

**Effective 2/27/2023**

## **Part 12**

### **Special District Validation Proceedings**

#### **17B-1-1201 Definitions.**

As used in this part:

- (1) "Eligible function" means:
  - (a) a power conferred on a special district under this title;
  - (b) a tax or assessment levied by a special district;
  - (c) an act or proceeding that a special district:
    - (i) has taken; or
    - (ii) contemplates taking; or
  - (d) a district contract, whether already executed or to be executed in the future, including a contract for the acquisition, construction, maintenance, or operation of works for the district.
- (2) "Validation order" means a court order adjudicating the validity of an eligible function.
- (3) "Validation petition" means a petition requesting a validation order.
- (4) "Validation proceedings" means judicial proceedings occurring in district court pursuant to a validation petition.

Amended by Chapter 15, 2023 General Session

#### **17B-1-1202 Authority to file a validation petition -- Petition requirements -- Amending or supplementing a validation petition.**

- (1) The board of trustees of a special district may at any time file a validation petition.
- (2) Each validation petition shall:
  - (a) describe the eligible function for which a validation order is sought;
  - (b) set forth:
    - (i) the facts upon which the validity of the eligible function is founded; and
    - (ii) any other information or allegations necessary to a determination of the validation petition;
  - (c) be verified by the chair of the board of trustees; and
  - (d) be filed in the district court of the county in which the district's principal office is located.
- (3) A special district may amend or supplement a validation petition:
  - (a) at any time before the hearing under Section 17B-1-1203; or
  - (b) after the hearing under Section 17B-1-1203, with permission of the court.

Amended by Chapter 15, 2023 General Session

#### **17B-1-1203 Hearing on a validation petition.**

- (1) Upon the filing of a validation petition, the district court shall enter an order setting a date, time, and place for a hearing on the validation petition.
- (2) A hearing under Subsection (1) may not be held less than 21 days after the filing of the validation petition.

Enacted by Chapter 329, 2007 General Session

#### **17B-1-1204 Notice of the hearing on a validation petition -- Amended or supplemented validation petition.**

- (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a validation petition, the special district that filed the petition shall publish notice, as a class A notice under Section 63G-30-102, for at least 21 days before the date of the hearing.
- (2) Each notice under Subsection (1) shall:
  - (a) state the date, time, and place of the hearing on the validation petition;
  - (b) include a general description of the contents of the validation petition; and
  - (c) if applicable, state the location where a complete copy of a contract that is the subject of the validation petition may be examined.
- (3) If a district amends or supplements a validation petition under Subsection 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district is not required to publish or post notice again unless required by the court.

Amended by Chapter 15, 2023 General Session

Amended by Chapter 435, 2023 General Session

**17B-1-1205 Property owner or interested person may appear in validation proceedings -- Failure to appear.**

- (1) An owner of property within the district or a person interested in a contract or proposed contract that is the subject of a validation petition may appear and answer or otherwise plead in response to the validation petition:
  - (a) at any time before the hearing under Section 17B-1-1203; or
  - (b) within any additional period of time that the district court allows.
- (2) If a person fails to appear and answer or otherwise plead in the time allowed under Subsection (1):
  - (a) the allegations of the validation petition shall be considered admitted by that person; and
  - (b) that person may not participate in the validation proceedings.

Enacted by Chapter 329, 2007 General Session

**17B-1-1206 Validation petition hearing -- Validation proceedings.**

- (1) At each validation petition hearing, the court shall determine all matters and issues affecting the questions raised by the validation petition.
- (2) The district court shall:
  - (a) advance each matter pertaining to validation proceedings as a matter of immediate public interest and concern; and
  - (b) hear each matter pertaining to validation proceedings at the earliest practicable moment.
- (3) The district court shall disregard each error, irregularity, or omission that does not affect the substantial rights of the parties.
- (4) Except as otherwise specified in this part, the Utah Rules of Civil Procedure shall govern validation proceedings in matters of pleading and practice before the district court.

Enacted by Chapter 329, 2007 General Session

**17B-1-1207 Findings, conclusions, and judgment -- Costs -- Effect of judgment -- Appeal.**

- (1) After the hearing under Section 17B-1-1203 on a validation petition, the district court shall:
  - (a) make and enter written findings of fact and conclusions of law; and
  - (b) render a judgment as warranted.
- (2) A district court may apportion costs among the parties as the court determines appropriate.

- (3) A district court judgment adjudicating matters raised by a validation petition:
  - (a) is binding and conclusive as to the special district and all other parties to the validation proceedings; and
  - (b) constitutes a permanent injunction against any action or proceeding to contest any matter adjudicated in the validation proceedings.
- (4)
  - (a) Each appeal of a final judgment in validation proceedings shall be filed with the Supreme Court.
  - (b) An appeal of a final judgment in validation proceedings may be filed only by a party to the validation proceedings.
  - (c) The appellate court hearing an appeal under this section shall expedite the hearing of the appeal.

Amended by Chapter 15, 2023 General Session