

Effective 5/10/2016

62A-5-202.5 Utah State Developmental Center Board -- Creation -- Membership -- Duties -- Powers.

- (1) There is created the Utah State Developmental Center Board within the Department of Human Services.
- (2) The board is composed of nine members as follows:
 - (a) the director of the division or the director's designee;
 - (b) the superintendent of the developmental center or the superintendent's designee;
 - (c) the executive director of the Department of Human Services or the executive director's designee;
 - (d) a resident of the developmental center selected by the superintendent; and
 - (e) five members appointed by the governor with the advice and consent of the Senate as follows:
 - (i) three members of the general public; and
 - (ii) two members who are parents or guardians of individuals who receive services at the developmental center.
- (3) In making appointments to the board, the governor shall ensure that:
 - (a) no more than three members have immediate family residing at the developmental center; and
 - (b) members represent a variety of geographic areas and economic interests of the state.
- (4)
 - (a) The governor shall appoint each member described in Subsection (2)(e) for a term of four years.
 - (b) An appointed member may not serve more than two full consecutive terms unless the governor determines that an additional term is in the best interest of the state.
 - (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of appointed members are staggered so that approximately half of the appointed members are appointed every two years.
 - (d) Appointed members shall continue in office until the expiration of their terms and until their successors are appointed, which may not exceed 120 days after the formal expiration of a term.
 - (e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (5)
 - (a) The director shall serve as the chair.
 - (b) The board shall appoint a member to serve as vice chair.
 - (c) The board shall hold meetings quarterly or as needed.
 - (d) Five members are necessary to constitute a quorum at any meeting, and, if a quorum exists, the action of the majority of members present shall be the action of the board.
 - (e) The chair shall be a non-voting member except that the chair may vote to break a tie vote between the voting members.
- (6) An appointed member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

- (7)
 - (a) The board shall adopt bylaws governing the board's activities.
 - (b) Bylaws shall include procedures for removal of a member who is unable or unwilling to fulfill the requirements of the member's appointment.
- (8) The board shall:
 - (a) act for the benefit of the developmental center and the division;
 - (b) advise and assist the division with the division's functions, operations, and duties related to the developmental center, described in Sections 62A-5-102, 62A-5-103, 62A-5-201, 62A-5-203, and 62A-5-206;
 - (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as described in Section 62A-5-206.5;
 - (d) administer the Utah State Developmental Center Land Fund, as described in Section 62A-5-206.6; and
 - (e) approve the sale, lease, or other disposition of real property or water rights associated with the developmental center, as described in Subsection 62A-5-206.6(5).

Enacted by Chapter 300, 2016 General Session