation

Please describe how your water or sewer system budget treats depreciation.

k. Please answer the following (drinking water projects only)

Does your water system have a master plan to guide growth in the next 20 years?

Yes No

If not, will you commit to create one? Yes No

Does your water system have an established replacement fund?

Yes No

If not, will you commit to create one? Yes No

Does your water system have an established backflow prevention program?

Yes No

If not, will you commit to create one? Yes No

Does your water system have a tiered rate structure to encourage water conservation?

Yes No

If not, will you commit to create one? Yes No

Does your system have a certified operator?

Yes No

If not, will you commit to obtain one? Yes No

Does your system have an emergency response plan?

Yes No

If not, will you commit to create one? Yes No

l. Please answer the following (sewer projects only)

Does your sewer system have a master plan to guide growth in the next 20 years?

Yes No

If not, will you commit to create one? Yes No

Does your sewer system have an established replacement fund?

Yes No

If not, will you commit to create one? Yes No

Does your sewer system have an inverted rate structure to minimize flows?

Yes No

If not, will you commit to create one? Yes No

Does your sewer system have a certified operator?

Yes No

If not, will you commit to obtain one? Yes No

Does your sewer system have an emergency response plan?

Yes No

If not, will you commit to create one? Yes No

m. Water Management and Conservation Plan

Attached to this supplement is a Water Management and Conservation Plan form. This must be completed. The Certification of Adoption (pg. 13) need not be signed at this time. However, if your application is successful, this must be signed before funds will be released.

n. Agency Contacts

DEQ contacts for review of PCIFB applications are:

Drinking Water Applications	Wastewater Applications
Michael Grange Division of Drinking Water 195 North 1950 West Salt Lake City, Utah 84116 mgrange@utah.gov (801) 536-0069	Skyler Davies Division of Water Quality 195 North 1950 West Salt Lake City, Utah 84116 sdavies@utah.gov (801) 536-4359

WATER MANAGEMENT & CONSERVATION PLAN

(Please read the reference at the end of the document for more information on each section.)

Note: In the actual supplemental, each letter represents a page.

Name of Water Utility/Company

A. Background Information

A description of the water utility or company and its service area. General policies and goals of the water utility should be defined and explained. A description might include a history of the utility or company and mention of water development and management accomplishments. A map of the service area could also be included.

B. Existing Resources

This section includes an inventory of current water sources and infrastructure controlled by the water utility or company. Include water right information, hydrologic data, and a description of the physical facilities.

C. Current Water Use and Determination of Future Requirements – Water Management Issues and Goals

This section includes the historical patterns of water delivery and use by the water utility. Future water needs and infrastructure requirements based on growth projections should be identified. Comparison of current water supplies and future projections will reveal if and when additional supplies will be needed. List past water conservation measures as well as opportunities for improving the efficiency of water use. Indicate any opportunities to coordinate with other companies to develop and implement management conservation measures. List short and long term goals for efficient water use. Identify potential use of any water gained from reductions in use due to the implementation of the water conservation plan. The current and possible future water rates should be discussed in detail.

D. Identification of Alternatives to Meet Future Water Needs

Strategies to meet future demands beyond the limits of existing supplies or infrastructure should be identified. These strategies should include conservation alternatives as well as traditional water development plans. Economics and environmental impacts of the alternatives, including infrastructure requirements, should be determined and evaluated.

E. Evaluation and Selection of Alternatives

The alternatives investigated should be evaluated and prioritized to meet future demands. Reaction to the various alternatives from the public (or stockholder) can help guide the water utility or company in the selection and prioritization of alternatives to implement. The Public should be involved in all phases of the process.

F. Periodic Evaluation

The Water Management and Conservation Plan should be reviewed and updated periodically by the water utility or company to reflect new data and trends and gauge performance progress.

G. Associated Plans – Emergency Response Plan

As part of the WMC plan, short-term emergency water measures may be included to deal with drought, contamination or flooding that may temporarily affect water supplies. A good emergency response plan will identify these problems and provide for contingencies to meet the “short-term emergency” needs. Plans should identify events that activate the emergency plans.

H. List of Company Officers

Certificate of Adoption

We, _____, hereby certify that the **attached** Water Management and Conservation Plan has been established and adopted by our city council, board of directors, or stockholders on _____, 20__.

Name

Title

Date

REFERENCE SECTION

A. Background Information

A short, descriptive narrative of the water utility or company and its service area is needed. General policies and goals of the water utility should be defined and explained. A narrative might include a history of the utility or company and mention of recent water management accomplishments.

B. Existing Resources

This section should include an inventory of current water sources controlled either through water rights or contractual agreements by the water utility or company. Hydrologic data and analysis to support the quantification of firm yields, as well as the frequency and magnitude of shortages of supply, could be included as part of the documentation. This data describes the water supply with which a water utility or company has to respond to current and future demands.

Current infrastructure should be considered as part of the existing resource inventory.

C. Current Water Use and Determination of Future Requirements

This section would include the historical patterns of water delivery and use by customers of the water utility. Future water needs based on economic and population growth projections should be identified. And a time frame for future projections is needed. The water Utility or company should remember that the lead time for development of future supplies can be as significant for conservation methods as it is to develop new supplies.

Comparison of current water supplies and future projections will reveal if and when additional supplies will be needed. Infrastructure requirements such as conveyance, treatment and distribution systems for future needs should also be determined as part of this process.

D. Identification of Alternatives to Meet Future Water Needs

Strategies to meet future demands beyond the limits of existing supplies or infrastructure should be identified. These strategies should include conservation alternatives as well as traditional water development plans. Economics and environmental impacts of the alternatives, including infrastructure requirements, should be determined and evaluated.

E. Evaluation and Selection of Alternatives

The various alternatives investigated should be evaluated and prioritized to meet future demands. Reaction to the various alternatives by the public, or stockholder in the case of private water and irrigation companies, can help guide the water utility or company in the final selection and prioritization of alternatives to implement. The public or stockholder perception of the water management and conservation plan development will, in large part, determine the limits of implementation. The public should be involved in all phases of the process. This approach, while more difficult and time-consuming, will provide a broader base of support for a final WMC plan.

F. Periodic Evaluation

The WMC plan should be reviewed and updated periodically by the water utility or company to reflect new data and trends and gauge performance and progress. This effort will ensure efficiency and timeliness of the plan.

G. Associated Plans – Emergency Response Plan

As part of the WMC plan, short-term emergency water measures may be included to deal with drought, contamination or flooding that may temporarily affect water supplies. A good emergency response plan will identify these problems and provide for contingencies to meet the “short-term emergency” needs. Plans should identify events that activate the emergency plans.

PERMANENT COMMUNITY IMPACT FUND BOARD

APPLICATION ADDENDUM FOR STREET & ROAD PROJECTS

This addendum is required for all street and road improvement applications.

PART A. GENERAL INFORMATION

Project Title _____

1. Applicant Agency

Name: _____

2. Contact Person

Name: _____

Phone: _____ Email: _____

PART B. APPLICANT FINANCIAL INFORMATION

1. Current and Prior Four Years Street & Road Revenues:

<u>Year</u>	<u>B&C Revenues</u>	<u>Transfers from General Fund</u>	<u>Mineral Lease Revenues</u>	<u>Total Revenues</u>
TOTALS				

2. Current and Prior Four Years Street & Road Expenses:

<u>Year</u>	<u>Construction</u>	<u>Debt Service</u>	<u>Administration</u>	<u>Total Expenses</u>
TOTALS				

PART C. ON-GOING MAINTENANCE PROGRAM

1. Does the Applicant have an on-going capital or maintenance replacement program for streets and roads?

YES NO

If YES, please describe the capital or maintenance replacement program.
