

Effective 5/12/2015

Superseded 5/10/2016

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, and, except as provided in Subsection (3), 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)
 - (a) If, after the initial creation of a municipal services district, an area within the district is incorporated as a municipality as defined in Section 10-1-104 and the area is not withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area within the municipality is annexed into the municipal services district in accordance with Section 17B-2a-1103, the district's board of trustees shall be as follows:
 - (i) subject to Subsection (3)(b), a member of that municipality's governing body;
 - (ii) subject to Subsection (4), two members of the county council of the county in which the municipal services district is located; and
 - (iii) the total number of board members shall be an odd number.
 - (b) A member described in Subsection (3)(a)(i) shall be:
 - (i) for a municipality other than a metro township, designated by the municipal legislative body; and
 - (ii) for a metro township, the chair of the metro township.
 - (c) A member of the board of trustees has the powers and duties described in Subsection (2)(b).
 - (d) The county executive is the executive and has the powers and duties as described in Subsection (2)(c).

- (4)
 - (a) The number of county council members may be increased or decreased to meet the membership requirements of Subsection (3)(a)(iii) but may not be less than one.
 - (b) The number of county council members described in Subsection (3)(a)(ii) does not include the county mayor.
- (5) For a board of trustees described in Subsection (3), each board member's vote is weighted using the proportion of the municipal services district population that resides:
 - (a) for each member described in Subsection (3)(a)(i), within that member's municipality; and
 - (b) for each member described in Subsection (3)(a)(ii), within the unincorporated county, with the members' weighted vote divided evenly if there is more than one member on the board described in Subsection (3)(a)(ii).
- (6) 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.
- (7)
 - (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 (7)(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).