

**R151. Commerce Administration.**

**R151-5. Administration of the Office of the Property Rights Ombudsman's Land Use Fund.**

**R151-5-1. Purpose – Office of the Property Rights Ombudsman’s Land Use Fund.**

This section establishes the procedures, standards, and policies for the administration of the Office of the Property Rights Ombudsman’s Land Use Fund in accordance with Subsection 15A-1-209(5)(c)(iii) and Section R156-15A-230.

**R151-5-2. Definitions.**

As used under this section:

(1) “Advisory board” means the Land Use and Eminent Domain Advisory Board in accordance with Section 13-43-201.

(2) “Application” or “grant application” means the application provided by the ombudsman for a land use training fund grant.

(3) “Executive director” means the executive director of the Department of Commerce.

(4) “Fund” or “land use training fund” means the land use fund administered by the Office of the Property Rights Ombudsman.

(5) “Ombudsman” means the division director of the Office of the Property Rights Ombudsman or their designees.

(6) “Provider” means the entity providing land use training or creating land use law resources when done by an agency, individual, or company other than the ombudsman.

(7) “Request” or “reimbursement request” means the application provided by the ombudsman for a fund reimbursement request.

**R151-5-3. Reimbursements to the Office of the Property Rights Ombudsman.**

(1) The ombudsman shall use the fund to pay or reimburse any expenses, including personnel salaries, course development costs, travel, and other related expenses, as agreed upon by the ombudsman and the executive director, that are incurred as a result of:

- (a) administering the fund;
- (b) conducting training activities under Subsection 13-43-203(1)(g); or
- (c) creating land use law resources.

(2) Any payment made under this section shall first be approved by:

- (a) the advisory board; and
- (b) the executive director.

(3) The fact that an expenditure type is reimbursable to the ombudsman under this subsection has no impact on whether an item is reimbursable as a grant under Subsection R151-5-4.

**R151-5-4. Grants to Providers – Eligibility Criteria.**

(1) To be eligible to receive funds, the provider's program or resource shall primarily focus on the drafting, application, or explanation of land use laws and regulations or land use dispute resolution.

(2) Program training or resources may take the form of live or prerecorded seminars, lectures, continuing education programs, video productions, slide shows, websites, pamphlets, articles, books, or other methods approved by the advisory board.

(3) The following factors shall be considered when determining whether to approve, approve with conditions, or deny a grant application:

(a) previous experience in providing training or resources;

(b) how well the education or resource fits in with the land use education and training objectives of Subsection 13-43-203(1)(i)(i);

(c) whether the training or resource addresses current Utah land use law, issues, and best practices;

(d) the target audience;

(e) the location or region of the state targeted by the education or resource;

(f) cost estimates, including cost-per-attendee or cost-per-use estimates;

(g) the expected number of students, hours of instruction, and the ratio of students per dollar spent, or the expected number of potential users of the resource;

(h) If a training, the percentage of training costs paid for by the student;

(i) any other considerations deemed important by the advisory board, the ombudsman, or the executive director; and

(j) available funds.

#### **R151-5-5. Grants to Providers – Reimbursement Guidelines for Seminars and Lectures.**

(1) The reimbursement rate for instructor fees is generally limited to \$150 per instructor per instruction hour.

(2) Reimbursement for preparation time by an instructor is generally limited to \$150 per hour, with a maximum of three hours of preparation per instructor per hour of instruction time produced.

(3) Reimbursement for presentations is generally limited to two instructors at a time.

(4) The reimbursement rate for panelist fees is generally limited to \$75 per hour per panelist.

(5) Reimbursement for preparation time by a panelist is generally limited to \$75 per hour, with a maximum of one hour of preparation per hour of panel participation.

(6) The reimbursement rate and total hours for those who assist in the training preparation or presentation shall be reasonable, appropriate to the task, and directly related to preparing for or providing the training.

(7) A request for reimbursement for expenses such as workbooks, study guides, textbooks used in the education course, meeting rooms or facilities, audio and visual equipment rental costs if needed, actual printing costs, reasonable cost of advertising materials, mailing and

postage costs, and similar training preparation expenses may be submitted for approval.

(8) The ombudsman or executive director may require further justification from the provider for any grant applications in excess of these general guidelines.

#### **R151-5-6. Grants to Providers – Reimbursement Guidelines to Produce Video Training Resources.**

(1) The cost to produce a training video or electronic module accessible by internet or other remote means may generally be reimbursed up to \$7,500 in total actual costs.

(2) The \$7,500 maximum shall include all costs to produce the training including instructor, panelist, and personnel fees, equipment rental, facility fees, editing, etc.

(3) Grant applications for producing training videos seeking reimbursement in excess of these general guidelines shall require further justification by the provider.

#### **R151-5-7. Grants to Providers – Reimbursement Guidelines for Providing Other Training Programs or Land Use Law Resources.**

(1) Grant Applications for training methods other than standard seminars, lectures, or training videos shall include justification by the provider, including details of the proposed training purpose, required preparation time, and method of delivery.

(2) Grant Applications for creating land use law resources shall include justification by the provider including details of the proposed resource purpose, required preparation time, and method of delivery.

(3) The reimbursement rate and total hours of all personnel time requested to assist in the proposed training or resource preparation and presentation shall be reasonable, appropriate to the task, and directly related to preparing for or providing the training or resource.

(4) A request for reimbursement for expenses such as workbooks, study guides, textbooks used in the education course, meeting rooms or facilities, audio and visual equipment rental costs if needed, actual printing costs, reasonable cost of advertising materials, mailing and postage costs, and similar training preparation expenses may be submitted for approval.

#### **R151-5-8. Grants to Providers – Generally Applicable Reimbursement Guidelines.**

(1) Funds may be expended only as reimbursement for expenditures incurred in preparing for and providing land use training or preparing and making available land use law resources.

(2) If providing training, the reimbursement rate for all training participants are subject to a cap of \$3,000 total for each provider per day, including airfare, vehicle mileage, and meals.

(3) If a training provider is required to travel to or from a remote or rural Utah location, the provider may be compensated up to \$50 an hour for time traveling to and from the event venue in addition to mileage costs.

(4) Funds may not be paid to any state or local government employee for any time period in which the employee is also being paid wages.

(5) Reimbursements for meals, mileage, and lodging may not exceed current Utah rates

for mileage and daily travel per diem.

(6) Gift cards, door prizes, and the cost of food and food services provided to training participants shall not be paid or reimbursed from the fund.

(7) Any items that do not qualify for state funding shall be paid for by the provider, participant, or sponsor of the program.

(8) Training programs or land use law resources which receive sponsorships or grants from other sources are eligible for reimbursement on a net cost basis after subtracting sponsorships or grants from other sources.

(9) If providing a training, the total reimbursement shall generally be the lesser of \$15 per student hour or the actual approved expenditures, with a minimum reimbursement limit of \$150 multiplied by the number of hours or instruction provided.

(10) Grant applications requesting funds in excess of these guidelines requires further justification by the provider in the grant application.

#### **R151-5-9. Grants to Providers – Procedures for the Submission and Review of Grant Applications.**

(1) A provider shall submit a completed grant application to the ombudsman on a form provided for that purpose.

(2) The application deadlines may be subject to change from time to time.

(3) Current application deadlines are published on the Office of the Property Rights Ombudsman website.

(4) Submissions received after the deadline will be considered in the next review cycle.

(5) The ombudsman shall receive and review each grant application to ensure the required information has been included and conforms with these rules.

(6) The ombudsman shall submit the completed grant application to the advisory board for review.

(7) The advisory board shall review each complete application according to the criteria set forth in subsection R151-5-4.

(8) After review, the advisory board may approve, approve with modifications or conditions, or deny each application.

(9) The advisory board review may be done in person or by electronic means in accordance with Title 63G, General Government.

(10) A grant application approved by the advisory board shall then be reviewed by the ombudsman, the fund manager, and the executive director or their designees, who may jointly approve the application, approve the application with conditions, or deny the application.

(11) Providers will be notified of the status of their grant application once a decision has been made.

#### **R151-5-10. Grants to Providers – Procedures for Reimbursement.**

(1) Only approved grants are eligible for expense reimbursement requests.

(2) A provider shall submit reimbursement requests on forms provided by the ombudsman for that purpose.

(3) A provider shall include receipts, invoices, and supporting documentation of expenditures, including proof of payment if requested by the ombudsman or the executive director.

(4) A provider shall submit the complete reimbursement request within 60 days following the approved event, class, seminar or resource release date, unless an extenuating circumstance occurs.

(5) The failure to submit a complete reimbursement request within 60 days shall result in the denial of reimbursement, unless a written explanation of any extenuating circumstances has been submitted by the provider and approved by the ombudsman.

(6) Reimbursement requests accepted by the ombudsman for review shall be reviewed by the ombudsman, the fund manager, and the executive director or their designees, and may be approved, approved with conditions, or denied.

(7) Reimbursement funds may be paid only:

(a) for eligible expenditures executed in good faith with the intent to ensure the best reasonable value; and

(b) pursuant to a reimbursement request form that has been signed as approved by the ombudsman, the fund manager, and the executive director, or their designees.

**R151-5-11. Grants to Providers – Reimbursement May Exceed Approved Grant Application Estimates When Warranted.**

(1) Understanding that it is difficult to foresee some expenses, and that prices may fluctuate, reimbursement requests may be approved up to 20% above an approved grant application amount if actual expenditures reasonably exceed estimated expenditures.

(2) Approval to exceed the approved grant amount is solely at the discretion of the ombudsman and executive director or their designees.

(3) A provider shall submit justification for exceeding expected expenditures with the reimbursement request.

(4) A provider's justification shall include any efforts made to provide the training or resource within the approved grant amount.

**KEY: Property Rights**

**Date of Enactment or Last Substantive Amendment:**

**Notice of Continuation:**

**Authorizing, and Implemented or Interpreted Law: 15A-1-209(5)(c)(iii)**