

Effective 5/10/2016

17B-1-303 Term of board of trustees members -- Oath of office -- Bond -- Notice of board member contact information.

- (1)
 - (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a board of trustees shall begin at noon on the January 1 following the member's election or appointment.
 - (b) The term of each member of the initial board of trustees of a newly created local district shall begin:
 - (i) upon appointment, for an appointed member; and
 - (ii) upon the member taking the oath of office after the canvass of the election at which the member is elected, for an elected member.
 - (c) The term of each water conservancy district board member appointed by the governor as provided in Subsection 17B-2a-1005(2)(c) shall:
 - (i) begin on the later of the following:
 - (A) the date on which the Senate consents to the appointment; or
 - (B) the expiration date of the prior term; and
 - (ii) end on the February 1 that is approximately four years after the date described in Subsection (1)(c)(i)(A) or (B).
- (2)
 - (a)
 - (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the term of each member of a board of trustees shall be four years, except that approximately half the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the board members expires every two years.
 - (ii)
 - (A) If the terms of members of the initial board of trustees of a newly created local district do not begin on January 1 because of application of Subsection (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in the terms of their successors complying with:
 - (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following a member's election or appointment; and
 - (II) the requirement under Subsection (2)(a)(i) that terms be four years.
 - (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or subtract more than a year from a member's term.
 - (b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.
 - (c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), or if the member's term expires without a duly elected or appointed successor:
 - (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
 - (ii) the member may continue to serve until a successor is duly elected or appointed and qualified.
- (3)
 - (a)
 - (i) Before entering upon the duties of office, each member of a board of trustees shall take the oath of office specified in Utah Constitution Article IV, Section 10.
 - (ii) An oath of office may be administered by a judge, county clerk, notary public, or the local district clerk.

- (b) Each oath of office shall be filed with the clerk of the local district.
- (c) The failure of a board of trustees member to take the oath required by Subsection (3)(a) does not invalidate any official act of that member.
- (4) A board of trustees member is not limited in the number of terms the member may serve.
- (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees position shall be filled as provided in Section 20A-1-512.
- (6)
 - (a) For purposes of this Subsection (6):
 - (i) "Appointed official" means a person who:
 - (A) is appointed as a member of a local district board of trustees by a county or municipality entitled to appoint a member to the board; and
 - (B) holds an elected position with the appointing county or municipality.
 - (ii) "Appointing entity" means the county or municipality that appointed the appointed official to the board of trustees.
 - (b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed official if:
 - (i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing entity; and
 - (ii) the appointing entity submits a written request to the board to declare the vacancy.
 - (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing entity shall appoint another person to fill the remaining unexpired term on the board of trustees.
- (7)
 - (a) Each member of a board of trustees shall give a bond for the faithful performance of the member's duties, in the amount and with the sureties prescribed by the board of trustees.
 - (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
- (8) The lieutenant governor may extend the term of an elected district board member by one year in order to compensate for a change in the election year under Subsection 17B-1-306(13).
- (9)
 - (a) A local district shall:
 - (i) post on the Utah Public Notice Website created in Section 63F-1-701 the name, phone number, and email address of each member of the local district's board of trustees;
 - (ii) update the information described in Subsection (9)(a)(i) when:
 - (A) the membership of the board of trustees changes; or
 - (B) a member of the board of trustees' phone number or email address changes; and
 - (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day on which the change requiring the update occurs.
 - (b) This Subsection (9) applies regardless of whether the county or municipal legislative body also serves as the board of trustees of the local district.

Amended by Chapter 233, 2016 General Session