

1                                   **METROPOLITAN WATER DISTRICT BOARD**

2   **AMENDMENTS**

3   2001 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Carlene M. Walker**

6 **This act modifies provisions relating to Special Districts to modify the number and term of**  
7 **members of a metropolitan water district board of trustees and to repeal obsolete language**  
8 **relating to the status of board of trustees members serving at the time of a prior amendment.**

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11                   **17A-2-819**, as last amended by Chapter 254, Laws of Utah 2000

12 *Be it enacted by the Legislature of the state of Utah:*

13                   Section 1. Section **17A-2-819** is amended to read:

14                   **17A-2-819. Trustees -- Representation -- Voting -- Organization and membership**  
15 **-- Other provisions apply.**

16                   (1) The board of trustees shall be designated and appointed by the legislative body or  
17 bodies, respectively, of a city or cities the area of which is within a metropolitan water district.

18                   (2) If the district is organized to comprise the area of two or more cities, the board of  
19 trustees shall consist of at least one representative from each municipality, the area of which shall  
20 lie within the metropolitan water district. As a member of the board of trustees, each  
21 representative may vote on all questions, orders, resolutions, and ordinances coming before the  
22 board, and may cast one vote for each \$10,000,000, or major fractional part of that amount, of the  
23 taxable value of property taxable for district purposes in the city represented by the representative  
24 as shown by the assessment records of the county and evidenced by the certificate of the county  
25 auditor. Each city shall have at least one vote. In lieu of one representative any city may at its  
26 option designate and appoint several representatives not exceeding one additional representative  
27 for each \$1,000,000 of taxable value, but the representative shall cast the vote to which the city

28 would otherwise be entitled as a unit and as a majority of [~~such~~] the representatives present [~~shall~~  
29 ~~determine~~] determines. The affirmative vote of members representing more than 50% of the total  
30 number of votes of all the members shall be necessary and, except as otherwise provided, shall be  
31 sufficient to carry any order, resolution, or ordinance coming before the board of trustees. For the  
32 purposes of this section, the term "major fractional part" means a fractional part larger than 1/2.

33 (3) [~~If a district includes the area of only one municipality, the board of trustees may~~  
34 ~~consist of either five or seven members, as determined by the legislative body of the municipality.~~  
35 ~~Each trustee may cast one vote on all matters coming before the board.~~] The number of members  
36 of a board of trustees may not exceed the maximum number allowed under Subsection  
37 17B-2-402(1).

38 (4) Every member of the board of trustees of a metropolitan water district shall be a  
39 registered voter, a property taxpayer, and a resident of the municipality by the legislative body of  
40 which the member is appointed. In each municipality, the area of which is in a metropolitan water  
41 district, except in districts occupying the area of more than one city, one of the trustees appointed  
42 by its legislative body to the board of trustees shall be the commissioner of water supply and  
43 waterworks, or other comparable officer, however designated, who is in charge of the  
44 municipality's water supply and distribution system, if municipally owned, and who shall be  
45 known as the ex officio trustee. Except for the ex officio trustee, all other elected or appointed  
46 officers, or the employees of the municipality shall be ineligible for appointment to any district  
47 board; and except for the ex officio trustee, any member of the metropolitan water district board  
48 of trustees who at a time after appointment to the board becomes elected or appointed to office in,  
49 or who becomes an employee of, the municipality in which the member resides shall immediately  
50 become disqualified as a trustee and shall forfeit the office, and the legislative body of the  
51 municipality shall immediately appoint a successor to serve the unexpired portion of the term of  
52 office. The appointment of trustees by the legislative body of a municipality shall be made without  
53 regard to partisan political affiliations from among citizens of the highest integrity, attainment,  
54 competence, and standing in the community, and it is the intent of this part that each municipality  
55 shall adhere so far as possible to a policy of continuing reappointment, at the expiration of their  
56 terms of office, of trustees of high character and proven competence.

57 (5) Except as to an ex officio trustee, the terms of office of members of the board of  
58 trustees are as provided in Section 17B-2-403.

59           ~~[(6) Members of the board of trustees of any metropolitan water district who are serving~~  
60 ~~as such on the effective date of this amendment and who are otherwise qualified as provided in~~  
61 ~~Subsection (4), shall immediately be reappointed to office by the legislative body or bodies,~~  
62 ~~respectively, of the city or cities the area of which is included in a metropolitan water district, and~~  
63 ~~for the terms of office provided in Subsection (5).]~~

64           ~~[(7)]~~ (6) (a) The provisions of Title 17B, Chapter 2, Part 4, Board of Trustees, apply to  
65 each metropolitan water district to the same extent as if the metropolitan water district were a local  
66 district under Title 17B, Chapter 2, Local Districts.

67           (b) (i) If a change in the number of board of trustees members is necessary to comply with  
68 the requirements of Subsection 17B-2-402(1), the board of trustees may by majority vote,  
69 notwithstanding Subsection 17B-2-402(3), change the number of board members to the next odd  
70 number higher or lower than the number of current board members.

71           (ii) If a change under Subsection (7)(b)(i) decreases the number of board members, the  
72 change may not take effect until the expiration of the term of the member whose term next expires.

73           (iii) If a change in the number of board members necessitated by Subsection 17B-2-402(1)  
74 would cause the district to violate a provision of bonds issued by the district, the number of board  
75 members may be modified to the extent necessary to avoid a violation.

76           (c) (i) If a change in the expiration date of the term of a board of trustees member is  
77 necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board  
78 member whose term expires on a day other than the first Monday in January shall be extended to  
79 the first Monday in January after the normal expiration date ~~[next following the special district~~  
80 ~~election date under Section 17A-1-305].~~

81           (ii) If a change in the length of the term of a board of trustees member is necessary to  
82 comply with the requirements of Subsection 17B-2-403(2), the change may not take effect until  
83 the expiration of the term of the member whose term length is to be changed.

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## Legislative Review Note

as of 1-22-01 10:52 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel