

- 26           ▶ provides notice and hearing requirements;
- 27 **H→** [~~→ provides for the incorporation of a metro township after November 3, 2015;~~] **←H**
- 28           ▶ provides for the determination of metro township council districts and election of
- 29 officers;
- 30           ▶ authorizes a five-member council form of government for a metro township;
- 31           ▶ provides the powers and duties of the metro township council chair and council
- 32 members;
- 33           ▶ repeals and reenacts provisions authorizing a change in form of municipal
- 34 government;
- 35           ▶ enacts provisions related to the administration of a metro township;
- 36           ▶ authorizes a metro township council to, in certain circumstances, prohibit an
- 37 ignition source;
- 38           ▶ requires a township located outside of a county of the first class to change its name
- 39 to "planning advisory area";
- 40           ▶ requires the withdrawal or dissolution of a planning advisory area that is annexed;
- 41           ▶ prohibits a county other than a county of the first class from adopting certain land
- 42 use ordinances requiring revegetation or landscaping;
- 43           ▶ amends definitions for local district provisions;
- 44           ▶ enacts provisions related to the levy of a municipal services district property tax;
- 45           ▶ enacts provisions related to a general obligation bond issued by a municipal services
- 46 district;
- 47           ▶ amends provisions related to a municipal services district board of trustees;
- 48           ▶ enacts language requiring the withdrawal of rural real property from a metro
- 49 township or municipal services district;
- 50           ▶ amends and enacts provisions related to the withdrawal of an area from a local
- 51 district;
- 52           ▶ enacts provisions related to an audit of a municipal services district;
- 53 **H→** [~~→ authorizes a metro township to initiate the creation of a school district;~~] **←H**
- 54           ▶ authorizes a metro township to levy a 911 charge and impose a sales and use tax;
- 55 and
- 56           ▶ makes technical and conforming amendments.

- 88 10-6-111, as last amended by Laws of Utah 2010, Chapter 378
- 89 15A-5-202.5, as last amended by Laws of Utah 2014, Chapter 243
- 90 17-23-17, as last amended by Laws of Utah 2007, Chapter 329
- 91 17-23-17.5, as last amended by Laws of Utah 2014, Chapter 189
- 92 17-27a-103, as last amended by Laws of Utah 2014, Chapters 136 and 363
- 93 17-27a-301, as last amended by Laws of Utah 2014, Chapter 189
- 94 17-27a-302, as last amended by Laws of Utah 2012, Chapter 359
- 95 17-27a-306, as last amended by Laws of Utah 2010, Chapters 90 and 218
- 96 17-27a-505, as last amended by Laws of Utah 2013, Chapter 476
- 97 17-34-3, as last amended by Laws of Utah 2013, Chapter 371
- 98 17-41-101, as last amended by Laws of Utah 2014, Chapter 65
- 99 17B-1-102, as last amended by Laws of Utah 2011, Chapters 107 and 205
- 100 17B-1-502, as last amended by Laws of Utah 2014, Chapter 405
- 101 17B-1-505, as last amended by Laws of Utah 2011, Chapter 68
- 102 17B-1-1002, as last amended by Laws of Utah 2011, Chapter 282
- 103 17B-1-1102, as enacted by Laws of Utah 2007, Chapter 329
- 104 17B-2a-1102, as enacted by Laws of Utah 2014, Chapter 405
- 105 17B-2a-1103, as enacted by Laws of Utah 2014, Chapter 405
- 106 17B-2a-1104, as enacted by Laws of Utah 2014, Chapter 405
- 107 17B-2a-1106, as enacted by Laws of Utah 2014, Chapter 405
- 108 17B-2a-1107, as enacted by Laws of Utah 2014, Chapter 405
- 109 20A-1-102, as last amended by Laws of Utah 2014, Chapters 17, 31, 231, 362, and 391
- 110 20A-1-201.5, as last amended by Laws of Utah 2013, Chapter 320
- 111 20A-1-203, as last amended by Laws of Utah 2014, Chapter 158
- 112 20A-1-204, as last amended by Laws of Utah 2013, Chapters 295 and 415
- 113 20A-11-101, as last amended by Laws of Utah 2014, Chapters 18, 158, and 337
- 114 53-2a-208, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 115 53-2a-802, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 116 ~~53A-2-118, as last amended by Laws of Utah 2010, Chapter 230~~
- 117 ~~53A-2-118.1, as last amended by Laws of Utah 2011, Chapter 300]~~
- 118 53A-2-402, as enacted by Laws of Utah 2006, Chapter 339

- 119 53B-21-107, as enacted by Laws of Utah 1987, Chapter 167
- 120 59-12-203, as renumbered and amended by Laws of Utah 1987, Chapter 5
- 121 63I-2-210, as last amended by Laws of Utah 2014, Chapter 405
- 122 67-1a-2, as last amended by Laws of Utah 2013, Chapters 182, 219, 278 and last
- 123 amended by Coordination Clause, Laws of Utah 2013, Chapter 182
- 124 69-2-5, as last amended by Laws of Utah 2014, Chapter 320
- 125 69-2-5.5, as last amended by Laws of Utah 2014, Chapter 320
- 126 69-2-5.6, as last amended by Laws of Utah 2014, Chapter 320
- 127 69-2-5.7, as last amended by Laws of Utah 2014, Chapter 320
- 128 78A-7-202, as last amended by Laws of Utah 2012, Chapter 205

129 ENACTS:

- 130 10-2-301.5, Utah Code Annotated 1953
- 131 10-2a-101, Utah Code Annotated 1953
- 132 10-2a-201, Utah Code Annotated 1953
- 133 10-2a-301, Utah Code Annotated 1953
- 134 10-2a-401, Utah Code Annotated 1953
- 135 10-2a-402, Utah Code Annotated 1953
- 136 10-2a-403, Utah Code Annotated 1953
- 137 10-2a-404, Utah Code Annotated 1953
- 138 10-2a-405, Utah Code Annotated 1953
- 139 10-2a-406, Utah Code Annotated 1953
- 140 10-2a-407, Utah Code Annotated 1953
- 141 10-2a-408, Utah Code Annotated 1953
- 142 10-2a-409, Utah Code Annotated 1953
- 143 ~~10-2a-410, Utah Code Annotated 1953~~
- 144 10-2a-411, Utah Code Annotated 1953
- 145 10-2a-412, Utah Code Annotated 1953
- 146 10-2a-413, Utah Code Annotated 1953
- 147 ~~10-2a-414, Utah Code Annotated 1953~~
- 148 10-3b-601, Utah Code Annotated 1953
- 149 10-3b-602, Utah Code Annotated 1953

2320 Section ~~[10-2-128]~~ 10-2a-305 is held on any other date.

2321 (b) (i) The effective date of an incorporation for purposes of assessing property within  
2322 the new town is governed by Section 59-2-305.5.

2323 (ii) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
2324 recorder of each county in which the property is located, a newly incorporated town may not:

2325 (A) levy or collect a property tax on property within the town;

2326 (B) levy or collect an assessment on property within the town; or

2327 (C) charge or collect a fee for service provided to property within the town.

2328 Section 50. Section **10-2a-401** is enacted to read:

2329 **Part 4. Incorporation of Metro Townships and Unincorporated**

2330 **Islands in a County of the First Class on and after May 12, 2015**

2331 **10-2a-401. Title.**

2332 This part is known as "Incorporation of Metro Townships and Unincorporated Islands  
2333 in a County of the First Class on and after May 12, 2015."

2334 Section 51. Section **10-2a-402** is enacted to read:

2335 **10-2a-402. Application.**

2336 (1) The provisions of this part:

2337 (a) apply to the following located in a county of the first class:

2338 (i) a planning township established before ~~H→~~ **[May 12] January 1 ←H**, 2015; and

2339 (ii) subject to Subsection (2), an unincorporated island located in a county of the first  
2340 class on or after May 12, 2015, and before November 4, 2015; and

2341 (b) do not apply to a planning advisory area, as defined in Section 17-27a-103, or any  
2342 other unincorporated area located outside of a county of the first class.

2343 (2) (a) The provisions of Part 2, Incorporation of a City, and Part 3, Incorporation of a  
2344 Town, apply to an unincorporated area described in Subsection (1) for an incorporation as a  
2345 city after November 3, 2015.

2346 ~~**H→ [(b) The provisions of Section 10-2a-410 apply to an unincorporated area described in**~~  
2347 ~~**Subsection (1) for an incorporation as a metro township after November 3, 2015;]**~~

2348 ~~**[(c)] (b) ←H**~~ The provisions of Chapter 2, Part 4, Annexation:

2349 (i) do not apply to an unincorporated island for purposes of annexation before  
2350 November 4, 2015, unless:

2351 (A) otherwise indicated; or

2352 (B) before July 1, 2015, an annexation petition is filed in accordance with Section

2353 10-2-403 or an intent to annex resolution is adopted in accordance with Subsection

2354 10-2-418(2)(a)(i); and

2355 (ii) apply to an unincorporated island that is not annexed at an election under this part  
2356 for purposes of annexation on or after November 4, 2015.

2357 Section 52. Section **10-2a-403** is enacted to read:

2358 **10-2a-403. Definitions.**

2359 As used in this section:

2360 (1) "Ballot proposition" means the same as that term is defined in Section 20A-1-102.

2361 (2) "Eligible city" means a city whose legislative body adopts a resolution agreeing to  
2362 annex an unincorporated island.

2363 (3) "Local special election" means the same as that term is defined in Section  
2364 20A-1-102.

2365 (4) "Municipal services district" means a district created in accordance with Title 11,  
2366 Chapter 2a, Part 11, Municipal Services District Act.

2367 (5) (a) "Metro township" means, except as provided in Subsection (5)(b), a planning  
2368 township that is incorporated in accordance with this part.

2369 (b) "Metro township" does not include a township as that term is used in the context of  
2370 identifying a geographic area in common surveyor practice.

2371 (6) (a) "Planning township" means an area located in a county of the first class that is  
2372 established ~~H~~ before January 1, 2015, ~~H~~ as a township as defined in and established in  
2372a accordance with law before the  
2373 enactment of this bill.

2374 (b) "Planning township" does not include rural real property unless the owner of the  
2375 rural real property provides written consent in accordance with Section 10-2a-405.

2376 (7) (a) "Unincorporated island" means an unincorporated area that is completely  
2377 surrounded by one or more municipalities.

2378 (b) "Unincorporated island" does not include a planning township.

2379 Section 53. Section **10-2a-404** is enacted to read:

2380 **10-2a-404. Election.**

2381 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local

2599 provisions.

2600 (1) If the annexation of an unincorporated island into an eligible city passes, the  
 2601 legislative body of the eligible city shall comply with Section 10-2-425.

2602 (2) The following provisions apply to an annexation under this part:

2603 (a) Section 10-2-420;

2604 (b) Section 10-2-421;

2605 (c) Section 10-2-422;

2606 (d) Section 10-2-426; and

2607 (e) Section 10-2-428.

2608 ~~§~~ → [Section 59. Section 10-2a-410 is enacted to read:

2609 ~~—— 10-2a-410. Incorporation of metro townships after November 3, 2015.~~

2610 ~~—— (1) (a) An area located in a county of the first class that is unincorporated after the~~  
 2611 ~~results of the election held in accordance with Section 10-2a-404 may, after November 3, 2015,~~  
 2612 ~~incorporate as a metro township in accordance with this section.~~

2613 ~~—— (b) An unincorporated area other than an area described in Subsection (1)(a) may not~~  
 2614 ~~incorporate as a metro township under this section.~~

2615 ~~—— (2) A metro township may not be established unless the area to be included within the~~  
 2616 ~~proposed metro township:~~

2617 ~~—— (a) is unincorporated;~~

2618 ~~—— (b) is contiguous; and~~

2619 ~~—— (c) (i) contains:~~

2620 ~~—— (A) at least 20% but not more than 80% of the total private land area in the~~  
 2621 ~~unincorporated county or the total value of locally assessed taxable property in the~~  
 2622 ~~unincorporated county; or~~

2623 ~~—— (B) at least 5% of the total population of the unincorporated county, but no less than~~  
 2624 ~~300 residents; or~~

2625 ~~—— (ii) has been declared by the United States Census Bureau as a census designated place.~~

2626 ~~—— (3) (a) The process to establish a metro township is initiated by the filing of a petition~~  
 2627 ~~with the clerk of the county in which the proposed metro township is located.~~

2628 ~~—— (b) A petition to establish a metro township may not be filed if it proposes the~~  
 2629 ~~establishment of a metro township that includes an area within a proposed metro township in a~~ Ⓢ

2630 ~~⊛ petition that has previously been certified under Subsection (9)(a)(i), until after the canvass of~~  
 2631 ~~an election on the proposed metro township under Subsection (11):~~  
 2632 ~~—— (4) A petition under Subsection (3) to establish a metro township shall:~~  
 2633 ~~—— (a) be signed by the owners of private real property that:~~  
 2634 ~~—— (i) is located within the proposed metro township;~~  
 2635 ~~—— (ii) covers at least 10% of the total private land area within the proposed metro~~  
 2636 ~~township; and~~  
 2637 ~~—— (iii) is equal in value to at least 10% of the value of all private real property within the~~  
 2638 ~~proposed metro township;~~  
 2639 ~~—— (b) be accompanied by an accurate plat or map showing the boundary of the contiguous~~  
 2640 ~~area proposed to be established as a metro township;~~  
 2641 ~~—— (c) indicate the typed or printed name and current residence address of each owner~~  
 2642 ~~signing the petition;~~  
 2643 ~~—— (d) designate up to five signers of the petition as petition sponsors, one of whom shall~~  
 2644 ~~be designated as the contact sponsor, with the mailing address and telephone number of each~~  
 2645 ~~petition sponsor;~~  
 2646 ~~—— (e) authorize the petition sponsor or sponsors to act on behalf of all owners signing the~~  
 2647 ~~petition for purposes of the petition; and~~  
 2648 ~~—— (f) request the county legislative body to provide notice of the petition and of a public~~  
 2649 ~~hearing, hold a public hearing, and conduct an election on the proposal to establish a metro~~  
 2650 ~~township.~~  
 2651 ~~—— (5) Subsection 10-2a-102(3) applies to a petition to establish a metro township to the~~  
 2652 ~~same extent as if it were an incorporation petition under Title 10, Chapter 2a, Part 2;~~  
 2653 ~~**Incorporation of a City:**~~  
 2654 ~~—— (6) Within seven days after the filing of a petition under Subsection (3) proposing the~~  
 2655 ~~establishment of a metro township, the county clerk shall provide notice of the filing of the~~  
 2656 ~~petition to:~~  
 2657 ~~—— (a) each owner of real property owning more than 1% of the assessed value of all real~~  
 2658 ~~property within the proposed metro township; and~~  
 2659 ~~—— (b) each owner of real property owning more than 850 acres of real property within the~~  
 2660 ~~proposed metro township. ⊛~~

2661        ~~★ (7) A property owner may exclude all or part of the property owner's property from a~~  
2662 ~~proposed metro township:~~  
2663        ~~—— (a) if:~~  
2664        ~~—— (i) (A) the property owner owns more than 1% of the assessed value of all property~~  
2665 ~~within the proposed township, the property is nonurban, and the property does not or will not~~  
2666 ~~require municipal provision of municipal-type services or the property owner owns more than~~  
2667 ~~850 acres of real property within the proposed metro township; and~~  
2668        ~~—— (B) exclusion of the property will not leave within the metro township an island of~~  
2669 ~~property that is not part of the metro township; or~~  
2670        ~~—— (ii) the property owner owns rural real property as that term is defined in Section~~  
2671 ~~17B-2a-1107; and~~  
2672        ~~—— (b) by filing a notice of exclusion within 10 days after receiving the clerk's notice under~~  
2673 ~~Subsection (6):~~  
2674        ~~—— (8) (a) The county legislative body shall exclude from the proposed metro township the~~  
2675 ~~property identified in a notice of exclusion timely filed under Subsection (7)(b) if the property~~  
2676 ~~meets the applicable requirements of Subsection (7)(a):~~  
2677        ~~—— (b) If the county legislative body excludes property from a proposed metro township~~  
2678 ~~under Subsection (8)(a), the county legislative body shall, within five days after the exclusion,~~  
2679 ~~send written notice of its action to the contact sponsor:~~  
2680        ~~—— (9) (a) Within 45 days after the filing of a petition under Subsection (3), the county~~  
2681 ~~clerk shall:~~  
2682        ~~—— (i) with the assistance of other county officers from whom the clerk requests assistance,~~  
2683 ~~determine whether the petition complies with the requirements of Subsection (4); and~~  
2684        ~~—— (ii) if the clerk determines that the petition:~~  
2685        ~~—— (A) complies with the requirements of Subsection (4), certify the petition, deliver the~~  
2686 ~~certified petition to the county legislative body, and mail or deliver written notification of the~~  
2687 ~~certification to the contact sponsor; or~~  
2688        ~~—— (B) fails to comply with any of the requirements of Subsection (4), reject the petition~~  
2689 ~~and notify the contact sponsor in writing of the rejection and the reasons for the rejection:~~  
2690        ~~—— (b) If the county clerk rejects a petition under Subsection (9)(a)(ii)(B), the petition may~~  
2691 ~~be amended to correct the deficiencies for which it was rejected and then refiled with the~~ ★

2692 \* county clerk:

2693 ~~———— (10) (a) Within 90 days after a petition to establish a metro township is certified, the~~  
 2694 ~~county legislative body shall hold a public hearing on the proposal to establish a metro~~  
 2695 ~~township:~~

2696 ~~———— (b) A public hearing under Subsection (10)(a) shall be:~~

2697 ~~———— (i) within the boundary of the proposed metro township; or~~

2698 ~~———— (ii) if holding a public hearing in that area is not practicable, as close to that area as~~  
 2699 ~~practicable:~~

2700 ~~———— (c) At least one week before holding a public hearing under Subsection (10)(a), the~~  
 2701 ~~county legislative body shall publish notice of the petition and the time, date, and place of the~~  
 2702 ~~public hearing:~~

2703 ~~———— (i) at least once in a newspaper of general circulation in the county; and~~

2704 ~~———— (ii) on the Utah Public Notice Website created in Section 63F-1-701:~~

2705 ~~———— (11) (a) Following the public hearing under Subsection (10)(b), the county legislative~~  
 2706 ~~body shall arrange for the proposal to establish a metro township to be submitted to voters~~  
 2707 ~~residing within the proposed metro township at the next regular general election that is more~~  
 2708 ~~than 90 days after the public hearing:~~

2709 ~~———— (b) For the election required under Subsection (11)(a), the county and county clerk~~  
 2710 ~~shall, except as provided in Subsection (11)(c), follow the provisions of Section 10-2a-404 that~~  
 2711 ~~govern an election by residents of a planning advisory area to incorporate as a metro township~~  
 2712 ~~as if the area described in Subsection (1) was the planning advisory area, but excluding any~~  
 2713 ~~action or information that includes a requirement applicable to the option of incorporating as a~~  
 2714 ~~city or town under Section 10-2a-404 or the question on a ballot under Section 10-2a-406:~~

2715 ~~———— (c) Notwithstanding Subsection 10-2a-404(1)(a), the election shall be held on a date~~  
 2716 ~~that complies with Subsection (11)(a):~~

2717 ~~———— (12) The provisions of Section 10-2a-411 govern the election of metro township~~  
 2718 ~~officers:] ←H~~

2719 Section H→ [60] 59 ←H . Section H→[10-2a-411] 10-2a-410 ←H is enacted to read:

2720 H→ [10-2a-411] 10-2a-410 ←H . Determination of metro township

2720a districts -- Determination of metro

2721 township or city initial officer terms -- Adoption of proposed districts.

2722 (1) If a metro township is incorporated in accordance with an election held under

2723 Section 10-2a-404 ~~H~~→ [~~or 10-2a-410~~] ←~~H~~ :

2724 (a) each of the five metro township council members shall be elected by district; and

2725 (b) the boundaries of the five council districts for election and the terms of office shall  
2726 be designated and determined in accordance with this section.

2727 (2) (a) If a town is incorporated at an election held in accordance with Section  
2728 10-2a-404, the five council members shall be elected at large for terms as designated and  
2729 determined in accordance with this section.

2730 (b) If a city is incorporated at an election held in accordance with Section 10-2a-404:

2731 (i) (A) the four members of the council district who are not the mayor shall be elected  
2732 by district; and

2733 (B) the boundaries of the four council districts for election and the term of office shall  
2734 be designated and determined in accordance with this section; and

2735 (ii) the mayor shall be elected at large for a term designated and determined in  
2736 accordance with this section.

2737 (3) (a) No later than 90 days after the election day on which the metro township, city,  
2738 or town is successfully incorporated under this part, the legislative body of the county in which  
2739 the metro township is located shall adopt by resolution:

2740 (i) subject to Subsection (3)(b), for each incorporated metro township, city, or town,  
2741 the council terms for a length of time in accordance with this section; and

2742 (ii) (A) for a metro township, the boundaries of the five council districts; and

2743 (B) for a city, the boundaries of the four council districts.

2744 (b) (i) For each metro township, city, or town, the county legislative body shall set the  
2745 initial terms of the members of the metro township council, city council, or town council so  
2746 that:

2747 (A) approximately half the members of the council, including the mayor in the case of  
2748 a city, are elected to serve an initial term, of no less than one year, that allows their successors  
2749 to serve a full four-year term that coincides with the schedule established in Subsection  
2750 10-3-205(1); and

2751 (B) the remaining members of the council are elected to serve an initial term, of no less  
2752 than one year, that allows their successors to serve a full four-year term that coincides with the  
2753 schedule established in Subsection 10-3-205(2).

2754 (ii) For a metro township, the county legislative body shall divide the metro township  
 2755 into five council districts that comply with Section 10-3-205.5.

2756 (iii) For a city, the county legislative body shall divide the city into four council  
 2757 districts that comply with Section 10-3-205.5.

2758 (4) (a) Within 20 days of the county legislative body's adoption of a resolution under  
 2759 Subsection (3), the county clerk shall publish, in accordance with Subsection (4)(b), notice  
 2760 containing:

2761 (i) if applicable, a description of the boundaries of the metro township council or city  
 2762 council districts as designated in the resolution;

2763 (ii) information about the deadline for filing a declaration of candidacy for those  
 2764 seeking to become candidates for metro township council, city council, town council, or city  
 2765 mayor, respectively; and

2766 (iii) information about the length of the initial term of city mayor or each of the metro  
 2767 township, city, or town council offices, as described in the resolution.

2768 (b) The notice under Subsection (4)(a) shall be published:

2769 (i) in a newspaper of general circulation within the metro township, city, or town at  
 2770 least once a week for two successive weeks; and

2771 (ii) in accordance with Section 45-1-101 for two weeks.

2772 (c) (i) In accordance with Subsection (4)(b)(i), if there is no newspaper of general  
 2773 circulation within the future metro township, city, or town, the county clerk shall post at least  
 2774 one notice per 1,000 population in conspicuous places within the future metro township, city,  
 2775 or town that are most likely to give notice to the residents of the future metro township, city, or  
 2776 town.

2777 (ii) The notice under Subsection (4)(c)(i) shall contain the information required under  
 2778 Subsection (4)(a).

2779 (iii) The county clerk shall post the notices under Subsection (4)(c)(i) at least seven  
 2780 days before the deadline for filing a declaration of candidacy under Subsection (4)(d).

2781 (d) A person seeking to become a candidate for metro township, city, or town council  
 2782 or city mayor shall, in accordance with Section 20A-9-202, file a declaration of candidacy with  
 2783 the clerk of the county in which the metro township, city, or town is located for an election  
 2784 described in Section ~~10-2a-412~~ 10-2a-411 .

2785 Section ~~H~~→ [61] 60 ←~~H~~ . Section ~~H~~→[~~10-2a-412~~] 10-2a-411 ←~~H~~ is enacted to read:

2786 ~~H~~→ [~~10-2a-412~~] 10-2a-411 ←~~H~~ . Election of officers of new city, town, or

2786a metro township.

2787 (1) For the election of the initial office holders of a metro township, city, or town,

2788 respectively, incorporated under Section 10-2a-404, the county legislative body shall:

2789 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary

2790 election at the next regular primary election, as described in Section 20A-1-201.5, following

2791 the November 3, 2015, election to incorporate; and

2792 (b) hold a final election at the next regular general election date following the election

2793 to incorporate.

2794 (2) An election under Subsection (1) for the officers of:

2795 (a) a metro township shall be consistent with the number of council members as

2796 described in Subsection 10-2a-404(1)(b)(i); and

2797 (b) a city or town shall be consistent with the number of council members, including

2798 the city mayor as a member of a city council, described in Subsection 10-2a-404(1)(b)(ii).

2799 (3) (a) (i) The county clerk shall publish notice of an election under this section:

2800 (A) at least once a week for two successive weeks in a newspaper of general circulation

2801 within the future metro township, city, or town; and

2802 (B) in accordance with Section 45-1-101 for two weeks.

2803 (ii) The later notice under Subsection (3)(a)(i) shall be at least one day but no more

2804 than seven days before the election.

2805 (b) (i) In accordance with Subsection (3)(a)(i)(A), if there is no newspaper of general

2806 circulation within the future metro township, city, or town, the county clerk shall post at least

2807 one notice of the election per 1,000 population in conspicuous places within the future metro

2808 township, city, or town that are most likely to give notice of the election to the voters.

2809 (ii) The county clerk shall post the notices under Subsection (3)(b)(i) at least seven

2810 days before each election under Subsection (1).

2811 (4) (a) Until the metro township, city, or town is incorporated, the county clerk is the

2812 election officer for all purposes in an election of officers of the metro township, city, or town.

2813 (b) The county clerk is responsible to ensure that:

2814 (i) if applicable, the primary election described in Subsection (1)(a) is held on the date

2815 described in Subsection (1)(a);

2816 (ii) the final election described in Subsection (1)(b) is held on the date described in  
 2817 Subsection (1)(b); and

2818 (iii) the ballot for each election includes each office that is required to be included for  
 2819 officials in the metro township, city, or town, and the length of term of each office.

2820 (5) The officers elected at an election described in Subsection (1)(b) shall take office at  
 2821 noon on the first Monday in January next following the election.

2822 Section ~~H→~~ [62] 61 ~~←H~~ . Section ~~H→~~[10-2a-413] 10-2a-412 ~~←H~~ is enacted to read:

2823 ~~H→~~ [10-2a-413] 10-2a-412 ~~←H~~ . **Notification to lieutenant governor of**

2823a **election of officers.**

2824 Within 10 days of the canvass of final election of metro township, city, or town officers

2825 under Section ~~H→~~ [10-2a-412] 10-2a-411 ~~←H~~ , the county clerk shall send written notice to

2825a the lieutenant governor

2826 of the name and position of each officer elected and the term for which each has been elected.

2827 Section ~~H→~~ [63] 62 ~~←H~~ . Section ~~H→~~[10-2a-414] 10-2a-413 ~~←H~~ is enacted to read:

2828 ~~H→~~ [10-2a-414] 10-2a-413 ~~←H~~ . **Incorporation under this part subject to**

2828a **other provisions.**

2829 (1) An incorporation of a metro township, city, or town under this part is subject to the

2830 following provisions to the same extent as the incorporation of a city under Part 2,

2831 Incorporation of a City:

2832 (a) Section 10-2a-217;

2833 (b) Section 10-2a-219; and

2834 (c) Section 10-2a-220.

2835 (2) An incorporation of a city or town under this part is subject to Section 10-2a-218 to

2836 the same extent as the incorporation of a city or town under Part 2, Incorporation of a City.

2837 Section ~~H→~~ [64] 63 ~~←H~~ . Section 10-3-205.5 is amended to read:

2838 **10-3-205.5. At-large election of officers -- Election of commissioners or council**

2839 **members.**

2840 (1) Except as provided in [~~Subsection (2)] Subsection (2), (3), or (4), the officers of~~

2841 ~~each city shall be elected in an at-large election held at the time and in the manner provided for~~

2842 ~~electing municipal officers.~~

2843 (2) (a) [~~Notwithstanding Subsection (1), the]~~ The governing body of a city may by

2844 ordinance provide for the election of some or all commissioners or council members, as the

2845 case may be, by district equal in number to the number of commissioners or council members

2846 elected by district.

2847 (b) (i) Each district shall be of substantially equal population as the other districts.

2848 (ii) Within six months after the Legislature completes its redistricting process, the  
2849 governing body of each city that has adopted an ordinance under Subsection (2)(a) shall make  
2850 any adjustments in the boundaries of the districts as may be required to maintain districts of  
2851 substantially equal population.

2852 (3) (a) The municipal council members of a metro township, as defined in Section  
2853 10-2a-403, are elected:

2854 (i) by district in accordance with Subsection ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ (1)(a)(i); or

2855 (ii) at large in accordance with Subsection ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ (1)(b).

2856 (b) The council districts in a metro township shall comply with the requirements of  
2857 Subsections (2)(b)(i) and (ii).

2858 (4) (a) For a city incorporated in accordance with Chapter 2a, Part 4, Incorporation of  
2859 Metro Townships and Unincorporated Islands in a County of the First Class on and after May  
2860 12, 2015:

2861 (i) the council members are elected by district in accordance with Section

2861a ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ ;

2862 and

2863 (ii) the mayor is elected at large in accordance with Section

2863a ~~H~~→ [10-2a-411] 10-2a-410 ←~~H~~ .

2864 (b) The council districts in a city described in Subsection (4)(a) shall comply with the  
2865 requirements of Subsections (2)(b)(i) and (ii).

2866 Section 65. Section **10-3-1302** is amended to read:

2867 **10-3-1302. Purpose.**

2868 (1) The purposes of this part are to establish standards of conduct for municipal  
2869 officers and employees and to require these persons to disclose actual or potential conflicts of  
2870 interest between their public duties and their personal interests.

2871 (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part  
2872 may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a  
2873 county employee who is required by law to provide services to the metro township.

2874 Section 66. Section **10-3b-102** is amended to read:

2875 **10-3b-102. Definitions.**

2876 As used in this chapter:

2877 (1) "Council-mayor form of government" means the form of municipal government

4180 uncontested; and

4181 ~~[(ii)]~~ (b) shall protect the right of each:

4182 ~~[(A)]~~ (i) applicant and third party to require formal consideration of any application by  
4183 a land use authority;

4184 ~~[(B)]~~ (ii) applicant, adversely affected party, or county officer or employee to appeal a  
4185 land use authority's decision to a separate appeal authority; and

4186 ~~[(C)]~~ (iii) participant to be heard in each public hearing on a contested application.

4187 ~~[(2) The planning commission of a township under this part may recommend to the~~  
4188 ~~legislative body of the county in which the township is located that the legislative body file a~~  
4189 ~~protest to a proposed annexation of an area located within the township, as provided in~~  
4190 ~~Subsection 10-2-407(1)(b).]~~

4191 Section ~~H~~→ [97] 96 ←~~H~~ . Section 17-27a-306 is amended to read:

4192 **17-27a-306. Planning advisory areas.**

4193 (1) (a) A [township] planning advisory area may be established ~~H~~→ [in a county other than a  
4194 county of the first class] ←~~H~~ as provided in this Subsection (1).

4195 (b) A [township] planning advisory area may not be established unless the area to be  
4196 included within the proposed [township] planning advisory area:

4197 (i) is unincorporated;

4198 (ii) is contiguous; and

4199 (iii) (A) contains:

4200 (I) at least 20% but not more than 80% of:

4201 (Aa) the total private land area in the unincorporated county; or

4202 (Bb) the total value of locally assessed taxable property in the unincorporated county;

4203 or

4204 (II) (Aa) in a county of the [first,] second[,] or third class, at least 5% of the total  
4205 population of the unincorporated county, but not less ~~H~~→ [then] than ←~~H~~ 300 residents; or

4206 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
4207 of the unincorporated county; or

4208 (B) has been declared by the United States Census Bureau as a census designated  
4209 place.

4210 (c) (i) The process to establish a [township] planning advisory area is initiated by the

4304 proposal.

4305 ~~[(k) (i) A township that was dissolved under Laws of Utah 1997, Chapter 389, is~~  
 4306 ~~reinstated as a township under this part with the same boundaries and name as before the~~  
 4307 ~~dissolution, if the former township consisted of a single, contiguous land area.]~~

4308 ~~[(ii) Notwithstanding Subsection (1)(k)(i), a county legislative body may enact an~~  
 4309 ~~ordinance establishing as a township under this part a former township that was dissolved~~  
 4310 ~~under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be~~  
 4311 ~~reinstated under Subsection (1)(k)(i).]~~

4312 ~~[(iii) A township reinstated under Subsection (1)(k)(i) or established under Subsection~~  
 4313 ~~(1)(k)(ii) is subject to the provisions of this part.]~~

4314 ~~[(l) A township established under this section on or after May 5, 1997, may use the~~  
 4315 ~~word "township" in its name.]~~

4316 (k) An area that is an established township before May 12, 2015

4316a **H→** [, in a county other than

4317 a county of the first class] ←H :

4318 (i) is, as of May 12, 2015, a planning advisory area; and

4319 (ii) (A) shall change its name, if applicable, to no longer include the word "township":

4320 and

4321 (B) may use the word "planning advisory area" in its name.

4322 (2) The county legislative body may:

4323 (a) assign to the countywide planning commission the duties established in this part  
 4324 that would have been assumed by a [township] planning advisory area planning commission  
 4325 designated under Subsection (2)(b); or

4326 (b) designate and appoint a planning commission for the [township] planning advisory  
 4327 area.

4328 (3) (a) An area within the boundary of a [township] planning advisory area may be  
 4329 withdrawn from the [township] planning advisory area as provided in this Subsection (3) or in  
 4330 accordance with Subsection (5)(a).

4331 (b) The process to withdraw an area from a [township] planning advisory area is  
 4332 initiated by the filing of a petition with the clerk of the county in which the [township] planning  
 4333 advisory area is located.

4334 (c) A petition under Subsection (3)(b) shall:

6040 and overseeing the operations of each department, however denominated.

6041 (6) (a) "Office" includes all state and local offices, the powers and duties of which are  
6042 defined by constitution, statutes, charters, optional plans, ordinances, articles, or by-laws.

6043 (b) "Office" does not include the office of governor or the legislative or judicial offices.

6044 (7) "Place of governance" means the physical location where the powers of an office  
6045 are being exercised.

6046 (8) "Political subdivision" includes counties, cities, towns, metro townships, districts,  
6047 authorities, and other public corporations and entities whether organized and existing under  
6048 charter or general law.

6049 (9) "Political subdivision officer" means a person holding an office in a political  
6050 subdivision.

6051 (10) "State officer" means the attorney general, the state treasurer, the state auditor, and  
6052 the executive director of each department.

6053 (11) "Unavailable" means:

6054 (a) absent from the place of governance during a disaster that seriously disrupts normal  
6055 governmental operations, whether or not that absence or inability would give rise to a vacancy  
6056 under existing constitutional or statutory provisions; or

6057 (b) as otherwise defined by local ordinance.

6058 **H→ [Section 121. Section 53A-2-118 is amended to read:**

6059 ~~53A-2-118. Creation of new school district -- Initiation of process -- Procedures~~  
6060 ~~to be followed:~~

6061 ~~(1) A new school district may be created from one or more existing school districts, as~~  
6062 ~~provided in this section:~~

6063 ~~(2) (a) The process to create a new school district may be initiated:~~

6064 ~~(i) through a citizens' initiative petition;~~

6065 ~~(ii) at the request of the board of the existing district or districts to be affected by the~~  
6066 ~~creation of the new district; or~~

6067 ~~(iii) at the request of a city or metro township within the boundaries of the school~~  
6068 ~~district or at the request of interlocal agreement participants, pursuant to Section 53A-2-118.1.~~

6069 ~~(b) (i) Each petition submitted under Subsection (2)(a)(i) shall be signed by qualified~~  
6070 ~~electors residing within the geographical boundaries of the proposed new school district equal~~ ☆

6071 ~~☛ in number to at least 15% of the number of electors in the area who voted for the office of~~  
6072 ~~governor at the last regular general election.~~

6073 ~~—— (ii) Each request or petition submitted under Subsection (2)(a) shall:~~

6074 ~~—— (A) be filed with the clerk of each county in which any part of the proposed new school~~  
6075 ~~district is located;~~

6076 ~~—— (B) indicate the typed or printed name and current residence address of each governing~~  
6077 ~~board member making a request, or registered voter signing a petition, as the case may be;~~

6078 ~~—— (C) describe the proposed new school district boundaries; and~~

6079 ~~—— (D) designate up to five signers of the petition or request as sponsors, one of whom~~  
6080 ~~shall be designated as the contact sponsor, with the mailing address and telephone number of~~  
6081 ~~each.~~

6082 ~~—— (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,~~  
6083 ~~reinstate the signer's signature at any time before the filing of the petition by filing a written~~  
6084 ~~withdrawal or reinstatement with the county clerk.~~

6085 ~~—— (d) The process under Subsection (2)(a)(i) may only be initiated once during any~~  
6086 ~~four-year period.~~

6087 ~~—— (e) A new district may not be formed pursuant to Subsection (2)(a) if the student~~  
6088 ~~population of the proposed new district is less than 3,000 or the existing district's student~~  
6089 ~~population would be less than 3,000 because of the creation of the new school district.~~

6090 ~~—— (f) Within 45 days after the filing of a petition under Subsection (2)(a)(i) or five~~  
6091 ~~business days after the filing of a request under Subsection (2)(a)(ii) or (iii), the clerk of each~~  
6092 ~~county with which a request or petition is filed shall:~~

6093 ~~—— (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d),~~  
6094 ~~and (e), as applicable; and~~

6095 ~~—— (ii) (A) if the county clerk determines that the request or petition complies with the~~  
6096 ~~applicable requirements:~~

6097 ~~—— (I) certify the request or petition and deliver the certified request or petition to the~~  
6098 ~~county legislative body; and~~

6099 ~~—— (H) mail or deliver written notification of the certification to the contact sponsor; or~~  
6100 ~~—— (B) if the county clerk determines that the request or petition fails to comply with any~~  
6101 ~~of the applicable requirements, reject the request or petition and notify the contact sponsor in~~ ☛

- 6102 **✪ writing of the rejection and reasons for the rejection:**
- 6103 ~~—— (g) If the county clerk fails to certify or reject a request or petition within the time~~
- 6104 ~~specified in Subsection (2)(f), the request or petition shall be considered to be certified.~~
- 6105 ~~—— (h) (i) If the county clerk rejects a request or petition, the request or petition may be~~
- 6106 ~~amended to correct the deficiencies for which it was rejected and then refiled.~~
- 6107 ~~—— (ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled~~
- 6108 ~~after having been rejected by a county clerk.~~
- 6109 ~~—— (i) If a county legislative body receives a request from a school board under Subsection~~
- 6110 ~~(2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or~~
- 6111 ~~before December 1:~~
- 6112 ~~—— (i) the county legislative body shall appoint an ad hoc advisory committee, as provided~~
- 6113 ~~by Subsection (3), on or before January 1;~~
- 6114 ~~—— (ii) the ad hoc advisory committee shall submit its report and recommendations to the~~
- 6115 ~~county legislative body, as provided by Subsection (3), on or before July 1; and~~
- 6116 ~~—— (iii) if the legislative body of each county with which a request or petition is filed~~
- 6117 ~~approves a proposal to create a new district, the proposal shall be submitted to the respective~~
- 6118 ~~county clerk to be voted on by the electors of each existing district at the regular general or~~
- 6119 ~~municipal general election held in November.~~
- 6120 ~~—— (3) (a) The legislative body of each county with which a request or petition is filed~~
- 6121 ~~shall appoint an ad hoc advisory committee to review and make recommendations on a request~~
- 6122 ~~for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).~~
- 6123 ~~—— (b) The advisory committee shall:~~
- 6124 ~~—— (i) seek input from:~~
- 6125 ~~—— (A) those requesting the creation of the new school district;~~
- 6126 ~~—— (B) the school board and school personnel of each existing school district;~~
- 6127 ~~—— (C) those citizens residing within the geographical boundaries of each existing school~~
- 6128 ~~district;~~
- 6129 ~~—— (D) the State Board of Education; and~~
- 6130 ~~—— (E) other interested parties;~~
- 6131 ~~—— (ii) review data and gather information on at least:~~
- 6132 ~~—— (A) the financial viability of the proposed new school district; ✪~~

- 6133 ~~⊛ (B) the proposal's financial impact on each existing school district;~~
- 6134 ~~—— (C) the exact placement of school district boundaries; and~~
- 6135 ~~—— (D) the positive and negative effects of creating a new school district and whether the~~
- 6136 ~~positive effects outweigh the negative if a new school district were to be created; and~~
- 6137 ~~—— (iii) make a report to the county legislative body in a public meeting on the committee's~~
- 6138 ~~activities, together with a recommendation on whether to create a new school district.~~
- 6139 ~~—— (4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):~~
- 6140 ~~—— (a) The county legislative body shall provide for a 45-day public comment period on~~
- 6141 ~~the report and recommendation to begin on the day the report is given under Subsection~~
- 6142 ~~(3)(b)(iii).~~
- 6143 ~~—— (b) Within 14 days after the end of the comment period, the legislative body of each~~
- 6144 ~~county with which a request or petition is filed shall vote on the creation of the proposed new~~
- 6145 ~~school district.~~
- 6146 ~~—— (c) The proposal is approved if a majority of the members of the legislative body of~~
- 6147 ~~each county with which a request or petition is filed votes in favor of the proposal.~~
- 6148 ~~—— (d) If the proposal is approved, the legislative body of each county with which a~~
- 6149 ~~request or petition is filed shall submit the proposal to the county clerk to be voted on:~~
- 6150 ~~—— (i) by the legal voters of each existing school district;~~
- 6151 ~~—— (ii) in accordance with the procedures and requirements applicable to a regular general~~
- 6152 ~~election under Title 20A, Election Code; and~~
- 6153 ~~—— (iii) at the next regular general election or municipal general election, whichever is~~
- 6154 ~~first.~~
- 6155 ~~—— (e) Creation of the new school district shall occur if a majority of the electors within~~
- 6156 ~~both the proposed school district and each remaining school district voting on the proposal vote~~
- 6157 ~~in favor of the creation of the new district.~~
- 6158 ~~—— (f) Each county legislative body shall comply with the requirements of Section~~
- 6159 ~~53A-2-101.5.~~
- 6160 ~~—— (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is~~
- 6161 ~~approved by the electors, the existing district's documented costs to study and implement the~~
- 6162 ~~proposal shall be reimbursed by the new district.~~
- 6163 ~~—— (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection~~ ⊛

6164 ~~★ (2)(f) or (g), the legislative body of each county in which part of the proposed new school~~  
6165 ~~district is located shall submit the proposal to the respective clerk of each county to be voted~~  
6166 ~~on:~~

6167 ~~—— (i) by the legal voters residing within the proposed new school district boundaries;~~  
6168 ~~—— (ii) in accordance with the procedures and requirements applicable to a regular general~~  
6169 ~~election under Title 20A, Election Code; and~~

6170 ~~—— (iii) at the next regular general election or municipal general election, whichever is~~  
6171 ~~first.~~

6172 ~~—— (b) (i) If a majority of the legal voters within the proposed new school district~~  
6173 ~~boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the~~  
6174 ~~creation of the new district:~~

6175 ~~—— (A) each county legislative body shall comply with the requirements of Section~~  
6176 ~~53A-2-101.5; and~~

6177 ~~—— (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,~~  
6178 ~~the new district is created.~~

6179 ~~—— (ii) Notwithstanding the creation of a new district as provided in Subsection~~  
6180 ~~(5)(b)(i)(B):~~

6181 ~~—— (A) a new school district may not begin to provide educational services to the area~~  
6182 ~~within the new district until July 1 of the second calendar year following the school board~~  
6183 ~~general election date described in Subsection 53A-2-118.1(3)(a)(i);~~

6184 ~~—— (B) a remaining district may not begin to provide educational services to the area~~  
6185 ~~within the remaining district until the time specified in Subsection (5)(b)(ii)(A); and~~

6186 ~~—— (C) each existing district shall continue, until the time specified in Subsection~~  
6187 ~~(5)(b)(ii)(A), to provide educational services within the entire area covered by the existing~~  
6188 ~~district.~~

6189 ~~—— Section 122. Section 53A-2-118.1 is amended to read:~~

6190 ~~—— 53A-2-118.1. Proposal initiated by a city, metro township, or interlocal agreement~~  
6191 ~~participants to create a school district -- Boundaries -- Election of local school board~~  
6192 ~~members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title:~~

6193 ~~—— (1) (a) After conducting a feasibility study, a city or metro township with a population~~  
6194 ~~of at least 50,000, as determined by the lieutenant governor using the process described in ★~~

6195 ~~☛ Subsection 67-1a-2(3), may by majority vote of the legislative body, submit for voter approval~~  
6196 ~~a measure to create a new school district with boundaries contiguous with that city's or metro~~  
6197 ~~township's boundaries, in accordance with Section 53A-2-118:~~  
6198 ~~—— (b) (i) The determination of all matters relating to the scope, adequacy, and other~~  
6199 ~~aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the~~  
6200 ~~city's or metro township's legislative body.~~  
6201 ~~—— (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of~~  
6202 ~~a legal action or other challenge to:~~  
6203 ~~—— (A) an election for voter approval of the creation of a new school district; or~~  
6204 ~~—— (B) the creation of the new school district.~~  
6205 ~~—— (2) (a) By majority vote of the legislative body, a city or metro township of any class, a~~  
6206 ~~town, or a county, may, together with one or more other cities, metro townships, towns, or the~~  
6207 ~~county enter into an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal~~  
6208 ~~Cooperation Act, for the purpose of submitting for voter approval a measure to create a new~~  
6209 ~~school district.~~  
6210 ~~—— (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under~~  
6211 ~~Subsection (2)(a) may submit a proposal for voter approval if:~~  
6212 ~~—— (A) the interlocal agreement participants conduct a feasibility study prior to submitting~~  
6213 ~~the proposal to the county;~~  
6214 ~~—— (B) the combined population within the proposed new school district boundaries is at~~  
6215 ~~least 50,000;~~  
6216 ~~—— (C) the new school district boundaries:~~  
6217 ~~—— (I) are contiguous;~~  
6218 ~~—— (H) do not completely surround or otherwise completely geographically isolate a~~  
6219 ~~portion of an existing school district that is not part of the proposed new school district from~~  
6220 ~~the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);~~  
6221 ~~—— (HH) include the entire boundaries of each participant city, metro township, or town,~~  
6222 ~~except as provided in Subsection (2)(d)(ii); and~~  
6223 ~~—— (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and~~  
6224 ~~—— (D) the combined population within the proposed new school district of interlocal~~  
6225 ~~agreement participants that have entered into an interlocal agreement proposing to create a new~~ ☛

6226     ✪ school district is at least 80% of the total population of the proposed new school district.  
6227     ~~———— (ii) The determination of all matters relating to the scope, adequacy, and other aspects~~  
6228     ~~of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new~~  
6229     ~~feasibility study or revise a previous feasibility study due to a change in the proposed new~~  
6230     ~~school district boundaries, is within the exclusive discretion of the legislative bodies of the~~  
6231     ~~interlocal agreement participants that enter into an interlocal agreement to submit for voter~~  
6232     ~~approval a measure to create a new school district.~~  
6233     ~~———— (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the~~  
6234     ~~basis of a legal action or other challenge to:~~  
6235     ~~———— (A) an election for voter approval of the creation of a new school district; or~~  
6236     ~~———— (B) the creation of the new school district.~~  
6237     ~~———— (iv) For purposes of determining whether the boundaries of a proposed new school~~  
6238     ~~district cross county lines under Subsection (2)(b)(i)(C)(IV):~~  
6239     ~~———— (A) a municipality located in more than one county and entirely within the boundaries~~  
6240     ~~of a single school district is considered to be entirely within the same county as other~~  
6241     ~~participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's~~  
6242     ~~land area and population is located in that same county than outside the county; and~~  
6243     ~~———— (B) a municipality located in more than one county that participates in an interlocal~~  
6244     ~~agreement under Subsection (2)(a) with respect to some but not all of the area within the~~  
6245     ~~municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may~~  
6246     ~~not be considered to cross county lines.~~  
6247     ~~———— (c) (i) A county may only participate in an interlocal agreement under this Subsection~~  
6248     ~~(2) for the unincorporated areas of the county.~~  
6249     ~~———— (ii) Boundaries of a new school district created under this section may include:~~  
6250     ~~———— (A) a portion of one or more existing school districts; and~~  
6251     ~~———— (B) a portion of the unincorporated area of a county, including a portion of a township.~~  
6252     ~~———— (d) (i) As used in this Subsection (2)(d):~~  
6253     ~~———— (A) "Isolated area" means an area that:~~  
6254     ~~———— (I) is entirely within the boundaries of a municipality that, except for that area, is~~  
6255     ~~entirely within a school district different than the school district in which the area is located;~~  
6256     ~~and~~     ✪

6257 ~~★ (H) would, because of the creation of a new school district from the existing district in~~  
6258 ~~which the area is located, become completely geographically isolated.~~

6259 ~~———(B) "Municipality's school district" means the school district that includes all of the~~  
6260 ~~municipality in which the isolated area is located except the isolated area.~~

6261 ~~———(ii) Notwithstanding Subsection (2)(b)(i)(C)(H), a municipality may be a participant in~~  
6262 ~~an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area~~  
6263 ~~within the municipality's boundaries if:~~

6264 ~~———(A) the portion of the municipality proposed to be included in the new school district~~  
6265 ~~would, if not included, become an isolated area upon the creation of the new school district; or~~

6266 ~~———(B) (I) the portion of the municipality proposed to be included in the new school~~  
6267 ~~district is within the boundaries of the same school district that includes the other interlocal~~  
6268 ~~agreement participants; and~~

6269 ~~———(H) the portion of the municipality proposed to be excluded from the new school~~  
6270 ~~district is within the boundaries of a school district other than the school district that includes~~  
6271 ~~the other interlocal agreement participants.~~

6272 ~~———(iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(H), a proposal to create a new school~~  
6273 ~~district may be submitted for voter approval pursuant to an interlocal agreement under~~  
6274 ~~Subsection (2)(a), even though the new school district boundaries would create an isolated~~  
6275 ~~area, if:~~

6276 ~~———(I) the potential isolated area is contiguous to one or more of the interlocal agreement~~  
6277 ~~participants;~~

6278 ~~———(H) the interlocal participants submit a written request to the municipality in which the~~  
6279 ~~potential isolated area is located, requesting the municipality to enter into an interlocal~~  
6280 ~~agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to~~  
6281 ~~create a new school district that includes the potential isolated area; and~~

6282 ~~———(H) 90 days after a request under Subsection (2)(d)(iii)(A)(H) is submitted, the~~  
6283 ~~municipality has not entered into an interlocal agreement as requested in the request.~~

6284 ~~———(B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(H) shall hold~~  
6285 ~~one or more public hearings to allow input from the public and affected school districts~~  
6286 ~~regarding whether or not the municipality should enter into an interlocal agreement with~~  
6287 ~~respect to the potential isolated area. ★~~