

IMPROVEMENT DISTRICT BOARD

MEMBERSHIP

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill amends the board of trustees membership requirements for an improvement district.

Highlighted Provisions:

This bill:

- ▶ amends the board of trustees membership requirements for an improvement district; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-2a-404, as last amended by Laws of Utah 2008, Chapter 360

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

Section 1. Section **17B-2a-404** is amended to read:

17B-2a-404. Improvement district board of trustees.

(1) As used in this section:

- (a) "County district" means an improvement district that does not include within its

30 boundaries any territory of a municipality.

31 (b) "County member" means a member of a board of trustees of a county district.

32 (c) "Electric district" means an improvement district that was created for the purpose
33 of providing electric service.

34 (d) "Included municipality" means a municipality whose boundaries are entirely
35 contained within but do not coincide with the boundaries of an improvement district.

36 (e) "Municipal district" means an improvement district whose boundaries coincide
37 with the boundaries of a single municipality.

38 (f) "Regular district" means an improvement district that is not a county district,
39 electric district, or municipal district.

40 (g) "Remaining area" means the area of a regular district that:

41 (i) is outside the boundaries of an included municipality; and

42 (ii) includes the area of an included municipality whose legislative body elects, under
43 Subsection (4)(a)(ii), not to appoint a member to the board of trustees of the regular district.

44 (h) "Remaining area member" means a member of a board of trustees of a regular
45 district who is appointed, or, if applicable, elected to represent the remaining area of the
46 district.

47 (2) The legislative body of the municipality included within a municipal district may:

48 (a) elect, at the time of the creation of the district, to be the board of trustees of the
49 district; and

50 (b) adopt at any time a resolution providing for:

51 (i) the election of board of trustees members, as provided in Section 17B-1-306; or

52 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

53 (3) The legislative body of a county whose unincorporated area is partly or completely
54 within a county district may:

55 (a) elect, at the time of the creation of the district, to be the board of trustees of the
56 district; and

57 (b) adopt at any time a resolution providing for:

58 (i) the election of board of trustees members, as provided in Section 17B-1-306; or
59 (ii) the appointment of board of trustees members, as provided in Section 17B-1-304.

60 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), the legislative body of each
61 included municipality shall each appoint one member to the board of trustees of a regular
62 district.

63 (ii) The legislative body of an included municipality may elect not to appoint a
64 member to the board under Subsection (4)(a)(i).

65 (b) Except as provided in Subsection (5), the legislative body of each county whose
66 boundaries include a remaining area shall appoint all other members to the board of trustees of
67 a regular district.

68 (5) Each remaining area member of a regular district and each county member of a
69 county district shall be elected, as provided in Section 17B-1-306, if:

70 (a) the petition or resolution initiating the creation of the district provides for
71 remaining area or county members to be elected;

72 (b) the district holds an election to approve the district's issuance of bonds;

73 (c) for a regular district, an included municipality elects, under Subsection
74 ~~[(4)(a)(i)(B)]~~ (4)(a)(ii), not to appoint a member to the board of trustees; or

75 (d) (i) at least 90 days before the municipal general election, a petition is filed with the
76 district's board of trustees requesting remaining area members or county members, as the case
77 may be, to be elected; and

78 (ii) the petition is signed by registered voters within the remaining area or county
79 district, as the case may be, equal in number to at least 10% of the number of registered voters
80 within the remaining area or county district, respectively, who voted in the last gubernatorial
81 election.

82 (6) Subject to Section 17B-1-302, the number of members of a board of trustees of a
83 regular district shall be:

84 (a) the number of included municipalities within the district, if:

85 (i) the number is an odd number; and

86 (ii) the district does not include a remaining area;

87 (b) the number of included municipalities plus one, if the number of included
88 municipalities within the district is even; and

89 (c) the number of included municipalities plus two, if:

90 (i) the number of included municipalities is odd; and

91 (ii) the district includes a remaining area.

92 (7) (a) Except as provided in Subsection (7)(b), each remaining area member of the
93 board of trustees of a regular district shall reside within the remaining area.

94 (b) Notwithstanding Subsection (7)(a)[;] and subject to Subsection (7)(c), each
95 remaining area member shall be chosen from the district at large if:

96 (i) the population of the remaining area is less than 5% of the total district population[;
97 ~~each remaining area member shall be chosen from the district at large.]; or~~

98 (ii) (A) the population of the remaining area is less than 50% of the total district
99 population; and

100 (B) the majority of the members of the board of trustees are remaining area members.

101 (c) Application of Subsection (7)(b) may not prematurely shorten the term of any
102 remaining area member serving the remaining area member's elected or appointed term on
103 May 11, 2010.

104 (8) If the election of remaining area or county members of the board of trustees is
105 required because of a bond election, as provided in Subsection (5)(b):

106 (a) a person may file a declaration of candidacy if:

107 (i) the person resides within:

108 (A) the remaining area, for a regular district; or

109 (B) the county district, for a county district; and

110 (ii) otherwise qualifies as a candidate;

111 (b) the board of trustees shall, if required, provide a ballot separate from the bond
112 election ballot, containing the names of candidates and blanks in which a voter may write
113 additional names; and

- 114 (c) the election shall otherwise be governed by Title 20A, Election Code.
- 115 (9) (a) (i) This Subsection (9) applies to the board of trustees members of an electric
- 116 district.
- 117 (ii) Subsections (2) through (8) do not apply to an electric district.
- 118 (b) The legislative body of the county in which an electric district is located may
- 119 appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.
- 120 (c) After the initial board of trustees is appointed as provided in Subsection (9)(b),
- 121 each member of the board of trustees of an electric district shall be elected by persons using
- 122 electricity from and within the district.
- 123 (d) Each member of the board of trustees of an electric district shall be a user of
- 124 electricity from the district and, if applicable, the division of the district from which elected.
- 125 (e) The board of trustees of an electric district may be elected from geographic
- 126 divisions within the district.
- 127 (f) A municipality within an electric district is not entitled to automatic representation
- 128 on the board of trustees.