

**Representative Melvin R. Brown** proposes the following substitute bill:

**PUBLIC BODY RULES OF PROCEDURE**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Melvin R. Brown**

Senate Sponsor: Lyle W. Hillyard

---

**LONG TITLE**

**General Description:**

This bill requires that a political subdivision adopt rules of order and procedure.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires that the following adopt and conduct a public meeting in accordance with rules of order and procedure:
  - a municipal legislative body;
  - a municipal planning commission;
  - a county planning commission;
  - a county legislative body;
  - a local district board of trustees; and
  - a local school board; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **10-9a-103**, as last amended by Laws of Utah 2010, Chapters 269 and 330
- 29 **10-9a-301**, as renumbered and amended by Laws of Utah 2005, Chapter 254
- 30 **17-27a-103**, as last amended by Laws of Utah 2010, Chapters 269 and 330
- 31 **17-27a-301**, as last amended by Laws of Utah 2008, Chapter 250
- 32 **17-53-206**, as last amended by Laws of Utah 2006, Chapter 14
- 33 **17B-1-102**, as last amended by Laws of Utah 2010, Chapter 254
- 34 **17B-1-310**, as renumbered and amended by Laws of Utah 2007, Chapter 329

35 ENACTS:

36 **53A-3-102**, Utah Code Annotated 1953

37 REPEALS AND REENACTS:

38 **10-3-606**, as enacted by Laws of Utah 1977, Chapter 48



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

41 Section 1. Section **10-3-606** is repealed and reenacted to read:

42 **10-3-606. Rules of order and procedure.**

43 (1) As used in this section, "rules of order and procedure" means a set of rules that  
44 govern and prescribe in a public meeting:

45 (a) parliamentary order and procedure;

46 (b) ethical behavior; and

47 (c) civil discourse.

48 (2) (a) Subject to Subsection (2)(b), a municipal legislative body shall:

49 (i) adopt rules of order and procedure to govern a public meeting of the legislative  
50 body;

51 (ii) conduct a public meeting in accordance with the rules of order and procedure  
52 described in Subsection (2)(a)(i); and

53 (iii) make the rules of order and procedure described in Subsection (2)(a)(i) available  
54 to the public;

55 (A) at each meeting of the municipal legislative body; and

56 (B) on the municipality's public web site, if available.

57           (b) Subsection (2)(a) does not affect a municipal legislative body's duty to comply with  
58 Title 52, Chapter 4, Open and Public Meetings Act.

59           Section 2. Section **10-9a-103** is amended to read:

60           **10-9a-103. Definitions.**

61           As used in this chapter:

62           (1) "Affected entity" means a county, municipality, local district, special service  
63 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
64 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
65 public utility, a property owner, a property owners association, or the Utah Department of  
66 Transportation, if:

67           (a) the entity's services or facilities are likely to require expansion or significant  
68 modification because of an intended use of land;

69           (b) the entity has filed with the municipality a copy of the entity's general or long-range  
70 plan; or

71           (c) the entity has filed with the municipality a request for notice during the same  
72 calendar year and before the municipality provides notice to an affected entity in compliance  
73 with a requirement imposed under this chapter.

74           (2) "Appeal authority" means the person, board, commission, agency, or other body  
75 designated by ordinance to decide an appeal of a decision of a land use application or a  
76 variance.

77           (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
78 residential property if the sign is designed or intended to direct attention to a business, product,  
79 or service that is not sold, offered, or existing on the property where the sign is located.

80           (4) "Charter school" includes:

81           (a) an operating charter school;

82           (b) a charter school applicant that has its application approved by a chartering entity in  
83 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

84           (c) an entity who is working on behalf of a charter school or approved charter applicant  
85 to develop or construct a charter school building.

86           (5) "Conditional use" means a land use that, because of its unique characteristics or  
87 potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be

88 compatible in some areas or may be compatible only if certain conditions are required that  
89 mitigate or eliminate the detrimental impacts.

90 (6) "Constitutional taking" means a governmental action that results in a taking of  
91 private property so that compensation to the owner of the property is required by the:

- 92 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- 93 (b) Utah Constitution Article I, Section 22.

94 (7) "Culinary water authority" means the department, agency, or public entity with  
95 responsibility to review and approve the feasibility of the culinary water system and sources for  
96 the subject property.

97 (8) "Development activity" means:

- 98 (a) any construction or expansion of a building, structure, or use that creates additional  
99 demand and need for public facilities;
- 100 (b) any change in use of a building or structure that creates additional demand and need  
101 for public facilities; or
- 102 (c) any change in the use of land that creates additional demand and need for public  
103 facilities.

104 (9) (a) "Disability" means a physical or mental impairment that substantially limits one  
105 or more of a person's major life activities, including a person having a record of such an  
106 impairment or being regarded as having such an impairment.

107 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
108 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
109 802.

110 (10) "Educational facility":

111 (a) means:

- 112 (i) a school district's building at which pupils assemble to receive instruction in a  
113 program for any combination of grades from preschool through grade 12, including  
114 kindergarten and a program for children with disabilities;
- 115 (ii) a structure or facility:
  - 116 (A) located on the same property as a building described in Subsection (10)(a)(i); and
  - 117 (B) used in support of the use of that building; and
- 118 (iii) a building to provide office and related space to a school district's administrative

119 personnel; and

120 (b) does not include land or a structure, including land or a structure for inventory  
121 storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or  
122 similar use that is:

123 (i) not located on the same property as a building described in Subsection (10)(a)(i);  
124 and

125 (ii) used in support of the purposes of a building described in Subsection (10)(a)(i).

126 (11) "Elderly person" means a person who is 60 years old or older, who desires or  
127 needs to live with other elderly persons in a group setting, but who is capable of living  
128 independently.

129 (12) "Fire authority" means the department, agency, or public entity with responsibility  
130 to review and approve the feasibility of fire protection and suppression services for the subject  
131 property.

132 (13) "Flood plain" means land that:

133 (a) is within the 100-year flood plain designated by the Federal Emergency  
134 Management Agency; or

135 (b) has not been studied or designated by the Federal Emergency Management Agency  
136 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
137 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
138 Federal Emergency Management Agency.

139 (14) "General plan" means a document that a municipality adopts that sets forth general  
140 guidelines for proposed future development of the land within the municipality.

141 (15) "Geologic hazard" means:

142 (a) a surface fault rupture;

143 (b) shallow groundwater;

144 (c) liquefaction;

145 (d) a landslide;

146 (e) a debris flow;

147 (f) unstable soil;

148 (g) a rock fall; or

149 (h) any other geologic condition that presents a risk:

- 150 (i) to life;
- 151 (ii) of substantial loss of real property; or
- 152 (iii) of substantial damage to real property.
- 153 (16) "Hookup fee" means a fee for the installation and inspection of any pipe, line,
- 154 meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other
- 155 utility system.
- 156 (17) "Identical plans" means building plans submitted to a municipality that are
- 157 substantially identical to building plans that were previously submitted to and reviewed and
- 158 approved by the municipality and describe a building that is:
  - 159 (a) located on land zoned the same as the land on which the building described in the
  - 160 previously approved plans is located; and
  - 161 (b) subject to the same geological and meteorological conditions and the same law as
  - 162 the building described in the previously approved plans.
- 163 (18) "Impact fee" means a payment of money imposed under Title 11, Chapter 36,
- 164 Impact Fees Act.
- 165 (19) "Improvement assurance" means a surety bond, letter of credit, cash, or other
- 166 security:
  - 167 (a) to guaranty the proper completion of an improvement;
  - 168 (b) that is required as a condition precedent to:
    - 169 (i) recording a subdivision plat; or
    - 170 (ii) beginning development activity; and
  - 171 (c) that is offered to a land use authority to induce the land use authority, before actual
  - 172 construction of required improvements, to:
    - 173 (i) consent to the recording of a subdivision plat; or
    - 174 (ii) issue a permit for development activity.
- 175 (20) "Improvement assurance warranty" means a promise that the materials and
- 176 workmanship of improvements:
  - 177 (a) comport with standards that the municipality has officially adopted; and
  - 178 (b) will not fail in any material respect within a warranty period.
- 179 (21) "Internal lot restriction" means a platted note, platted demarcation, or platted
- 180 designation that:

181 (a) runs with the land; and

182 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
183 the plat; or

184 (ii) designates a development condition that is enclosed within the perimeter of a lot  
185 described on the plat.

186 (22) "Land use application" means an application required by a municipality's land use  
187 ordinance.

188 (23) "Land use authority" means a person, board, commission, agency, or other body  
189 designated by the local legislative body to act upon a land use application.

190 (24) "Land use ordinance" means a planning, zoning, development, or subdivision  
191 ordinance of the municipality, but does not include the general plan.

192 (25) "Land use permit" means a permit issued by a land use authority.

193 (26) "Legislative body" means the municipal council.

194 (27) "Local district" means an entity under Title 17B, Limited Purpose Local  
195 Government Entities - Local Districts, and any other governmental or quasi-governmental  
196 entity that is not a county, municipality, school district, or the state.

197 (28) "Lot line adjustment" means the relocation of the property boundary line in a  
198 subdivision between two adjoining lots with the consent of the owners of record.

199 (29) "Moderate income housing" means housing occupied or reserved for occupancy  
200 by households with a gross household income equal to or less than 80% of the median gross  
201 income for households of the same size in the county in which the city is located.

202 (30) "Nominal fee" means a fee that reasonably reimburses a municipality only for time  
203 spent and expenses incurred in:

204 (a) verifying that building plans are identical plans; and

205 (b) reviewing and approving those minor aspects of identical plans that differ from the  
206 previously reviewed and approved building plans.

207 (31) "Noncomplying structure" means a structure that:

208 (a) legally existed before its current land use designation; and

209 (b) because of one or more subsequent land use ordinance changes, does not conform  
210 to the setback, height restrictions, or other regulations, excluding those regulations, which  
211 govern the use of land.

212 (32) "Nonconforming use" means a use of land that:  
213 (a) legally existed before its current land use designation;  
214 (b) has been maintained continuously since the time the land use ordinance governing  
215 the land changed; and  
216 (c) because of one or more subsequent land use ordinance changes, does not conform  
217 to the regulations that now govern the use of the land.

218 (33) "Official map" means a map drawn by municipal authorities and recorded in a  
219 county recorder's office that:

220 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
221 highways and other transportation facilities;

222 (b) provides a basis for restricting development in designated rights-of-way or between  
223 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
224 the land; and

225 (c) has been adopted as an element of the municipality's general plan.

226 (34) "Person" means an individual, corporation, partnership, organization, association,  
227 trust, governmental agency, or any other legal entity.

228 (35) "Plan for moderate income housing" means a written document adopted by a city  
229 legislative body that includes:

230 (a) an estimate of the existing supply of moderate income housing located within the  
231 city;

232 (b) an estimate of the need for moderate income housing in the city for the next five  
233 years as revised biennially;

234 (c) a survey of total residential land use;

235 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
236 income housing; and

237 (e) a description of the city's program to encourage an adequate supply of moderate  
238 income housing.

239 (36) "Plat" means a map or other graphical representation of lands being laid out and  
240 prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.

241 (37) "Potential geologic hazard area" means an area that:

242 (a) is designated by a Utah Geological Survey map, county geologist map, or other



243 relevant map or report as needing further study to determine the area's potential for geologic  
244 hazard; or

245 (b) has not been studied by the Utah Geological Survey or a county geologist but  
246 presents the potential of geologic hazard because the area has characteristics similar to those of  
247 a designated geologic hazard area.

248 (38) "Public agency" means:

249 (a) the federal government;

250 (b) the state;

251 (c) a county, municipality, school district, local district, special service district, or other  
252 political subdivision of the state; or

253 (d) a charter school.

254 (39) "Public hearing" means a hearing at which members of the public are provided a  
255 reasonable opportunity to comment on the subject of the hearing.

256 (40) "Public meeting" means a meeting that is required to be open to the public under  
257 Title 52, Chapter 4, Open and Public Meetings Act.

258 (41) "Record of survey map" means a map of a survey of land prepared in accordance  
259 with Section 17-23-17.

260 (42) "Receiving zone" means an area of a municipality that the municipality's land use  
261 authority designates as an area in which an owner of land may receive transferrable  
262 development rights.

263 (43) "Residential facility for elderly persons" means a single-family or multiple-family  
264 dwelling unit that meets the requirements of Section 10-9a-516, but does not include a health  
265 care facility as defined by Section 26-21-2.

266 (44) "Residential facility for persons with a disability" means a residence:

267 (a) in which more than one person with a disability resides; and

268 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
269 Chapter 2, Licensure of Programs and Facilities; or

270 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
271 Health Care Facility Licensing and Inspection Act.

272 (45) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
273 public meeting:

274 (a) parliamentary order and procedure;

275 (b) ethical behavior; and

276 (c) civil discourse.

277 [~~45~~] (46) "Sanitary sewer authority" means the department, agency, or public entity  
278 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
279 wastewater systems.

280 [~~46~~] (47) "Sending zone" means an area of a municipality that the municipality's land  
281 use authority designates as an area from which an owner of land may transfer transferrable  
282 development rights to an owner of land in a receiving zone.

283 [~~47~~] (48) "Specified public agency" means:

284 (a) the state;

285 (b) a school district; or

286 (c) a charter school.

287 [~~48~~] (49) "Specified public utility" means an electrical corporation, gas corporation,  
288 or telephone corporation, as those terms are defined in Section 54-2-1.

289 [~~49~~] (50) "State" includes any department, division, or agency of the state.

290 [~~50~~] (51) "Street" means a public right-of-way, including a highway, avenue,  
291 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
292 or other way.

293 [~~51~~] (52) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
294 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
295 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
296 installment plan or upon any and all other plans, terms, and conditions.

297 (b) "Subdivision" includes:

298 (i) the division or development of land whether by deed, metes and bounds description,  
299 devise and testacy, map, plat, or other recorded instrument; and

300 (ii) except as provided in Subsection [~~51~~] (52)(c), divisions of land for residential and  
301 nonresidential uses, including land used or to be used for commercial, agricultural, and  
302 industrial purposes.

303 (c) "Subdivision" does not include:

304 (i) a bona fide division or partition of agricultural land for the purpose of joining one of

305 the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if  
306 neither the resulting combined parcel nor the parcel remaining from the division or partition  
307 violates an applicable land use ordinance;

308 (ii) a recorded agreement between owners of adjoining unsubdivided properties  
309 adjusting their mutual boundary if:

310 (A) no new lot is created; and

311 (B) the adjustment does not violate applicable land use ordinances;

312 (iii) a recorded document, executed by the owner of record:

313 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
314 property into one legal description encompassing all such parcels of property; or

315 (B) joining a subdivided parcel of property to another parcel of property that has not  
316 been subdivided, if the joinder does not violate applicable land use ordinances;

317 (iv) a recorded agreement between owners of adjoining subdivided properties adjusting  
318 their mutual boundary if:

319 (A) no new dwelling lot or housing unit will result from the adjustment; and

320 (B) the adjustment will not violate any applicable land use ordinance; or

321 (v) a bona fide division or partition of land by deed or other instrument where the land  
322 use authority expressly approves in writing the division in anticipation of further land use  
323 approvals on the parcel or parcels.

324 (d) The joining of a subdivided parcel of property to another parcel of property that has  
325 not been subdivided does not constitute a subdivision under this Subsection [~~(51)~~] (52) as to  
326 the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's  
327 subdivision ordinance.

328 [~~(52)~~] (53) "Transferrable development right" means the entitlement to develop land  
329 within a sending zone that would vest according to the municipality's existing land use  
330 ordinances on the date that a completed land use application is filed seeking the approval of  
331 development activity on the land.

332 [~~(53)~~] (54) "Unincorporated" means the area outside of the incorporated area of a city  
333 or town.

334 [~~(54)~~] (55) "Water interest" means any right to the beneficial use of water, including:

335 (a) each of the rights listed in Section 73-1-11; and

336 (b) an ownership interest in the right to the beneficial use of water represented by:

337 (i) a contract; or

338 (ii) a share in a water company, as defined in Section 73-3-3.5.

339 [~~55~~] (56) "Zoning map" means a map, adopted as part of a land use ordinance, that  
340 depicts land use zones, overlays, or districts.

341 Section 3. Section **10-9a-301** is amended to read:

342 **10-9a-301. Ordinance establishing planning commission required -- Ordinance**  
343 **requirements -- Compensation.**

344 (1) (a) Each municipality shall enact an ordinance establishing a planning commission.

345 (b) The ordinance shall define:

346 (i) the number and terms of the members and, if the municipality chooses, alternate  
347 members;

348 (ii) the mode of appointment;

349 (iii) the procedures for filling vacancies and removal from office;

350 (iv) the authority of the planning commission; [~~and~~]

351 (v) subject to Subsection (1)(c), the rules of order and procedure for use by the  
352 planning commission in a public meeting; and

353 [~~v~~] (vi) other details relating to the organization and procedures of the planning  
354 commission.

355 (c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with  
356 Title 52, Chapter 4, Open and Public Meetings Act.

357 (2) The legislative body may fix per diem compensation for the members of the  
358 planning commission, based on necessary and reasonable expenses and on meetings actually  
359 attended.

360 Section 4. Section **17-27a-103** is amended to read:

361 **17-27a-103. Definitions.**

362 As used in this chapter:

363 (1) "Affected entity" means a county, municipality, local district, special service  
364 district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal  
365 cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified  
366 property owner, property owners association, public utility, or the Utah Department of

367 Transportation, if:

368 (a) the entity's services or facilities are likely to require expansion or significant  
369 modification because of an intended use of land;

370 (b) the entity has filed with the county a copy of the entity's general or long-range plan;  
371 or

372 (c) the entity has filed with the county a request for notice during the same calendar  
373 year and before the county provides notice to an affected entity in compliance with a  
374 requirement imposed under this chapter.

375 (2) "Appeal authority" means the person, board, commission, agency, or other body  
376 designated by ordinance to decide an appeal of a decision of a land use application or a  
377 variance.

378 (3) "Billboard" means a freestanding ground sign located on industrial, commercial, or  
379 residential property if the sign is designed or intended to direct attention to a business, product,  
380 or service that is not sold, offered, or existing on the property where the sign is located.

381 (4) "Charter school" includes:

382 (a) an operating charter school;

383 (b) a charter school applicant that has its application approved by a chartering entity in  
384 accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and

385 (c) an entity who is working on behalf of a charter school or approved charter applicant  
386 to develop or construct a charter school building.

387 (5) "Chief executive officer" means the person or body that exercises the executive  
388 powers of the county.

389 (6) "Conditional use" means a land use that, because of its unique characteristics or  
390 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be  
391 compatible in some areas or may be compatible only if certain conditions are required that  
392 mitigate or eliminate the detrimental impacts.

393 (7) "Constitutional taking" means a governmental action that results in a taking of  
394 private property so that compensation to the owner of the property is required by the:

395 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or

396 (b) Utah Constitution Article I, Section 22.

397 (8) "Culinary water authority" means the department, agency, or public entity with

398 responsibility to review and approve the feasibility of the culinary water system and sources for  
399 the subject property.

400 (9) "Development activity" means:

401 (a) any construction or expansion of a building, structure, or use that creates additional  
402 demand and need for public facilities;

403 (b) any change in use of a building or structure that creates additional demand and need  
404 for public facilities; or

405 (c) any change in the use of land that creates additional demand and need for public  
406 facilities.

407 (10) (a) "Disability" means a physical or mental impairment that substantially limits  
408 one or more of a person's major life activities, including a person having a record of such an  
409 impairment or being regarded as having such an impairment.

410 (b) "Disability" does not include current illegal use of, or addiction to, any federally  
411 controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.  
412 802.

413 (11) "Educational facility":

414 (a) means:

415 (i) a school district's building at which pupils assemble to receive instruction in a  
416 program for any combination of grades from preschool through grade 12, including  
417 kindergarten and a program for children with disabilities;

418 (ii) a structure or facility:

419 (A) located on the same property as a building described in Subsection (11)(a)(i); and

420 (B) used in support of the use of that building; and

421 (iii) a building to provide office and related space to a school district's administrative  
422 personnel; and

423 (b) does not include land or a structure, including land or a structure for inventory  
424 storage, equipment storage, food processing or preparing, vehicle storage or maintenance, or  
425 similar use that is:

426 (i) not located on the same property as a building described in Subsection (11)(a)(i);  
427 and

428 (ii) used in support of the purposes of a building described in Subsection (11)(a)(i).

429 (12) "Elderly person" means a person who is 60 years old or older, who desires or  
430 needs to live with other elderly persons in a group setting, but who is capable of living  
431 independently.

432 (13) "Fire authority" means the department, agency, or public entity with responsibility  
433 to review and approve the feasibility of fire protection and suppression services for the subject  
434 property.

435 (14) "Flood plain" means land that:

436 (a) is within the 100-year flood plain designated by the Federal Emergency

437 Management Agency; or

438 (b) has not been studied or designated by the Federal Emergency Management Agency  
439 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because  
440 the land has characteristics that are similar to those of a 100-year flood plain designated by the  
441 Federal Emergency Management Agency.

442 (15) "Gas corporation" has the same meaning as defined in Section 54-2-1.

443 (16) "General plan" means a document that a county adopts that sets forth general  
444 guidelines for proposed future development of the unincorporated land within the county.

445 (17) "Geologic hazard" means:

446 (a) a surface fault rupture;

447 (b) shallow groundwater;

448 (c) liquefaction;

449 (d) a landslide;

450 (e) a debris flow;

451 (f) unstable soil;

452 (g) a rock fall; or

453 (h) any other geologic condition that presents a risk:

454 (i) to life;

455 (ii) of substantial loss of real property; or

456 (iii) of substantial damage to real property.

457 (18) "Internal lot restriction" means a platted note, platted demarcation, or platted  
458 designation that:

459 (a) runs with the land; and

460 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on  
461 the plat; or

462 (ii) designates a development condition that is enclosed within the perimeter of a lot  
463 described on the plat.

464 (19) "Hookup fee" means a fee for the installation and inspection of any pipe, line,  
465 meter, or appurtenance to connect to a county water, sewer, storm water, power, or other utility  
466 system.

467 (20) "Identical plans" means building plans submitted to a county that are substantially  
468 identical building plans that were previously submitted to and reviewed and approved by the  
469 county and describe a building that is:

470 (a) located on land zoned the same as the land on which the building described in the  
471 previously approved plans is located; and

472 (b) subject to the same geological and meteorological conditions and the same law as  
473 the building described in the previously approved plans.

474 (21) "Impact fee" means a payment of money imposed under Title 11, Chapter 36,  
475 Impact Fees Act.

476 (22) "Improvement assurance" means a surety bond, letter of credit, cash, or other  
477 security:

478 (a) to guaranty the proper completion of an improvement;

479 (b) that is required as a condition precedent to:

480 (i) recording a subdivision plat; or

481 (ii) beginning development activity; and

482 (c) that is offered to a land use authority to induce the land use authority, before actual  
483 construction of required improvements, to:

484 (i) consent to the recording of a subdivision plat; or

485 (ii) issue a permit for development activity.

486 (23) "Improvement assurance warranty" means a promise that the materials and  
487 workmanship of improvements:

488 (a) comport with standards that the county has officially adopted; and

489 (b) will not fail in any material respect within a warranty period.

490 (24) "Interstate pipeline company" means a person or entity engaged in natural gas



491 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under  
492 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

493 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas  
494 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory  
495 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seq.

496 (26) "Land use application" means an application required by a county's land use  
497 ordinance.

498 (27) "Land use authority" means a person, board, commission, agency, or other body  
499 designated by the local legislative body to act upon a land use application.

500 (28) "Land use ordinance" means a planning, zoning, development, or subdivision  
501 ordinance of the county, but does not include the general plan.

502 (29) "Land use permit" means a permit issued by a land use authority.

503 (30) "Legislative body" means the county legislative body, or for a county that has  
504 adopted an alternative form of government, the body exercising legislative powers.

505 (31) "Local district" means any entity under Title 17B, Limited Purpose Local  
506 Government Entities - Local Districts, and any other governmental or quasi-governmental  
507 entity that is not a county, municipality, school district, or the state.

508 (32) "Lot line adjustment" means the relocation of the property boundary line in a  
509 subdivision between two adjoining lots with the consent of the owners of record.

510 (33) "Moderate income housing" means housing occupied or reserved for occupancy  
511 by households with a gross household income equal to or less than 80% of the median gross  
512 income for households of the same size in the county in which the housing is located.

513 (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent  
514 and expenses incurred in:

515 (a) verifying that building plans are identical plans; and

516 (b) reviewing and approving those minor aspects of identical plans that differ from the  
517 previously reviewed and approved building plans.

518 (35) "Noncomplying structure" means a structure that:

519 (a) legally existed before its current land use designation; and

520 (b) because of one or more subsequent land use ordinance changes, does not conform  
521 to the setback, height restrictions, or other regulations, excluding those regulations that govern

522 the use of land.

523 (36) "Nonconforming use" means a use of land that:

524 (a) legally existed before its current land use designation;

525 (b) has been maintained continuously since the time the land use ordinance regulation  
526 governing the land changed; and

527 (c) because of one or more subsequent land use ordinance changes, does not conform  
528 to the regulations that now govern the use of the land.

529 (37) "Official map" means a map drawn by county authorities and recorded in the  
530 county recorder's office that:

531 (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for  
532 highways and other transportation facilities;

533 (b) provides a basis for restricting development in designated rights-of-way or between  
534 designated setbacks to allow the government authorities time to purchase or otherwise reserve  
535 the land; and

536 (c) has been adopted as an element of the county's general plan.

537 (38) "Person" means an individual, corporation, partnership, organization, association,  
538 trust, governmental agency, or any other legal entity.

539 (39) "Plan for moderate income housing" means a written document adopted by a  
540 county legislative body that includes:

541 (a) an estimate of the existing supply of moderate income housing located within the  
542 county;

543 (b) an estimate of the need for moderate income housing in the county for the next five  
544 years as revised biennially;

545 (c) a survey of total residential land use;

546 (d) an evaluation of how existing land uses and zones affect opportunities for moderate  
547 income housing; and

548 (e) a description of the county's program to encourage an adequate supply of moderate  
549 income housing.

550 (40) "Plat" means a map or other graphical representation of lands being laid out and  
551 prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.

552 (41) "Potential geologic hazard area" means an area that:

553 (a) is designated by a Utah Geological Survey map, county geologist map, or other  
554 relevant map or report as needing further study to determine the area's potential for geologic  
555 hazard; or

556 (b) has not been studied by the Utah Geological Survey or a county geologist but  
557 presents the potential of geologic hazard because the area has characteristics similar to those of  
558 a designated geologic hazard area.

559 (42) "Public agency" means:

560 (a) the federal government;

561 (b) the state;

562 (c) a county, municipality, school district, local district, special service district, or other  
563 political subdivision of the state; or

564 (d) a charter school.

565 (43) "Public hearing" means a hearing at which members of the public are provided a  
566 reasonable opportunity to comment on the subject of the hearing.

567 (44) "Public meeting" means a meeting that is required to be open to the public under  
568 Title 52, Chapter 4, Open and Public Meetings Act.

569 (45) "Receiving zone" means an unincorporated area of a county that the county's land  
570 use authority designates as an area in which an owner of land may receive transferrable  
571 development rights.

572 (46) "Record of survey map" means a map of a survey of land prepared in accordance  
573 with Section 17-23-17.

574 (47) "Residential facility for elderly persons" means a single-family or multiple-family  
575 dwelling unit that meets the requirements of Section 17-27a-515, but does not include a health  
576 care facility as defined by Section 26-21-2.

577 (48) "Residential facility for persons with a disability" means a residence:

578 (a) in which more than one person with a disability resides; and

579 (b) (i) is licensed or certified by the Department of Human Services under Title 62A,  
580 Chapter 2, Licensure of Programs and Facilities; or

581 (ii) is licensed or certified by the Department of Health under Title 26, Chapter 21,  
582 Health Care Facility Licensing and Inspection Act.

583 (49) "Rules of order and procedure" means a set of rules that govern and prescribe in a

584 public meeting:

585       (a) parliamentary order and procedure;

586       (b) ethical behavior; and

587       (c) civil discourse.

588       ~~[(49)]~~ (50) "Sanitary sewer authority" means the department, agency, or public entity  
589 with responsibility to review and approve the feasibility of sanitary sewer services or onsite  
590 wastewater systems.

591       ~~[(50)]~~ (51) "Sending zone" means an unincorporated area of a county that the county's  
592 land use authority designates as an area from which an owner of land may transfer transferrable  
593 development rights to an owner of land in a receiving zone.

594       ~~[(51)]~~ (52) "Specified public agency" means:

595       (a) the state;

596       (b) a school district; or

597       (c) a charter school.

598       ~~[(52)]~~ (53) "Specified public utility" means an electrical corporation, gas corporation,  
599 or telephone corporation, as those terms are defined in Section 54-2-1.

600       ~~[(53)]~~ (54) "State" includes any department, division, or agency of the state.

601       ~~[(54)]~~ (55) "Street" means a public right-of-way, including a highway, avenue,  
602 boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement,  
603 or other way.

604       ~~[(55)]~~ (56) (a) "Subdivision" means any land that is divided, resubdivided or proposed  
605 to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the  
606 purpose, whether immediate or future, for offer, sale, lease, or development either on the  
607 installment plan or upon any and all other plans, terms, and conditions.

608       (b) "Subdivision" includes:

609       (i) the division or development of land whether by deed, metes and bounds description,  
610 devise and testacy, map, plat, or other recorded instrument; and

611       (ii) except as provided in Subsection ~~[(55)]~~ (56)(c), divisions of land for residential and  
612 nonresidential uses, including land used or to be used for commercial, agricultural, and  
613 industrial purposes.

614       (c) "Subdivision" does not include:

615 (i) a bona fide division or partition of agricultural land for agricultural purposes;

616 (ii) a recorded agreement between owners of adjoining properties adjusting their

617 mutual boundary if:

618 (A) no new lot is created; and

619 (B) the adjustment does not violate applicable land use ordinances;

620 (iii) a recorded document, executed by the owner of record:

621 (A) revising the legal description of more than one contiguous unsubdivided parcel of  
622 property into one legal description encompassing all such parcels of property; or

623 (B) joining a subdivided parcel of property to another parcel of property that has not  
624 been subdivided, if the joinder does not violate applicable land use ordinances;

625 (iv) a bona fide division or partition of land in a county other than a first class county  
626 for the purpose of siting, on one or more of the resulting separate parcels:

627 (A) an electrical transmission line or a substation;

628 (B) a natural gas pipeline or a regulation station; or

629 (C) an unmanned telecommunications, microwave, fiber optic, electrical, or other  
630 utility service regeneration, transformation, retransmission, or amplification facility;

631 (v) a recorded agreement between owners of adjoining subdivided properties adjusting  
632 their mutual boundary if:

633 (A) no new dwelling lot or housing unit will result from the adjustment; and

634 (B) the adjustment will not violate any applicable land use ordinance; or

635 (vi) a bona fide division or partition of land by deed or other instrument where the land  
636 use authority expressly approves in writing the division in anticipation of further land use  
637 approvals on the parcel or parcels.

638 (d) The joining of a subdivided parcel of property to another parcel of property that has  
639 not been subdivided does not constitute a subdivision under this Subsection [~~(55)~~ (56) as to  
640 the unsubdivided parcel of property or subject the unsubdivided parcel to the county's  
641 subdivision ordinance.

642 [~~(56)~~ (57) "Township" means a contiguous, geographically defined portion of the  
643 unincorporated area of a county, established under this part or reconstituted or reinstated under  
644 Section 17-27a-306, with planning and zoning functions as exercised through the township  
645 planning commission, as provided in this chapter, but with no legal or political identity

646 separate from the county and no taxing authority, except that "township" means a former  
647 township under Laws of Utah 1996, Chapter 308, where the context so indicates.

648 [~~(57)~~] (58) "Transferrable development right" means the entitlement to develop land  
649 within a sending zone that would vest according to the county's existing land use ordinances on  
650 the date that a completed land use application is filed seeking the approval of development  
651 activity on the land.

652 [~~(58)~~] (59) "Unincorporated" means the area outside of the incorporated area of a  
653 municipality.

654 [~~(59)~~] (60) "Water interest" means any right to the beneficial use of water, including:

655 (a) each of the rights listed in Section 73-1-11; and

656 (b) an ownership interest in the right to the beneficial use of water represented by:

657 (i) a contract; or

658 (ii) a share in a water company, as defined in Section 73-3-3.5.

659 [~~(60)~~] (61) "Zoning map" means a map, adopted as part of a land use ordinance, that  
660 depicts land use zones, overlays, or districts.

661 Section 5. Section **17-27a-301** is amended to read:

662 **17-27a-301. Ordinance establishing planning commission required -- Exception --**  
663 **Ordinance requirements -- Township planning commission -- Compensation.**

664 (1) (a) Except as provided in Subsection (1)(b), each county shall enact an ordinance  
665 establishing a countywide planning commission for the unincorporated areas of the county not  
666 within a township.

667 (b) Subsection (1)(a) does not apply if all of the county is included within any  
668 combination of:

669 (i) municipalities; and

670 (ii) townships with their own planning commissions.

671 (2) (a) The ordinance shall define:

672 [~~(a)~~] (i) the number and terms of the members and, if the county chooses, alternate  
673 members;

674 [~~(b)~~] (ii) the mode of appointment;

675 [~~(c)~~] (iii) the procedures for filling vacancies and removal from office;

676 [~~(d)~~] (iv) the authority of the planning commission; [~~and~~]

677 (v) subject to Subsection (2)(b), the rules of order and procedure for use by the  
678 planning commission in a public meeting; and

679 [~~(v)~~] (vi) other details relating to the organization and procedures of the planning  
680 commission.

681 (b) Subsection (2)(a)(v) does not affect the planning commission's duty to comply with  
682 Title 52, Chapter 4, Open and Public Meetings Act.

683 (3) (a) (i) If the county establishes a township planning commission, the county  
684 legislative body shall enact an ordinance [defining] that defines:

685 (A) appointment procedures[;];

686 (B) procedures for filling vacancies and removing members from office[~~,- and other~~];

687 (C) subject to Subsection (3)(a)(ii), the rules of order and procedure for use by the  
688 township planning commission in a public meeting; and

689 (D) details relating to the organization and procedures of each township planning  
690 commission.

691 (ii) Subsection (3)(a)(i)(C) does not affect the township planning commission's duty to  
692 comply with Title 52, Chapter 4, Open and Public Meetings Act.

693 (b) The planning commission for each township shall consist of seven members who,  
694 except as provided in Subsection (3)(e), shall be appointed by:

695 (i) in a county operating under a form of government in which the executive and  
696 legislative functions of the governing body are separated, the county executive with the advice  
697 and consent of the county legislative body; or

698 (ii) in a county operating under a form of government in which the executive and  
699 legislative functions of the governing body are not separated, the county legislative body.

700 (c) (i) Members shall serve four-year terms and until their successors are appointed or,  
701 as provided in Subsection (3)(e), elected and qualified.

702 (ii) Notwithstanding the provisions of Subsection (3)(c)(i) and except as provided in  
703 Subsection (3)(e), members of the first planning commissions shall be appointed so that, for  
704 each commission, the terms of at least one member and no more than two members expire each  
705 year.

706 (d) (i) Except as provided in Subsection (3)(d)(ii), each member of a township  
707 planning commission shall be a registered voter residing within the township.

708 (ii) (A) Notwithstanding Subsection (3)(d)(i), one member of a planning commission  
709 of a township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established  
710 under Subsection 17-27a-306(1)(k)(i) may be an appointed member who is a registered voter  
711 residing outside the township if that member:

712 (I) is an owner of real property located within the township; and

713 (II) resides within the county in which the township is located.

714 (B) (I) Each appointee under Subsection (3)(d)(ii)(A) shall be chosen by the township  
715 planning commission from a list of three persons submitted by the county legislative body.

716 (II) If the township planning commission has not notified the county legislative body of  
717 its choice under Subsection (3)(d)(ii)(B)(I) within 60 days of the township planning  
718 commission's receipt of the list, the county legislative body may appoint one of the three  
719 persons on the list or a registered voter residing within the township as a member of the  
720 township planning commission.

721 (e) (i) The legislative body of each county in which a township reconstituted under  
722 Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection  
723 17-27a-306(1)(e)(i) is located shall enact an ordinance that provides for the election of at least  
724 three members of the planning commission of that township.

725 (ii) The election of planning commission members under Subsection (3)(e)(i) shall  
726 coincide with the election of other county officers during even-numbered years.  
727 Approximately half the elected planning commission members shall be elected every four years  
728 during elections held on even-numbered years, and the remaining elected members shall be  
729 elected every four years on alternating even-numbered years.

730 (f) (i) (A) The legislative body of each county in which a township reconstituted under  
731 Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection  
732 17-27a-306(1)(e)(i) is located shall enact an ordinance appointing each elected member of the  
733 planning and zoning board of the former township, established under Laws of Utah 1996,  
734 Chapter 308, as a member of the planning commission of the reconstituted or reinstated  
735 township. Each member appointed under this subsection shall be considered an elected  
736 member.

737 (B) (I) Except as provided in Subsection (3)(f)(i)(B)(II), the term of each member  
738 appointed under Subsection (3)(f)(i)(A) shall continue until the time that the member's term as



739 an elected member of the former township planning and zoning board would have expired.

740 (II) Notwithstanding Subsection (3)(f)(i)(B)(I), the county legislative body may adjust  
741 the terms of the members appointed under Subsection (3)(f)(i)(A) so that the terms of those  
742 members coincide with the schedule under Subsection (3)(e)(ii) for elected members.

743 (ii) Subject to Subsection (3)(f)(iii), the legislative body of a county in which a  
744 township reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established  
745 under Subsection 17-27a-306(1)(e)(i) is located may enact an ordinance allowing each  
746 appointed member of the planning and zoning board of the former township, established under  
747 Laws of Utah 1996, Chapter 308, to continue to hold office as a member of the planning  
748 commission of the reconstituted or reinstated township until the time that the member's term as  
749 a member of the former township's planning and zoning board would have expired.

750 (iii) If a planning commission of a township reconstituted under Laws of Utah 1997,  
751 Chapter 389, or reinstated or established under Subsection 17-27a-306(1)(e)(i) has more than  
752 one appointed member who resides outside the township, the legislative body of the county in  
753 which that township is located shall, within 15 days of the effective date of this Subsection  
754 (3)(f)(iii), dismiss all but one of the appointed members who reside outside the township, and a  
755 new member shall be appointed under Subsection (3)(b) no later than August 16, 1997, to fill  
756 the position of each dismissed member.

757 (g) (i) Except as provided in Subsection (3)(g)(ii), upon the appointment or election of  
758 all members of a township planning commission, each township planning commission under  
759 this section shall begin to exercise the powers and perform the duties provided in Section  
760 17-27a-302 with respect to all matters then pending that previously had been under the  
761 jurisdiction of the countywide planning commission or township planning and zoning board.

762 (ii) Notwithstanding Subsection (3)(g)(i), if the members of a former township  
763 planning and zoning board continue to hold office as members of the planning commission of  
764 the township planning district under an ordinance enacted under Subsection (3)(f), the  
765 township planning commission shall immediately begin to exercise the powers and perform the  
766 duties provided in Section 17-27a-302 with respect to all matters then pending that had  
767 previously been under the jurisdiction of the township planning and zoning board.

768 (4) The legislative body may fix per diem compensation for the members of the  
769 planning commission, based on necessary and reasonable expenses and on meetings actually

770 attended.

771 Section 6. Section **17-53-206** is amended to read:

772 **17-53-206. Meetings to comply with open meetings law -- Records and minutes --**  
773 **Compelling attendance at meetings of legislative body.**

774 (1) As used in this section, "rules of order and procedure" means a set of rules that  
775 govern and prescribe in a public meeting:

776 (a) parliamentary order and procedure;

777 (b) ethical behavior; and

778 (c) civil discourse.

779 ~~[(1)]~~ (2) Each meeting of the county legislative body shall comply with Title 52,  
780 Chapter 4, Open and Public Meetings Act.

781 (3) (a) Subject to Subsection (3)(b), a county legislative body shall:

782 (i) adopt rules of order and procedure to govern a public meeting of the legislative  
783 body;

784 (ii) conduct a public meeting in accordance with the rules of order and procedure  
785 described in Subsection (3)(a)(i); and

786 (iii) make the rules of order and procedure described in Subsection (3)(a)(i) available  
787 to the public:

788 (A) at each meeting of the county legislative body; and

789 (B) on the county's public web site, if available.

790 (b) Subsection (3)(a) does not affect a county legislative body's duty to comply with  
791 Title 52, Chapter 4, Open and Public Meetings Act.

792 ~~[(2)]~~ (4) The chair and clerk of the county legislative body shall sign the records and  
793 minutes of the county legislative body.

794 ~~[(3)]~~ (5) The legislative body of a county may compel the attendance of its own  
795 members at its meetings and provide penalties it considers necessary for the failure to comply  
796 with an exercise of the authority to compel attendance.

797 Section 7. Section **17B-1-102** is amended to read:

798 **17B-1-102. Definitions.**

799 As used in this title:

800 (1) "Appointing authority" means the person or body authorized to make an

801 appointment to the board of trustees.

802 (2) "Basic local district":

803 (a) means a local district that is not a specialized local district; and

804 (b) includes an entity that was, under the law in effect before April 30, 2007, created

805 and operated as a local district, as defined under the law in effect before April 30, 2007.

806 (3) "Bond" means:

807 (a) a written obligation to repay borrowed money, whether denominated a bond, note,  
808 warrant, certificate of indebtedness, or otherwise; and

809 (b) a lease agreement, installment purchase agreement, or other agreement that:

810 (i) includes an obligation by the district to pay money; and

811 (ii) the district's board of trustees, in its discretion, treats as a bond for purposes of Title  
812 11, Chapter 14, Local Government Bonding Act, or Title 11, Chapter 27, Utah Refunding Bond  
813 Act.

814 (4) "Cemetery maintenance district" means a local district that operates under and is  
815 subject to the provisions of this chapter and Chapter 2a, Part 1, Cemetery Maintenance District  
816 Act, including an entity that was created and operated as a cemetery maintenance district under  
817 the law in effect before April 30, 2007.

818 (5) "Drainage district" means a local district that operates under and is subject to the  
819 provisions of this chapter and Chapter 2a, Part 2, Drainage District Act, including an entity that  
820 was created and operated as a drainage district under the law in effect before April 30, 2007.

821 (6) "Facility" or "facilities" includes any structure, building, system, land, water right,  
822 water, or other real or personal property required to provide a service that a local district is  
823 authorized to provide, including any related or appurtenant easement or right-of-way,  
824 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

825 (7) "Fire protection district" means a local district that operates under and is subject to  
826 the provisions of this chapter and Chapter 2a, Part 3, Fire Protection District Act, including an  
827 entity that was created and operated as a fire protection district under the law in effect before  
828 April 30, 2007.

829 (8) "General obligation bond":

830 (a) means a bond that is directly payable from and secured by ad valorem property  
831 taxes that are:

832 (i) levied:  
833 (A) by the district that issues the bond; and  
834 (B) on taxable property within the district; and  
835 (ii) in excess of the ad valorem property taxes of the district for the current fiscal year;

836 and

837 (b) does not include:  
838 (i) a short-term bond;  
839 (ii) a tax and revenue anticipation bond; or  
840 (iii) a special assessment bond.

841 (9) "Improvement district" means a local district that operates under and is subject to  
842 the provisions of this chapter and Chapter 2a, Part 4, Improvement District Act, including an  
843 entity that was created and operated as a county improvement district under the law in effect  
844 before April 30, 2007.

845 (10) "Irrigation district" means a local district that operates under and is subject to the  
846 provisions of this chapter and Chapter 2a, Part 5, Irrigation District Act, including an entity that  
847 was created and operated as an irrigation district under the law in effect before April 30, 2007.

848 (11) "Local district" means a limited purpose local government entity, as described in  
849 Section 17B-1-103, that operates under, is subject to, and has the powers set forth in:

- 850 (a) this chapter; or
- 851 (b) (i) this chapter; and
- 852 (ii) (A) Chapter 2a, Part 1, Cemetery Maintenance District Act;
- 853 (B) Chapter 2a, Part 2, Drainage District Act;
- 854 (C) Chapter 2a, Part 3, Fire Protection District Act;
- 855 (D) Chapter 2a, Part 4, Improvement District Act;
- 856 (E) Chapter 2a, Part 5, Irrigation District Act;
- 857 (F) Chapter 2a, Part 6, Metropolitan Water District Act;
- 858 (G) Chapter 2a, Part 7, Mosquito Abatement District Act;
- 859 (H) Chapter 2a, Part 8, Public Transit District Act;
- 860 (I) Chapter 2a, Part 9, Service Area Act; or
- 861 (J) Chapter 2a, Part 10, Water Conservancy District Act.

862 (12) "Metropolitan water district" means a local district that operates under and is

863 subject to the provisions of this chapter and Chapter 2a, Part 6, Metropolitan Water District  
864 Act, including an entity that was created and operated as a metropolitan water district under the  
865 law in effect before April 30, 2007.

866 (13) "Mosquito abatement district" means a local district that operates under and is  
867 subject to the provisions of this chapter and Chapter 2a, Part 7, Mosquito Abatement District  
868 Act, including an entity that was created and operated as a mosquito abatement district under  
869 the law in effect before April 30, 2007.

870 (14) "Municipal" means of or relating to a municipality.

871 (15) "Municipality" means a city or town.

872 (16) "Political subdivision" means a county, city, town, local district under this title,  
873 special service district under Title 17D, Chapter 1, Special Service District Act, an entity  
874 created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal Cooperation  
875 Act, or any other governmental entity designated in statute as a political subdivision of the  
876 state.

877 (17) "Private," with respect to real property, means not owned by the United States or  
878 any agency of the federal government, the state, a county, or a political subdivision.

879 (18) "Public entity" means:

880 (a) the United States or an agency of the United States;

881 (b) the state or an agency of the state;

882 (c) a political subdivision of the state or an agency of a political subdivision of the  
883 state;

884 (d) another state or an agency of that state; or

885 (e) a political subdivision of another state or an agency of that political subdivision.

886 (19) "Public transit district" means a local district that operates under and is subject to  
887 the provisions of this chapter and Chapter 2a, Part 8, Public Transit District Act, including an  
888 entity that was created and operated as a public transit district under the law in effect before  
889 April 30, 2007.

890 (20) "Revenue bond":

891 (a) means a bond payable from designated taxes or other revenues other than the local  
892 district's ad valorem property taxes; and

893 (b) does not include:

894 (i) an obligation constituting an indebtedness within the meaning of an applicable  
895 constitutional or statutory debt limit;

896 (ii) a tax and revenue anticipation bond; or

897 (iii) a special assessment bond.

898 (21) "Rules of order and procedure" means a set of rules that govern and prescribe in a  
899 public meeting:

900 (a) parliamentary order and procedure;

901 (b) ethical behavior; and

902 (c) civil discourse.

903 [~~(21)~~] (22) "Service area" means a local district that operates under and is subject to the  
904 provisions of this chapter and Chapter 2a, Part 9, Service Area Act, including an entity that was  
905 created and operated as a county service area or a regional service area under the law in effect  
906 before April 30, 2007.

907 [~~(22)~~] (23) "Short-term bond" means a bond that is required to be repaid during the  
908 fiscal year in which the bond is issued.

909 [~~(23)~~] (24) "Special assessment" means an assessment levied against property to pay all  
910 or a portion of the costs of making improvements that benefit the property.

911 [~~(24)~~] (25) "Special assessment bond" means a bond payable from special assessments.

912 [~~(25)~~] (26) "Specialized local district" means a local district that is a cemetery  
913 maintenance district, a drainage district, a fire protection district, an improvement district, an  
914 irrigation district, a metropolitan water district, a mosquito abatement district, a public transit  
915 district, a service area, or a water conservancy district.

916 [~~(26)~~] (27) "Taxable value" means the taxable value of property as computed from the  
917 most recent equalized assessment roll for county purposes.

918 [~~(27)~~] (28) "Tax and revenue anticipation bond" means a bond:

919 (a) issued in anticipation of the collection of taxes or other revenues or a combination  
920 of taxes and other revenues; and

921 (b) that matures within the same fiscal year as the fiscal year in which the bond is  
922 issued.

923 [~~(28)~~] (29) "Unincorporated" means not included within a municipality.

924 [~~(29)~~] (30) "Water conservancy district" means a local district that operates under and

925 is subject to the provisions of this chapter and Chapter 2a, Part 10, Water Conservancy District  
926 Act, including an entity that was created and operated as a water conservancy district under the  
927 law in effect before April 30, 2007.

928 ~~[(30)]~~ (31) "Works" includes a dam, reservoir, well, canal, conduit, pipeline, drain,  
929 tunnel, power plant, and any facility, improvement, or property necessary or convenient for  
930 supplying or treating water for any beneficial use, and for otherwise accomplishing the  
931 purposes of a local district.

932 Section 8. Section 17B-1-310 is amended to read:

933 **17B-1-310. Quorum of board of trustees -- Meetings of the board.**

934 (1) (a) (i) Except as provided in Subsection (1)(b), a majority of the board of trustees  
935 constitutes a quorum for the transaction of board business, and action by a majority of a  
936 quorum constitutes action of the board.

937 (ii) Except as otherwise required by law, an otherwise valid action of the board is not  
938 made invalid because of the method chosen by the board to take or memorialize the action.

939 (b) (i) Subject to Subsection (1)(b)(ii), a board may adopt bylaws or other rules that  
940 require more than a majority to constitute a quorum or that require action by more than a  
941 majority of a quorum to constitute action by the board.

942 (ii) Except for board action to dispose of real property owned by the local district,  
943 board bylaws or rules may not require a vote of more than two-thirds vote of the board to  
944 constitute board action.

945 (2) The board of trustees shall hold such regular and special meetings as the board  
946 determines at a location that the board determines.

947 (3) (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4,  
948 Open and Public Meetings Act.

949 (b) Subject to Subsection (3)(c), a board of trustees shall:

950 (i) adopt rules of order and procedure to govern a public meeting of the board of  
951 trustees;

952 (ii) conduct a public meeting in accordance with the rules of order and procedure  
953 described in Subsection (3)(b)(i); and

954 (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available  
955 to the public;

956           (A) at each meeting of the board of trustees; and  
957           (B) on the local district's public web site, if available.  
958           (c) Subsection (3)(b) does not affect the board of trustee's duty to comply with Title 52,  
959 Chapter 4, Open and Public Meetings Act.  
960           Section 9. Section **53A-3-102** is enacted to read:  
961           **53A-3-102. Rules of order and procedure.**  
962           (1) As used in this section, "rules of order and procedure" means a set of rules that  
963 govern and prescribe in a public meeting:  
964           (a) parliamentary order and procedure;  
965           (b) ethical behavior; and  
966           (c) civil discourse.  
967           (2) (a) Subject to Subsection (3), a local school board shall:  
968           (a) adopt rules of order and procedure to govern a public meeting of the local school  
969 board;  
970           (b) conduct a public meeting in accordance with the rules of order and procedure  
971 described in Subsection (2)(a); and  
972           (c) make the rules of order and procedure described in Subsection (2)(a) available to  
973 the public:  
974           (i) at each public meeting of the local school board; and  
975           (ii) on the local school board's public web site, if available.  
976           (3) Subjection (2)(a) does not affect a local school board's duty to comply with Title  
977 52, Chapter 4, Open and Public Meetings Act.



# FISCAL NOTE

H.B. 267 1st Sub. (Buff)

SHORT TITLE: **Public Body Rules of Procedure**

SPONSOR: **Brown, M.**

2011 GENERAL SESSION, STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.