

Senator Karen Mayne proposes the following substitute bill:

1 **PUBLIC TRANSIT DISTRICT BOARD OF TRUSTEES**

2 **AMENDMENTS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Mayne**

6 House Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill modifies the Public Transit District Act by amending provisions relating to
10 public transit district board of trustees.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that beginning with appointments made on or after July 1, 2011, the
14 appointing entities shall consider certain experience qualifications when appointing
15 board members for certain public transit districts;

16 ▶ provides that the board of trustees of a transit district serving a population of more
17 than 200,000 people shall also include one nonvoting, ex officio member who is an
18 employee representative; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**



26 AMENDS:

27 **17B-2a-807**, as last amended by Laws of Utah 2010, Chapter 281

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

30 Section 1. Section **17B-2a-807** is amended to read:

31 **17B-2a-807. Public transit district board of trustees -- Appointment --**

32 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

33 (1) (a) If 200,000 people or fewer reside within the boundaries of a public transit
34 district, the board of trustees shall consist of members appointed by the legislative bodies of
35 each municipality, county, or unincorporated area within any county on the basis of one
36 member for each full unit of regularly scheduled passenger routes proposed to be served by the
37 district in each municipality or unincorporated area within any county in the following calendar
38 year.

39 (b) For purposes of determining membership under Subsection (1)(a), the number of
40 service miles comprising a unit shall be determined jointly by the legislative bodies of the
41 municipalities or counties comprising the district.

42 (c) The board of trustees of a public transit district under this Subsection (1) may
43 include a member that is a commissioner on the Transportation Commission created in Section
44 72-1-301 and appointed as provided in Subsection (11), who shall serve as a nonvoting, ex
45 officio member.

46 (d) Members appointed under this Subsection (1) shall be appointed and added to the
47 board or omitted from the board at the time scheduled routes are changed, or as municipalities,
48 counties, or unincorporated areas of counties annex to or withdraw from the district using the
49 same appointment procedures.

50 (e) For purposes of appointing members under this Subsection (1), municipalities,
51 counties, and unincorporated areas of counties in which regularly scheduled passenger routes
52 proposed to be served by the district in the following calendar year is less than a full unit, as
53 defined in Subsection (1)(b), may combine with any other similarly situated municipality or
54 unincorporated area to form a whole unit and may appoint one member for each whole unit
55 formed.

56 (2) (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the

57 boundaries of a public transit district, the board of trustees shall consist of:

58 (i) 11 members:

59 (A) appointed as described under this Subsection (2); or

60 (B) retained in accordance with Section 17B-2a-807.5;

61 (ii) three members appointed as described in Subsection (4); ~~[and]~~

62 (iii) one voting member appointed as provided in Subsection (11); and

63 (iv) one nonvoting, ex officio member appointed as provided in Subsection (12).

64 (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting
65 members to each county within the district using an average of:

66 (i) the proportion of population included in the district and residing within each county,
67 rounded to the nearest 1/11 of the total transit district population; and

68 (ii) the cumulative proportion of transit sales and use tax collected from areas included
69 in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit
70 sales and use tax collected for the transit district.

71 (c) The board shall join an entire or partial county not apportioned a voting member
72 under this Subsection (2) with an adjacent county for representation. The combined
73 apportionment basis included in the district of both counties shall be used for the
74 apportionment.

75 (d) (i) If rounding to the nearest 1/11 of the total public transit district apportionment
76 basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county
77 or combination of counties with the smallest additional fraction of a whole member proportion
78 shall have one less member apportioned to it.

79 (ii) If rounding to the nearest 1/11 of the total public transit district apportionment
80 basis under Subsection (2)(b) results in an apportionment of less than 11 members, the county
81 or combination of counties with the largest additional fraction of a whole member proportion
82 shall have one more member apportioned to it.

83 (e) If the population in the unincorporated area of a county is at least 140,000, the
84 county executive, with the advice and consent of the county legislative body, shall appoint one
85 voting member to represent the population within a county's unincorporated area.

86 (f) If a municipality's population is at least 160,000, the chief municipal executive,
87 with the advice and consent of the municipal legislative body, shall appoint one voting member

88 to represent the population within a municipality.

89 (g) (i) The number of voting members appointed from a county and municipalities
90 within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total
91 voting member apportionment under this Subsection (2).

92 (ii) Notwithstanding Subsections (2)(l) and (10), no more than one voting member
93 appointed by an appointing entity may be a locally elected public official.

94 (h) If the entire county is within the district, the remaining voting members for the
95 county shall represent the county or combination of counties, if Subsection (2)(c) applies, or
96 the municipalities within the county.

97 (i) If the entire county is not within the district, and the county is not joined with
98 another county under Subsection (2)(c), the remaining voting members for the county shall
99 represent a municipality or combination of municipalities.

100 (j) (i) Except as provided under Subsections (2)(e) and (f), voting members
101 representing counties, combinations of counties if Subsection (2)(c) applies, or municipalities
102 within the county shall be designated and appointed by a simple majority of the chief
103 executives of the municipalities within the county or combinations of counties if Subsection
104 (2)(c) applies.

105 (ii) The appointments shall be made by joint written agreement of the appointing
106 municipalities, with the consent and approval of the county legislative body of the county that
107 has at least 1/11 of the district's apportionment basis.

108 (k) Voting members representing a municipality or combination of municipalities shall
109 be designated and appointed by the chief executive officer of the municipality or simple
110 majority of chief executive officers of municipalities with the consent of the legislative body of
111 the municipality or municipalities.

112 (l) The appointment of voting members shall be made without regard to partisan
113 political affiliation from among citizens in the community.

114 (m) Each voting member shall be a bona fide resident of the municipality, county, or
115 unincorporated area or areas which the voting member is to represent for at least six months
116 before the date of appointment, and must continue in that residency to remain qualified to serve
117 as a voting member.

118 (n) (i) All population figures used under this section shall be derived from the most

119 recent official census or census estimate of the United States Bureau of the Census.

120 (ii) If population estimates are not available from the United States Bureau of Census,
121 population figures shall be derived from the estimate from the Utah Population Estimates
122 Committee.

123 (iii) All transit sales and use tax totals shall be obtained from the State Tax
124 Commission.

125 (o) (i) The board shall be apportioned as provided under this section in conjunction
126 with the decennial United States Census Bureau report every 10 years.

127 (ii) Within 120 days following the receipt of the population estimates under this
128 Subsection (2)(o), the district shall reapportion representation on the board of trustees in
129 accordance with this section.

130 (iii) The board shall adopt by resolution a schedule reflecting the current and proposed
131 apportionment.

132 (iv) Upon adoption of the resolution, the board shall forward a copy of the resolution to
133 each of its constituent entities as defined under Section 17B-1-701.

134 (v) The appointing entities gaining a new board member shall appoint a new member
135 within 30 days following receipt of the resolution.

136 (vi) The appointing entities losing a board member shall inform the board of which
137 member currently serving on the board will step down:

138 (A) upon appointment of a new member under Subsection (2)(o)(v); or

139 (B) in accordance with Section 17B-2a-807.5.

140 (p) Beginning with appointments made on or after July 1, 2011, and in addition to the
141 requirements under this section, the appointing entities shall consider the following experience
142 qualifications when appointing board members under this Subsection (2):

143 (i) experience or expertise in land use or real estate;

144 (ii) experience or expertise in finance or economics;

145 (iii) experience or expertise in engineering;

146 (iv) experience or expertise in environmental matters; or

147 (v) experience or expertise in the construction industry.

148 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
149 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the

150 same basis as if the area had been included in the district as originally organized.

151 (4) In addition to the voting members appointed in accordance with Subsection (2), the
152 board shall consist of three voting members appointed as follows:

153 (a) one member appointed by the speaker of the House of Representatives;

154 (b) one member appointed by the president of the Senate; and

155 (c) one member appointed by the governor.

156 (5) (a) Except as provided in Section 17B-2a-807.5, the terms of office of the voting
157 members of the board shall be four years or until a successor is appointed, qualified, seated,
158 and has taken the oath of office.

159 (b) (i) A voting member may not be appointed for more than three successive full
160 terms regardless of the appointing entity that appoints the voting member.

161 (ii) A person:

162 (A) may serve no more than 12 years on a public transit district board of trustees
163 described in Subsection (2)(a) regardless of the appointing entity that appoints the member; and

164 (B) that has served 12 years on a public transit district board of trustees described in
165 Subsection (2)(a) is ineligible for reappointment to a public transit board of trustees described
166 in Subsection (2)(a).

167 (6) (a) Vacancies for voting members shall be filled by the official appointing the
168 member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy
169 within 90 days.

170 (b) If the appointing official under Subsection (1) does not fill the vacancy within 90
171 days, the board of trustees of the authority shall fill the vacancy.

172 (c) If the appointing official under Subsection (2) does not fill the vacancy within 90
173 days, the governor, with the advice and consent of the Senate, shall fill the vacancy.

174 (7) (a) Each voting member may cast one vote on all questions, orders, resolutions, and
175 ordinances coming before the board of trustees.

176 (b) A majority of all voting members of the board of trustees are a quorum for the
177 transaction of business.

178 (c) The affirmative vote of a majority of all voting members present at any meeting at
179 which a quorum was initially present shall be necessary and, except as otherwise provided, is
180 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

181 (8) Each public transit district shall pay to each voting member:
182 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed
183 \$200 in any calendar month to any voting member; and
184 (b) reasonable mileage and expenses necessarily incurred to attend board or committee
185 meetings.

186 (9) (a) Members of the initial board of trustees shall convene at the time and place
187 fixed by the chief executive officer of the entity initiating the proceedings.

188 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and
189 secretary.

190 (c) The members elected under Subsection (9)(b) shall serve for a period of two years
191 or until their successors shall be elected and qualified.

192 (d) On or after January 1, 2011, a locally elected public official is not eligible to serve
193 as the chair, vice chair, or secretary of the board of trustees.

194 (10) Except as otherwise authorized under Subsection (2)(g) and Section
195 17B-2a-807.5, at the time of a voting member's appointment or during a voting member's
196 tenure in office, a voting member may not hold any employment, except as an independent
197 contractor or locally elected public official, with a county or municipality within the district.

198 (11) The Transportation Commission created in Section 72-1-301:

199 (a) for a public transit district serving a population of 200,000 people or fewer, may
200 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
201 a nonvoting, ex officio member; and

202 (b) for a public transit district serving a population of more than 200,000 people, shall
203 appoint a commissioner of the Transportation Commission to serve on the board of trustees as
204 a voting member.

205 (12) (a) For a public transit district serving a population of more than 200,000 people,
206 the board of trustees shall include one member who is an employee representative.

207 (b) (i) The board of trustees member described in Subsection (12)(a) shall be appointed
208 by the executive board of the public transit district board of trustees.

209 (ii) The executive board of the public transit district board of trustees shall select the
210 board of trustees member described in Subsection (12)(a) from three names submitted by
211 certified employee organizations.

212 (c) The board of trustees member described in Subsection (12)(a):
213 (i) shall serve as a nonvoting, ex officio member;
214 (ii) may not be included in closed meeting discussions; and
215 (iii) shall serve for the same term as voting members described in Subsection (5).

216 [~~(12)~~] (13) (a) (i) Each member of the board of trustees of a public transit district is
217 subject to recall at any time by the legislative body of the county or municipality from which
218 the member is appointed.

219 (ii) Each recall of a board of trustees member shall be made in the same manner as the
220 original appointment.

221 (iii) The legislative body recalling a board of trustees member shall provide written
222 notice to the member being recalled.

223 (b) Upon providing written notice to the board of trustees, a member of the board may
224 resign from the board of trustees.

225 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or
226 resigns under this Subsection [~~(12)~~] (13), the vacancy shall be filled as provided in Subsection
227 (6).

FISCAL NOTE

S.B. 232 1st Sub. (Green)

SHORT TITLE: Public Transit District Board of Trustees Amendments

SPONSOR: Mayne, K.

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.

3/3/2011, 11:27 AM, Lead Analyst: Wilko, A./Attorney: SCH

Office of the Legislative Fiscal Analyst