

1 **Special District Board Appointment Amendments**
 2026 GENERAL SESSION
 STATE OF UTAH
Chief Sponsor: Mark A. Strong
 Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill modifies provisions governing a special district board of trustees.

5 **Highlighted Provisions:**

6 This bill:

- 7 ▶ defines terms;
- 8 ▶ requires an appointing authority to designate an alternative board member, in certain
- 9 circumstances;
- 10 ▶ provides that, if the board of trustees for a special district is considering a proposed
- 11 increased assessment, an alternative board member shall serve on the board with respect
- 12 to considering and voting upon the proposed increased assessment; and
- 13 ▶ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 **AMENDS:**

20 **17B-1-302**, as last amended by Laws of Utah 2024, Chapter 388

21 **17B-1-304**, as last amended by Laws of Utah 2025, Chapter 347

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

23 Section 1. Section **17B-1-302** is amended to read:

24 **17B-1-302 . Board member qualifications -- Number of board members.**

25 (1) Except as provided in Section 17B-2a-905, each member of a special district board of
26 trustees shall be:

- 27 (a) a registered voter at the location of the member's residence; and
- 28 (b) except as otherwise provided in Subsection (2), (3), or (4), a resident within:

- 31 (i) the boundaries of the special district; and
32 (ii) if applicable, the boundaries of the division of the special district from which the
33 member is elected or appointed.
- 34 (2)(a) As used in this Subsection (2):
- 35 (i) "Proportional number" means the number of members of a board of trustees that
36 bears, as close as mathematically possible, the same proportion to all members of
37 the board that the number of seasonally occupied homes bears to all residences
38 within the district that receive service from the district.
- 39 (ii) "Seasonally occupied home" means a single-family residence:
- 40 (A) that is located within the special district;
41 (B) that receives service from the special district; and
42 (C) whose owner occupies the residence on a temporary or seasonal basis, rather
43 than as the principal place of residence as defined in Section 20A-2-105.
- 44 (b) If over 50% of the residences within a special district that receive service from the
45 special district are seasonally occupied homes, the requirement under Subsection
46 (1)(b) is replaced, for a proportional number of members of the board of trustees,
47 with the requirement that the member be an owner of land, or an agent or officer of
48 the owner of land:
- 49 (i) that receives, or intends to receive, service from the district; and
50 (ii) that is located within the special district and, if applicable, the division from
51 which the member is elected.
- 52 (3)(a) Subsection (3)(b) applies to a board of trustees member in:
- 53 (i) a basic special district;
54 (ii) any other type of special district that is located solely within a county of the
55 fourth, fifth, or sixth class, that has within the district's boundaries fewer than one
56 residential dwelling unit per 10 acres of land; or
57 (iii) an infrastructure financing district.
- 58 (b) For a board of trustees member in a special district listed in Subsection (3)(a), the
59 board of trustees may replace the requirement under Subsection (1)(b) with the
60 requirement that the member be:
- 61 (i) a resident within the boundaries of the special district; or
62 (ii) an owner of land, or an agent or officer of the owner of land, that:
63 (A) is located within the special district[-]; and
64 (B) receives, or is expected to receive, service from the district.

- 65 (4) A board member of an infrastructure financing district is not required to be a resident
66 within the boundary of the infrastructure financing district if:
- 67 (a) all owners of surface property within the district waive the residency requirement;
68 (b) the district boundary does not include any residents; or
69 (c)(i) in the case of an appointed board position, no qualified individual timely files
70 to be considered for appointment to the board; or
71 (ii) in the case of an elected board position, no qualified individual files a declaration
72 of candidacy for the board position under Subsection 17B-1-306(5).
- 73 (5) A member of the board of trustees of a service area described in Subsection
74 17B-2a-905(2)(a) or (3)(a), who is an elected official of the county appointing the
75 individual, is not subject to the requirements described in Subsection (1)(b) if the elected
76 official was elected at large by the voters of the county.
- 77 (6) Notwithstanding Subsection (1)(b) and except as provided in Subsection (7), the county
78 legislative body may appoint to the special district board one of the county legislative
79 body's own members, regardless of whether the member resides within the boundaries
80 described in Subsection (1)(b), if:
- 81 (a) the county legislative body satisfies the procedures to fill a vacancy described in:
82 (i) for the appointment of a new board member, Subsections [~~17B-1-304(2) and (3)~~]
83 17B-1-304(3) and (4); or
84 (ii) for an appointment to fill a midterm vacancy, Subsection 20A-1-512(1)(a)(ii) or
85 Subsection 20A-1-512(2);
- 86 (b) fewer qualified candidates timely file to be considered for appointment to the special
87 district board than are necessary to fill the board;
- 88 (c) the county legislative body appoints each of the qualified candidates who timely filed
89 to be considered for appointment to the board; and
- 90 (d) the county legislative body appoints a member of the body to the special district
91 board, in accordance with Subsection [~~17B-1-304(6)~~] 17B-1-304(8) or Subsection
92 20A-1-512(1)(c), who was:
- 93 (i) elected at large by the voters of the county;
94 (ii) elected from a division of the county that includes more than 50% of the
95 geographic area of the special district; or
96 (iii) if the special district is divided into divisions under Section 17B-1-306.5, elected
97 from a division of the county that includes more than 50% of the geographic area
98 of the division of the special district in which there is a board vacancy.

- 99 (7) If it is necessary to reconstitute the board of trustees of a special district located solely
 100 within a county of the fourth, fifth, or sixth class because the term of a majority of the
 101 members of the board has expired without new trustees having been elected or appointed
 102 as required by law, even if sufficient qualified candidates timely file to be considered for
 103 a vacancy on the board, the county legislative body may appoint to the special district
 104 board no more than one of the county legislative body's own members who does not
 105 satisfy the requirements of Subsection (1).
- 106 (8)(a) Except as otherwise provided by statute, the number of members of each board of
 107 trustees of a special district that has nine or fewer members shall have an odd number
 108 of members that is no fewer than three.
- 109 (b) If a board of trustees of a special district has more than nine members, the number of
 110 members may be odd or even.
- 111 (9) For a newly created special district, the number of members of the initial board of
 112 trustees shall be the number specified:
- 113 (a) for a special district whose creation was initiated by a petition under Subsection
 114 17B-1-203(1)(a), (b), (c), or (d), in the petition; or
- 115 (b) for a special district whose creation was initiated by a resolution under Subsection
 116 17B-1-203(1)(e) or (f), in the resolution.
- 117 (10)(a) For an existing special district, the number of members of the board of trustees
 118 may be changed by a two-thirds vote of the board of trustees.
- 119 (b) No change in the number of members of a board of trustees under Subsection (10)(a)
 120 may:
- 121 (i) violate Subsection (8); or
- 122 (ii) serve to shorten the term of any member of the board.
- 123 Section 2. Section **17B-1-304** is amended to read:
- 124 **17B-1-304 . Appointment procedures for appointed members -- Notice of**
 125 **vacancy.**
- 126 (1) As used in this section:
- 127 (a) "Alternative board member" means an individual selected by an appointing authority:
 128 (i) to serve on a special district board only with respect to considering and voting
 129 upon a proposed increased assessment; and
 130 (ii) who is an elected official.
- 131 (b) "Elected official" means an individual who holds an office that is subject to election
 132 at the state or local level.

- 133 (c) "Proposed increased assessment" means a proposal before a special district board
134 that:
- 135 (i) would have the effect of raising assessments, fees, or taxes on a person within the
136 boundary of the special district; and
- 137 (ii) requires a vote of the board of trustees to go into effect.
- 138 (2) The appointing authority may, by resolution, appoint persons to serve as members of a
139 special district board by following the procedures established by this section.
- 140 ~~[(2)]~~ (3)(a) In any calendar year when appointment of a new special district board
141 member is required, the appointing authority shall prepare a notice of vacancy that
142 contains:
- 143 (i) the positions that are vacant that shall be filled by appointment;
144 (ii) the qualifications required to be appointed to those positions;
145 (iii) the procedures for appointment that the governing body will follow in making
146 those appointments; and
147 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
148 to be considered for appointment to those positions.
- 149 (b) The appointing authority shall publish the notice of vacancy for the special district,
150 as a class A notice under Section 63G-30-102, for at least one month before the
151 deadline for accepting nominees for appointment.
- 152 (c) The appointing authority may bill the special district for the cost of preparing,
153 printing, and publishing the notice.
- 154 ~~[(3)]~~ (4)(a) After the appointing authority is notified of a vacancy and has satisfied the
155 requirements described in Subsection ~~[(2)]~~ (3), the appointing authority shall select a
156 person to fill the vacancy from the applicants who meet the qualifications established
157 by law.
- 158 (b) The appointing authority shall:
- 159 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
160 appointment;
161 (ii) allow any interested persons to be heard; and
162 (iii) adopt a resolution appointing a person to the special district board.
- 163 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
164 appointing authority, the appointing authority shall select the appointee from the two
165 top candidates by lot.
- 166 ~~[(4)]~~ (5)(a) If an appointing authority selects an individual to serve as a member of a

167 special district board and the individual is not an elected official, or the individual
168 was an elected official at the time of the appointment but ceases to be an elected
169 official during the individual's term on the board:

170 (i) the individual may not vote on a proposed increased assessment; and

171 (ii) the appointing authority shall appoint an alternative board member who may vote
172 on a proposed increased assessment.

173 (b) An alternative board member is only required to serve on the board when the board
174 is considering or voting upon a proposed increased assessment.

175 (6) Persons appointed to serve as members of the special district board serve four-year
176 terms, but may be removed for cause at any time after a hearing by two-thirds vote of
177 the appointing body.

178 [(5)] (7)(a) At the end of each board member's term, the position is considered vacant,
179 and, after following the appointment procedures established in this section, the
180 appointing authority may either reappoint the incumbent board member or appoint a
181 new member.

182 (b) Notwithstanding Subsection [(5)(a)] (7)(a), a board member may continue to serve
183 until a successor is elected or appointed and qualified in accordance with Subsection
184 17B-1-303(2)(b).

185 [(6)] (8) Notwithstanding any other provision of this section, if the appointing authority
186 appoints one of [its] the appointing authority's own members and that member meets all
187 applicable statutory board member qualifications, the appointing authority need not
188 comply with Subsection [(2) or (3)] (3), (4), or (5).

189 [(7)] (9)(a) This section does not apply to the appointment of a member of a public
190 infrastructure district board.

191 (b) Section 17D-4-202 governs the appointment process for a member of the board of a
192 public infrastructure district.

193 Section 3. **Effective Date.**

194 This bill takes effect on May 6, 2026.