

1 **SERVICE AREA BOARD OF TRUSTEES MODIFICATIONS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Robert M. Spendlove**

5 Senate Sponsor: Wayne A. Harper

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the requirements for appointment of members to a service area board
10 of trustees.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ clarifies which municipalities within a service area are required to appoint a
14 member to the service area board of trustees.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **17B-2a-905**, as last amended by Laws of Utah 2014, Chapter 189

22

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

24 Section 1. Section **17B-2a-905** is amended to read:

25 **17B-2a-905. Service area board of trustees.**

26 (1) (a) Except as provided in Subsection (2) or (3):

27 (i) the initial board of trustees of a service area located entirely within the



28 unincorporated area of a single county may, as stated in the petition or resolution that initiated
29 the process of creating the service area:

- 30 (A) consist of the county legislative body;
- 31 (B) be appointed, as provided in Section 17B-1-304; or
- 32 (C) be elected, as provided in Section 17B-1-306;
- 33 (ii) if the board of trustees of a service area consists of the county legislative body, the
34 board may adopt a resolution providing for future board members to be appointed, as provided
35 in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and

36 (iii) members of the board of trustees of a service area shall be elected, as provided in
37 Section 17B-1-306, if:

- 38 (A) the service area is not entirely within the unincorporated area of a single county;
- 39 (B) a petition is filed with the board of trustees requesting that board members be
40 elected, and the petition is signed by registered voters within the service area equal in number
41 to at least 10% of the number of registered voters within the service area who voted at the last
42 gubernatorial election; or
- 43 (C) an election is held to authorize the service area's issuance of bonds.

44 (b) If members of the board of trustees of a service area are required to be elected
45 under Subsection (1)(a)(iii)(C) because of a bond election:

- 46 (i) board members shall be elected in conjunction with the bond election;
- 47 (ii) the board of trustees shall:
 - 48 (A) establish a process to enable potential candidates to file a declaration of candidacy
49 sufficiently in advance of the election; and

50 (B) provide a ballot for the election of board members separate from the bond ballot;
51 and

52 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided
53 in Section 17B-1-306.

54 (2) (a) This Subsection (2) applies to a service area created on or after May 5, 2003, if:

- 55 (i) the service area was created to provide:
 - 56 (A) fire protection, paramedic, and emergency services; or
 - 57 (B) law enforcement service;
- 58 (ii) in the creation of the service area, an election was not required under Subsection

59 17B-1-214(3)(d); and

60 (iii) the service area is not a service area described in Subsection (3).

61 (b) (i) Each county whose unincorporated area is included within a service area
62 described in Subsection (2)(a), whether in conjunction with the creation of the service area or
63 by later annexation, shall appoint three members to the board of trustees.

64 (ii) Each municipality whose area is included within a service area described in
65 Subsection (2)(a), whether in conjunction with the creation of the service area or by later
66 service area annexation or municipal incorporation or annexation, shall appoint one member to
67 the board of trustees, unless the area of the municipality is withdrawn from the service area.

68 (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or

69 (ii) shall be an elected official of the appointing county or municipality, respectively.

70 (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of
71 trustees of a service area described in Subsection (2)(a) shall be the number resulting from
72 application of Subsection (2)(b).

73 (3) (a) This Subsection (3) applies to a service area created on or after May 14, 2013,
74 if:

75 (i) the service area was created to provide fire protection, paramedic, and emergency
76 services;

77 (ii) in the creation of the service area, an election was not required under Subsection
78 17B-1-214(3)(d); and

79 (iii) each municipality whose area is included within the service area or county whose
80 unincorporated area, whether in whole or in part, is included within a service area is a party to
81 an agreement:

82 (A) entered into in accordance with Title 11, Chapter 13, Interlocal Cooperation Act
83 with all the other municipalities or counties whose area is included in the service area;

84 (B) to provide the services described in Subsection (3)(a)(i); and

85 (C) at the time a resolution proposing the creation of the service area is adopted by
86 each applicable municipal or county legislative body in accordance with Subsection

87 17B-1-203(1)(d).

88 (b) (i) Each county whose unincorporated area, whether in whole or in part, is included
89 within a service area described in Subsection (3)(a), whether in conjunction with the creation of

90 the service area or by later annexation, shall appoint one member to the board of trustees.

91 (ii) Each municipality whose area is included within a service area described in
92 Subsection (3)(a), whether in conjunction with the creation of the service area or by later
93 annexation, shall appoint one member to the board of trustees.

94 (iii) Each member appointed by a county or municipality under Subsection (3)(b)(i) or
95 (ii) shall be an elected official of the appointing county or municipality, respectively.

96 (iv) A vote by a member of the board of trustees may be weighted or proportional.

97 (c) Notwithstanding Subsection [17B-1-302\(2\)](#), the number of members of a board of
98 trustees of a service area described in Subsection (3)(a) shall be the number resulting from the
99 application of Subsection (3)(b).

Legislative Review Note
Office of Legislative Research and General Counsel