

17B-1-417 Boundary adjustment -- Notice and hearing -- Protest -- Resolution adjusting boundaries -- Filing of notice and plat with the lieutenant governor -- Recording requirements -- Effective date.

- (1) As used in this section, "affected area" means the area located within the boundaries of one local district that will be removed from that local district and included within the boundaries of another local district because of a boundary adjustment under this section.
- (2) The boards of trustees of two or more local districts having a common boundary and providing the same service on the same wholesale or retail basis may adjust their common boundary as provided in this section.
- (3)
 - (a) The board of trustees of each local district intending to adjust a boundary that is common with another local district shall:
 - (i) adopt a resolution indicating the board's intent to adjust a common boundary;
 - (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days after the adoption of the resolution under Subsection (3)(a)(i); and
 - (iii)
 - (A) publish notice:
 - (I)
 - (Aa) once a week for two successive weeks in a newspaper of general circulation within the local district; or
 - (Bb) if there is no newspaper of general circulation within the local district, post notice in at least four conspicuous places within the local district; and
 - (II) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks; or
 - (B) mail a notice to each owner of property located within the affected area and to each registered voter residing within the affected area.
 - (b) The notice required under Subsection (3)(a)(iii) shall:
 - (i) state that the board of trustees of the local district has adopted a resolution indicating the board's intent to adjust a boundary that the local district has in common with another local district that provides the same service as the local district;
 - (ii) describe the affected area;
 - (iii) state the date, time, and location of the public hearing required under Subsection (3)(a)(ii);
 - (iv) provide a local district telephone number where additional information about the proposed boundary adjustment may be obtained;
 - (v) explain the financial and service impacts of the boundary adjustment on property owners or residents within the affected area; and
 - (vi) state in conspicuous and plain terms that the board of trustees may approve the adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii), written protests to the adjustment are filed with the board by:
 - (A) the owners of private real property that:
 - (I) is located within the affected area;
 - (II) covers at least 50% of the total private land area within the affected area; and
 - (III) is equal in assessed value to at least 50% of the assessed value of all private real property within the affected area; or
 - (B) registered voters residing within the affected area equal in number to at least 50% of the votes cast in the affected area for the office of governor at the last regular general election before the filing of the protests.
 - (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

- (d) The boards of trustees of the local districts whose boundaries are being adjusted may jointly:
 - (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and
 - (ii) hold the public hearing required under Subsection (3)(a)(ii).
- (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees may adopt a resolution approving the adjustment of the common boundary unless, at or before the public hearing, written protests to the boundary adjustment have been filed with the board by:
 - (a) the owners of private real property that:
 - (i) is located within the affected area;
 - (ii) covers at least 50% of the total private land area within the affected area; and
 - (iii) is equal in assessed value to at least 50% of the assessed value of all private real property within the affected area; or
 - (b) registered voters residing within the affected area equal in number to at least 50% of the votes cast in the affected area for the office of governor at the last regular general election before the filing of the protests.
- (5) A resolution adopted under Subsection (4) does not take effect until the board of each local district whose boundaries are being adjusted has adopted a resolution under Subsection (4).
- (6) The board of the local district whose boundaries are being adjusted to include the affected area shall:
 - (a) within 30 days after the resolutions take effect under Subsection (5), file with the lieutenant governor:
 - (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 - (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
 - (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5:
 - (i) if the affected area is located within the boundary of a single county, submit to the recorder of that county:
 - (A) the original:
 - (I) notice of an impending boundary action;
 - (II) certificate of boundary adjustment; and
 - (III) approved final local entity plat; and
 - (B) a certified copy of each resolution adopted under Subsection (4); or
 - (ii) if the affected area is located within the boundaries of more than a single county:
 - (A) submit to the recorder of one of those counties:
 - (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of each resolution adopted under Subsection (4); and
 - (B) submit to the recorder of each other county:
 - (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and
 - (II) a certified copy of each resolution adopted under Subsection (4).
- (7)
 - (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being adjusted to include the affected area, and the affected area is withdrawn from the local district whose boundaries are being adjusted to exclude the affected area.
 - (b)
 - (i) The effective date of a boundary adjustment under this section for purposes of assessing property within the affected area is governed by Section 59-2-305.5.

- (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the recorder of the county in which the property is located, a local district in whose boundary an affected area is included because of a boundary adjustment under this section may not:
 - (A) levy or collect a property tax on property within the affected area;
 - (B) levy or collect an assessment on property within the affected area; or
 - (C) charge or collect a fee for service provided to property within the affected area.
- (iii) Subsection (7)(b)(ii)(C):
 - (A) may not be construed to limit a local district's ability before a boundary adjustment to charge and collect a fee for service provided to property that is outside the local district's boundary; and
 - (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the local district's boundary adjustment, with respect to a fee that the local district was charging for service provided to property within the area affected by the boundary adjustment immediately before the boundary adjustment.

Amended by Chapter 90, 2010 General Session