

**PUBLIC TRANSIT DISTRICT BOARD COUNTY**

**APPOINTMENT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Johnny Anderson**

Senate Sponsor: Brian E. Shiozawa

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ amends the membership of a public transit district board of trustees for a public transit district with more than 200,000 people residing within the boundaries of the public transit district; and
- ▶ makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17B-2a-807**, as last amended by Laws of Utah 2014, Chapter 377

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

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



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) ~~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  $\hat{S} \rightarrow [H] 1/11 [H-1/12] \leftarrow \hat{S}$  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  $\hat{S} \rightarrow [H] 1/11 [H-1/12] \leftarrow \hat{S}$  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  $\hat{S} \rightarrow [H] 1/11 [H-1/12] \leftarrow \hat{S}$  of the total public transit district  
73 apportionment basis under Subsection (2)(b) results in an apportionment of more than  $\hat{S} \rightarrow [H] 11 [H-1/12] \leftarrow \hat{S}$   
73a  $\leftarrow \hat{S}$   
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  $\hat{S} \rightarrow [H] 1/11 [H-1/12] \leftarrow \hat{S}$  of the total public transit district  
77 apportionment basis under Subsection (2)(b) results in an apportionment of less than  $\hat{S} \rightarrow [H] 11 [H-1/12] \leftarrow \hat{S}$   
77a  $\leftarrow \hat{S}$   
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~~  $\hat{S} \rightarrow [two] one \leftarrow \hat{S}$  ~~voting~~  $\hat{S} \rightarrow [members] member \leftarrow \hat{S}$   
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  $\hat{S} \rightarrow [H] 1/11 [H-1/12] \leftarrow \hat{S}$  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,

121 population figures shall be derived from the estimate from the Utah Population Estimates  
122 Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

147 (c) one member appointed by the governor.

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

151 (6) (a) Vacancies for members shall be filled by the official appointing the member

152 creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within  
153 90 days.

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

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

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

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

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

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

166 (a) an attendance fee of \$50 per board or committee meeting attended, not to exceed  
167 \$200 in any calendar month to any member; and

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

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

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

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

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

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

182 (b) A member appointed by a county or municipality may hold employment with the

183 county or municipality if the employment is disclosed in writing and the public transit district  
184 board of trustees ratifies the appointment.

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

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

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

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

196 (b) The nonvoting member representing the combination of municipalities and  
197 unincorporated areas described in Subsection (12)(a) shall be designated and appointed by a  
198 weighted vote of the majority of the chief executive officers of the municipalities described in  
199 Subsection (12)(a).

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

203 (13) (a) (i) Each member of the board of trustees of a public transit district is subject to  
204 recall at any time by the legislative body of the county or municipality from which the member  
205 is appointed.

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

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

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

212 (c) Except as provided in Section 17B-2a-807.5, if a board member is recalled or  
213 resigns under this Subsection (13), the vacancy shall be filled as provided in Subsection (6).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**