

Part 3 Board of Trustees

17B-1-301 Board of trustees duties and powers.

- (1)
 - (a) Each local district shall be governed by a board of trustees which shall manage and conduct the business and affairs of the district and shall determine all questions of district policy.
 - (b) All powers of a local district are exercised through the board of trustees.
- (2) The board of trustees may:
 - (a) fix the location of the local district's principal place of business and the location of all offices and departments, if any;
 - (b) fix the times of meetings of the board of trustees;
 - (c) select and use an official district seal;
 - (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to district officers power to employ employees and agents, for the operation of the local district and its properties and prescribe or delegate to district officers the power to prescribe the duties, compensation, and terms and conditions of employment of those employees and agents;
 - (e) require district officers and employees charged with the handling of district funds to provide surety bonds in an amount set by the board or provide a blanket surety bond to cover officers and employees;
 - (f) contract for or employ professionals to perform work or services for the local district that cannot satisfactorily be performed by the officers or employees of the district;
 - (g) through counsel, prosecute on behalf of or defend the local district in all court actions or other proceedings in which the district is a party or is otherwise involved;
 - (h) adopt bylaws for the orderly functioning of the board;
 - (i) adopt and enforce rules and regulations for the orderly operation of the local district or for carrying out the district's purposes;
 - (j) prescribe a system of civil service for district employees;
 - (k) on behalf of the local district, enter into contracts that the board considers to be for the benefit of the district;
 - (l) acquire, construct or cause to be constructed, operate, occupy, control, and use buildings, works, or other facilities for carrying out the purposes of the local district;
 - (m) on behalf of the local district, acquire, use, hold, manage, occupy, and possess property necessary to carry out the purposes of the district, dispose of property when the board considers it appropriate, and institute and maintain in the name of the district any action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated with district property;
 - (n) delegate to a district officer the exercise of a district duty; and
 - (o) exercise all powers and perform all functions in the operation of the local district and its properties as are ordinarily exercised by the governing body of a political subdivision of the state and as are necessary to accomplish the purposes of the district.
- (3)
 - (a) As used in this Subsection (3), "interim vacancy period" means:
 - (i) if any member of the local district board is elected, the period of time that:
 - (A) begins on the day on which an election is held to elect a local district board member; and
 - (B) ends on the day on which the local district board member-elect begins the member's term;
 - or

- (ii) if any member of the local district board is appointed, the period of time that:
 - (A) begins on the day on which an appointing authority posts a notice of vacancy in accordance with Section 17B-1-304; and
 - (B) ends on the day on which the person who is appointed by the local district board to fill the vacancy begins the person's term.
- (b)
 - (i) The local district may not hire during an interim vacancy period a manager, a chief executive officer, a chief administrative officer, or a similar position to perform executive and administrative duties or functions.
 - (ii) Notwithstanding Subsection (3)(b)(i):
 - (A) the local district may hire an interim manager, a chief executive officer, a chief administrative officer, or a similar position during an interim vacancy period; and
 - (B) the interim manager's, chief executive officer's, chief administrative officer's, or similar position's employment shall terminate once a new manager, chief executive officer, chief administrative officer, or similar position is hired by the new local district board after the interim vacancy period has ended.
- (c) Subsection (3)(b) does not apply if:
 - (i) all the elected local district board members who held office on the day of the election for the local district board members, whose term of office was vacant for the election are re-elected to the local district board; and
 - (ii) all the appointed local district board members who were appointed whose term of appointment was expiring are re-appointed to the local district board.
- (4) A local district board that hires an interim manager, a chief executive officer, a chief administrative officer, or a similar position in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the interim manager, chief executive officer, chief administrative officer, or similar position.

Amended by Chapter 362, 2014 General Session

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

- (1)
 - (a) Each member of a local district board of trustees shall be:
 - (i) a registered voter at the location of the member's residence; and
 - (ii) except as otherwise provided in this Subsection (1), a resident within:
 - (A) the boundaries of the local district; and
 - (B) if applicable, the boundaries of the division of the local district from which the member is elected.
 - (b)
 - (i) As used in this Subsection (1)(b):
 - (A) "Proportional number" means the number of members of a board of trustees that bears, as close as mathematically possible, the same proportion to all members of the board that the number of seasonally occupied homes bears to all residences within the district that receive service from the district.
 - (B) "Seasonally occupied home" means a single-family residence:
 - (I) that is located within the local district;
 - (II) that receives service from the local district; and
 - (III) whose owner:
 - (Aa) does not reside permanently at the residence; and

- (Bb) may occupy the residence on a temporary or seasonal basis.
- (ii) If over 50% of the residences within a local district that receive service from the local district are seasonally occupied homes, the requirement under Subsection (1)(a)(ii) is replaced, for a proportional number of members of the board of trustees, with the requirement that the member be an owner of land, or an agent or officer of the owner of land, that:
 - (A) receives service from the district; and
 - (B) is located within:
 - (I) the local district; and
 - (II) if applicable, the division from which the member is elected.
- (c) For a board of trustees member in a basic local district that has within its boundaries fewer than one residential dwelling unit per 10 acres of land, the requirement under Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land within the local district that receives service from the district, or an agent or officer of the owner.
- (d) A member of the board of trustees of a service area described in Subsection 17B-2a-905(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is not subject to the requirements described in Subsection (1)(a)(ii) if the elected official was elected at large by the voters of the county.
- (2) Except as otherwise provided by statute, the number of members of each board of trustees of a local district shall be an odd number that is no less than three.
- (3) For a newly created local district, the number of members of the initial board of trustees shall be the number specified:
 - (a) for a local district whose creation was initiated by a petition under Subsection 17B-1-203(1)(a), (b), or (c), in the petition; or
 - (b) for a local district whose creation was initiated by a resolution under Subsection 17B-1-203(1)(d) or (e), in the resolution.
- (4)
 - (a) For an existing local district, the number of members of the board of trustees may be changed by a two-thirds vote of the board of trustees.
 - (b) No change in the number of members of a board of trustees under Subsection (4)(a) may:
 - (i) violate Subsection (2); or
 - (ii) serve to shorten the term of any member of the board.

Amended by Chapter 140, 2016 General Session

17B-1-303 Term of board of trustees members -- Oath of office -- Bond -- Notice of board member contact information.

- (1)
 - (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a board of trustees shall begin at noon on the January 1 following the member's election or appointment.
 - (b) The term of each member of the initial board of trustees of a newly created local district shall begin:
 - (i) upon appointment, for an appointed member; and
 - (ii) upon the member taking the oath of office after the canvass of the election at which the member is elected, for an elected member.
 - (c) The term of each water conservancy district board member appointed by the governor as provided in Subsection 17B-2a-1005(2)(c) shall:
 - (i) begin on the later of the following:
 - (A) the date on which the Senate consents to the appointment; or

- (B) the expiration date of the prior term; and
 - (ii) end on the February 1 that is approximately four years after the date described in Subsection (1)(c)(i)(A) or (B).
- (2)
- (a)
 - (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the term of each member of a board of trustees shall be four years, except that approximately half the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the board members expires every two years.
 - (ii)
 - (A) If the terms of members of the initial board of trustees of a newly created local district do not begin on January 1 because of application of Subsection (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in the terms of their successors complying with:
 - (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following a member's election or appointment; and
 - (II) the requirement under Subsection (2)(a)(i) that terms be four years.
 - (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or subtract more than a year from a member's term.
 - (b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.
 - (c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), or if the member's term expires without a duly elected or appointed successor:
 - (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
 - (ii) the member may continue to serve until a successor is duly elected or appointed and qualified.
- (3)
- (a)
 - (i) Before entering upon the duties of office, each member of a board of trustees shall take the oath of office specified in Utah Constitution Article IV, Section 10.
 - (ii) An oath of office may be administered by a judge, county clerk, notary public, or the local district clerk.
 - (b) Each oath of office shall be filed with the clerk of the local district.
 - (c) The failure of a board of trustees member to take the oath required by Subsection (3)(a) does not invalidate any official act of that member.
- (4) A board of trustees member is not limited in the number of terms the member may serve.
- (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees position shall be filled as provided in Section 20A-1-512.
- (6)
- (a) For purposes of this Subsection (6):
 - (i) "Appointed official" means a person who:
 - (A) is appointed as a member of a local district board of trustees by a county or municipality entitled to appoint a member to the board; and
 - (B) holds an elected position with the appointing county or municipality.
 - (ii) "Appointing entity" means the county or municipality that appointed the appointed official to the board of trustees.

- (b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed official if:
 - (i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing entity; and
 - (ii) the appointing entity submits a written request to the board to declare the vacancy.
 - (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing entity shall appoint another person to fill the remaining unexpired term on the board of trustees.
- (7)
- (a) Each member of a board of trustees shall give a bond for the faithful performance of the member's duties, in the amount and with the sureties prescribed by the board of trustees.
 - (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
- (8) The lieutenant governor may extend the term of an elected district board member by one year in order to compensate for a change in the election year under Subsection 17B-1-306(13).
- (9)
- (a) A local district shall:
 - (i) post on the Utah Public Notice Website created in Section 63F-1-701 the name, phone number, and email address of each member of the local district's board of trustees;
 - (ii) update the information described in Subsection (9)(a)(i) when:
 - (A) the membership of the board of trustees changes; or
 - (B) a member of the board of trustees' phone number or email address changes; and
 - (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day on which the change requiring the update occurs.
 - (b) This Subsection (9) applies regardless of whether the county or municipal legislative body also serves as the board of trustees of the local district.

Amended by Chapter 233, 2016 General Session

17B-1-304 Appointment procedures for appointed members.

- (1) The appointing authority may, by resolution, appoint persons to serve as members of a local district board by following the procedures established by this section.
- (2)
- (a) In any calendar year when appointment of a new local district board member is required, the appointing authority shall prepare a notice of vacancy that contains:
 - (i) the positions that are vacant that shall be filled by appointment;
 - (ii) the qualifications required to be appointed to those positions;
 - (iii) the procedures for appointment that the governing body will follow in making those appointments; and
 - (iv) the person to be contacted and any deadlines that a person shall meet who wishes to be considered for appointment to those positions.
 - (b) The appointing authority shall:
 - (i) post the notice of vacancy in four public places within the local district at least one month before the deadline for accepting nominees for appointment; and
 - (ii)
 - (A) publish the notice of vacancy:
 - (I) in a daily newspaper of general circulation within the local district for five consecutive days before the deadline for accepting nominees for appointment; or
 - (II) in a local weekly newspaper circulated within the local district in the week before the deadline for accepting nominees for appointment; and

- (B) in accordance with Section 45-1-101 for five days before the deadline for accepting nominees for appointment.
- (c) The appointing authority may bill the local district for the cost of preparing, printing, and publishing the notice.
- (3)
 - (a) Not sooner than two months after the appointing authority is notified of the vacancy, the appointing authority shall select a person to fill the vacancy from the applicants who meet the qualifications established by law.
 - (b) The appointing authority shall:
 - (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the appointment;
 - (ii) allow any interested persons to be heard; and
 - (iii) adopt a resolution appointing a person to the local district board.
 - (c) If no candidate for appointment to fill the vacancy receives a majority vote of the appointing authority, the appointing authority shall select the appointee from the two top candidates by lot.
- (4) Persons appointed to serve as members of the local district board serve four-year terms, but may be removed for cause at any time after a hearing by two-thirds vote of the appointing body.
- (5)
 - (a) At the end of each board member's term, the position is considered vacant and the appointing authority may either reappoint the old board member or appoint a new member after following the appointment procedures established in this section.
 - (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a successor is duly elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).
- (6) Notwithstanding any other provision of this section, if the appointing authority appoints one of its own members and that member meets all applicable statutory board member qualifications, the appointing authority need not comply with Subsection (2) or (3).

Amended by Chapter 377, 2014 General Session

17B-1-305 Notice of offices to be filled.

On or before February 1 of each election year in which board members of a local district are elected, the board of each local district required to participate in an election that year shall prepare and transmit to the clerk of each county in which any part of the district is located a written notice that:

- (1) designates the offices to be filled at that year's election; and
- (2) identifies the dates for filing a declaration of candidacy for those offices.

Amended by Chapter 362, 2014 General Session

17B-1-306 Local district board -- Election procedures.

- (1) Except as provided in Subsection (11), each elected board member shall be selected as provided in this section.
- (2)
 - (a) Each election of a local district board member shall be held:
 - (i) at the same time as the municipal general election or the regular general election, as applicable; and
 - (ii) at polling places designated by the local district board in consultation with the county clerk for each county in which the local district is located, which polling places shall coincide

with municipal general election or regular general election polling places, as applicable, whenever feasible.

(b) The local district board, in consultation with the county clerk, may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.

(c)

(i) Subject to Subsections (4)(f) and (g), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.

(ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

(3)

(a) The clerk of each local district with a board member position to be filled at the next municipal general election or regular general election, as applicable, shall provide notice of:

(i) each elective position of the local district to be filled at the next municipal general election or regular general election, as applicable;

(ii) the constitutional and statutory qualifications for each position; and

(iii) the dates and times for filing a declaration of candidacy.

(b) The notice required under Subsection (3)(a) shall be:

(i) posted in at least five public places within the local district at least 10 days before the first day for filing a declaration of candidacy; or

(ii)

(A) published in a newspaper of general circulation within the local district at least three but no more than 10 days before the first day for filing a declaration of candidacy; and

(B) published, in accordance with Section 45-1-101, for 10 days before the first day for filing a declaration of candidacy.

(4)

(a) To become a candidate for an elective local district board position, the prospective candidate shall file a declaration of candidacy in person with the local district, during office hours, within the candidate filing period for the applicable election year in which the election for the local district board is held.

(b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the filing time shall be extended until the close of normal office hours on the following regular business day.

(c)

(i) Before the filing officer may accept any declaration of candidacy, the filing officer shall:

(A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(B) require the candidate to state whether or not the candidate meets those requirements.

(ii) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy.

(iii) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy.

(d) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City of _____, County of _____, State of Utah, (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the office of board of trustees member for _____ (state the name

of the local district); that I am a candidate for that office to be voted upon at the next election, and I hereby request that my name be printed upon the official ballot for that election.

(Signed) _____

Subscribed and sworn to (or affirmed) before me by _____ on this _____ day of _____, _____.

(Signed) _____

(Clerk or Notary Public)"

- (e) Each person wishing to become a valid write-in candidate for an elective local district board position is governed by Section 20A-9-601.
- (f) If at least one person does not file a declaration of candidacy as required by this section, a person shall be appointed to fill that board position by following the procedures and requirements for appointment established in Section 20A-1-512.
- (g) If only one candidate files a declaration of candidacy and there is no write-in candidate who complies with Section 20A-9-601, the board, in accordance with Section 20A-1-206, may:
 - (i) consider the candidate to be elected to the position; and
 - (ii) cancel the election.
- (5)
 - (a) A primary election may be held if:
 - (i) the election is authorized by the local district board; and
 - (ii) the number of candidates for a particular local board position or office exceeds twice the number of persons needed to fill that position or office.
 - (b) The primary election shall be conducted:
 - (i) on the same date as the municipal primary election or the regular primary election, as applicable; and
 - (ii) according to the procedures for primary elections provided under Title 20A, Election Code.
- (6)
 - (a) Except as provided in Subsection (6)(c), within one business day after the deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate names to the clerk of each county in which the local district is located.
 - (b)
 - (i) Except as provided in Subsection (6)(c) and in accordance with Section 20A-6-305, the clerk of each county in which the local district is located and the local district clerk shall coordinate the placement of the name of each candidate for local district office in the nonpartisan section of the ballot with the appropriate election officer.
 - (ii) If consolidation of the local district election ballot with the municipal general election ballot or the regular general election ballot, as applicable, is not feasible, the local district board of trustees, in consultation with the county clerk, shall provide for a separate local district election ballot to be administered by poll workers at polling locations designated under Subsection (2).
 - (c)
 - (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
 - (ii)
 - (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall prescribe the form of the ballot for each board member election.
 - (B) Each ballot for an election of an irrigation district board member shall be in a nonpartisan format.

(C) The name of each candidate shall be placed on the ballot in the order specified under Section 20A-6-305.

- (7)
- (a) Each voter at an election for a board of trustees member of a local district shall:
 - (i) be a registered voter within the district, except for an election of:
 - (A) an irrigation district board of trustees member; or
 - (B) a basic local district board of trustees member who is elected by property owners; and
 - (ii) meet the requirements to vote established by the district.
 - (b) Each voter may vote for as many candidates as there are offices to be filled.
 - (c) The candidates who receive the highest number of votes are elected.
- (8) Except as otherwise provided by this section, the election of local district board members is governed by Title 20A, Election Code.
- (9)
- (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a local district board shall serve a four-year term, beginning at noon on the January 1 after the person's election.
 - (b) A person elected shall be sworn in as soon as practical after January 1.
- (10)
- (a) Except as provided in Subsection (10)(b), each local district shall reimburse the county or municipality holding an election under this section for the costs of the election attributable to that local district.
 - (b) Each irrigation district shall bear its own costs of each election it holds under this section.
- (11) This section does not apply to an improvement district that provides electric or gas service.
- (12) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.
- (13)
- (a) As used in this Subsection (13), "board" means:
 - (i) a local district board; or
 - (ii) the administrative control board of a special service district that has elected members on the board.
 - (b) A board may hold elections for membership on the board at a regular general election instead of a municipal general election if the board submits an application to the lieutenant governor that:
 - (i) requests permission to hold elections for membership on the board at a regular general election instead of a municipal general election; and
 - (ii) indicates that holding elections at the time of the regular general election is beneficial, based on potential cost savings, a potential increase in voter turnout, or another material reason.
 - (c) Upon receipt of an application described in Subsection (13)(b), the lieutenant governor may approve the application if the lieutenant governor concludes that holding the elections at the regular general election is beneficial based on the criteria described in Subsection (13)(b)(ii).
 - (d) If the lieutenant governor approves a board's application described in this section:
 - (i) all future elections for membership on the board shall be held at the time of the regular general election; and
 - (ii) the board may not hold elections at the time of a municipal general election unless the board receives permission from the lieutenant governor to hold all future elections for membership on the board at a municipal general election instead of a regular general election, under the same procedure, and by applying the same criteria, described in this Subsection (13).

Amended by Chapter 362, 2014 General Session
Amended by Chapter 377, 2014 General Session

17B-1-306.5 Dividing a local district into divisions.

- (1) Subject to Subsection (3), the board of trustees of a local district that has elected board members may, upon a vote of two-thirds of the members of the board, divide the local district, or the portion of the local district represented by elected board of trustees members, into divisions so that some or all of the elected members of the board of trustees may be elected by division rather than at large.
- (2) Subject to Subsection (3), the appointing authority of a local district that has appointed board members may, upon a vote of two-thirds of the members of the appointing authority, divide the local district, or the portion of the local district represented by appointed board members, into divisions so that some or all of the appointed members of the board of trustees may be appointed by division rather than at large.
- (3) Before dividing a local district into divisions or before changing the boundaries of divisions already established, the board of trustees under Subsection (1), or the appointing authority, under Subsection (2), shall:
 - (a) prepare a proposal that describes the boundaries of the proposed divisions; and
 - (b) hold a public hearing at which any interested person may appear and speak for or against the proposal.
- (4)
 - (a) The board of trustees or the appointing authority shall review the division boundaries at least every 10 years.
 - (b) Except for changes in the divisions necessitated by annexations to or withdrawals from the local district, the boundaries of divisions established under Subsection (1) or (2) may not be changed more often than every five years.
 - (c) Changes to the boundaries of divisions already established under Subsection (1) or (2) are not subject to the two-thirds vote requirement of Subsection (1) or (2).

Amended by Chapter 377, 2014 General Session

17B-1-307 Annual compensation -- Per diem compensation -- Participation in group insurance plan -- Reimbursement of expenses.

- (1)
 - (a) Except as provided in Subsection 17B-1-308(1)(e), a member of a board of trustees may receive compensation for service on the board, as determined by the board of trustees.
 - (b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per year.
 - (c)
 - (i) As determined by the board of trustees, a member of the board of trustees may participate in a group insurance plan provided to employees of the local district on the same basis as employees of the local district.
 - (ii) The amount that the local district pays to provide a member with coverage under a group insurance plan shall be included as part of the member's compensation for purposes of Subsection (1)(b).
 - (d) The amount that a local district pays employer-matching employment taxes, if a member of the board of trustees is treated as an employee for federal tax purposes, does not constitute compensation under Subsection (1).

- (2) In addition to the compensation provided under Subsection (1), the board of trustees may elect to allow a member to receive per diem and travel expenses for up to 12 meetings or activities per year 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.

Amended by Chapter 448, 2013 General Session

17B-1-308 Boards of trustees comprised of county or municipal legislative body members.

- (1) If a county or municipal legislative body by statute also serves as the board of trustees of a local district:
- (a) the board of trustees shall hold district meetings and keep district minutes, accounts, and other records separate from those of the county or municipality;
 - (b) subject to Subsection (2), the board of trustees may use, respectively, existing county or municipal facilities and personnel for district purposes;
 - (c) notwithstanding Subsections 17B-1-303(1) and (2), the term of office of each board of trustees member coincides with the member's term as a county or municipal legislative body member;
 - (d) each board of trustees member represents the district at large; and
 - (e) board members may not receive compensation for their service as board members in addition to compensation they receive as members of a county or municipal legislative body.
- (2) The county or municipal legislative body, as the case may be, shall charge the local district, and the local district shall pay to the county or municipality, a reasonable amount for:
- (a) the county or municipal facilities that the district uses; and
 - (b) except for services rendered by the county or municipal legislative body members, the services that the county or municipality renders to the local district.

Enacted by Chapter 329, 2007 General Session

17B-1-309 Board officers -- Term.

- (1)
- (a) The board of trustees shall elect from their number a chair and may elect other officers as the board considers appropriate.
 - (b) The offices of treasurer and clerk may not be held by the same person.
- (2) Each officer serves at the pleasure of the board of trustees, but the board may designate a set term for officers.

Renumbered and Amended by Chapter 329, 2007 General Session

17B-1-310 Quorum of board of trustees -- Meetings of the board.

- (1)
- (a)
 - (i) Except as provided in Subsection (1)(b), a majority of the board of trustees constitutes a quorum for the transaction of board business, and action by a majority of a quorum constitutes action of the board.
 - (ii) Except as otherwise required by law, an otherwise valid action of the board is not made invalid because of the method chosen by the board to take or memorialize the action.

- (b)
 - (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that require more than a majority to constitute a quorum or that require action by more than a majority of a quorum to constitute action by the board.
 - (ii) A board with five or more members may not adopt bylaws or rules that require a vote of more than two-thirds of the board to constitute board action except for a board action to dispose of real property owned by the local district.
- (2) The board of trustees shall hold such regular and special meetings as the board determines at a location that the board determines.
- (3)
 - (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4, Open and Public Meetings Act.
 - (b) Subject to Subsection (3)(c), a board of trustees shall:
 - (i) adopt rules of order and procedure to govern a public meeting of the board of trustees;
 - (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (3)(b)(i); and
 - (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available to the public:
 - (A) at each meeting of the board of trustees; and
 - (B) on the local district's public website, if available.
 - (c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 448, 2013 General Session

17B-1-311 Board member prohibited from district employment -- Exception.

- (1) No elected or appointed member of the board of trustees of a local district may, while serving on the board, be employed by the district, whether as an employee or under a contract.
- (2) No person employed by a local district, whether as an employee or under a contract, may serve on the board of that local district.
- (3) A local district is not in violation of a prohibition described in Subsection (1) or (2) if the local district:
 - (a) treats a member of a board of trustees as an employee for income tax purposes; and
 - (b) complies with the compensation limits of Section 17B-1-307 for purposes of that member.
- (4) This section does not apply to a local district if:
 - (a) fewer than 3,000 people live within 40 miles of the primary place of employment, measured over all weather public roads; and
 - (b) with respect to the employment of a board of trustees member under Subsection (1):
 - (i) the job opening has had reasonable public notice; and
 - (ii) the person employed is the best qualified candidate for the position.

Amended by Chapter 448, 2013 General Session

17B-1-312 Training for board members.

- (1)
 - (a) Each member of a board of trustees of a local district shall, within one year after taking office, complete the training described in Subsection (2).

- (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a local district takes office each time the member is elected or appointed to a new term, including an appointment to fill a midterm vacancy in accordance with Subsection 17B-1-303(5) or (6).
- (2) In conjunction with the Utah Association of Special Districts, the state auditor shall:
 - (a) develop a training curriculum for the members of local district boards; and
 - (b) with the assistance of other state offices and departments the state auditor considers appropriate and at times and locations established by the state auditor, carry out the training of members of local district boards.
- (3)
 - (a) A local district board of trustees may compensate each member of the board up to \$100 per day for each day of training described in Subsection (2) that the member completes.
 - (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other amounts of compensation and expense reimbursement authorized under this chapter.
 - (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board member more than once per year.
- (4) The state auditor shall issue a certificate of completion to each board member that completes the training described in Subsection (2).

Amended by Chapter 273, 2016 General Session

17B-1-313 Publication of notice of board resolution or action -- Contest period -- No contest after contest period.

- (1) After the board of trustees of a local district adopts a resolution or takes other action on behalf of the district, the board may provide for the publication of a notice of the resolution or other action.
- (2) Each notice under Subsection (1) shall:
 - (a) include, as the case may be:
 - (i) the language of the resolution or a summary of the resolution; or
 - (ii) a description of the action taken by the board;
 - (b) state that:
 - (i) any person in interest may file an action in district court to contest the regularity, formality, or legality of the resolution or action within 30 days after the date of publication; and
 - (ii) if the resolution or action is not contested by filing an action in district court within the 30-day period, no one may contest the regularity, formality, or legality of the resolution or action after the expiration of the 30-day period; and
 - (c) be published:
 - (i) in a newspaper that is published or has general circulation in the district; and
 - (ii) as required in Section 45-1-101.
- (3) For a period of 30 days after the date of the publication, any person in interest may contest the regularity, formality, or legality of the resolution or other action by filing an action in district court.
- (4) After the expiration of the 30-day period under Subsection (3), no one may contest the regularity, formality, or legality of the resolution or action for any cause.

Amended by Chapter 388, 2009 General Session

17B-1-314 Compelling attendance at board meetings.

The board of trustees of a local district may:

- (1) compel the attendance of its own members at its meetings; and
- (2) provide penalties it considers necessary for the failure to attend.

Enacted by Chapter 106, 2011 General Session