

28 **17B-2a-807. Public transit district board of trustees -- Appointment --**
 29 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

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

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

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

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

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

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

55 (i) ~~§~~ → [f] 11 [†12] ← ~~§~~ members:

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

57 (B) retained in accordance with Section [17B-2a-807.5](#);

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

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

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

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

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

65 (ii) the cumulative proportion of transit sales and use tax collected from areas included
66 in the district and within each county, rounded to the nearest ~~1/11~~ ~~1/11~~ of the total
66a cumulative

67 transit sales and use tax collected for the transit district.

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

72 (d) (i) If rounding to the nearest ~~1/11~~ ~~1/11~~ of the total public transit district
73 apportionment basis under Subsection (2)(b) results in an apportionment of more than ~~11~~ ~~11~~
73a ~~12~~ ~~12~~

74 members, the county or combination of counties with the smallest additional fraction of a
75 whole member proportion shall have one less member apportioned to it.

76 (ii) If rounding to the nearest ~~1/11~~ ~~1/11~~ of the total public transit district
77 apportionment basis under Subsection (2)(b) results in an apportionment of less than ~~11~~ ~~11~~
77a ~~12~~ ~~12~~

78 members, the county or combination of counties with the largest additional fraction of a whole
79 member proportion shall have one more member apportioned to it.

80 (e) ~~[If the population in the unincorporated area of a county is at least 140,000, the~~
81 ~~county executive, with the advice and consent of the county legislative body, shall appoint one~~
82 ~~voting member to represent the population within a county's unincorporated area.] If the~~
83 ~~population of a county is at least 750,000, the county executive, with the advice and consent of~~
84 ~~the county legislative body, shall appoint~~ ~~two~~ ~~one~~ ~~one~~ ~~one~~ ~~one~~ ~~one~~ ~~one~~
84a ~~to represent the population of~~
85 ~~the county.~~

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 ~~§~~ → [f] 1/11 [~~1/12~~] ← ~~§~~ 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 members shall be made without regard to partisan political
113 affiliation from among citizens in the community.

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