

HB0229S01 compared with HB0229

~~{deleted text}~~ shows text that was in HB0229 but was deleted in HB0229S01.

Inserted text shows text that was not in HB0229 but was inserted into HB0229S01.

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Senator Lincoln Fillmore proposes the following substitute bill:

AMENDMENTS RELATING TO LOCAL DISTRICTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

Senate Sponsor: ~~{~~ Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies provisions relating to local districts that provide fire protection, paramedic, and emergency services or law enforcement service.

Highlighted Provisions:

This bill:

- ▶ ~~{eliminates the requirement to obtain the approval of the municipality's voters for a municipality's withdrawal}~~ modifies provisions relating to the withdrawal of a municipality from a local district ~~{providing}~~ that provides fire protection, paramedic, and emergency services or law enforcement service;
- ▶ allows for withdrawal if the ~~{municipality's inclusion in the local district did not require voter approval}~~ municipality and district agree;
- ▶ requires a feasibility study of a proposed withdrawal under certain circumstances;

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- ▶ requires voter approval of a withdrawal under certain circumstances;
- ▶ eliminates the requirement for voter approval of the creation of a local district to provide fire protection, paramedic, and emergency services or law enforcement service if the municipality previously received that service from another local district and withdrew from that local district without the necessity of an election; ~~and~~ and
- ▶ modifies a provision relating to certifying a withdrawal from a local district ~~and~~ and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~None~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17B-1-214, as last amended by Laws of Utah 2014, Chapter 405

17B-1-505, as last amended by Laws of Utah 2016, Chapter 140

17B-1-512, as last amended by Laws of Utah 2016, Chapter 140

ENACTS:

17B-1-505.5, Utah Code Annotated 1953

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

Section 1. Section **17B-1-214** is amended to read:

17B-1-214. Election -- Exceptions.

(1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(3)(a), an election on the question of whether the local district should be created shall be held by:

(i) if the proposed local district is located entirely within a single county, the responsible clerk; or

(ii) except as provided under Subsection (1)(b), if the proposed local district is located within more than one county, the clerk of each county in which part of the proposed local district is located, in cooperation with the responsible clerk.

(b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located

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within more than one county and the only area of a county that is included within the proposed local district is located within a single municipality, the election for that area shall be held by the municipal clerk or recorder, in cooperation with the responsible clerk.

(2) Each election under Subsection (1) shall be held at the next special or regular general election date that is:

(a) for an election pursuant to a property owner or registered voter petition, more than 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or

(b) for an election pursuant to a resolution, more than 60 days after the latest hearing required under Section 17B-1-210.

(3) The election requirement of Subsection (1) does not apply to:

(a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the owners of private real property that:

(i) is located within the proposed local district;

(ii) covers at least 67% of the total private land area within the proposed local district as a whole and within each applicable area; and

(iii) is equal in value to at least 50% of the value of all private real property within the proposed local district as a whole and within each applicable area;

(b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of registered voters residing within the proposed local district as a whole and within each applicable area, equal in number to at least 67% of the number of votes cast in the proposed local district as a whole and in each applicable area, respectively, for the office of governor at the last general election prior to the filing of the petition;

(c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the petition contains the signatures of the owners of groundwater rights that:

(i) are diverted within the proposed local district; and

(ii) cover at least 67% of the total amount of groundwater diverted in accordance with groundwater rights within the proposed local district as a whole and within each applicable area;

(d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003, that proposes the creation of a local district to provide fire protection, paramedic, and emergency services or law enforcement service, if the proposed local district:

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(i) includes the unincorporated area, whether in whole or in part, of one or more counties; or

(ii) consists of an area that:

(A) has a boundary that is the same as the boundary of the municipality whose legislative body adopts the resolution proposing the creation of the local district;

(B) previously received fire protection, paramedic, and emergency services or law enforcement service from another local district; and

(C) ~~was~~ **may be** withdrawn from the other local district under Section 17B-1-505 without an election because ~~of~~ **the withdrawal is pursuant to an agreement under** Subsection 17B-1-505(~~2~~**5**)(a)(ii)(A) or (5)(b);

(e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution proposes the creation of a local district that has no registered voters within its boundaries;

(f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010, that proposes the creation of a local district described in Subsection 17B-1-202(1)(a)(xiii); or

(g) a resolution adopted under Section 17B-2a-1105 to create a municipal services district.

(4) (a) If the proposed local district is located in more than one county, the responsible clerk shall coordinate with the clerk of each other county and the clerk or recorder of each municipality involved in an election under Subsection (1) so that the election is held on the same date and in a consistent manner in each jurisdiction.

(b) The clerk of each county and the clerk or recorder of each municipality involved in an election under Subsection (1) shall cooperate with the responsible clerk in holding the election.

(c) Except as otherwise provided in this part, each election under Subsection (1) shall be governed by Title 20A, Election Code.

Section 2. Section **17B-1-505** is amended to read:

17B-1-505. Withdrawal of municipality ~~from~~ **from certain districts providing fire protection, paramedic, and emergency services or law enforcement service or municipal services.**

(1) ~~{(a) The process to withdraw an area from}~~ **As used in this section, "first responder district" means** a local district ~~{ may be initiated by a resolution adopted by the legislative body~~

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~~of a municipality, subject to Subsection (1)(b), that is entirely within the boundaries of a local district:~~

~~— (i) that provides:~~

~~— (A) other than a municipal services district, that provides:~~

~~(a) fire protection, paramedic, and emergency services; or~~

~~(B) law enforcement service.~~

~~(2) This section applies to the withdrawal of a municipality that is entirely within the boundary of a first responder district or municipal services district that was created without the necessity of an election because of Subsection 17B-1-214(3)(d) or (g).~~

~~[(1)] (3) (a) The process to withdraw [an area] a municipality from a [local] first responder district or municipal services district may be initiated by a resolution adopted by the legislative body of [a] the municipality, subject to Subsection [(1)] (3)(b), that is entirely within the boundaries of a local district.].~~

~~[(i) that provides:]~~

~~[(A) fire protection, paramedic, and emergency services:]~~

~~[(B) law enforcement service; or]~~

~~[(C) municipal services, as defined in Section 17B-2a-1102; and]~~

~~[(ii) in the creation of which an election was not required because of Subsection 17B-1-214(3)(d) or (g).]~~

(b) ~~[A municipal]~~ The legislative body of a municipality that is within a municipal services district ~~[established under Chapter 2a, Part 11, Municipal Services District Act,]~~ may not adopt a resolution under Subsection ~~[(1)] (3)~~ (a) to withdraw from the municipal services district unless the municipality has conducted a feasibility study in accordance with Section 17B-2a-1110.

(c) Within 10 days after adopting a resolution under Subsection ~~[(1)] (3)~~ (a), the municipal legislative body shall submit to the board of trustees of the ~~[local] first responder district or municipal services~~ district written notice of the adoption of the resolution, accompanied by a copy of the resolution.

~~[(2)] (a) 4~~ If a resolution is adopted under Subsection ~~[(1)] (a)]~~ ~~[(1)] (3)~~ (a) by the legislative body of a municipality within a municipal services district, the municipal legislative body shall ~~{, except as provided in Subsection (2)(b),}~~ hold an election at the next municipal

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general election that is more than 60 days after adoption of the resolution on the question of whether the municipality should withdraw from the ~~[local]~~ municipal services district.

~~(b) The election requirement~~ (5) (a) A municipality shall be withdrawn from a first responder district if:

(i) the legislative body of the municipality adopts a resolution initiating the withdrawal under Subsection (2)(a) does not apply if:

~~(i) (3)(a); and~~

(ii) (A) whether before or after the effective date of this section, the municipality ~~is~~ withdrawing from a local district that provides fire protection, paramedic, and emergency services or law enforcement service; and

~~(ii) (B) and first responder district agree in writing to the withdrawal; or~~

(B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of the ~~municipality's inclusion in the local district did not require the approval of~~ municipality approve the withdrawal at an election held for that purpose.

(b) An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study is conducted under Section 17B-1-505.5 and a public hearing is held under Subsection 17B-1-505.5(14), the municipality and first responder district agree in writing to the withdrawal.

(6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

(a) a feasibility study is conducted under Section 17B-1-505.5; and

(b) (i) the feasibility study concludes that the withdrawal is functionally and financially feasible for the municipality and the first responder district; or

(ii) (A) the feasibility study concludes that the withdrawal would be functionally and financially feasible for the municipality and the first responder district if conditions specified in the feasibility study are met; and

(B) the legislative body of the municipality adopts a resolution irrevocably committing the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal is approved by the municipality's voters.

~~(3)~~ (7) If a majority of those voting on the question of withdrawal at an election held under Subsection (2) (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be withdrawn from the local district.

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~~[(4)]~~ [(8)] (a) Within 10 days after the canvass of an election at which a withdrawal under this section is submitted to voters, the municipal legislative body shall send written notice to the board of the ~~[local]~~ first responder district or municipal services district from which the municipality is proposed to withdraw.

(b) Each notice under Subsection ~~[(4)]~~ [(8)](a) shall:

(i) state the results of the withdrawal election; and

(ii) if the withdrawal was approved by voters, be accompanied by a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

~~[(5)]~~ [(9)] The effective date of a withdrawal under this section is governed by Subsection 17B-1-512(2)(a).

Section 3. Section ~~{17B-1-512}~~ 17B-1-505.5 is enacted to read:

17B-1-505.5. Feasibility study for a municipality's withdrawal from a local district providing fire protection, paramedic, and emergency services or law enforcement service.

(1) As used in this section:

(a) "Feasibility consultant" means a person with expertise in:

(i) the processes and economics of local government; and

(ii) the economics of providing fire protection, paramedic, and emergency services or law enforcement service.

(b) "Feasibility study" means a study to determine the functional and financial feasibility of a municipality's withdrawal from a first responder local district.

(c) "First responder district" means a local district, other than a municipal services district, that provides:

(i) fire protection, paramedic, and emergency services; or

(ii) law enforcement service.

(d) "Withdrawing municipality" means a municipality whose legislative body has adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder district.

(2) This section applies and a feasibility study shall be conducted, as provided in this section, if:

(a) the legislative body of a municipality has adopted a resolution under Subsection

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17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder district:

(b) the municipality and first responder district have not agreed in writing to the withdrawal; and

(c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election to be held approving the withdrawal.

(3) (a) As provided in this Subsection (3), the withdrawing municipality and first responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

(b) The withdrawing municipality and first responder district shall jointly choose and engage a feasibility consultant according to applicable municipal or local district procurement procedures.

(c) (i) If the withdrawing municipality and first responder district cannot agree on and have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the legislative body of the withdrawing municipality submits written notice to the first responder district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of at least eight feasibility consultants provided by the Utah Association of Certified Public Accountants.

(ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a feasibility consultant that has had a contract to provide services to the withdrawing municipality or first responder district at any time during the two-year period immediately preceding the date the list is provided under Subsection (3)(c)(i).

(iii) (A) Beginning with the first responder district, the first responder district and withdrawing municipality shall alternately eliminate one feasibility consultant each from the list of feasibility consultants until one feasibility consultant remains.

(B) Within five days after receiving the list of consultants from the Utah Association of Certified Public Accountants, the first responder district shall make the first elimination of a feasibility consultant from the list and notify the withdrawing municipality in writing of the elimination.

(C) After the first elimination of a feasibility consultant from the list, the withdrawing municipality and first responder district shall each, within three days after receiving the written

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notification of the preceding elimination, notify the other in writing of the elimination of a feasibility consultant from the list.

(d) If a withdrawing municipality and first responder district do not engage a feasibility consultant under Subsection (3)(b), the withdrawing municipality and first responder district shall engage the feasibility consultant that has not been eliminated from the list at the completion of the process described in Subsection (3)(c).

(4) A feasibility consultant that conducts a feasibility study under this section shall be independent of and unaffiliated with the withdrawing municipality and first responder district.

(5) In conducting a feasibility study under this section, the feasibility consultant shall consider:

(a) population and population density within the withdrawing municipality;

(b) current and five-year projections of demographics and economic base in the withdrawing municipality, including household size and income, commercial and industrial development, and public facilities;

(c) projected growth in the withdrawing municipality during the next five years;

(d) subject to Subsection (6)(a), the present and five-year projections of the cost, including overhead, of providing the same service in the withdrawing municipality as is provided by the first responder district, including:

(i) the estimated cost if the first responder district continues to provide service; and

(ii) the estimated cost if the withdrawing municipality provides service;

(e) subject to Subsection (6)(a), the present and five-year projections of the cost, including overhead, of the first responder district providing service with:

(i) the municipality included in the first responder district's service area; and

(ii) the withdrawing municipality excluded from the first responder district's service area;

(f) a projection of any new taxes per household that may be levied within the withdrawing municipality within five years after the withdrawal;

(g) the fiscal impact that the withdrawing municipality's withdrawal has on other municipalities and unincorporated areas served by the first responder district, including any rate increase that may become necessary to maintain required coverage ratios for the first responder district's debt;

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(h) the physical and other assets that will be required by the withdrawing municipality to provide, without interruption or diminution of service, the same service that is being provided by the first responder district;

(i) the physical and other assets that will no longer be required by the first responder district to continue to provide the current level of service to the remainder of the first responder district, excluding the withdrawing municipality, and could be transferred to the withdrawing municipality;

(j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder district's assets between the first responder district and the withdrawing municipality, effective upon the withdrawal of the withdrawing municipality from the first responder district;

(k) a fair and equitable allocation of the debts, liabilities, and obligations of the first responder district and any local building authority of the first responder district, between the withdrawing municipality and the remaining first responder district, taking into consideration:

(i) any requirement to maintain the excludability of interest from the income of the holder of the debt, liability, or obligation for federal income tax purposes; and

(ii) any first responder district assets that have been purchased with the proceeds of bonds issued by the first responder district that the first responder district will retain and any of those assets that will be transferred to the withdrawing municipality;

(l) the number and classification of first responder district employees who will no longer be required to serve the remaining portions of the first responder district after the withdrawing municipality withdraws from the first responder district, including the dollar amount of the wages, salaries, and benefits attributable to the employees and the estimated cost associated with termination of the employees if the withdrawing municipality does not employ the employees;

(m) maintaining as a base, for a period of three years after withdrawal, the existing schedule of pay and benefits for first responder district employees who are transferred to the employment of the withdrawing municipality; and

(n) any other factor that the feasibility consultant considers relevant to the question of the withdrawing municipality's withdrawal from the first responder district.

(6) (a) For purposes of Subsections (5)(d) and (e):

(i) the feasibility consultant shall assume a level and quality of service to be provided

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in the future to the withdrawing municipality that fairly and reasonably approximates the level and quality of service that the first responder district provides to the withdrawing municipality at the time of the feasibility study;

(ii) in determining the present value cost of a service that the first responder district provides, the feasibility consultant shall consider:

(A) the cost to the withdrawing municipality of providing the service for the first five years after the withdrawal; and

(B) the first responder district's present and five-year projected cost of providing the same service within the withdrawing municipality; and

(iii) the feasibility consultant shall consider inflation and anticipated growth in calculating the cost of providing service.

(b) The feasibility consultant may not consider an allocation of first responder district assets or a transfer of first responder district employees to the extent that the allocation or transfer would impair the first responder district's ability to continue to provide the current level of service to the remainder of the first responder district without the withdrawing municipality, unless the first responder district consents to the allocation or transfer.

(7) A feasibility consultant may retain an architect, engineer, or other professional, as the feasibility consultant considers prudent and as provided in the agreement with the withdrawing municipality and first responder district, to assist the feasibility consultant to conduct a feasibility study.

(8) The withdrawing municipality and first responder district shall require the feasibility consultant to:

(a) complete the feasibility study within a time established by the withdrawing municipality and first responder district;

(b) prepare and submit a written report communicating the results of the feasibility study, including a one-page summary of the results; and

(c) attend all public hearings relating to the feasibility study under Subsection (14).

(9) A written report of the results of a feasibility study under this section shall:

(a) contain a recommendation concerning whether a withdrawing municipality's withdrawal from a first responder district is functionally and financially feasible for both the first responder district and the withdrawing municipality; and

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(b) include any conditions the feasibility consultant determines need to be satisfied in order to make the withdrawal functionally and financially feasible, including:

(i) first responder district assets and liabilities to be allocated to the withdrawing municipality; and

(ii) (A) first responder district employees to become employees of the withdrawing municipality; and

(B) sick leave, vacation, and other accrued benefits and obligations relating to the first responder district employees that the withdrawing municipality needs to assume.

(10) The withdrawing municipality and first responder district shall equally share the feasibility consultant's fees and costs, as specified in the agreement between the withdrawing municipality and first responder district and the feasibility consultant.

(11) (a) Upon completion of the feasibility study and preparation of a written report, the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and first responder district.

(b) (i) A withdrawing municipality or first responder district that disagrees with any aspect of a feasibility study report may, within 20 business days after receiving a copy of the report under Subsection (11)(a), submit to the feasibility consultant a written objection detailing the disagreement.

(ii) (A) A withdrawing municipality that submits a written objection under Subsection (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

(B) A first responder district that submits a written objection under Subsection (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

(iii) A withdrawing municipality or first responder district may, within 10 business days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility consultant a written response to the objection.

(iv) (A) A withdrawing municipality that submits a response under Subsection (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

(B) A first responder district that submits a response under Subsection (11)(b)(iii) shall simultaneously deliver a copy of the response to the withdrawing municipality.

(v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall, within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for

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submitting a response to an objection:

(A) modify the feasibility study report or explain in writing why the feasibility consultant is not modifying the feasibility study report; and

(B) deliver the modified feasibility study report or written explanation to the withdrawing municipality and first responder local district.

(12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i) for submitting an objection or, if an objection is submitted, within seven days after receiving a modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

(a) make a copy of the report available to the public at the primary office of the withdrawing municipality; and

(b) if the withdrawing municipality has a website, post a copy of the report on the municipality's website.

(13) A feasibility study report or, if a feasibility study report is modified under Subsection (11), a modified feasibility study report may not be challenged unless the basis of the challenge is that the report results from collusion or fraud.

(14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following the withdrawing municipality's receipt of the modified feasibility study report or written explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality shall, at the legislative body's next regular meeting, schedule at least one public hearing to be held:

(i) within the following 60 days; and

(ii) for the purpose of allowing:

(A) the feasibility consultant to present the results of the feasibility study; and

(B) the public to become informed about the feasibility study results, to ask the feasibility consultant questions about the feasibility study, and to express the public's views about the proposed withdrawal.

(b) At a public hearing under Subsection (14)(a), the legislative body of the withdrawing municipality shall:

(i) provide a copy of the feasibility study for public review; and

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(ii) allow the public to:

(A) ask the feasibility consultant questions about the feasibility study; and

(B) express the public's views about the withdrawing municipality's proposed withdrawal from the first responder district.

(15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a hearing under Subsection (14):

(i) at least once a week for three successive weeks in a newspaper of general circulation within the withdrawing municipality, with the last publication occurring no less than three days before the first public hearing held under Subsection (14); and

(ii) on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive weeks immediately before the public hearing.

(b) A notice under Subsection (15)(a) shall state:

(i) the date, time, and location of the public hearing; and

(ii) that a copy of the feasibility study report may be obtained, free of charge, at the office of the withdrawing municipality or on the withdrawing municipality's website.

(16) Unless the withdrawing municipality and first responder district agree otherwise, conditions that a feasibility study report indicates are necessary to be met for a withdrawal to be functionally and financially feasible for the withdrawing municipality and first responder district are binding on the withdrawing municipality and first responder district if the withdrawal occurs.

Section 4. Section 17B-1-512 is amended to read:

17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period -- Judicial review.

(1) (a) Within the time specified in Subsection (1)(b), the board of trustees shall file with the lieutenant governor:

(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

(b) The board of trustees shall file the documents listed in Subsection (1)(a):

(i) within 10 days after adopting a resolution approving a withdrawal under Section 17B-1-510;

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(ii) on or before January 31 of the year following the board of trustees' receipt of a notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or copy between July 1 and December 31; or

(iii) on or before the July 31 following the board of trustees' receipt of a notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or copy between January 1 and June 30.

(c) The board of trustees shall comply with the requirements described in Subsection (1)(b)(ii) or (iii) after:

(i) receiving:

(i) (A) a notice under Subsection 10-2-425(2) of an automatic withdrawal under Subsection 17B-1-502(2);

(ii) (B) a copy of the municipal legislative body's resolution approving an automatic withdrawal under Subsection 17B-1-502(3)(a); ~~(i)~~ or ~~(ii)~~

(iii) (C) notice of a withdrawal of a municipality from a local district under Section 17B-1-502[-]; or

~~(iv)~~ ii entering into an agreement with a municipality under Subsection 17B-1-505(~~(i)~~(c) for a municipality's withdrawal under Section 17B-1-505 for which an election was not required because of Subsection 17B-1-505(2)5(a)(ii)(A) or (5)(b).

(d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5, the board shall:

(i) if the withdrawn area is located within the boundary of a single county, submit to the recorder of that county:

(A) the original:

(I) notice of an impending boundary action;

(II) certificate of withdrawal; and

(III) approved final local entity plat; and

(B) if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b); or

(ii) if the withdrawn area is located within the boundaries of more than a single county, submit:

(A) the original of the documents listed in Subsections (1)~~(e)~~(d)(i)(A)(I), (II), and

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(III) and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to one of those counties; and

(B) a certified copy of the documents listed in Subsections (1)~~(e)~~(d)(i)(A)(I), (II), and (III) and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other county.

(2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a local district under Section 17B-1-505, the withdrawal ~~{} shall be {}~~is effective, subject to the conditions of the withdrawal resolution, if applicable.

(b) An automatic withdrawal under Subsection 17B-1-502(3) ~~{} shall be {}~~is effective upon the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.

(3) (a) The local district may provide for the publication of any resolution approving or denying the withdrawal of an area:

- (i) in a newspaper of general circulation in the area proposed for withdrawal; and
- (ii) as required in Section 45-1-101.

(b) In lieu of publishing the entire resolution, the local district may publish a notice of withdrawal or denial of withdrawal, containing:

- (i) the name of the local district;
- (ii) a description of the area proposed for withdrawal;
- (iii) a brief explanation of the grounds on which the board of trustees determined to approve or deny the withdrawal; and
- (iv) the times and place where a copy of the resolution may be examined, which shall be at the place of business of the local district, identified in the notice, during regular business hours of the local district as described in the notice and for a period of at least 30 days after the publication of the notice.

(4) Any sponsor of the petition or receiving entity may contest the board's decision to deny a withdrawal of an area from the local district by submitting a request, within 60 days after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of trustees

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based its decision to deny the withdrawal.

(5) Within 60 days after the request under Subsection (4) is submitted to the board of trustees, the board may consider the suggestions for mitigation and adopt a resolution approving or denying the request in the same manner as provided in Section 17B-1-510 with respect to the original resolution denying the withdrawal and file a notice of the action as provided in Subsection (1).

(6) (a) Any person in interest may seek judicial review of:

- (i) the board of trustees' decision to withdraw an area from the local district;
- (ii) the terms and conditions of a withdrawal; or
- (iii) the board's decision to deny a withdrawal.

(b) Judicial review under this Subsection (6) shall be initiated by filing an action in the district court in the county in which a majority of the area proposed to be withdrawn is located:

(i) if the resolution approving or denying the withdrawal is published under Subsection (3), within 60 days after the publication or after the board of trustees' denial of the request under Subsection (5);

(ii) if the resolution is not published pursuant to Subsection (3), within 60 days after the resolution approving or denying the withdrawal is adopted; or

(iii) if a request is submitted to the board of trustees of a local district under Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the board adopts a resolution under Subsection (5) unless the resolution is published under Subsection (3), in which event the action shall be filed within 60 days after the publication.

(c) A court in which an action is filed under this Subsection (6) may not overturn, in whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

- (i) the court finds the board of trustees' decision to be arbitrary or capricious; or
- (ii) the court finds that the board materially failed to follow the procedures set forth in this part.

(d) A court may award costs and expenses of an action under this section, including reasonable attorney fees, to the prevailing party.

(7) After the applicable contest period under Subsection (4) or (6), no person may contest the board of trustees' approval or denial of withdrawal for any cause.

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HB0229S01 compared with HB0229

Legislative Review Note

~~Office of Legislative Research and General Counsel~~ Section 5. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.