

POLITICAL SUBDIVISION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends provisions related to an assessment area, a local district, and a special service district.

Highlighted Provisions:

This bill:

- ▶ amends notice requirements for an assessment area;
- ▶ specifies a deadline for filing a protest to an assessment area;
- ▶ requires a governing body to consider a timely filed protest at a public meeting;
- ▶ authorizes a local entity that is a municipality or county to collect an assessment fee in the same manner as a property tax;
- ▶ amends the definition of "adequate protests" for a local district;
- ▶ amends notice requirements for a local district;
- ▶ amends the definition of "adequate protests" for a special service district;
- ▶ amends notice requirements for a special service district;
- ▶ amends the filing deadline for a protest to a special service district; and
- ▶ makes technical and clarifying changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 30 **11-42-202**, as last amended by Laws of Utah 2011, Chapter 68
- 31 **11-42-203**, as last amended by Laws of Utah 2009, Chapter 246
- 32 **11-42-204**, as enacted by Laws of Utah 2007, Chapter 329
- 33 **11-42-206**, as enacted by Laws of Utah 2007, Chapter 329
- 34 **11-42-401**, as last amended by Laws of Utah 2010, Chapter 238
- 35 **17B-1-211**, as last amended by Laws of Utah 2011, Chapter 68
- 36 **17B-1-213**, as last amended by Laws of Utah 2011, Chapter 68
- 37 **17B-1-214**, as last amended by Laws of Utah 2012, Chapter 97
- 38 **17B-1-215**, as last amended by Laws of Utah 2011, Chapter 68
- 39 **17D-1-102**, as enacted by Laws of Utah 2008, Chapter 360
- 40 **17D-1-205**, as last amended by Laws of Utah 2009, Chapter 388
- 41 **17D-1-206**, as enacted by Laws of Utah 2008, Chapter 360
- 42 **59-2-1317**, as last amended by Laws of Utah 1997, Second Special Session, Chapter 2

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

45 Section 1. Section **11-42-202** is amended to read:

46 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
 47 **designation.**

48 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

49 (a) state that the local entity proposes to:

50 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
 51 assessment area;

52 (ii) provide an improvement to property within the proposed assessment area; and

53 (iii) finance some or all of the cost of improvements by an assessment on benefitted
 54 property within the assessment area;

55 (b) describe the proposed assessment area by any reasonable method that allows an
 56 owner of property in the proposed assessment area to determine that the owner's property is
 57 within the proposed assessment area;

58 (c) describe, in a general way, the improvements to be provided to the assessment area,
59 including:

60 (i) the general nature of the improvements; and

61 (ii) the general location of the improvements, by reference to streets or portions or
62 extensions of streets or by any other means that the governing body chooses that reasonably
63 describes the general location of the improvements;

64 (d) state the estimated cost of the improvements as determined by a project engineer;

65 (e) state that the local entity proposes to levy an assessment on benefitted property
66 within the assessment area to pay some or all of the cost of the improvements according to the
67 estimated direct and indirect benefits to the property from the improvements;

68 (f) state the assessment method by which the governing body proposes to levy the
69 assessment[;], including, if the local entity is a municipality or county, whether the assessment
70 will be collected:

71 (i) by directly billing a property owner; or

72 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317;

73 (g) state:

74 (i) [~~the time within which~~] the date described in Section 11-42-203 and the location at
75 which protests against designation of the proposed assessment area or of the proposed
76 improvements are required to be filed; and

77 (ii) the method by which the governing body will determine the number of protests
78 required to defeat the designation of the proposed assessment area or acquisition or
79 construction of the proposed improvements;

80 (h) state the date, time, and place of the public hearing required in Section 11-42-204;

81 (i) if the governing body elects to create and fund a reserve fund under Section
82 11-42-702, include a description of:

83 (i) how the reserve fund will be funded and replenished; and

84 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
85 the bonds;

86 (j) if the governing body intends to designate a voluntary assessment area, include a
87 property owner consent form that:

88 (i) estimates the total assessment to be levied against the particular parcel of property;

89 (ii) describes any additional benefits that the governing body expects the assessed
90 property to receive from the improvements; and

91 (iii) designates the date and time by which the fully executed consent form is required
92 to be submitted to the governing body;

93 (k) if the local entity intends to levy an assessment to pay operation and maintenance
94 costs or for economic promotion activities, include:

95 (i) a description of the operation and maintenance costs or economic promotion
96 activities to be paid by assessments and the initial estimated annual assessment to be levied;

97 (ii) a description of how the estimated assessment will be determined;

98 (iii) a description of how and when the governing body will adjust the assessment to
99 reflect the costs of:

100 (A) in accordance with Section 11-42-406, current economic promotion activities; or

101 (B) current operation and maintenance costs;

102 (iv) a description of the method of assessment if different from the method of
103 assessment to be used for financing any improvement; and

104 (v) a statement of the maximum number of years over which the assessment will be
105 levied for:

106 (A) operation and maintenance costs; or

107 (B) economic promotion activities; and

108 (l) if the governing body intends to divide the proposed assessment area into zones
109 under Subsection 11-42-201(1)(b), include a description of the proposed zones.

110 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information
111 that the governing body considers to be appropriate, including:

112 (a) the amount or proportion of the cost of the improvement to be paid by the local
113 entity or from sources other than an assessment;

114 (b) the estimated amount of each type of assessment for the various improvements to
115 be financed according to the method of assessment that the governing body chooses; and

116 (c) provisions for any improvements described in Subsection 11-42-102(22)(a)(ii).

117 (3) Each notice required under Subsection 11-42-201(2)(a) shall:

118 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
119 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
120 least five but not more than 20 days before the [~~deadline for filing protests specified in the~~
121 ~~notice under Subsection (1)(g)] day of the hearing required in Section 11-42-204; or~~

122 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
123 boundaries, be posted in at least three public places within the local entity's jurisdictional
124 boundaries at least 20 but not more than 35 days before the [~~deadline for filing protests~~
125 ~~specified in the notice under Subsection (1)(g)] day of the hearing required in Section
126 11-42-204; and~~

127 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for
128 four weeks before the deadline for filing protests specified in the notice under Subsection
129 (1)(g); and

130 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
131 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed
132 assessment area at the property owner's mailing address.

133 Section 2. Section **11-42-203** is amended to read:

134 **11-42-203. Protests.**

135 (1) An owner of property that is proposed to be assessed within an assessment area
136 may, within [~~the time specified in the notice under Section 11-42-202]~~ 60 days after the day of
137 the hearing described in Subsection 11-42-204(1), file a written protest against:

138 (a) the designation of the assessment area;

139 (b) the inclusion of the owner's property in the proposed assessment area;

140 (c) the proposed improvements to be acquired or constructed; or

141 (d) any other aspect of the proposed designation of an assessment area.

142 (2) Each protest under Subsection (1)(a) shall describe or otherwise identify the
143 property owned by the person filing the protest.

144 (3) An owner may withdraw a protest at any time before the ~~[conclusion of the hearing~~
145 ~~under Section 11-42-204]~~ expiration of the 60-day period described in Subsection (1) by filing
146 a written withdrawal with the governing body.

147 (4) If the governing body intends to assess property within the proposed assessment
148 area by type of improvement or by zone, the governing body shall, in determining whether
149 adequate protests have been filed, aggregate the protests by the type of improvement or by
150 zone.

151 (5) The failure of an owner of property within the proposed assessment area to file a
152 timely written protest constitutes a waiver of any objection to:

- 153 (a) the designation of the assessment area;
- 154 (b) any improvement to be provided to property within the assessment area; and
- 155 (c) the inclusion of the owner's property within the assessment area.

156 Section 3. Section **11-42-204** is amended to read:

157 **11-42-204. Hearing.**

158 (1) On the date and at the time and place specified in the notice under Section
159 11-42-202, the governing body shall hold a public hearing.

160 (2) (a) The governing body may continue the public hearing from time to time to a
161 fixed future date and time.

162 (b) The continuance of a public hearing does not restart or extend the protest period
163 described in Subsection 11-42-203(1).

164 (3) At the public hearing, the governing body shall:

165 (a) hear all objections to the designation of the proposed assessment area or the
166 improvements proposed to be provided in the assessment area; and

167 (b) hear all persons desiring to be heard~~[-and]~~.

168 ~~[(c) consider all protests filed under Section 11-42-203.]~~

169 (4) The governing body may make changes in:

- 170 (a) improvements proposed to be provided to the proposed assessment area; or
 - 171 (b) the area or areas proposed to be included within the proposed assessment area.
- 172 Section 4. Section **11-42-206** is amended to read:

173 **11-42-206. Adoption of a resolution or ordinance regarding a proposed**
174 **assessment area -- Designation of an assessment area may not occur if adequate protests**
175 **filed -- Recording of resolution or ordinance and notice of proposed assessment.**

176 (1) (a) After holding a public hearing under Section 11-42-204 and considering protests
177 filed under Section 11-42-203, and subject to Subsection (3), the governing body shall hold a
178 public meeting to adopt a resolution or ordinance:

- 179 [~~a~~] (i) abandoning the proposal to designate an assessment area; or
- 180 [~~b~~] (ii) designating an assessment area as described in the notice under Section
181 11-42-202 or with the changes made as authorized under Subsection 11-42-204(4).

182 (b) In accordance with Section 11-42-203, the governing body:

- 183 (i) may not schedule the public meeting before the expiration of the 60-day protest
184 period; and
- 185 (ii) shall consider and report on any timely filed protests.

186 (2) If the notice under Section 11-42-202 indicates that the proposed assessment area is
187 a voluntary assessment area, the governing body shall:

188 (a) delete from the proposed assessment area all property whose owners have not
189 submitted an executed consent form consenting to inclusion of the owner's property in the
190 proposed assessment area; and

191 (b) determine whether to designate a voluntary assessment area, after considering:

- 192 (i) the amount of the proposed assessment to be levied on the property within the
193 voluntary assessment area; and
- 194 (ii) the benefits that property within the voluntary assessment area will receive from
195 improvements proposed to be financed by assessments on the property.

196 (3) If adequate protests have been filed, the governing body may not designate an
197 assessment area as described in the notice under Section 11-42-202.

198 (4) (a) If the governing body adopts a designation resolution or ordinance designating
199 an assessment area, the governing body shall, within 15 days after adopting the designation
200 resolution or ordinance:

201 (i) record the original or certified copy of the designation resolution or ordinance in the
202 office of the recorder of the county in which property within the assessment area is located; and

203 (ii) file with the recorder of the county in which property within the assessment area is
204 located a notice of proposed assessment that:

205 (A) states that the local entity has designated an assessment area; and

206 (B) lists, by legal description and tax identification number, the property proposed to
207 be assessed.

208 (b) A governing body's failure to comply with the requirements of Subsection (4)(a)
209 does not invalidate the designation of an assessment area.

210 (5) After the adoption of a designation resolution or ordinance under Subsection
211 (1)~~(b)~~(a), the local entity may begin providing the specified improvements.

212 Section 5. Section **11-42-401** is amended to read:

213 **11-42-401. Levying an assessment -- Prerequisites -- Assessment list.**

214 (1) (a) If a local entity has designated an assessment area in accordance with Part 2,
215 Designating an Assessment Area, the local entity may levy an assessment against property
216 within that assessment area as provided in this part.

217 (b) If a local entity that is a municipality or county designates an assessment area in
218 accordance with this chapter, the municipality or county may levy an assessment and collect
219 the assessment in accordance with Subsection 11-42-202(1)(f)(i) or (ii).

220 (c) An assessment billed by a municipality or county in the same manner as a property
221 tax and included on a property tax notice in accordance with Subsection 11-42-202(1)(f)(ii) is
222 enforced in accordance with, constitutes a lien in accordance with, and is subject to other
223 penalty provisions in accordance with this chapter.

224 (2) Before a governing body may adopt a resolution or ordinance levying an
225 assessment against property within an assessment area:

226 (a) the governing body shall:
227 (i) subject to Subsection (3), prepare an assessment list designating:
228 (A) each parcel of property proposed to be assessed; and
229 (B) the amount of the assessment to be levied against the property;
230 (ii) appoint a board of equalization as provided in Section 11-42-403; and
231 (iii) give notice as provided in Section 11-42-402; and
232 (b) the board of equalization, appointed under Section 11-42-403, shall hold hearings,
233 make any corrections it considers appropriate to an assessment, and report its findings to the
234 governing body as provided in Section 11-42-403.
235 (3) (a) The governing body of a local entity shall prepare the assessment list described
236 in Subsection (2)(a)(i) at any time after:
237 (i) the governing body has determined the estimated or actual operation and
238 maintenance costs, if the assessment is to pay operation and maintenance costs;
239 (ii) the governing body has determined the estimated or actual economic promotion
240 costs described in Section 11-42-206, if the assessment is to pay for economic promotion
241 activities; or
242 (iii) for any other assessment, the governing body has determined:
243 (A) the estimated or actual acquisition and construction costs of all proposed
244 improvements within the assessment area, including overhead costs and authorized
245 contingencies;
246 (B) the estimated or actual property price for all property to be acquired to provide the
247 proposed improvements; and
248 (C) the reasonable cost of any work to be done by the local entity.
249 (b) In addition to the requirements of Subsection (3)(a), the governing body of a local
250 entity shall prepare the assessment list described in Subsection (2)(a)(i) before:
251 (i) the light service has commenced, if the assessment is to pay for light service; or
252 (ii) the park maintenance has commenced, if the assessment is to pay for park
253 maintenance.

254 (4) A local entity may levy an assessment for some or all of the cost of improvements
255 within an assessment area, including payment of:

256 (a) operation and maintenance costs of improvements constructed within the
257 assessment area;

258 (b) (i) if an outside entity furnishes utility services or maintains utility improvements,
259 the actual cost that the local entity pays for utility services or for maintenance of
260 improvements; or

261 (ii) if the local entity itself furnishes utility service or maintains improvements, for the
262 reasonable cost of supplying the utility service or maintenance;

263 (c) the reasonable cost of supplying labor, materials, or equipment in connection with
264 improvements; and

265 (d) (i) the reasonable cost of connection fees; or

266 (ii) the reasonable costs, as determined by the local entity governing body, if the local
267 entity owns or supplies any sewer, storm drainage, water, gas, electric, or communications
268 connections.

269 (5) A local entity may not levy an assessment for an amount donated or contributed for
270 an improvement or part of an improvement.

271 (6) The validity of an otherwise valid assessment is not affected because the actual cost
272 of improvements exceeds the estimated cost.

273 (7) (a) Subject to Subsection (7)(b), an assessment levied to pay for operation and
274 maintenance costs may not be levied over a period of time exceeding five years beginning on
275 the day on which the local entity adopts the assessment ordinance or assessment resolution for
276 the operation and maintenance costs assessment.

277 (b) A local entity may levy an additional assessment described in Subsection (7)(a) in
278 the assessment area designated for the assessment described in Subsection (7)(a) if, after the
279 five-year period expires, the local entity complies with the applicable levy provisions of this
280 part.

281 Section 6. Section **17B-1-211** is amended to read:

282 **17B-1-211. Notice of public hearings -- Publication of resolution.**

283 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210,
284 the legislative body of each county or municipality with which a request is filed or that adopts a
285 resolution under Subsection 17B-1-203(1)(d) and the board of trustees of each local district
286 that adopts a resolution under Subsection 17B-1-203(1)(e) shall:

287 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice
288 in a newspaper or combination of newspapers of general circulation within the applicable area
289 in accordance with Subsection (2); or

290 (B) if there is no newspaper or combination of newspapers of general circulation
291 within the applicable area, post notice in accordance with Subsection (2)[:(~~†~~)] at least one
292 notice per 1,000 population of that area[;] and [~~(††)~~] at places within the area that are most
293 likely to provide actual notice to residents of the area; and

294 (ii) publish notice on the Utah Public Notice Website created in Section 63F-1-701, for
295 two weeks before the hearing or the first of the set of hearings; or

296 (b) mail a notice to each registered voter residing within and each owner of real
297 property located within the proposed local district.

298 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

299 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
300 surrounded by a 1/4-inch border;

301 (b) if possible, appear in a newspaper that is published at least one day per week;

302 (c) if possible, appear in a newspaper of general interest and readership in the area and
303 not of limited subject matter;

304 (d) be placed in a portion of the newspaper other than where legal notices and
305 classified advertisements appear; and

306 (e) be [~~run at least~~] published once each week for [~~two successive~~] four consecutive
307 weeks, with the final publication being no [~~less~~] fewer than [~~three~~] five and no more than [~~††~~]
308 20 days before the hearing or the first of the set of hearings.

309 (3) Each notice required under Subsection (1) shall:

- 310 (a) if the hearing or set of hearings is concerning a resolution:
- 311 (i) contain the entire text or an accurate summary of the resolution; and
- 312 (ii) state the deadline for filing a protest against the creation of the proposed local
- 313 district;
- 314 (b) clearly identify each governing body involved in the hearing or set of hearings;
- 315 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
- 316 the hearing or set of hearings; and
- 317 (d) describe or include a map of the entire proposed local district.

318 (4) County or municipal legislative bodies may jointly provide the notice required
 319 under this section if all the requirements of this section are met as to each notice.

320 Section 7. Section **17B-1-213** is amended to read:

321 **17B-1-213. Protest after adoption of resolution -- Adoption of resolution**
 322 **approving creation for certain districts.**

- 323 (1) For purposes of this section, "adequate protests" means protests that are:
- 324 (a) filed with the county clerk, municipal clerk or recorder, or local district secretary or
- 325 clerk, as the case may be, within 60 days after the last public hearing required under Section
- 326 17B-1-210; and
- 327 (b) signed by:
- 328 (i) the owners of private real property that:
- 329 (A) is located within the proposed local district;
- 330 (B) covers at least 25% of the total private land area within the applicable area; and
- 331 (C) is equal in value to at least 15% of the value of all private real property within the
- 332 applicable area; or
- 333 (ii) registered voters residing within the applicable area equal in number to at least 25%
- 334 of the number of votes cast in the applicable area for the office of [~~governor at the last general~~
- 335 president of the United States at the most recent election prior to the adoption of the resolution.
- 336 (2) An owner may withdraw a protest at any time before the expiration of the 60-day
- 337 period described in Subsection (1)(a).

338 ~~[(2)]~~ (3) If adequate protests are filed, the governing body that adopted a resolution
339 under Subsection 17B-1-203(1)(d) or (e):

340 (a) may not:

341 (i) hold or participate in an election under Subsection 17B-1-214(1) with respect to the
342 applicable area;

343 (ii) take any further action under the protested resolution to create a local district or
344 include the applicable area in a local district; or

345 (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or
346 (e) proposing the creation of a local district including substantially the same area as the
347 applicable area and providing the same service as the proposed local district in the protested
348 resolution; and

349 (b) shall, within five days after receiving adequate protests, mail or deliver written
350 notification of the adequate protests to the responsible body.

351 ~~[(3)]~~ (4) Subsection ~~[(2)]~~ (3)(a) may not be construed to prevent an election from being
352 held for a proposed local district whose boundaries do not include an applicable area that is the
353 subject of adequate protests.

354 ~~[(4)]~~ (5) (a) If adequate protests are not filed with respect to a resolution proposing the
355 creation of a local district for which an election is not required under Subsection
356 17B-1-214(3)(d), (e), or (f), a resolution approving the creation of the local district may be
357 adopted by:

358 (i) (A) the legislative body of a county whose unincorporated area is included within
359 the proposed local district; and

360 (B) the legislative body of a municipality whose area is included within the proposed
361 local district; or

362 (ii) the board of trustees of the initiating local district.

363 (b) Each resolution adopted under Subsection ~~[(4)]~~ (5)(a) shall:

364 (i) describe the area included in the local district;

365 (ii) be accompanied by a map that shows the boundaries of the local district;

- 366 (iii) describe the service to be provided by the local district;
- 367 (iv) state the name of the local district; and
- 368 (v) provide a process for the appointment of the members of the initial board of
- 369 trustees.

370 Section 8. Section **17B-1-214** is amended to read:

371 **17B-1-214. Election -- Exceptions.**

372 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213~~(2)~~(3)(a), an

373 election on the question of whether the local district should be created shall be held by:

- 374 (i) if the proposed local district is located entirely within a single county, the
- 375 responsible clerk; or
- 376 (ii) except as provided under Subsection (1)(b), if the proposed local district is located
- 377 within more than one county, the clerk of each county in which part of the proposed local
- 378 district is located, in cooperation with the responsible clerk.

379 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located

380 within more than one county and the only area of a county that is included within the proposed

381 local district is located within a single municipality, the election for that area shall be held by

382 the municipal clerk or recorder, in cooperation with the responsible clerk.

383 (2) Each election under Subsection (1) shall be held at the next special or regular

384 general election date that is:

- 385 (a) for an election pursuant to a property owner or registered voter petition, more than
- 386 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or
- 387 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
- 388 required under Section 17B-1-210.

389 (3) The election requirement of Subsection (1) does not apply to:

- 390 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the
- 391 owners of private real property that:
 - 392 (i) is located within the proposed local district;
 - 393 (ii) covers at least 67% of the total private land area within the proposed local district

394 as a whole and within each applicable area; and

395 (iii) is equal in value to at least 50% of the value of all private real property within the
396 proposed local district as a whole and within each applicable area;

397 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of
398 registered voters residing within the proposed local district as a whole and within each
399 applicable area, equal in number to at least 67% of the number of votes cast in the proposed
400 local district as a whole and in each applicable area, respectively, for the office of governor at
401 the last general election prior to the filing of the petition;

402 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the
403 petition contains the signatures of the owners of groundwater rights that:

404 (i) are diverted within the proposed local district; and

405 (ii) cover at least 67% of the total amount of groundwater diverted in accordance with
406 groundwater rights within the proposed local district as a whole and within each applicable
407 area;

408 (d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003,
409 that proposes the creation of a local district to provide fire protection, paramedic, and
410 emergency services or law enforcement service, if the proposed local district includes a
411 majority of the unincorporated area of one or more counties;

412 (e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution
413 proposes the creation of a local district that has no registered voters within its boundaries; or

414 (f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010,
415 that proposes the creation of a local district described in Subsection 17B-1-202(1)(a)(xiii).

416 (4) (a) If the proposed local district is located in more than one county, the responsible
417 clerk shall coordinate with the clerk of each other county and the clerk or recorder of each
418 municipality involved in an election under Subsection (1) so that the election is held on the
419 same date and in a consistent manner in each jurisdiction.

420 (b) The clerk of each county and the clerk or recorder of each municipality involved in
421 an election under Subsection (1) shall cooperate with the responsible clerk in holding the

422 election.

423 (c) Except as otherwise provided in this part, each election under Subsection (1) shall
424 be governed by Title 20A, Election Code.

425 Section 9. Section **17B-1-215** is amended to read:

426 **17B-1-215. Notice and plat to lieutenant governor -- Recording requirements --**
427 **Certificate of incorporation -- Local district incorporated as specialized local district or**
428 **basic local district -- Effective date.**

429 (1) (a) Within the time specified in Subsection (1)(b), the responsible body shall file
430 with the lieutenant governor:

431 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
432 that meets the requirements of Subsection 67-1a-6.5(3); and

433 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

434 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the
435 lieutenant governor within 10 days after:

436 (i) the canvass of an election under Section 17B-1-214, if a majority of those voting at
437 the election within the proposed local district as a whole vote in favor of the creation of a local
438 district;

439 (ii) certification of a petition as to which the election requirement of Subsection
440 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a), (b), or (c); or

441 (iii) adoption of a resolution, under Subsection 17B-1-213[~~(4)~~](5) approving the
442 creation of a local district for which an election was not required under Subsection
443 17B-1-214(3)(d), (e), or (f), by the legislative body of each county whose unincorporated area
444 is included within and the legislative body of each municipality whose area is included within
445 the proposed local district, or by the board of trustees of the initiating local district.

446 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under
447 Section 67-1a-6.5, the responsible body shall:

448 (a) if the local district is located within the boundary of a single county, submit to the
449 recorder of that county:

- 450 (i) the original:
- 451 (A) notice of an impending boundary action;
- 452 (B) certificate of incorporation; and
- 453 (C) approved final local entity plat; and
- 454 (ii) if applicable, a certified copy of each resolution adopted under Subsection
- 455 17B-1-213[~~(4)~~](5); or
- 456 (b) if the local district is located within the boundaries of more than a single county:
- 457 (i) submit to the recorder of one of those counties:
- 458 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and
- 459 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 460 17B-1-213[~~(4)~~](5); and
- 461 (ii) submit to the recorder of each other county:
- 462 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);
- 463 and
- 464 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 465 17B-1-213[~~(4)~~](5).
- 466 (3) The area of each local district consists of:
- 467 (a) if an election was held under Section 17B-1-214, the area of the new local district
- 468 as approved at the election;
- 469 (b) if an election was not required because of Subsection 17B-1-214(3)(a), (b), or (c),
- 470 the area of the proposed local district as described in the petition; or
- 471 (c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), or (f),
- 472 the area of the new local district as described in the resolution adopted under Subsection
- 473 17B-1-213[~~(4)~~](5).
- 474 (4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under
- 475 Section 67-1a-6.5, the local district is created and incorporated as:
- 476 (i) the type of specialized local district that was specified in the petition under
- 477 Subsection 17B-1-203(1)(a), (b), or (c) or resolution under Subsection 17B-1-203(1)(d) or (e),

478 if the petition or resolution proposed the creation of a specialized local district; or

479 (ii) a basic local district, if the petition or resolution did not propose the creation of a
480 specialized local district.

481 (b) (i) The effective date of a local district's incorporation for purposes of assessing
482 property within the local district is governed by Section 59-2-305.5.

483 (ii) Until the documents listed in Subsection (2) are recorded in the office of the
484 recorder of each county in which the property is located, a newly incorporated local district
485 may not:

486 (A) levy or collect a property tax on property within the local district;

487 (B) levy or collect an assessment on property within the local district; or

488 (C) charge or collect a fee for service provided to property within the local district.

489 Section 10. Section **17D-1-102** is amended to read:

490 **17D-1-102. Definitions.**

491 As used in this chapter:

492 (1) "Adequate protests" means written protests timely filed by:

493 [~~(a) owners of property within the applicable area representing more than 33% of the~~
494 ~~taxable value of all taxable property within the applicable area; or]~~

495 (a) the owners of private real property that:

496 (i) is located within the applicable area;

497 (ii) covers at least 25% of the total private land area within the applicable area; and

498 (iii) is equal in value to at least 15% of the value of all private real property within the
499 applicable area; or

500 (b) [~~more than 33% of all~~] registered voters residing within the applicable area equal in
501 number to at least 25% of the number of votes cast in the applicable area for the office of
502 president of the United States at the most recent election prior to the adoption of the resolution
503 or filing of the petition.

504 (2) "Applicable area" means:

505 (a) for a proposal to create a special service district, the area included within the

506 proposed special service district;

507 (b) for a proposal to annex an area to an existing special service district, the area
508 proposed to be annexed;

509 (c) for a proposal to add a service to the service or services provided by a special
510 service district, the area included within the special service district; and

511 (d) for a proposal to consolidate special service districts, the area included within each
512 special service district proposed to be consolidated.

513 (3) "Facility" or "facilities" includes any structure, building, system, land, water right,
514 water, or other real or personal property required to provide a service that a special service
515 district is authorized to provide, including any related or appurtenant easement or right-of-way,
516 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

517 (4) "General obligation bond":

518 (a) means a bond that is directly payable from and secured by ad valorem property
519 taxes that are:

520 (i) levied:

521 (A) by the county or municipality that created the special service district that issues the
522 bond; and

523 (B) on taxable property within the special service district; and

524 (ii) in excess of the ad valorem property taxes for the current fiscal year; and

525 (b) does not include:

526 (i) a short-term bond;

527 (ii) a tax and revenue anticipation bond; or

528 (iii) a special assessment bond.

529 (5) "Governing body" means:

530 (a) the legislative body of the county or municipality that creates the special service
531 district, to the extent that the county or municipal legislative body has not delegated authority
532 to an administrative control board appointed under Section 17D-1-301; or

533 (b) the administrative control board of the special service district, to the extent that the

534 county or municipal legislative body has delegated authority to an administrative control board
535 appointed under Section 17D-1-301.

536 (6) "Guaranteed bonds" means bonds:

537 (a) issued by a special service district; and

538 (b) the debt service of which is guaranteed by one or more taxpayers owning property
539 within the special service district.

540 (7) "Local district" has the same meaning as defined in Section 17B-1-102.

541 (8) "Revenue bond":

542 (a) means a bond payable from designated taxes or other revenues other than the ad
543 valorem property taxes of the county or municipality that created the special service district;
544 and

545 (b) does not include:

546 (i) an obligation constituting an indebtedness within the meaning of an applicable
547 constitutional or statutory debt limit;

548 (ii) a tax and revenue anticipation bond; or

549 (iii) a special assessment bond.

550 (9) "Special assessment" means an assessment levied against property to pay all or a
551 portion of the costs of making improvements that benefit the property.

552 (10) "Special assessment bond" means a bond payable from special assessments.

553 (11) "Special service district" means a limited purpose local government entity, as
554 described in Section 17D-1-103, that:

555 (a) is created under authority of the Utah Constitution Article XI, Section 7; and

556 (b) operates under, is subject to, and has the powers set forth in this chapter.

557 (12) "Tax and revenue anticipation bond" means a bond:

558 (a) issued in anticipation of the collection of taxes or other revenues or a combination
559 of taxes and other revenues; and

560 (b) that matures within the same fiscal year as the fiscal year in which the bond is
561 issued.

562 Section 11. Section **17D-1-205** is amended to read:

563 **17D-1-205. Notice.**

564 (1) Each notice required under Subsection 17D-1-204(1) shall:

565 (a) state that:

566 (i) the legislative body has adopted a resolution stating its intent to create a special
567 service district; or

568 (ii) a petition has been filed proposing the creation of a special service district;

569 (b) describe the boundary of the proposed special service district;

570 (c) generally describe each service that the special service district is proposed to
571 provide;

572 (d) state that taxes may be levied annually upon all taxable property within the
573 proposed special service district;

574 (e) state that fees or charges may be imposed to pay for some or all of the services that
575 the special service district is proposed to provide;

576 (f) explain the process, requirements, and timetable for filing a protest against the
577 creation of the special service district or against a service that the special service district is
578 proposed to provide;

579 (g) designate a date, time, and place for a public hearing on the proposed creation of
580 the special service district; and

581 (h) except as provided in Subsection (2), be published:

582 (i) (A) [~~at least~~] once a week [~~during three~~] for four consecutive weeks;

583 (B) not [~~less~~] fewer than [~~21~~] five days [~~or~~] and no more than [~~35~~] 20 days before the
584 date of the public hearing required under Subsection 17D-1-204(2); and

585 (C) in a newspaper of general circulation in the county or municipality by which the
586 special service district is proposed to be created; and

587 (ii) in accordance with Section 45-1-101 for 35 days before the date of the public
588 hearing required under Subsection 17D-1-204(2).

589 (2) Notwithstanding Subsection (1)(h)(i), if the proposed special service district is

590 located entirely within a city of the third, fourth, or fifth class or a town that has no newspaper
591 of general circulation in the city or town, the legislative body of the city or town may provide
592 that the notice required under Subsection 17D-1-204(1) be given by posting the notice in at
593 least five public places in the city or town at least 21 days before the public hearing required
594 under Subsection 17D-1-204(2).

595 (3) The legislative body of the county or municipality by which the special service
596 district is proposed to be created may include in a notice under this section any other
597 information that the legislative body considers necessary or appropriate.

598 Section 12. Section **17D-1-206** is amended to read:

599 **17D-1-206. Protests.**

600 (1) An interested person may protest:

601 (a) the creation of a special service district; or

602 (b) a service that the special service district is proposed to provide.

603 (2) Each protest under Subsection (1) shall:

604 (a) be in writing;

605 (b) be submitted:

606 (i) to the legislative body of the county or municipality by which the special service
607 district is proposed to be created; and

608 (ii) no later than ~~[+5]~~ 60 days after the public hearing required under Subsection
609 17D-1-204(2); and

610 (c) explain why the person is protesting.

611 (3) A person who submitted a written protest against the creation of a special service
612 district may withdraw the protest or, having withdrawn a protest, cancel the withdrawal, ~~[until~~
613 30] no later than 60 days after the public hearing required under Subsection 17D-1-204(2).

614 (4) The legislative body of a county or municipality may not adopt a resolution or
615 ordinance creating a special service district if adequate protests are filed with respect to the
616 creation of the special service district.

617 (5) The legislative body of a county or municipality may not adopt a resolution or

618 ordinance authorizing a special service district to provide a service if adequate protests are filed
619 with respect to that service.

620 Section 13. Section **59-2-1317** is amended to read:

621 **59-2-1317. Index of property owners -- Tax notice -- Contents of notice.**

622 (1) The treasurer shall:

623 (a) collect the taxes; and

624 (b) furnish to each taxpayer, except those taxpayers under Sections 59-2-1302 and
625 59-2-1307, by mail, postage prepaid, or leave at the taxpayer's residence or usual place of
626 business, if known, a notice stating:

627 (i) the kind and value of property assessed to the taxpayer;

628 (ii) the street address of the property, if available to the county;

629 (iii) that the property may be subject to a detailed review in the next year under Section
630 59-2-303.1;

631 (iv) the amount of taxes levied;

632 (v) property tax information pertaining to taxpayer relief, options for payment of taxes,
633 and collection procedures;

634 (vi) if applicable, the amount of an assessment assessed in accordance with Section
635 11-42-401;

636 [~~(vi)~~] (vii) other information specifically authorized to be included on the notice under
637 Title 59, Chapter 2, Property Tax Act; and

638 [~~(vii)~~] (viii) other property tax information approved by the commission.

639 (2) For any property for which property taxes are delinquent, the treasurer shall stamp
640 on the notice "Prior taxes are delinquent on this parcel."

641 (3) The notice shall:

642 (a) separately state all taxes levied only on a certain kind or class of property for a
643 special purpose;

644 (b) have printed or stamped on it when and where the taxes are payable;

645 (c) state the date on which the taxes will be delinquent; and

646 (d) state the penalty provided by law.

647 (4) (a) The notice shall be mailed by November 1.

648 (b) The treasurer shall keep on file in the treasurer's office the information set forth in
649 the notice.

650 (c) The county treasurer is not required to mail out a tax receipt acknowledging
651 payment.