

COUNTY BOUNDARY CHANGES

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

AN ACT RELATING TO COUNTIES; MODIFYING THE PROCEDURE FOR ANNEXING PART OF A COUNTY TO AN ADJOINING COUNTY; PROVIDING AN ALTERNATE PROCEDURE FOR ANNEXING PART OF A COUNTY TO AN ADJOINING COUNTY; CLARIFYING THE VOTE REQUIRED TO APPROVE AN ANNEXATION; PROVIDING FOR AN ECONOMIC ANALYSIS; MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17-2-6, as last amended by Chapter 263, Laws of Utah 1996

17-2-8, as last amended by Chapter 263, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-2-6** is amended to read:

17-2-6. Annexation of portion of county to adjoining county -- Petition -- Alternate annexation procedure -- Election -- Ballots.

(1) (a) Except as provided in Subsection (2), whenever a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding general election within that portion of the county, desire to have the territory within which they reside included within the boundaries of an adjoining county they may petition the county legislative body of the county in which they reside, which is hereafter referred to as the county from which territory is to be taken, as well as the county legislative body of the county to which they desire to be annexed, which is referred to as the annexing county.

(b) Such petition must be presented before the first Monday in June of a year during which a general election is held, and the county legislative body must cause such proposition to be submitted to the legal voters residing in the county from which territory is to be taken as well as to the legal voters of the annexing county at the ensuing general election.

~~[(2) (a) Notwithstanding Subsection (1), Subsection (2) applies to each petition seeking annexation of a contiguous portion of one county to an adjoining county if the area proposed for annexation is:]~~

~~[(i) located within an incorporated municipality that:]~~

~~[(A) extends into the annexing county; and]~~

~~[(B) is divided by a county line that was originally defined by a stream, river, or body of water; and]~~

~~[(ii) contiguous to the portion of the municipality located within the annexing county.]~~

~~[(b) A petition seeking annexation as provided in Subsection (2)(a) shall:]~~

~~[(i) contain the legal signatures of registered voters within the area proposed for annexation equal in number to over 50% of the votes cast at the preceding general election within that area; and]~~

~~[(ii) be filed with the legislative body of the annexing county before the first Monday in June of a year during which a regular general election is held.]~~

~~[(c) At the time of filing the petition, petitioners shall deliver a copy of it to the legislative body of the county in which the area proposed for annexation is located. (d) The]~~

(2) (a) As an alternative to the procedure under Subsection (1), a portion of a county may be annexed to an adjoining county with which the area proposed to be annexed shares a common boundary if:

(i) the area proposed to be annexed:

(A) is located within a city or town whose boundaries extend into the proposed annexing county;

(B) is contiguous to the portion of the city or town that is located within the proposed annexing county; and

(C) includes all of the city or town that is within the county from which the area is proposed to be taken;

(ii) by a two-thirds vote of each house, the Legislature passes a concurrent resolution:

(A) describing the area proposed to be annexed;

(B) identifying the county to which the area is proposed to be annexed; and

(C) approving the annexation;
(iii) the governor signs the concurrent resolution passed by the Legislature; and
(iv) after the completion of an economic analysis under Subsection (2)(b) that meets the requirements of Subsection (2)(b)(iii)(C), the annexation is approved by:

(A) a majority of the voters living in the area proposed to be annexed; and

(B) a majority of the voters living in the proposed annexing county.

(b) (i) (A) If the Legislature passes and the governor signs a concurrent resolution as provided in Subsection (2)(a), the legislative body of the county in which the area proposed to be annexed is located and the legislative body of the proposed annexing county shall, within 30 days after the governor signs the concurrent resolution, select and engage an independent consultant to perform an economic analysis of the proposed annexation.

(B) If the county legislative bodies are unable to agree upon an independent consultant within the required time under Subsection (2)(b)(i)(A), the Utah Association of Counties shall, within ten days, select an independent consultant and the county legislative bodies shall, within ten days after notification of the selection, engage the consultant selected by the Utah Association of Counties.

(C) The county in which the area proposed for annexation is located and the proposed annexing county shall equally share the fees and expenses of the independent consultant.

(ii) The legislative body of the county in which the area proposed to be annexed is located and the legislative body of the proposed annexing county shall require the consultant selected and engaged under Subsection (2)(b)(i) to:

(A) conduct an economic analysis of the proposed annexation that shall consider:

(I) the fiscal impact of the proposed annexation on the county from which the annexation area is proposed to be taken;

(II) the present and five-year projections of the cost of county services in the area proposed to be annexed;

(III) the present and five-year projected revenues to the proposed annexing county from the area proposed to be annexed;

(IV) the projected impact the annexation will have during the five years after annexation on the amount of taxes that will be paid by property owners within the area proposed to be annexed, the proposed annexing county, and the remaining portion of the county from which the annexation area is proposed to be taken; and

(V) the effect on each school district whose boundaries include part or all of the area proposed to be annexed or the proposed annexing county;

(B) provide a written report setting forth the economic analysis; and

(C) complete the economic analysis and written report and provide a copy of the written report to the county legislative bodies no later than 60 days after being engaged to perform the economic analysis.

(iii) (A) If the results of the economic analysis show that the average annual amount of revenues under Subsection (2)(b)(ii)(A)(III) exceeds the average annual amount of costs under Subsection (2)(b)(ii)(A)(II) by more than 5%, an election on the annexation issue may not be held under Subsection (2)(c) and the proposed annexation may not occur.

(B) (I) If the results of the economic analysis show that the average annual amount of costs under Subsection (2)(b)(ii)(A)(II) exceeds the average annual amount of revenues under Subsection (2)(b)(ii)(A)(III) by more than 5%, the legislative body of the proposed annexing county may terminate the annexation proceedings by adopting a resolution to that effect and delivering a copy of the resolution to the legislative body of the county in which the area proposed to be annexed is located.

(II) A resolution terminating annexation proceedings under Subsection (2)(b)(iii)(B)(I) may not be adopted more than 30 days after the consultant submits a written report of the economic analysis under Subsection (2)(b)(ii)(C).

(C) (I) If the results of the economic analysis show that the average annual amount of revenues under Subsection (2)(b)(ii)(A)(III) does not exceed the average annual amount of costs under Subsection (2)(b)(ii)(A)(II) by more than 5% and a resolution terminating the annexation proceedings under Subsection (2)(b)(iii)(B) has not been adopted, the legislative body of the county in which the area proposed for annexation is located and the legislative body of the annexing county

shall submit the question of annexation to the voters of the area proposed for annexation and the voters of the annexing county, respectively, at the next regular general election that is more than 210 days after the governor signs the concurrent resolution.

(II) Before an election is held under Subsection (2)(b)(iii)(C)(I), the legislative body of the county in which the area proposed to be annexed is located and the legislative body of the proposed annexing county shall publicly distribute in their respective counties the results of the economic analysis.

~~(c)~~ (c) If annexation occurs:

(i) the annexing county shall:

(A) pay all costs of the annexation election;

(B) with the cooperation and assistance of the legislative body and recorder's office of the county in which the annexed area was located before annexation, establish and implement a procedure for establishing in the recorder's office of the annexing county an appropriate record of the real property located in the annexed area; and

(C) pay all costs associated with the establishment and implementation of the procedure provided in Subsection (2)~~(c)~~(c)(i)(B), including the reasonable costs incurred by the county in which the annexed area was located before annexation in fulfilling its duties under Subsection (2)~~(c)~~(c)(ii)(A);

(ii) the legislative body and recorder's office of the county in which the annexed area was located before annexation:

(A) shall cooperate with and assist the annexing county in establishing and implementing the procedure as provided in Subsection (2)~~(c)~~(c)(i)(B); and

(B) may not charge the annexing county, for documents or services the recorder's office provides the annexing county in implementing the procedure provided in Subsection (2)~~(c)~~(c)(i)(B), more than the regular fee the recorder's office ordinarily charges the general public for similar documents or services;

(iii) as tax revenues are collected from the annexed area, the annexing county shall pay to the county in which the annexed area was located before annexation the amounts the latter would

have received without annexation from tax revenues from the annexed area for the area's proportionate share of the liability for general obligation and revenue bonds issued before annexation by the county in which the annexed area was located before annexation; and

(iv) ~~[any petition filed within 20 years thereafter proposing annexation of]~~ the ~~[same]~~ annexed area may not be annexed to the county in which the area was located before annexation ~~[is invalid]~~ for a period of 20 years after annexation.

(3) (a) Except as otherwise provided, the election provided in either Subsection (1) or (2) shall be held, the results canvassed, and returns made under the provisions of the general election laws of the state.

(b) The ballot to be used shall be:

For annexing a portion of ____ county to ____ county.

Against annexing a portion of ____ county to ____ county.

Section 2. Section **17-2-8** is amended to read:

17-2-8. Certification of election result to governor.

(1) The certified abstract of such returns shall be filed in the office of the lieutenant governor.

(2) (a) In an election held under Subsection 17-2-6(1), if it appears from the certified abstract that a majority of those voting in each county have voted in favor of such annexation, the lieutenant governor shall certify the result of such vote to the governor.

(b) In an election held under Subsection 17-2-6(2), the lieutenant governor shall certify the result of that vote to the governor if it appears from the certified abstract that:

(i) a majority of ~~[those voting]~~ voters living in the area proposed for annexation have voted in favor of annexation; and

(ii) a majority of ~~[those voting]~~ voters living in the county to which the area is proposed to be annexed have voted in favor of annexation.

Section 3. **Effective date.**

If approved by two-thirds of all the members elected to each house, this act takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution

Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.