

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Superseded 5/7/2025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an area within the district is incorporated as a municipality as defined in Section 10-1-104 and the area is not withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area within the municipality is annexed into the municipal services district in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.