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# Millard County Commission

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## **Satellite Offices – Delta**

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November 11, 2021

Friends and Neighbors,

We, your Millard County Commissioners, are aware of your concerns regarding the Legislature's passage of SB 2002 which will have some impacts on the power plant.

Yes, we knew about the bill. State lawmakers let us know about it coming up in the legislature's special session. It became public information when Governor Cox published the list of items on Friday, Nov. 5.

No, the County Commissioners did not postpone approval of the amended Conditional Use Permit (CUP) for IPP because of SB 2002.

The permit is still being crafted jointly by Millard County and the applicant—the Los Angeles Department of Water and Power. Approval did not happen on November 9 because it was not yet serviceable for both sides.

SB 2002 does not directly affect the Conditional Use Permit.

SB 2002 will affect several political subdivisions of the state. IPA/IPP will likely be one of them.

SB2002 addresses four issues in Utah state code that will affect political subdivisions of the state. The political subdivisions of the state most people are familiar with are towns, cities and counties. There are other entities granted this same status by the Legislature. The Intermountain Power Agency—owner of IPP—was granted political subdivision of the state status when it was formed in 1977.

The four issues are:

1) Right of Eminent Domain. The power of the government to take private property and convert it into public use. This power was used in the past by Millard County to create Jones

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Road connecting Delta with IPP. The Legislature questioned the need for this authority for entities other than municipalities, counties and the state.

2) Makes it so that an interlocal entity—IPA is also classified as such—that is a project entity may no longer create a segment. Segments created by interlocal entities would have all of the political subdivision powers of the creator. These segments did not require approval or oversight by the state of Utah.

3) Re-stating the right established in the Utah Constitution to audits by the Office of the Legislative Auditor General. Article VI, Section 33 of the Utah Constitution states: The legislative auditor shall have authority to conduct audits of any funds, functions, and accounts in any branch, department, agency or political subdivision of this state and shall perform such other related duties as may be prescribed by the Legislature. He shall report to and be answerable only to the Legislature.

4) Modifies a provision in Title 11-13 changing this law to remove exemption from some other state laws that excluded interlocal entities from state oversight.

We look forward to partnering with our neighbors north of Delta to facilitate the construction and conversion projects in a timely manner.

Respectfully,

Dean W. Draper, Evelyn Warnick and Bill Wright, Millard County Commissioners