

Part 6 Metropolitan Water District Act

17B-2a-601 Title.

This part is known as the "Metropolitan Water District Act."

Enacted by Chapter 329, 2007 General Session

17B-2a-602 Provisions applicable to metropolitan water districts.

- (1) Each metropolitan water district is governed by and has the powers stated in:
 - (a) this part; and
 - (b) Chapter 1, Provisions Applicable to All Local Districts.
- (2) This part applies only to metropolitan water districts.
- (3) A metropolitan water district is not subject to the provisions of any other part of this chapter.
- (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All Local Districts, and a provision in this part, the provision in this part governs.

Enacted by Chapter 329, 2007 General Session

17B-2a-603 Additional metropolitan water district powers.

In addition to the powers conferred on a metropolitan water district under Section 17B-1-103, a metropolitan water district may:

- (1) acquire or lease any real or personal property or acquire any interest in real or personal property, as provided in Subsections 17B-1-103(2)(a) and (b), whether inside or outside the district or inside or outside the state;
- (2) encumber real or personal property or an interest in real or personal property that the district owns;
- (3) acquire or construct works, facilities, and improvements, as provided in Subsection 17B-1-103(2)(d), whether inside or outside the district or inside or outside the state;
- (4) acquire water, works, water rights, and sources of water necessary or convenient to the full exercise of the district's powers, whether the water, works, water rights, or sources of water are inside or outside the district or inside or outside the state, and encumber, transfer an interest in, or dispose of water, works, water rights, and sources of water;
- (5) develop, store, and transport water;
- (6) provide, sell, lease, and deliver water inside or outside the district for any lawful beneficial use;
- (7) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district; and
- (8) subscribe for, purchase, lease, or otherwise acquire stock in a canal company, irrigation company, water company, or water users association, for the purpose of acquiring the right to use water or water infrastructure.

Enacted by Chapter 329, 2007 General Session

17B-2a-604 Metropolitan water district board of trustees.

- (1) Members of the board of trustees of a metropolitan water district shall be:
 - (a) elected in accordance with:

- (i) the petition or resolution that initiated the process of creating the metropolitan water district;
and
 - (ii) Section 17B-1-306;
 - (b) appointed in accordance with Subsection (2); or
 - (c) elected under Subsection (3)(a).
- (2)
- (a) This Subsection (2) shall apply to an appointed board of trustees of a metropolitan water district.
 - (b) If a district contains the area of a single municipality:
 - (i) the legislative body of that municipality shall appoint each member of the board of trustees;
and
 - (ii) one member shall be the officer with responsibility over the municipality's water supply and distribution system, if the system is municipally owned.
 - (c) If a district contains some or all of the retail water service area of more than one municipality:
 - (i) the legislative body of each municipality shall appoint the number of members for that municipality as determined under Subsection (2)(c)(ii);
 - (ii) subject to Subsection (2)(c)(iii), the number of members appointed by each municipality shall be determined:
 - (A) by agreement between the metropolitan water district and the municipalities, subject to the maximum stated in Subsection 17B-1-302(2); or
 - (B) as provided in Chapter 1, Part 3, Board of Trustees; and
 - (iii) at least one member shall be appointed by each municipality.
 - (d) Each trustee shall be appointed without regard to partisan political affiliations from among citizens of the highest integrity, attainment, competence, and standing in the community.
- (3)
- (a) Members of the board of trustees of a metropolitan water district shall be elected in accordance with Section 17B-1-306, if, subject to Subsection (3)(b):
 - (i) three-fourths of all members of the board of trustees of the metropolitan water district vote in favor of changing to an elected board; and
 - (ii) the legislative body of each municipality that appoints a member to the board of trustees adopts a resolution approving the change to an elected board.
 - (b) A change to an elected board of trustees under Subsection (3)(a) may not shorten the term of any member of the board of trustees serving at the time of the change.
- (4) A member of the board of trustees of a metropolitan water district shall be:
- (a) a registered voter;
 - (b) a property taxpayer; and
 - (c) a resident of:
 - (i) the metropolitan water district; and
 - (ii) the retail water service area of the municipality that:
 - (A) elects the member; or
 - (B) the member is appointed to represent.
- (5)
- (a) Except as provided in Subsection (7), a member shall immediately forfeit the member's seat on the board of trustees if the member becomes elected or appointed to office in or becomes an employee of the municipality whose legislative body appointed the member under Subsection (2).
 - (b) The position of the member described in Subsection (5)(a) is vacant until filled as provided in Section 17B-1-304.

- (6) Except as provided in Subsection (7), the term of office of each member of the board of trustees is as provided in Section 17B-1-303.
- (7) Subsections (4), (5)(a), and (6) do not apply to a member who is a member under Subsection (2)(b)(ii).

Amended by Chapter 159, 2010 General Session

17B-2a-605 Preferential rights of cities.

- (1) Each city whose area is within a metropolitan water district and that provides water on a retail level within the district has a preferential right to purchase from the district a portion of the water served by the district.
- (2) Except as otherwise provided by contract between a metropolitan water district and the city, the percentage of the total district water supply that a city has a preferential right to purchase under Subsection (1) is the same percentage as the total amount of taxes levied by the district against property within the city's retail water service area is of the total of all taxes levied by the district against all property within the district.
- (3)
 - (a) Nothing in this section may be construed to limit the ability of a metropolitan water district to establish preferential rights by contract with a city that has preferential rights under this section.
 - (b) Each agreement described in Subsection (3)(a) entered into before April 30, 2007 is ratified, validated, and confirmed.

Enacted by Chapter 329, 2007 General Session

17B-2a-606 Rates, charges, and assessments.

- (1)
 - (a) The board of trustees may fix the rates, charges, and assessments, from time to time, at which the district:
 - (i) sells water; or
 - (ii) charges for the treatment or transportation of water or for the dedication of water supplies or water treatment or conveyance capacities.
 - (b) The rates, charges, and assessments may be established by agreement between the district and the municipalities serviced by the district.
- (2) Rates fixed under Subsection (1)(a) shall be equitable, although not necessarily equal or uniform, for like classes of service throughout the district.
- (3) Each agreement described in Subsection (1)(b) entered into before April 30, 2007 that otherwise complies with the law is ratified, validated, and confirmed.

Enacted by Chapter 329, 2007 General Session

17B-2a-607 Contracts with other corporations.

- (1) A metropolitan water district may:
 - (a) contract with one or more corporations, public or private, for the purpose of:
 - (i) financing acquisitions, constructions, or operations of the district; or
 - (ii) carrying out any of the district's powers;
 - (b) in a contract under Subsection (1)(a), obligate itself severally or jointly with the other corporation or corporations; and

- (c) secure, guarantee, or become surety for the payment of an indebtedness or the performance of a contract or other obligation incurred or entered into by a corporation whose shares of stock the district has acquired.
- (2) A contract under Subsection (1)(a) may:
 - (a) provide for:
 - (i) contributions to be made by each contracting party;
 - (ii) the division and apportionment of:
 - (A) the expenses of acquisitions and operations; and
 - (B) the contractual benefits, services, and products; and
 - (iii) an agency to make acquisitions and carry on operations under the contract; and
 - (b) contain covenants and agreements as necessary or convenient to accomplish the purposes of the contract.

Enacted by Chapter 329, 2007 General Session

17B-2a-608 Limit on property tax authority -- Exceptions.

- (1) As used in this section, "elected official" means a metropolitan water district board of trustee member who is elected to the board of trustees by metropolitan water district voters at an election held for that purpose.
- (2) The board of trustees of a metropolitan water district may not collect property tax revenue in a tax year beginning on or after January 1, 2015, that would exceed the certified tax rate under Section 59-2-924 unless:
 - (a) the members of the board of trustees are all elected officials; or
 - (b) the proposed tax levy has previously been approved by:
 - (i) a majority of the metropolitan water district voters at an election held for that purpose on a date specified in Section 20A-1-204; or
 - (ii) the legislative body of each municipality that appoints a member to the board of trustees under Section 17B-2a-604.

Amended by Chapter 278, 2013 General Session

Amended by Chapter 415, 2013 General Session