

13-43-202 Land Use and Eminent Domain Advisory Board -- Appointment -- Compensation -- Duties.

- (1) There is created the Land Use and Eminent Domain Advisory Board, within the Office of the Property Rights Ombudsman, consisting of the following seven members:
 - (a) one individual representing special service districts, nominated by the Utah Association of Special Districts;
 - (b) one individual representing municipal government, nominated by the Utah League of Cities and Towns;
 - (c) one individual representing county government, nominated by the Utah Association of Counties;
 - (d) one individual representing the residential construction industry, nominated by the Utah Home Builders Association;
 - (e) one individual representing the real estate industry, nominated by the Utah Association of Realtors;
 - (f) one individual representing the land development community, jointly nominated by the Utah Association of Realtors and the Home Builders Association of Utah; and
 - (g) one individual who:
 - (i) is a citizen with experience in land use issues;
 - (ii) does not hold public office; and
 - (iii) is not currently employed, nor has been employed in the previous 12 months, by any of the entities or industries listed in Subsections (1)(a) through (f).
- (2) After receiving nominations, the governor shall appoint members to the board.
- (3) The term of office of each member is four years, except that the governor shall appoint three of the members of the board to an initial two-year term.
- (4) Each mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsections (1) and (2).
- (5)
 - (a) Board members shall elect a chair from their number and establish rules for the organization and operation of the board.
 - (b) Five members of the board constitute a quorum for the conduct of the board's business.
 - (c) The affirmative vote of five members is required to constitute the decision of the board on any matter.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) A member need not give a bond for the performance of official duties.
- (8) The Office of the Property Rights Ombudsman shall provide staff to the board.
- (9) The board shall:
 - (a) receive reports from the Office of the Property Rights Ombudsman that are requested by the board;
 - (b) establish rules of conduct and performance for the Office of the Property Rights Ombudsman;
 - (c) receive donations or contributions from any source for the Office of the Property Rights Ombudsman's benefit;
 - (d) subject to any restriction placed on a donation or contribution received under Subsection (9)(c), authorize the expenditure of donations or contributions for the Office of the Property Rights Ombudsman's benefit;

- (e) receive budget recommendations from the Office of the Property Rights Ombudsman; and
 - (f) revise budget recommendations received under Subsection (9)(e).
- (10) The board shall maintain a resource list of qualified arbitrators and mediators who may be appointed under Section 13-43-204 and qualified persons who may be appointed to render advisory opinions under Section 13-43-205.

Amended by Chapter 286, 2010 General Session