

Effective 5/13/2014

17B-2a-905 Service area board of trustees.

- (1)
- (a) Except as provided in Subsection (2) or (3):
 - (i) the initial board of trustees of a service area located entirely within the unincorporated area of a single county may, as stated in the petition or resolution that initiated the process of creating the service area:
 - (A) consist of the county legislative body;
 - (B) be appointed, as provided in Section 17B-1-304; or
 - (C) be elected, as provided in Section 17B-1-306;
 - (ii) if the board of trustees of a service area consists of the county legislative body, 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; and
 - (iii) members of the board of trustees of a service area shall be elected, as provided in Section 17B-1-306, if:
 - (A) the service area is not entirely within the unincorporated area of a single county;
 - (B) a petition is filed with the board of trustees requesting that board members be elected, and the petition is signed by registered voters within the service area equal in number to at least 10% of the number of registered voters within the service area who voted at the last gubernatorial election; or
 - (C) an election is held to authorize the service area's issuance of bonds.
 - (b) If members of the board of trustees of a service area are required to be elected under Subsection (1)(a)(iii)(C) because of a bond election:
 - (i) board members shall be elected in conjunction with the bond election;
 - (ii) the board of trustees shall:
 - (A) establish a process to enable potential candidates to file a declaration of candidacy sufficiently in advance of the election; and
 - (B) provide a ballot for the election of board members separate from the bond ballot; and
 - (iii) except as provided in this Subsection (1)(b), the election shall be held as provided in Section 17B-1-306.
- (2)
- (a) This Subsection (2) applies to a service area created on or after May 5, 2003, if:
 - (i) the service area was created to provide:
 - (A) fire protection, paramedic, and emergency services; or
 - (B) law enforcement service;
 - (ii) in the creation of the service area, an election was not required under Subsection 17B-1-214(3)(d); and
 - (iii) the service area is not a service area described in Subsection (3).
 - (b)
 - (i) Each county whose unincorporated area is included within a service area described in Subsection (2)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint three members to the board of trustees.
 - (ii) Each municipality whose area is included within a service area described in Subsection (2)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint one member to the board of trustees.
 - (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or (ii) shall be an elected official of the appointing county or municipality, respectively.

- (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of trustees of a service area described in Subsection (2)(a) shall be the number resulting from application of Subsection (2)(b).
- (3)
 - (a) This Subsection (3) applies to a service area created on or after May 14, 2013, if:
 - (i) the service area was created to provide fire protection, paramedic, and emergency services;
 - (ii) in the creation of the service area, an election was not required under Subsection 17B-1-214(3)(d); and
 - (iii) each municipality whose area is included within the service area or county whose unincorporated area, whether in whole or in part, is included within a service area is a party to an agreement:
 - (A) entered into in accordance with Title 11, Chapter 13, Interlocal Cooperation Act with all the other municipalities or counties whose area is included in the service area;
 - (B) to provide the services described in Subsection (3)(a)(i); and
 - (C) at the time a resolution proposing the creation of the service area is adopted by each applicable municipal or county legislative body in accordance with Subsection 17B-1-203(1)(d).
 - (b)
 - (i) Each county whose unincorporated area, whether in whole or in part, is included within a service area described in Subsection (3)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint one member to the board of trustees.
 - (ii) Each municipality whose area is included within a service area described in Subsection (3)(a), whether in conjunction with the creation of the service area or by later annexation, shall appoint one member to the board of trustees.
 - (iii) Each member appointed by a county or municipality under Subsection (3)(b)(i) or (ii) shall be an elected official of the appointing county or municipality, respectively.
 - (iv) A vote by a member of the board of trustees may be weighted or proportional.
 - (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of trustees of a service area described in Subsection (3)(a) shall be the number resulting from the application of Subsection (3)(b).

Amended by Chapter 189, 2014 General Session