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**SPECIAL SERVICE DISTRICT -
QUALIFIED ELECTORS**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: DeMar Bud Bowman

This act modifies provisions relating to Special Districts to provide an exception to the requirement that members of a special service district administrative control board be qualified electors of the special service district. The act also makes technical changes.

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

AMENDS:

17A-2-1326, as last amended by Chapter 254, Laws of Utah 2000

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

Section 1. Section **17A-2-1326** is amended to read:

17A-2-1326. Administrative control board -- Powers -- Compensation.

(1) (a) The ~~[governing authority]~~ legislative body of a municipality or ~~[the]~~ county ~~[legislative body]~~ that has established a service district may, by resolution adopted at the time of the establishment or at any time afterwards, create an administrative control board for the service district.

(b) (i) The administrative control board shall consist of at least three and no more than seven persons~~[, each of whom is a qualified elector of the service district]~~.

(ii) (A) If a county establishes a service district that includes all or part of one or more municipalities or one or more improvement districts organized under Title 17A, Chapter 2, Part 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric and Gas, to provide the same service as the service district, the municipality or improvement district may appoint one member to represent it on any administrative control board created.

~~[(iii) That member]~~ (B) A member appointed under Subsection (1)(b)(ii)(A) may, but need not, be a qualified elector of the service district.

28 (c) (i) If a service district is providing commodities, services, or facilities to an institution
29 of higher education, that institution may appoint the number of members necessary to assure that
30 it has at least 1/3 of the total of the board members to represent it on the board.

31 (ii) ~~[Those members]~~ Members appointed under Subsection (1)(c)(i) may, but need not,
32 be qualified electors of the service district.

33 (d) The number of members of the administrative control board shall be increased by the
34 number of improvement district, municipal, or institution of higher education members appointed.

35 (e) (i) Except as provided in Subsections (1)(b)(ii)(B), (c)(ii), and (e)(ii), each member of
36 an administrative control board shall be a qualified elector of the service district.

37 (ii) A member of an administrative control board may be other than a qualified elector of
38 the service district if at least 90% of the owners of property located within the service district are
39 not qualified electors of the service district.

40 (2) Members of the administrative control board other than improvement district,
41 municipal, or institution of higher education members shall be either appointed or elected as
42 provided in Title 17A, Chapter 1, Part 3, Special District Board Selection Procedures.

43 (3) (a) If a service district was established to provide either water or sewerage service or
44 both, the governing authority may by resolution adopted at or after the time of establishment, or
45 if the service district was established before March 29, 1983, or within 90 days after that date,
46 create an administrative control board according to Subsection (1).

47 (b) A resolution creating a service district for water or sewerage purposes adopted under
48 Section 17A-2-1305 after March 29, 1983, shall identify all existing water and sewerage districts
49 within the area of the proposed service district.

50 (4) (a) One-half of the members initially elected or appointed shall serve two-year terms
51 and 1/2 shall serve four year terms.

52 (b) The initial terms shall be determined by lot.

53 (5) (a) The ~~[governing authority]~~ legislative body of the municipality or ~~[the]~~ county
54 ~~[legislative body]~~ that established the service district may, by resolution, delegate any of its powers
55 to the administrative control board, including the power to act as the governing authority of the
56 service district and to exercise all or any of the powers provided for in Sections 17A-2-1314,
57 17A-2-1316, 17A-2-1320, and 17A-2-1321.

58 (b) Notwithstanding anything to the contrary in this part, the ~~[governing authority]~~

59 legislative body of the municipality or [the] county [~~legislative body~~] may not delegate the power
60 to:

- 61 (i) levy a tax on the taxable property of the service district;
- 62 (ii) issue bonds payable from taxes;
- 63 (iii) call or hold an election for the authorization of the tax or bonds;
- 64 (iv) levy assessments for improvements in an improvement district created under Title
65 17A, Chapter 3, Part 3, Municipal Improvement Districts, or Title 17A, Chapter 3, Part 2, County
66 Improvement Districts;
- 67 (v) issue interim warrants or bonds payable from those assessments; or
- 68 (vi) appoint a board of equalization under Section 17A-3-217 or Section 17A-3-317.
- 69 (c) The administrative control board may not hold an election, levy a tax or assessment,
70 or issue bonds or interim warrants unless the county or municipal legislative body that created the
71 district has approved.
- 72 (d) The county or municipal legislative body that created the district may revoke in whole
73 or in part any power or authority delegated to an administrative control board or other officers or
74 employees.
- 75 (6) Administrative control board members may receive compensation and reimbursement
76 of expenses as provided in Section 17B-2-404 to the same extent as if they were members of a
77 board of trustees of a local district.

Legislative Review Note
as of 1-24-01 11:53 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel