

Effective 5/13/2014

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