

***Effective 5/1/2024***

***Superseded 5/7/2025***

**17B-2a-1106 Municipal services district board of trustees -- Governance.**

- (1) Notwithstanding any other provision of law regarding the membership of a special district board of trustees, the initial board of trustees of a municipal services district shall consist of the county legislative body.
- (2)
  - (a) If, after the initial creation of a municipal services district, an area within the district is incorporated as a municipality as defined in Section 10-1-104 and the area is not withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area within the municipality is annexed into the municipal services district in accordance with Section 17B-2a-1103, the district's board of trustees shall be as follows:
    - (i) subject to Subsection (2)(b), a member of that municipality's governing body;
    - (ii) one member of the county council of the county in which the municipal services district is located; and
    - (iii) the total number of board members is not required to be an odd number.
  - (b) A member described in Subsection (2)(a)(i) shall be designated by the municipal legislative body.
- (3)
  - (a) As used in this Subsection (3):
    - (i) "District participant" means:
      - (A) the county that created a municipal services district under Section 17B-2a-1105; or
      - (B) a municipality that is part of the municipal services district.
    - (ii) "Proportionate amount" means, for each district participant, the amount that is attributable to the district participant in proportion to the total amount attributable to all district participants.
    - (iii) "Trigger date" means the earliest of:
      - (A) the effective date of an annexation of an unincorporated island, as defined in Section 10-2-429, that occurs under Title 10, Chapter 2, Part 4, Annexation, excluding an automatic annexation under Section 10-2-429;
      - (B) the effective date of an incorporation of a community council area, as defined in Section 10-2a-102; and
      - (C) the effective date of an automatic annexation under Section 10-2-429.
  - (b) For a board of trustees described in Subsection (2), each board member's vote is weighted:
    - (i) until the trigger date, using the proportion of the municipal services district population that resides:
      - (A) for each member described in Subsection (2)(a)(i), within that member's municipality; and
      - (B) for the member described in Subsection (2)(a)(ii), within the unincorporated county; and
    - (ii) beginning the trigger date:
      - (A) 60% according to the proportionate amount of the combined total of sales tax revenue and revenue for B and C roads under Section 72-2-108;
      - (B) 30% according to the proportionate amount of weighted mileage, as defined in Section 72-2-108; and
      - (C) 10% according to the proportionate amount of population.
- (4) The board may adopt a resolution providing for future board members to be appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.
- (5) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of trustees may adopt a resolution to determine the internal governance of the board.

- (6) The municipal services district and the county may enter into an agreement for the provision of legal services to the municipal services district.