

17B-1-409 Public hearing on proposed annexation.

- (1) Except as provided in Sections 17B-1-413 and 17B-1-415, the board of trustees of each local district that certifies a petition that was filed under Subsection 17B-1-403(1)(a)(ii)(A) or (B), receives a resolution adopted under Subsection 17B-1-403(1)(b), or adopts a resolution under Subsection 17B-1-403(1)(c) shall hold a public hearing on the proposed annexation and provide notice of the hearing as provided in Section 17B-1-410.
- (2) Each public hearing under Subsection (1) shall be held:
 - (a) within 45 days after:
 - (i) if no notice to a county or municipal legislative body is required under Section 17B-1-406, petition certification under Section 17B-1-405; or
 - (ii) if notice is required under Section 17B-1-406, but no notice of intent is submitted by the deadline:
 - (A) expiration of the deadline under Subsection 17B-1-407(1) to submit a notice of intent; or
 - (B) termination of a suspension of the annexation proceeding under Subsection 17B-1-407(1) (b);
 - (b)
 - (i) for a local district located entirely within a single county:
 - (A) within or as close as practicable to the area proposed to be annexed; or
 - (B) at the local district office; or
 - (ii) for a local district located in more than one county:
 - (A)
 - (I) within the county in which the area proposed to be annexed is located; and
 - (II) within or as close as practicable to the area proposed to be annexed; or
 - (B) if the local district office is reasonably accessible to all residents within the area proposed to be annexed, at the local district office;
 - (c) on a weekday evening other than a holiday beginning no earlier than 6 p.m.; and
 - (d) for the purpose of allowing:
 - (i) the public to ask questions and obtain further information about the proposed annexation and issues raised by it; and
 - (ii) any interested person to address the board regarding the proposed annexation.
- (3) A quorum of the board of trustees of the proposed annexing local district shall be present throughout each public hearing held under this section.
- (4)
 - (a) After holding a public hearing under this section or, if no hearing is held because of application of Subsection 17B-1-413(2)(a)(ii), after expiration of the time under Subsection 17B-1-413(2)(a)(ii)(B) for requesting a hearing, the board of trustees may by resolution deny the annexation and terminate the annexation procedure if:
 - (i) for a proposed annexation initiated by a petition under Subsection 17B-1-403(1)(a)(i) or (ii), the board determines that:
 - (A) it is not feasible for the local district to provide service to the area proposed to be annexed; or
 - (B) annexing the area proposed to be annexed would be inequitable to the owners of real property or residents already within the local district; or
 - (ii) for a proposed annexation initiated by resolution under Subsection 17B-1-403(1)(b) or (c), the board determines not to pursue annexation.
 - (b) In each resolution adopted under Subsection (4)(a), the board shall set forth its reasons for denying the annexation.

Renumbered and Amended by Chapter 329, 2007 General Session