

WATER CONSERVANCY DISTRICTS

TRUSTEES

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill modifies Special Districts provisions relating to boards of trustees of water conservancy districts.

Highlighted Provisions:

This bill:

▶ provides that for purposes of the selection of water conservancy district board of trustees nominees, a city located in multiple counties shall be considered to be in a single county.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17A-2-1409, as last amended by Chapter 176, Laws of Utah 2002

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

Section 1. Section **17A-2-1409** is amended to read:

17A-2-1409. Board of trustees -- Selection of members -- Number --

Qualifications -- Terms -- Vacancies -- Surety bonds -- Meetings -- Reports.

(1) (a) Within 45 days after entry of the decree incorporating the district, the board of trustees shall be selected as provided in this Subsection (1).

(b) For a district that consists of a single county, the county legislative body of that county shall appoint each trustee.

(c) (i) For a district that consists of more than a single county, the governor, with the consent of the Senate, shall appoint each trustee from nominees submitted as provided in this Subsection (1)(c).

(ii) (A) Except as provided in Subsection (1)(c)(ii)(B), in a division composed solely of incorporated cities, the legislative body of each city within the division shall submit two nominees per trustee.

(B) Notwithstanding Subsection (1)(c)(ii)(A), the legislative body of a city may submit fewer than two nominees per trustee if the legislative body certifies in writing to the governor that the legislative body is unable, after reasonably diligent effort, to identify two nominees who are willing and qualified to serve as trustee.

(iii) (A) Except as provided in Subsection (1)(c)(iii)(B), in all other divisions, the county legislative body of the county in which the division is located shall submit three nominees per trustee.

(B) Notwithstanding Subsection (1)(c)(iii)(A), the county legislative body may submit fewer than three nominees per trustee if the county legislative body certifies in writing to the governor that the county legislative body is unable, after reasonably diligent effort, to identify three nominees who are willing and qualified to serve as trustee.

(iv) If a trustee represents a division located in more than one county, the county governing bodies of those counties shall collectively compile the list of three nominees.

(v) For purposes of this Subsection (1)(c), a city that is located in more than one county shall be considered to be located in only the county in which more of the city area is located than in any other county.

(d) In districts where substantial water is allocated for irrigated agriculture, one trustee appointed in that district shall be a person who owns irrigation rights and uses those rights as part of that person's livelihood.

(2) (a) The court shall establish the number, representation, and votes of trustees for each

district in the decree creating the district. The board of trustees of the district shall consist of not more than 11 persons who are residents of the district. If the district consists of five or more counties, the board of trustees shall consist of not more than 21 persons who are residents of the district.

(b) At least 90 days before expiration of a trustee's term, the secretary of the board shall:

(i) give written notice of vacancies in any office of trustee and of the expiration date of terms of office of trustees to the county legislative body in single county districts and to the nominating entities and the governor in all other districts; and

(ii) publish the notice in a newspaper having general circulation.

(c) (i) Upon receipt of the notice of the expiration of a trustee's term or notice of a vacancy in the office of trustee, the legislative body of the city or the county legislative body, as the case may be, shall nominate candidates to fill the unexpired term of office pursuant to Subsection (1).

(ii) If the entity charged with nominating candidates for appointment by the governor has not submitted the list of nominees within 90 days after service of the notice, the governor shall make the appointment from qualified candidates without consultation with the legislative body of the city or the county legislative body.

(iii) If the governor fails to appoint, the incumbent shall continue to serve until a successor is appointed and qualified.

(iv) Appointment by the governor vests in the appointee, upon qualification, the authority to discharge the duties of trustee, subject only to the consent of the Senate.

(d) Each trustee shall hold office during the term for which appointed and until a successor is duly appointed and has qualified.

(3) Each trustee shall furnish a corporate surety bond at the expense of the district, in amount and form fixed and approved by the court, conditioned for the faithful performance of duties as a trustee.

(4) (a) A report of the business transacted during the preceding year by the district, including a financial report prepared by certified public accountants, shall be filed with:

- (i) the clerk of the district court;
- (ii) the governing bodies of counties with lands within the district; and
- (iii) cities charged with nominating trustees.

(b) No more than 14 days and no less than five days prior to the annual meeting, the district shall have published at least once in a newspaper having general circulation within the district:

- (i) a notice of the annual meeting; and
- (ii) the names of the trustees.

(c) The district shall have published a summary of its financial report in a newspaper having general circulation within the district. The summary shall be published no later than 30 days after the date the audit report required under Title 51, Chapter 2, Audits of Political Subdivisions, Interlocal Organizations and Other Local Entities, is required to be filed with the state auditor.

(d) Subsections (4)(b) and (c) do not apply to districts with annual revenues of less than \$1,000,000.