

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