

**SPECIAL SERVICE DISTRICT AUTHORITY**

**TO PROVIDE JAIL FACILITIES**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John G. Mathis**

Senate Sponsor: Kevin T. Van Tassell

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to special service districts that are authorized to provide jail facilities.

**Highlighted Provisions:**

This bill:

- ▶ modifies a provision authorizing a special service district to provide jail facilities so that it applies to all special service districts, not just those in a county of the first class; and

- ▶ limits application of certain administrative control board provisions to special service districts providing jail service that are established by counties of the first class.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17A-2-1304**, as last amended by Chapter 260, Laws of Utah 2005

**17A-2-1326**, as last amended by Chapter 83, Laws of Utah 2006

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

30 Section 1. Section **17A-2-1304** is amended to read:

31 **17A-2-1304. Establishing special service districts -- Improvement districts within**  
32 **special service districts.**

33 (1) (a) A county or a municipality may establish a special service district for the  
34 purpose of providing within the area of the special service district any of the following services  
35 or any combination of them:

- 36 (i) water;
- 37 (ii) sewerage;
- 38 (iii) drainage;
- 39 (iv) flood control;
- 40 (v) garbage;
- 41 (vi) health care;
- 42 (vii) transportation;
- 43 (viii) recreation;
- 44 (ix) fire protection and, if fire protection services are provided, emergency medical or  
45 ambulance or both;
- 46 (x) ~~[in a county of the first class,]~~ providing, operating, and maintaining jail facilities  
47 for the confinement of municipal, state, and other detainees and prisoners;
- 48 (xi) street lighting;
- 49 (xii) consolidated 911 and emergency dispatch;
- 50 (xiii) animal shelter and control; and
- 51 (xiv) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease  
52 Funds, and expending those funds on economic development activities that:
  - 53 (A) promote the creation of jobs; and
  - 54 (B) do not compete with existing retail establishments within the special service  
55 district.

56 (b) Snow removal services may be provided in special service districts established  
57 under this section to more effectively carry out the purposes of those special service districts.

58 (c) These services may be provided through facilities or systems acquired or  
59 constructed for that purpose through construction, purchase, lease, contract, gift, or  
60 condemnation or any combination of the above.

61 (d) Special service districts may contract with a franchised, certificated public utility  
62 for the construction and operation of an electrical service distribution system within the special  
63 service district.

64 (2) (a) The area within any special service district may include all or any part of the  
65 county or municipality that established it except that:

66 (i) a special service district may not include the area of any other special service district  
67 established by the same county or municipality that is now providing the same service  
68 proposed to be supplied by the new special service district;

69 (ii) a special service district established by a county may contain all or a part of any  
70 municipality or of an existing improvement district that provides the same service proposed to  
71 be provided by the special service district, but only with the consent of the governing authority  
72 as provided in a resolution or ordinance adopted by the governing authority; and

73 (iii) a special service district may not include any area not directly benefitted by the  
74 services provided under this section without the consent of the nonbenefitted landowner.

75 (b) All parts of a special service district need not be contiguous.

76 (3) (a) As provided in Section 17A-2-1315, the governing authority of any special  
77 service district created under this part may create one or more improvement districts within the  
78 boundaries of the special service district by following the procedures in, and meeting the  
79 requirements of, Chapter 3, Part 2, County Improvement District Act, or Part 3, Utah  
80 Municipal Improvement District Act.

81 (b) The intent to create an improvement district need not be present at the time a  
82 special service district is organized.

83 (c) Any improvement district created within the boundaries of a special service district  
84 may only be organized to undertake projects or improvements for which the special service  
85 district creating that improvement district was organized.

86 (d) The special service district shall meet all procedural requirements for creating an  
87 improvement district at the time the improvement district is created, as provided in Section  
88 17A-2-1315 and in Chapter 3, Part 2, County Improvement District Act, or Part 3, Utah  
89 Municipal Improvement District Act.

90 (e) In determining whether or not a project or improvement undertaken by an  
91 improvement district is within the scope of the purposes for which the special service district  
92 creating that improvement district was organized, any project or improvement reasonably  
93 related to the purposes for which the special service district creating that improvement district  
94 was organized is considered to be within the scope of those purposes.

95 (4) The creation of a special service district to provide jail services as provided in  
96 Subsection (1)(a)(x) does not affect the ability of a municipality under Section 10-8-58 to  
97 provide, operate, and maintain facilities for the temporary incarceration, not to exceed 72  
98 hours, of persons charged with the violation of a municipal ordinance.

99 Section 2. Section **17A-2-1326** is amended to read:

100 **17A-2-1326. Administrative control board -- Powers -- Compensation.**

101 (1) (a) The legislative body of a municipality or county that has established a special  
102 service district may, by resolution adopted at the time of the establishment or at any time  
103 afterwards, create an administrative control board for the special service district.

104 (b) (i) Except as provided in Subsection (1)(f), each administrative control board shall  
105 consist of at least three and no more than seven persons.

106 (ii) (A) If a county establishes a service district that includes all or part of one or more  
107 municipalities or one or more improvement districts organized under Title 17A, Chapter 2, Part  
108 3, County Improvement Districts for Water, Sewerage, Flood Control, Electric, and Gas, to  
109 provide the same service as the service district, the municipality or improvement district may  
110 appoint one member to represent it on any administrative control board created.

111 (B) A member appointed under Subsection (1)(b)(ii)(A) may, but need not, be a  
112 qualified elector of the service district.

113 (c) (i) If a service district is providing commodities, services, or facilities to an

114 institution of higher education, that institution may appoint the number of members necessary  
115 to assure that it has at least 1/3 of the total of the board members to represent it on the board.

116 (ii) Members appointed under Subsection (1)(c)(i) may, but need not, be qualified  
117 electors of the service district.

118 (d) The number of members of the administrative control board shall be increased by  
119 the number of improvement district, municipal, or institution of higher education members  
120 appointed.

121 (e) (i) Except as provided in Subsections (1)(b)(ii)(B), (c)(ii), and (e)(ii), each member  
122 of an administrative control board shall be a qualified elector of the service district.

123 (ii) A member of an administrative control board may be other than a qualified elector  
124 of the service district if at least 90% of the owners of property located within the service  
125 district are not qualified electors of the service district.

126 (f) Notwithstanding Subsection (1)(b), [~~each administrative control board of~~] if a  
127 special service district [~~that~~] established by a county of the first class provides jail services as  
128 provided in Subsection 17A-2-1304(1)(a)(x), the administrative control board of that special  
129 service district shall consist of nine members, three of whom shall be selected from a list of at  
130 least six recommendations from the county sheriff, three of whom shall be selected from a list  
131 of at least six recommendations from the municipalities within the county, and three of whom  
132 shall be selected from a list of at least six recommendations from the county executive.

133 (2) Members of the administrative control board other than improvement district,  
134 municipal, or institution of higher education members shall be either appointed or elected as  
135 provided in Title 17A, Chapter 1, Part 3, Special District Board Selection Procedures.

136 (3) (a) If a service district was established to provide either water or sewerage service  
137 or both, the governing authority may by resolution adopted at or after the time of establishment,  
138 or if the service district was established before March 29, 1983, or within 90 days after that  
139 date, create an administrative control board according to Subsection (1).

140 (b) A resolution creating a service district for water or sewerage purposes adopted  
141 under Section 17A-2-1305 after March 29, 1983, shall identify all existing water and sewerage

142 districts within the area of the proposed service district.

143 (4) (a) One-half of the members initially elected or appointed shall serve two-year  
144 terms and 1/2 shall serve four year terms.

145 (b) The initial terms shall be determined by lot.

146 (5) (a) The legislative body of the municipality or county that established the service  
147 district may, by resolution, delegate any of its powers to the administrative control board,  
148 including the power to act as the governing authority of the service district and to exercise all  
149 or any of the powers provided for in Sections 17A-2-1314, 17A-2-1316, 17A-2-1320, and  
150 17A-2-1321.

151 (b) Notwithstanding anything to the contrary in this part, the legislative body of the  
152 municipality or county may not delegate the power to:

153 (i) levy a tax on the taxable property of the service district;

154 (ii) issue bonds payable from taxes;

155 (iii) call or hold an election for the authorization of the tax or bonds;

156 (iv) levy assessments;

157 (v) issue interim warrants or bonds payable from those assessments; or

158 (vi) appoint a board of equalization under Section 17A-3-217 or Section 17A-3-317.

159 (6) The county or municipal legislative body that created the district may revoke in  
160 whole or in part any power or authority delegated to an administrative control board or other  
161 officers or employees.

162 (7) Administrative control board members may receive compensation and  
163 reimbursement of expenses as provided in Section 17B-2-404 to the same extent as if they were  
164 members of a board of trustees of a local district.

165 (8) If [~~a county~~] the legislative body of a county of the first class establishes an  
166 administrative control board under this section for a special service district that provides jail  
167 service as provided in Subsection 17A-2-1304(1)(a)(x), the administrative control board may  
168 review and approve any amount charged to the special service district as reimbursement to the  
169 county for services provided under Subsection 17A-2-1314(1)(g) before the amount is included

170 in the special service district budget.