

Effective 5/13/2014

Renumbered 1/24/2018

53A-18-102 Additional indebtedness -- Election -- Voter information pamphlet.

- (1) As used in this section:
 - (a) "Qualifying general obligation bond" means a bond:
 - (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and
 - (ii) authorized by an election held on or after July 1, 2014.
 - (b) "Voter information pamphlet" means the notification required by Section 11-14-202.
- (2) A local school board may require the qualified electors of the district to vote on a proposition as to whether to incur indebtedness, subject to conditions provided in Title 11, Chapter 14, Local Government Bonding Act, if:
 - (a) the debts of the district are equal to school taxes and other estimated revenues for the school year, and it is necessary to create and incur additional indebtedness in order to maintain and support schools within the district; or
 - (b) the local school board determines it advisable to issue school district bonds to purchase school sites, buildings, or furnishings or to improve existing school property.
- (3) A local school board shall specify, in the voter information pamphlet for a bond election, a plan of finance, including:
 - (a) the specific project or projects for which a bond is to be issued; and
 - (b) a priority designation for each project.
- (4) Except as provided in Subsection (5), a local school board shall ensure that qualifying general obligation bond proceeds are used to complete projects in accordance with the plan of finance described in Subsection (3).
- (5)
 - (a) After distribution to the public of the voter information pamphlet, with two-thirds majority approval of the local school board, a local school board may upon a determination of compelling circumstances adjust the plan of finance described in Subsection (3) by:
 - (i) changing the priority designation of a project;
 - (ii) adding a project that was not listed in the voter information pamphlet; or
 - (iii) removing a project that was listed in the voter information pamphlet.
 - (b) A local school board may not vote on more than one adjustment described in Subsection (5)
 - (a) per meeting.
- (6) For a qualifying general obligation bond, a local school board shall post on the local school board's website:
 - (a) the plan of finance as described in the voter information pamphlet; and
 - (b) a progress report detailing the status of the projects listed in the plan of finance, including:
 - (i) the status of any construction contracts related to a project;
 - (ii) the bid amount;
 - (iii) the estimated and actual construction start date;
 - (iv) the estimated and actual construction end date; and
 - (v) the final cost.
- (7)
 - (a) If a local school board violates Subsection (4), a registered voter in the school district may file an action for an extraordinary writ to prohibit the local school board from adjusting the plan of finance without obtaining the necessary local school board approval.
 - (b) If a registered voter prevails in an action under Subsection (7)(a), the court shall award reasonable costs and attorney fees to the registered voter.
 - (c) The action described in Subsection (7)(a) may not be used to challenge the validity of a bond.

