

**LOCAL AND SPECIAL SERVICE DISTRICT AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: Jerry W. Stevenson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to local and special service districts.

**Highlighted Provisions:**

This bill:

- ▶ clarifies when a member of a board of trustees of a local district may complete training;
- ▶ clarifies notice requirements related to the imposition or increase of a fee for service; and
- ▶ removes a provision that prohibits a person from riding a transit vehicle without paying the applicable fare.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17B-1-312**, as last amended by Laws of Utah 2008, Chapter 360

**17B-1-643**, as last amended by Laws of Utah 2015, Chapters 349 and 436

**17B-2a-821**, as last amended by Laws of Utah 2014, Chapter 377

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

29 Section 1. Section **17B-1-312** is amended to read:

30 **17B-1-312. Training for board members.**

31 (1) (a) Each member of a board of trustees of a local district~~[, elected or appointed on~~  
 32 ~~or after May 3, 1999,]~~ ~~H~~→ **[should] shall** ←~~H~~, within one year after taking office, complete the  
 32a training  
 33 described in Subsection (2).

34 (b) For the purposes of Subsection (1)(a), a member of a board of trustees of a local  
 35 district takes office each time the member is elected or appointed to a new term, including an  
 36 appointment to fill a midterm vacancy in accordance with Subsection [17B-1-303](#)(5) or (6).

37 (2) In conjunction with the Utah Association of Special Districts, the state auditor  
 38 shall:

39 (a) develop a training curriculum for the members of local district boards; and

40 (b) with the assistance of other state offices and departments the state auditor considers  
 41 appropriate and at times and locations established by the state auditor, carry out the training of  
 42 members of local district boards.

43 (3) (a) A local district board of trustees may compensate each member of the board up  
 44 to \$100 per day for each day of training described in Subsection (2) that the member completes.

45 (b) The per diem amount authorized under Subsection (3)(a) is in addition to all other  
 46 amounts of compensation and expense reimbursement authorized under this chapter.

47 (c) A board of trustees may not pay compensation under Subsection (3)(a) to any board  
 48 member more than once per year.

49 (4) The state auditor shall issue a certificate of completion to each board member that  
 50 completes the training described in Subsection (2).

51 Section 2. Section **17B-1-643** is amended to read:

52 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

53 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
 54 by a local district, each local district board of trustees shall first hold a public hearing at which:

55 (i) the local district shall demonstrate its need to impose or increase the fee; and

56 (ii) any interested person may speak for or against the proposal to impose a fee or to  
 57 increase an existing fee.

58 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning

59 no earlier than 6 p.m.

60 (c) A public hearing required under this Subsection (1) may be combined with a public  
61 hearing on a tentative budget required under Section 17B-1-610.

62 (d) Except to the extent that this section imposes more stringent notice requirements,  
63 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,  
64 in holding the public hearing under Subsection (1)(a).

65 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as  
66 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

67 (b) The notice required under Subsection (2)(a) shall be published:

68 (i) on the Utah Public Notice Website established in Section 63F-1-701; and

69 (ii) (A) in a newspaper or combination of newspapers of general circulation in the local  
70 district, if there is a newspaper or combination of newspapers of general circulation in the local  
71 district; or

72 (B) if there is no newspaper or combination of newspapers of general circulation in the  
73 local district, the local district board shall post at least one notice per 1,000 population within  
74 the local district, at places within the local district that are most likely to provide actual notice  
75 to residents within the local district.

76 (c) (i) The notice described in Subsection (2)(b)(ii)(A):

77 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18  
78 point, and surrounded by a 1/4-inch border;

79 (B) may not be placed in that portion of the newspaper where legal notices and  
80 classified advertisements appear;

81 (C) whenever possible, shall appear in a newspaper that is published at least one day  
82 per week;

83 (D) shall be in a newspaper or combination of newspapers of general interest and  
84 readership in the local district, and not of limited subject matter; and

85 (E) shall be run once each week for the two weeks preceding the hearing.

86 (ii) The notice described in Subsection (2)(b) shall state that the local district board  
87 intends to impose or increase a fee for a service provided by the local district and will hold a  
88 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than  
89 seven days after the day the first notice is published, for the purpose of hearing comments

90 regarding the proposed imposition or increase of a fee and to explain the reasons for the  
91 proposed imposition or increase.

92 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of  
93 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those  
94 within the district who:

95 (A) will be charged the fee for a district service, if the fee is being imposed for the first  
96 time; or

97 (B) are being charged a fee, if the fee is proposed to be increased.

98 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)(ii).

99 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing  
100 fee.

101 (e) If the hearing required under this section is combined with the public hearing  
102 required under Section 17B-1-610, the notice required under this Subsection (2):

103 (i) may be combined with the notice required under Section 17B-1-609; and

104 (ii) shall be published, posted, or mailed in accordance with the notice provisions of  
105 [~~Subsection (2)(d)~~] this section.

106 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie  
107 evidence that notice was properly given.

108 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)  
109 within 30 days after the date of the hearing, the notice is considered adequate and proper.

110 (3) After holding a public hearing under Subsection (1), a local district board may:

111 (a) impose the new fee or increase the existing fee as proposed;

112 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
113 then impose the new fee or increase the existing fee as adjusted; or

114 (c) decline to impose the new fee or increase the existing fee.

115 (4) This section applies to each new fee imposed and each increase of an existing fee  
116 that occurs on or after July 1, 1998.

117 (5) (a) This section does not apply to an impact fee.

118 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,  
119 Impact Fees Act.

120 Section 3. Section 17B-2a-821 is amended to read:

121           **17B-2a-821. Multicounty district may establish and enforce parking ordinance.**

122           ~~[(1) A person may not ride a transit vehicle without payment of the applicable fare~~  
123 ~~established by the public transit district that operates the transit vehicle.]~~

124           ~~[(2)]~~ The board of trustees of a multicounty district may adopt an ordinance governing  
125 parking of vehicles at a transit facility, including the imposition of a fine or civil penalty for a  
126 violation of the ordinance.

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