

1 **WATER CONSERVANCY DISTRICTS**

2 **TRUSTEES**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Howard A. Stephenson**

6

LONG TITLE

7 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

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

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **17A-2-1409**, as last amended by Chapter 176, Laws of Utah 2002

22

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

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

24 **17A-2-1409. Board of trustees -- Selection of members -- Number --**
25 **Qualifications -- Terms -- Vacancies -- Surety bonds -- Meetings -- Reports.**



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

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

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

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

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

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

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

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

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

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

57 (2) (a) The court shall establish the number, representation, and votes of trustees for
58 each district in the decree creating the district. The board of trustees of the district shall consist

59 of not more than 11 persons who are residents of the district. If the district consists of five or
60 more counties, the board of trustees shall consist of not more than 21 persons who are residents
61 of the district.

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

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

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

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

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

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

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

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

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

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

87 (i) the clerk of the district court;

88 (ii) the governing bodies of counties with lands within the district; and

89 (iii) cities charged with nominating trustees.

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

93 (i) a notice of the annual meeting; and

94 (ii) the names of the trustees.

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

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

Legislative Review Note

as of 2-2-04 9:32 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0187

Water Conservancy Districts Trustees

06-Feb-04

12:16 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst