

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
8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides that beginning with appointments made on or after July 1, 2011:
- 15 • the voting members appointed for certain public transit districts shall consist of
 - 16 one member who is an employee representative; and
 - 17 • the appointing entities shall consider certain experience qualifications when
 - 18 appointing board members for certain public transit districts; and
- 19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **17B-2a-807**, as last amended by Laws of Utah 2010, Chapter 281



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

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

30 **17B-2a-807. Public transit district board of trustees -- Appointment --**
31 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

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

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

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

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

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

55 (2) (a) Subject to Section 17B-2a-807.5, if more than 200,000 people reside within the
56 boundaries of a public transit district, the board of trustees shall consist of:

57 (i) 11 members:

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

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

60 (ii) three members appointed as described in Subsection (4); and

61 (iii) one voting member appointed as provided in Subsection (11).

62 (b) Except as provided in Subsections (2)(c) and (d), the board shall apportion voting

63 members to each county within the district using an average of:

64 (i) the proportion of population included in the district and residing within each county,

65 rounded to the nearest 1/11 of the total transit district population; and

66 (ii) the cumulative proportion of transit sales and use tax collected from areas included

67 in the district and within each county, rounded to the nearest 1/11 of the total cumulative transit

68 sales and use tax collected for the transit district.

69 (c) The board shall join an entire or partial county not apportioned a voting member

70 under this Subsection (2) with an adjacent county for representation. The combined

71 apportionment basis included in the district of both counties shall be used for the

72 apportionment.

73 (d) (i) If rounding to the nearest 1/11 of the total public transit district apportionment

74 basis under Subsection (2)(b) results in an apportionment of more than 11 members, the county

75 or combination of counties with the smallest additional fraction of a whole member proportion

76 shall have one less member apportioned to it.

77 (ii) If rounding to the nearest 1/11 of the total public transit district apportionment

78 basis under Subsection (2)(b) results in an apportionment of less than 11 members, the county

79 or combination of counties with the largest additional fraction of a whole member proportion

80 shall have one more member apportioned to it.

81 (e) If the population in the unincorporated area of a county is at least 140,000, the

82 county executive, with the advice and consent of the county legislative body, shall appoint one

83 voting member to represent the population within a county's unincorporated area.

84 (f) If a municipality's population is at least 160,000, the chief municipal executive,

85 with the advice and consent of the municipal legislative body, shall appoint one voting member

86 to represent the population within a municipality.

87 (g) (i) The number of voting members appointed from a county and municipalities

88 within a county under Subsections (2)(e) and (f) shall be subtracted from the county's total

89 voting member apportionment under this Subsection (2).

90 (ii) Notwithstanding Subsections (2)(1) and (10), no more than one voting member
91 appointed by an appointing entity may be a locally elected public official.

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

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

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

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

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

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

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

116 (n) (i) All population figures used under this section shall be derived from the most
117 recent official census or census estimate of the United States Bureau of the Census.

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

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

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

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

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

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

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

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

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

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

138 (p) Beginning with appointments made on or after July 1, 2011, and in addition to the
139 requirements under this section:

140 (i) the voting members appointed under this Subsection (2) shall consist of one
141 member who is an employee representative; and

142 (ii) the appointing entities shall consider the following experience qualifications when
143 appointing board members under this Subsection (2):

144 (A) experience or expertise in land use or real estate;

145 (B) experience or expertise in finance or economics;

146 (C) experience or expertise in engineering;

147 (D) experience or expertise in environmental matters; or

148 (E) experience or expertise in the construction industry.

149 (3) Upon the completion of an annexation to a public transit district under Chapter 1,
150 Part 4, Annexation, the annexed area shall have a representative on the board of trustees on the
151 same basis as if the area had been included in the district as originally organized.

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

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

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

156 (c) one member appointed by the governor.

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

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

162 (ii) A person:

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

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

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

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

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

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

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

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

182 (8) Each public transit district shall pay to each voting member:

183 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed
184 \$200 in any calendar month to any voting member; and

185 (b) reasonable mileage and expenses necessarily incurred to attend board or committee
186 meetings.

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

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

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

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

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

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

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

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

206 (12) (a) (i) Each member of the board of trustees of a public transit district is subject to
207 recall at any time by the legislative body of the county or municipality from which the member
208 is appointed.

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

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

213 (b) Upon providing written notice to the board of trustees, a member of the board may

214 resign from the board of trustees.

215 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or

216 resigns under this Subsection (12), the vacancy shall be filled as provided in Subsection (6).

Legislative Review Note

as of 2-24-11 11:46 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 232

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.