

1                   **PUBLIC TRANSIT DISTRICT BOARD AMENDMENTS**

2                                   2013 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Merrill F. Nelson**

5                                   Senate Sponsor: Curtis S. Bramble

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7                   **LONG TITLE**

8                   **General Description:**

9                   This bill modifies provisions relating to a public transit district board of trustees.

10                   **Highlighted Provisions:**

11                   This bill:

12                   ▶ adds a nonvoting member who represents all municipalities within the district that  
13 are located within a county that is not annexed into the public transit district to the  
14 board of trustees of a public transit district serving a population of more than  
15 200,000 people;

16                   ▶ establishes procedures for municipalities to appoint the nonvoting member to the  
17 board of trustees of the public transit district; and

18                   ▶ makes technical corrections.

19                   **Money Appropriated in this Bill:**

20                   None

21                   **Other Special Clauses:**

22                   None

23                   **Utah Code Sections Affected:**

24                   AMENDS:

25                   **17B-2a-807**, as last amended by Laws of Utah 2011, Chapters 106 and 297

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



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

29 **17B-2a-807. Public transit district board of trustees -- Appointment --**  
30 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

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

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

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

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

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

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

56 (i) 11 members:

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

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

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

60 (iii) one voting member appointed as provided in Subsection (11)[-]; and

61 (iv) one nonvoting member appointed as provided in Subsection (12).

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

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

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

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

145 (c) one member appointed by the governor.

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

149 (6) (a) Vacancies for [voting] members shall be filled by the official appointing the  
150 member creating the vacancy for the unexpired term, unless the official fails to fill the vacancy  
151 within 90 days.

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

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

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

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

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

163 (8) Each public transit district shall pay to each [voting] member:

164 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed  
165 \$200 in any calendar month to any voting member; and

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

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

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

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

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

176 (10) Except as otherwise authorized under Subsection (2)(g) and Section  
177 17B-2a-807.5, at the time of a [voting] member's appointment or during a [voting] member's  
178 tenure in office, a [voting] member may not hold any employment, except as an independent  
179 contractor or locally elected public official, with a county or municipality within the district.

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

181 (a) for a public transit district serving a population of 200,000 people or fewer, may  
182 appoint a commissioner of the Transportation Commission to serve on the board of trustees as

183 a nonvoting, ex officio member; and

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

187 (12) (a) The board of trustees of a public transit district serving a population of more  
188 than 200,000 people shall include a nonvoting member who represents all municipalities and  
189 unincorporated areas within the district that are located within a county that is not annexed into  
190 the public transit district.

191 (b) The nonvoting member representing the combination of municipalities and  
192 unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a  
193 weighted vote of the majority of the chief executive officers of the municipalities described in  
194 Subsection (12)(a).

195 (c) Each municipality's vote under Subsection (12)(b) shall be weighted using the  
196 proportion of the public transit district population that resides within that municipality and the  
197 adjacent unincorporated areas within the same county.

198 [~~12~~] (13) (a) (i) Each member of the board of trustees of a public transit district is  
199 subject to recall at any time by the legislative body of the county or municipality from which  
200 the member is appointed.

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

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

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

207 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or  
208 resigns under this Subsection [~~12~~] (13), the vacancy shall be filled as provided in Subsection  
209 (6).

**Legislative Review Note**  
**as of 2-13-13 10:33 AM**

**Office of Legislative Research and General Counsel**