

UINTAH BASIN REVITALIZATION FUND (UBRF)

POLICIES & PROCEDURES

Rev. 11/2024



It is against the law for the Department of Workforce Services (DWS), Housing & Community Development Division (HCD), or its sub-recipients of Federal financial assistance to discriminate against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. Auxiliary aids and services are available upon request to individuals with disabilities by calling (801) 526-9240. Individuals with speech and/or hearing impairments may call Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162.



Utah Department of Workforce Services
Housing & Community Development Division
140 East 300 South Salt Lake City, UT 84111
<https://jobs.utah.gov/housing/community/ubrf.html>

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VERSION CONTROL

12/20/2021 – Document drafted
10/18/2022 – Updated board membership
12/20/2022 – Clarified meeting schedule and updated financials
2/23/2023 – Updated information, monitoring procedures
4/5/2023 – Updated monitoring procedures, reorganized
5/25/2023 – General revisions and updates to monitoring policy
10/16/2023 – Clarifications on internal policy, updated financials
10/23/2023 – Document approved by board
2/13/2024 – Updated board membership
7/2/2024 – Updated with previously approved policies in Appendix F
9/24/2024 – Added language on loans
11/20/2024 – Added prioritization policy, approved 10/24/2024

CHAPTER 1. INTRODUCTION

A. OVERVIEW

The Uintah Basin Revitalization Fund (UBRF) is funded and operated under Utah Code, Section 35A-8-16 including all operating regulations and memorandums pertaining thereto.

THE PURPOSE OF THE UINTAH BASIN REVITALIZATION FUND:

“In order to maximize the long-term benefit of severance taxes derived from lands held in trust by the United States for the Tribe and its members by fostering funding mechanisms that will, consistent with sound financial practices, result in the greatest use of financial resources for the greatest number of citizens of the Uintah Basin, and in order to promote cooperation and coordination between the state, its political subdivisions, Indian tribes, and individuals, firms, and business organizations engaged in the development of oil and gas interests held in trust for the Tribe and its members. (UCA 35A-8-1602 (1)).”

The purpose of this document is to provide instruction and guidance regarding current statute and internal UBRF policies to assist eligible entities wishing to apply for UBRF funds.

B. ELIGIBLE GRANT APPLICANTS

Consistent with state law, funding may only go to **eligible applicants** for the UBRF program, as follows (35A-8-1601, 1606):

- Ute Indian Tribe of the Uintah and Ouray Reservation
- Uintah County
- Duchesne County

C. ADMINISTRATION

The State of Utah Department of Workforce Services (DWS), Housing and Community Development Division (HCD) administers the Uintah Basin Revitalization Fund program. As the lead agency responsible for the program's design and implementation, HCD will:

- Obtain policy guidance from the UBRF Board
- Ensure grantee compliance with all applicable program regulations
- Monitor grantee program compliance
- Provide technical assistance to applicant entities

D. UTAH BASIN REVITALIZATION FUND BOARD MEMBERS

(35A-8-1603)

The Board is composed of five members as follows:

BOARD POSITION	PERSON	CHANGES WITH
Governor, or his designee (chair)	Evan Curtis 801-538-1427 ecurtis@utah.gov	Governor
Utah County commissioner	John Laursen 435-781-5382 johnlaursen@uintah.utah.gov	Elections
Duchesne County commissioner	Greg Miles 435-738-1131 gmiles@duchesne.utah.gov	Elections
Two representatives of the Business Committee of the Tribe	Mike Natchess 435-823-0055 miken@utetribes.com	Elections
	Emmett Duncan 435-823-1191 emmettd@utetribes.com	Elections

E. STAFF PERSONNEL

For assistance regarding the Utah Basin Revitalization program, please see the following contact:

PROGRAM ADDRESS

Department of Workforce Services
Housing & Community Development Division
Utah Basin Revitalization Fund Program
140 East 300 South
Salt Lake City, Utah 84111
Telephone: (607) 339-8259
<https://jobs.utah.gov/housing/community/ubrf.html>

STAFF

Paul Moberly..... Program Manager, UBRF Program
(607) 339-8259
moberpaul@utah.gov

Carver Black Finance Manager, DWS
435-459-0871
carverblack@utah.gov

Christopher Pieper..... Legal Counsel, Assistant Attorney General
cpieper@agutah.gov

CHAPTER 2. FUNDING PROCESSES

A. FUNDING ALLOCATION

(35A-8-1604 (1)(d))

New severance tax revenue funds are allocated annually in the late Summer/early Fall generally. The revenue is subdivided into separate entity funding accounts within the UBRF fund, one for each eligible entity. It is allocated via a formula defined in state statute 35A-8-1604 (1)(d). For funds under \$3 million, the allocation is as follows: Uintah Tribe (75%), Duchesne (12.5%), Uintah (12.5%). For funds in excess of \$3 million, all three entities are given equal amounts.

Per 35A-8-1607, with board approval, the division may use up to 2% of annual receipts for administrative purposes. The fund earns interest, which is added directly into each entity's unallocated account. *See Appendix B for new allocation history.*

B. APPLICATION / PROJECT RESTRICTIONS

(35A-8-1606)

Each applicant may apply for available unallocated funds within their entity account for projects, subject to applicable restrictions.

Counties or the Tribe that wish to receive loans or grants from the board shall submit applications to the board containing the information required by the board. Completed applications are due by the deadline provided in the meeting announcement, typically 2 weeks before a meeting. The respective county commissions or the tribal business committee submit applications to Utah's Housing and Community Development Division / UBRF staff.

The board shall review each application for a loan or grant before approving it. UBRF has historically provided only grants, and does not anticipate doing providing loans in the future. The board may approve loan or grant applications subject to the applicant's compliance with certain conditions established by the board. The board shall: (i) ensure

that each loan specifies the terms for repayment; and (ii) secure the loans by proceeds from any general obligation, special assessment, or revenue bonds, notes, or other obligations of the appropriate subdivision.

Applications for projects must be approved before funds are spent. UBRF works on a reimbursement basis through contractual agreement with each entity and Webgrants submissions for all project expense reimbursement requests.

C. PRIORITIZATION OF PROJECTS

(35A-8-1604(1)(b))

Preference is given to capital projects, including subsidized and low-income housing, and other one-time need projects and programs; projects and programs that are associated with the geographic area where the oil and gas were produced; and coordination of projects and programs with other projects and programs funded by federal, state, and local governmental entities.

Each eligible entity prioritizes their own projects and cannot overdraw their unallocated funds. The board hears projects in the order they were received from each entity and prioritizes projects in harmony with its enabling statute UCA35A-8-1602 (1), and 35A-8-1604 (1)(b) ii, iii).

D. STATUTORY FUNDING RESTRICTIONS

The board may not fund:

(35A-8-1606)

- start-up or operational costs of private business ventures; and
- general operating budgets of the counties or the Tribe, except that the Tribe may use a grant or loan to fund costs associated with the management and administration of energy or mineral development on:
 - (i) lands held in trust by the United States for the Tribe and its members; or
 - (ii) lands owned by the Tribe.

E. APPLICATION CHECKLIST

Eligible applicants should submit complete applications prior to the application deadline

for applications for regularly scheduled meetings, or at least three business days before a non-scheduled meeting to comply with public notification requirements. Late or incomplete applications may be held until the next scheduled meeting while UBRF administration works with the applicant to complete the application.

The application generally consists of a formal memorandum outlining the project scope and the requested amount, signed by an authorized representative. Specifically, completed applications consists of a memorandum which includes:

- a detailed project scope which provides sufficient information to inform the board of the project and when it will be considered complete (e.g., an estimate on the number of individuals who will be assisted, details on the size of the project, information on the equipment to be purchased, what funds specifically will be spent on);
- the amount requested from the entity's available UBRF unallocated funds;
- the date the memorandum was drafted, within a reasonable timeframe to the proposed meeting date (generally within a calendar year);
- a signature by an authorized representative of the entity.

Details of the project including cost estimates, timelines, and drawings are encouraged but not required.

F. BOARD MEETINGS

Meetings are generally scheduled quarterly, either electronically or in person. The chair may approve additional meetings as necessary or as requested by a member of the board. Unless for a bona fide emergency or similar urgent circumstance, UBRF will generally schedule meetings one month in advance when requested to give time for applicants to organize projects and compile the necessary application materials. Due to non-scheduled meetings, other previously scheduled meetings may be shifted accordingly.

New funds are generally allocated in the Fall meeting. These funds are typically provided in late August to early September.

Division staff prepare the meeting agendas and publically post the meeting agenda. The agenda and board packet are also posted before meetings on the Granicus UBRF meeting portal, linked on the Department of Workforce Services, Housing and Community Development Division website: housing.utah.gov. The Uintah Basin Revitalization Fund

Board reviews all completed applications; all funding decisions are made by the board and require four affirmative votes.

G. PROJECT REALLOCATIONS

Project funds may be reallocated upon application to the board and board action.

H. PROJECT DURATIONS

Based on historical administrative practice, projects will be assigned a duration according to the complexity of the project, typically for about two years, and generally will have an expiration date at the end of the fiscal year on the second year (e.g., project is approved in February 2020, expiration goes to June 30, 2022).

I. RENEWAL PROCEDURES

Expired projects which are incomplete can be renewed. Generally, for ease of operations, projects will be set to expire at either the end of the fiscal or calendar year (6/30 or 12/31). Extensions happen as a board action in a meeting and must be on the meeting agenda.

The grantee can request an extension of the contract. Requests to extend the deadline of a project should be in writing, electronically or otherwise, from someone authorized by that entity.

Unless an extension or renewal is requested at the next board meeting after a contract has expired, an expired grant will generally be closed and any remaining balance reverted to that entity's unallocated fund balance. UBRF staff may send notice of expiring contracts to each entity's liaison prior to the meeting to provide an opportunity for extension. UBRF staff may also inform the board of any contracts that were closed and had a balance reverted at the board meeting after they were closed.

J. CLOSING PROJECTS

Projects that are expended prior to expiration can be closed without notice or board approval. Projects which are expired and not requested to be renewed will be closed, with any remaining funds reverted to the entity's unallocated balance, after the next meeting

following the date of expiration (e.g., a grant which expired in December would be closed after a meeting in February). Projects that are completed will have any remaining funds reverted to the same entity's unallocated fund balance.

K. REPORTING REQUIREMENTS

Recipients must submit progress reports. These reports must be submitted annually, due one month prior to the end of each 12-month period following execution of the contract (e.g., if a contract is approved April 1st, the report would be due March 1st each subsequent year until expiration). A final report must be submitted upon completion.

Recipients must provide reports in the manner specified by UBRF staff, including before and after pictures, with sufficient documentation and photos to demonstrate project progress equal to what has been submitted for reimbursement that year, in accordance to the scope of work.

CHAPTER 3. MONITORING

A. GENERAL PROJECT MONITORING

All contracts are monitored on an annual basis. UBRF staff will provide invoice review monitoring of claim submissions and desk review of submitted reports.

INVOICE REVIEW

UBRF staff conduct invoice reviews of all reimbursement requests and documentation through Webgrants for all contracts. Invoice reviews consists of a review of invoices by Contract Owner and Fiscal Grant Manager to determine if the rates and services are reasonable and allowable per the contract, and do not exceed budget categories. This may include a review of supporting documents to adequately support the request for payment. Grantees are required to submit sufficient documentation to adequately support the request for payment and ensure the funds are used according to UBRF requirements.

An invoice review consists of a review of invoices by UBRF staff or its agents to determine if the rates and services are allowable per the contract. This may include a review of supporting documents to adequately support the request for payment. UBRF staff review all claims submitted in Webgrants.

Grantees are required to submit sufficient documentation, as reasonably requested by UBRF staff or its agents, to adequately support the request for payment and ensure the funds are used only for the activities allowed in the scope of work and according to applicable statutes, rules, policies and procedures. The fiscal grant manager may assist in monitoring.

DESK REVIEW

UBRF staff will conduct desk reviews of all reports submitted by grantees. NRF staff review actual performance against the contract requirements, scope of work, and actual expenditures to the approved budget. Full scope site, limited scope site, virtual site, or monitoring visits by a third party may be used as needed to collect, observe, or verify information.

TRAINING & TECHNICAL ASSISTANCE

As necessary, staff provides technical assistance to help applicant understand the requirements and procedures for grant application and utilization, including reporting and reimbursement requirements.

B. MONITORING FREQUENCY

All contracts may be monitored annually and after closure.

MONITORING COMPONENTS

A monitoring form may be used to document annual and final monitoring activities.

Scope of Work

Expenditures and activities will be evaluated with the Scope of Work defined within the contract.

GENERAL MONITORING CONSIDERATIONS

Cultural and language sensitivity will be employed throughout the process.

Opening and closing letters may be utilized, along with electronic or face-to-face conferencing as appropriate.

Office and site visits are possible, at the discretion of the State Program Manager. Various conditions on the Ute Reservation or Counties may preclude in-person monitoring including weather (roads become unpassable and dangerous under certain conditions), political unrest, epidemics (COVID), unfamiliarity with roads or locations, private residences, or excessive distance. As appropriate, these should be documented.

APPENDIX A: NEW ALLOCATIONS BY YEAR

FISCAL YEAR	NEW ALLOCATION
FY 03	\$ 1,960,000.00
FY 04	\$ 1,652,412.30
FY 05	\$ 2,960,000.00
FY 06	\$ 2,940,000.00
FY 07	\$ 2,940,000.00
FY 08	\$ 4,900,000.00
FY 09	\$ 5,682,070.38
FY 10	\$ 5,880,000.00
FY 11	\$ 5,642,763.56
FY 12	\$ 5,977,950.02
FY 13	\$ 6,122,998.84
FY 14	\$ 6,280,370.18
FY 15	\$ 6,386,867.76
FY 16	\$ 6,487,805.80
FY 17	\$ 4,851,252.84
FY 18	\$ 3,407,412.96
FY 19	\$ 4,286,670.92
FY 20	\$ 6,862,046.24
FY 21	\$ 6,393,682.68
FY 22	\$ 3,955,243.74
FY 23	\$ 6,565,992.16
FY 24	\$ 7,868,674.80
FY 25	\$ 8,296,060.64

APPENDIX B: APPROVED FUNDING BY NUMBER AND CATEGORY

AMOUNT & NUMBER	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024
Buildings	1,374,110		1,862,982	1,044,237	36,000	200,000	729,092
	4		5	5	1	1	2
Housing Assistance	1,572,220	92,500	92,500	800,000	2,970,395	3,578,764	1,997,869
	5	3	3	1	1	1	2
Planning	175,435	--	--	--	--	--	--
	1						
Utility Improvements	705,164	--	812,083	--	--	--	--
	2		4				
Transportation	120,000	20,000	300,000	--	--	--	--
	2	1	1				
Vehicles & Equipment	--	100,500	--	2,500,663	--	515,000	1,213,000
		1		5		1	3
Public Facilities	122,000	483,933	1,192,829	284,952	--	303,435	302,815
	2	4	8	2		2	1
Public Safety	--	1,274,000	681,476	97,749	85,000	--	1,085,000
		5	3	2	1		2
Recreation & Culture	342,221	520,927	3,099,991	1,558,116	475,000	--	2,967,699
	4	3	9	7	1		2
TOTAL	4,411,150	4,802,360	8,041,861	5,885,717	3,566,395	4,597,199	8,295,475
	20	20	33	22	4	5	12


APPENDIX C: SUBMITTING A CLAIM IN WEBGRANTS

Submitting a Claim – WebGrants 3

This Guide will take you through the process of how to submit a Claim for Reimbursement.

Accessing Claims

- Log in to WebGrants 3 [here](#)
- From the Main Menu, click on **My Grants**
- Locate the grant you wish to make a claim on and click on the **blue grant title**
- Use the “Search My Grants” link to search for your grant, if needed
- If you do not see your grant, click the Closed Grants link: Your grant may be in a different status
- From the next screen, click on “**Request for Funds**,” or “**Claims**” under Grant Components

Instructions	
The Grant forms appear below.	
Associated Forms	
Status Report Site Visit Contract Amendment	
Grant Components	
View Contract Environmental Reviews Alerts Copy Annotations (0) Export Grant Data Map	
The components below are associated with the current Funding Opportunity. You can change these components in the Funding Opportunity module. You may associate specific forms in the Associated Forms section above. You can define your own alerts in the Alerts section. You can make notes by clicking Annotations. You can copy this grant and you can export the raw data.	
Component	Last Edited
General Information	09/24/2020
Request for Funds 	
Appropriations	09/22/2020
Encumbrances	
Contract Amendment	09/22/2020
Correspondence	
Attachments	09/22/2020
State Program Office Attachments	
Scope of Work	09/21/2020
Budget (UBRF)	09/21/2020
Routing Slip	
Grantee Attachments	09/22/2020
Additional Contract Attachments	
Opportunity	-

Trouble Accessing Claims?

Please notify your HCD contact if you have trouble accessing claims or receiving alerts

Entering the Claim Details

- From the Claims section, click **Add** to start a new claim, or click on the claim ID to open an existing claim:

Claims							Copy Existing Claim Scheduler Annotations(0) Return to Components
ID	Type	Status	Date Submitted	Date Paid	Date From-To	Claim Amount	
21-0203 - 001	Reimbursement	Paid	09/16/2020	07/17/2020	-	\$294,649.92	
21-0203 - 002	Reimbursement	Submitted	10/15/2020		08/18/2020 - 08/31/2020	\$17,820.00	
21-0203 - 003	Reimbursement	Submitted	10/15/2020		08/12/2020 - 08/14/2020	\$25,039.77	
Submitted Amount						\$42,859.77	
Approved Amount						\$0.00	
Paid Total						\$294,649.92	
Total						\$337,509.69	

- On the Report Components page click the [Reimbursement](#) link
- At the top of the next page, click [Edit](#)
- Fill out the claims information in each available box

Reimbursement									
Budget Category	Details	Contract Budget	Expenses This Period	Prior Expenses (Paid)	Total Paid	Available Balance (Unpaid)	Prior Expenses (Submitted Not Paid)	Total Claim	Remaining Balance (Unclaimed)
Category I - Indirect Costs									
Indirect Costs		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Category II - Direct Administrative Expenses									
Fringe Benefits		\$2,000.00	<input type="text"/>	\$0.00	\$0.00	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Salaries		\$5,000.00	<input type="text"/>	\$0.00	\$0.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00
Category III - Project Activity									
A		\$550.00	<input type="text"/>	\$0.00	\$0.00	\$550.00	\$0.00	\$0.00	\$550.00


(Your claim form may look different than this example)

- Click the [Save](#) button
- Click the [Mark as Complete](#) link
- Click on the next claim components links:
 - [Comments/Status](#): enter any comments about the claim, then click [Save](#), then [Mark as Complete](#)
 - [Supporting Documentation Upload](#): attach any documents related to the claim, then click [Save](#), then [Mark as Complete](#)

Reviewing and Submitting

Follow these steps to review and submit your claim.

- Click the Preview link and make sure all information is correct:

 **Grant Tracking**

Claim: 05452 - 002 [Grant Components](#)

Grant:

Status: Editing

Program Area: State Homelessness Funding

Grantee Organization: Webgrants Testing Station

Program Manager:










Components [Preview](#) [Submit](#)


Complete each component of the Claim and mark it as complete. Click Submit when you are done.

Name	Complete?	Last Edited
General Information	✓	09/14/2020
Reimbursement	✓	12/17/2020
Comments/Status	✓	12/17/2020
Supporting Documentation Upload	✓	12/17/2020

- Click the Print link to print the claim:










WebGrants 3


 [Menu](#) |  [Help](#) |  [Log Out](#)  [Back](#) |  [Print](#) |  [Add](#) |  [Delete](#) |  [Edit](#) |  [Save](#)

 **Grant Tracking**

- Go back to claim screen on other tab, then click [Back](#):

WebGrants 3

 [Menu](#) |  [Help](#) |  [Log Out](#)  [Back](#) |  [Print](#) |  [Add](#) |  [Delete](#) |  [Edit](#) |  [Save](#)

 **Grant Tracking**

- Click the [Submit](#) link
- Answer OK on the confirmation page to complete the claims process:

webgrants.utah.gov says

Submitting the Claim will lock all sections from further editing. Have you completed all sections? Are you sure you are ready to submit this Claim?

[OK](#)

[Cancel](#)

Correcting a Claim

After the claim is reviewed by a DWS employee, there may be areas that need to be fixed or changed. In that case, the claim will be sent back to you to make corrections.

- Please watch your email account for any correspondence that may be sent to you regarding your claim
- The email will explain what section(s) of the claim requires changes:

**** Do Not Respond to This Email ****

Dear [Recipient Name],

Your claim has been unlocked. Please log into the WebGrants 3 grants management system, edit your claim and resubmit it. The grant details appear below:

Number: [Contract Number]
Grant Title: [Document Title]
Program Area: [Program Area]
Grantee Organization: [Organization Name]
Grantee: [Grantee Name]

Please make the following modifications to your claim and resubmit the claim by [Due Date].

Comments appear below:
[Additional Message]

You may log into the WebGrants grants management system at the following location:
<https://webgrants.utah.gov>

APPENDIX D: UTAH CODE 35A-8-16

Title 35A, Chapter 8, Part 16 Uintah Basin Revitalization Fund and Board

35A-8-1601 Definitions.

As used in this part:

- (1) "Board" means the Uintah Basin Revitalization Fund Board.
- (2) "Capital projects" means expenditures for land, improvements on the land, and equipment intended to have long-term beneficial use.
- (3) "County" means:
 - (a) Duchesne County; or
 - (b) Uintah County.
- (4) "Division" means the Housing and Community Development Division.
- (5) "Revitalization Fund" means the Uintah Basin Revitalization Fund.
- (6) "Tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation.

Amended by Chapter 136, 2019 General Session

35A-8-1602 Legislative intent -- Uintah Basin Revitalization Fund -- Deposits and contents.

- (1) In order to maximize the long-term benefit of severance taxes derived from lands held in trust by the United States for the Tribe and its members by fostering funding mechanisms that will, consistent with sound financial practices, result in the greatest use of financial resources for the greatest number of citizens of the Uintah Basin, and in order to promote cooperation and coordination between the state, its political subdivisions, Indian tribes, and individuals, firms, and business organizations engaged in the development of oil and gas interests held in trust for the Tribe and its members, there is created an expendable special revenue fund entitled the "Uintah Basin Revitalization Fund."
- (2) The fund consists of all money deposited to the Revitalization Fund under this part and Section 59-5-116.
- (3)
 - (a) The Revitalization Fund shall earn interest.
 - (b) All interest earned on fund money shall be deposited into the fund.

Amended by Chapter 400, 2013 General Session

35A-8-1603 Uintah Basin Revitalization Fund Board created -- Members -- Terms -- Chair -- Quorum -- Expenses.

- (1) There is created within the division the Revitalization Board composed of five members as follows:
 - (a) the governor or his designee;
 - (b) a Uintah County commissioner;
 - (c) a Duchesne County commissioner; and
 - (d) two representatives of the Business Committee of the Tribe.
- (2) The terms of office for the members of the board shall run concurrently with the terms of office for the governor, commissioners, and Business Committee of the Tribe.
- (3) The governor, or his designee, shall be the chair of the board.
- (4) Four board members are a quorum.
- (5) All decisions of the board require four affirmative votes.
- (6) 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.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1604 Duties -- Loans -- Interest.

- (1) The board shall:
 - (a) subject to the other provisions of this part and an agreement entered into under Title 11, Chapter 13, Interlocal Cooperation Act, among the state, the counties, and the Tribe, make recommendations to the division for grants and loans from the revitalization fund to county agencies and the Tribe that are or may be socially or economically impacted, directly or indirectly, by mineral resource development;
 - (b) establish procedures for application for and award of grants and loans including:
 - (i) eligibility criteria;
 - (ii) subject to Subsection 35A-8-1606(2)(b), a preference that capital projects, including subsidized and low-income housing, and other one-time need projects and programs have priority over other projects;
 - (iii) a preference for projects and programs that are associated with the geographic area where the oil and gas were produced; and
 - (iv) coordination of projects and programs with other projects and programs funded by federal, state, and local governmental entities;
 - (c) determine the order in which projects will be funded;
 - (d) allocate the amount to be distributed from the revitalization fund for grants or loans to each county and the Tribe during a fiscal year as follows:
 - (i) up to and including the first \$3,000,000 that is approved for distribution by the

- board during a fiscal year, the board may allocate the amount in accordance with the interlocal agreement described by Subsection (1)(a), except that the board may not allocate less than 75% of the amount under the interlocal agreement to the Tribe unless the interlocal agreement is further modified by statute; and
 - (ii) beginning with fiscal year 2007-08, any amount approved for distribution by the board during that fiscal year in excess of \$3,000,000 shall be allocated equally amongst each county and the Tribe so that each receives 1/3 of the amount approved for distribution by the board in excess of \$3,000,000;
 - (e) qualify for, accept, and administer grants, gifts, loans, or other funds from the federal government and from other sources, public or private; and
 - (f) perform other duties assigned to it under the interlocal agreement described in Subsection (1)(a) that are not prohibited by law or otherwise modified by this part.
- (2) The board shall ensure that loan repayments and interest are deposited into the revitalization fund.
- (3) The interlocal agreement described in Subsection (1)(a) shall be consistent with the following statutes, including any subsequent amendments to those statutes:
- (a) this part;
 - (b) Title 11, Chapter 13, Interlocal Cooperation Act;
 - (c) Section 59-5-116; and
 - (d) any other applicable provision of this Utah Code.

Amended by Chapter 136, 2019 General Session

35A-8-1605 Powers.

- (1) The board may:
 - (a) appoint a hearing examiner or administrative law judge with authority to conduct any hearings, make determinations, and enter appropriate findings of facts, conclusions of law, and orders under authority of the Interlocal Cooperation Act; and
 - (b) make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, if necessary to perform its responsibilities.
- (2) The board shall:
 - (a) be subject to the procedures and requirements under Title 52, Chapter 4, Open and Public Meetings Act; and
 - (b) be subject to the procedures and requirements under Title 51, Chapter 7, State Money Management Act.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1606 Eligibility for assistance -- Applications -- Review by board -- Terms -- Security.

- (1) Counties or the Tribe that wish to receive loans or grants from the board shall submit formal applications to the board containing the information required by the board.
- (2) The board may not fund:
 - (a) start-up or operational costs of private business ventures; and
 - (b) general operating budgets of the counties or the Tribe, except that the Tribe may use a grant or loan to fund costs associated with the management and administration of energy or mineral development on:
 - (i) lands held in trust by the United States for the Tribe and its members; or
 - (ii) lands owned by the Tribe.
- (3)
 - (a) The board shall review each application for a loan or grant before approving it.
 - (b) The board may approve loan or grant applications subject to the applicant's compliance with certain conditions established by the board.
 - (c) The board shall:
 - (i) ensure that each loan specifies the terms for repayment; and
 - (ii) secure the loans by proceeds from any general obligation, special assessment, or revenue bonds, notes, or other obligations of the appropriate subdivision.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1607 Division to distribute money -- Annual report -- Administration costs.

- (1) The division shall distribute loan and grant money if the loan or grant is approved by the board.
- (2) The division shall provide an annual report to the department concerning the number and type of loans and grants made as well as a list of recipients of this assistance for inclusion in the department's annual written report described in Section 35A-1-109.
- (3) The division, with board approval, may use fund money for the administration of the fund, but this amount may not exceed 2% of the annual receipts to the fund.

Amended by Chapter 371, 2014 General Session

35A-8-1608 Deposits into fund.

- (1) Money required to be deposited into the Uintah Basin Revitalization Fund under Section 59-5-116 shall be deposited into the Uintah Basin Revitalization Fund if a business or activity fee or tax based on gross receipts has not been imposed by a county or the Tribe on oil and gas activities.
- (2)
 - (a) Nothing in this section prohibits a county from imposing a charge described in Subsection (1) with respect to any gathering, transmission, or local distribution

pipeline in which the county owns an interest.

(b) Nothing in this section prohibits the Tribe from imposing a charge described in Subsection (1) with respect to any gathering, transmission, or local distribution pipeline in which the Tribe owns an interest.

Amended by Chapter 241, 2014 General Session

APPENDIX E: BOARD RESOLUTION ON ELECTRONIC MEETINGS

The following provisions govern any meeting at which one or more Board members appear electronically, pursuant to Section 52-4-207:

- (1) The Administrator or their designee may establish an electronic meeting.
- (2) Any Board member may request an electronic meeting for a Board meeting.
- (3) Any such request shall be made not less than three business days prior to a meeting. The Administrator or designee may shorten this time frame upon a determination of a reasonable need.
- (4) A request for an electronic meeting may be denied if the equipment necessary to accommodate the request, including arrangements for each Board member to view all relevant documents, is not available at the time and date of the meeting.
- (5) If one or more members of the Board intend to participate electronically, public notices of the meeting shall so indicate. The meeting notice shall specify the anchor location where the Board members not participating electronically will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.
- (6) Notice of the meeting and the agenda shall be posted at the anchor location and shall comply with Section 52-4-202.
- (7) Notice of the possibility of an electronic meeting shall be given to the Board members at least 24 hours before the meeting. The notice shall describe how a Board member may participate in the meeting electronically.
- (8) A Board member attending electronically shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Board.
- (9) The Board chair shall identify for the record all those who are appearing electronically. The Chair shall confirm votes by members of the Board who are not at the physical location of the meeting.

APPENDIX F: BOARD ADOPTED POLICIES

5-2016-1 The Ute Indian Tribe may request up to 5% of their total annual allocation for administration purposes. This request aligns with the Ute Tribe fiscal year, currently Oct 1 – Sept 30.

Original Adopted 5/26/2016, Wopsock/Winterton, unanimous approved.

Amended 8-13-2020 to reflect the Ute Tribe fiscal year Oct 1 – Sept 30 (Horrocks / Miles, unanimous approved).

5-2016-2 UBRF staff may adjust project budget line items, within a contract, up to 10% of the line item amounts. However, the total approved contract amount cannot change.

Adopted 5/26/2016 Commissioner Ronald Winterton made and Ronald Wopsock seconded. The motion carried unanimously.