

**Effective 5/13/2014**

**Superseded 5/12/2015**

**17B-2a-1106 Municipal services district board of trustees -- Governance.**

- (1) Except as provided in Subsection (2), and notwithstanding any other provision of law regarding the membership of a local district board of trustees, the initial board of trustees of a municipal services district shall consist of the county legislative body.
- (2)
  - (a) Notwithstanding any provision of law regarding the membership of a local district board of trustees or the governance of a local district, if a municipal services district is created in a county of the first class with the county executive-council form of government, the initial governance of the municipal services district is as follows:
    - (i) subject to Subsection (2)(b), the county council is the municipal services district board of trustees; and
    - (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal services district.
  - (b) Notwithstanding any other provision of law, the board of trustees of a municipal services district described in Subsection (2)(a) shall:
    - (i) act as the legislative body of the district; and
    - (ii) exercise legislative branch powers and responsibilities established for county legislative bodies in:
      - (A) Title 17, Counties; and
      - (B) an optional plan, as defined in Section 17-52-101, adopted for a county executive-council form of county government as described in Section 17-52-504.
  - (c) Notwithstanding any other provision of law, in a municipal services district described in Subsection (2)(a), the executive of the district shall:
    - (i) act as the executive of the district; and
    - (ii) exercise executive branch powers and responsibilities established for a county executive in:
      - (A) Title 17, Counties; and
      - (B) an optional plan, as defined in Section 17-52-101, adopted for a county executive-council form of county government as described in Section 17-52-504.
- (3) If, after the initial creation of a municipal services district, an area within the district is incorporated as a municipality and the area is not withdrawn from the district in accordance with Section 17B-1-502, or an area within a municipality is annexed into the municipal services district in accordance with Section 17B-2a-1103:
  - (a) the district's board of trustees shall include a member of that municipality's governing body; and
  - (b) the member described in Subsection (3)(a) shall be:
    - (i) designated by the municipality; and
    - (ii) a member with powers and duties of other board of trustees members as described in Subsection (2)(b).
- (4) The board may adopt a resolution providing for future board members to be appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.
- (5)
  - (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may adopt a resolution to determine the internal governance of the board.
  - (b) A resolution adopted under Subsection (5)(a) may not alter or impair the board of trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's duties, powers, or responsibilities described in Subsection (2)(c).

