

**LOCAL DISTRICT BOARD AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: Stephen G. Handy

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**LONG TITLE**

**General Description:**

This bill clarifies appointment provisions regarding local district boards of trustees.

**Highlighted Provisions:**

This bill:

- ▶ modifies the number of voters required to approve a certain tax or levy;
- ▶ clarifies the application of certain residency requirements for appointed members of local district boards of trustees;
- ▶ clarifies when appointment procedures apply in the case of a board vacancy; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17B-1-203**, as last amended by Laws of Utah 2013, Chapter 70

**17B-1-208**, as renumbered and amended by Laws of Utah 2007, Chapter 329

**17B-1-302**, as last amended by Laws of Utah 2016, Chapter 140

**17B-1-303**, as last amended by Laws of Utah 2016, Chapter 233

**17B-1-304**, as last amended by Laws of Utah 2014, Chapter 377

**17B-1-1001**, as last amended by Laws of Utah 2013, Chapter 415

- 29 [17B-2a-404](#), as last amended by Laws of Utah 2015, Chapter 258
  - 30 [17B-2a-405](#), as last amended by Laws of Utah 2015, Chapter 258
  - 31 [17B-2a-604](#), as last amended by Laws of Utah 2010, Chapter 159
  - 32 [17B-2a-608](#), as last amended by Laws of Utah 2013, Chapters 278 and 415
  - 33 [17B-2a-704](#), as last amended by Laws of Utah 2012, Chapter 97
  - 34 [17B-2a-905](#), as last amended by Laws of Utah 2014, Chapter 189
  - 35 [17B-2a-1009](#), as last amended by Laws of Utah 2013, Chapter 415
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37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **17B-1-203** is amended to read:

39 **17B-1-203. Process to initiate the creation of a local district -- Petition or**  
40 **resolution.**

41 (1) The process to create a local district may be initiated by:

42 (a) unless the proposed local district is a local district to acquire or assess a  
43 groundwater right under Section [17B-1-202](#), and subject to Section [17B-1-204](#), a petition  
44 signed by the owners of private real property that:

45 (i) is located within the proposed local district;  
46 (ii) covers at least 33% of the total private land area within the proposed local district  
47 as a whole and within each applicable area;

48 (iii) is equal in value to at least 25% of the value of all private real property within the  
49 proposed local district as a whole and within each applicable area; and

50 (iv) complies with the requirements of Subsection [17B-1-205](#)(1) and Section  
51 [17B-1-208](#);

52 (b) subject to Section [17B-1-204](#), a petition that:

53 (i) is signed by registered voters residing within the proposed local district as a whole  
54 and within each applicable area, equal in number to at least 33% of the number of votes cast in  
55 the proposed local district as a whole and in each applicable area, respectively, for the office of

56 governor at the last regular general election prior to the filing of the petition; and  
57 (ii) complies with the requirements of Subsection 17B-1-205(1) and Section  
58 17B-1-208;

59 (c) if the proposed local district is a local district to acquire or assess a groundwater  
60 right under Section 17B-1-202, and subject to Section 17B-1-204, a petition signed by the  
61 owners of groundwater rights that:

62 (i) are diverted within the proposed local district;  
63 (ii) cover at least 33% of the total amount of groundwater diverted in accordance with  
64 groundwater rights within the proposed local district as a whole and within each applicable  
65 area; and  
66 (iii) comply with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

67 (d) a resolution proposing the creation of a local district, adopted by the legislative  
68 body of each county whose unincorporated area, whether in whole or in part, includes and each  
69 municipality whose boundaries include any of the proposed local district; or  
70 (e) a resolution proposing the creation of a local district, adopted by the board of  
71 trustees of an existing local district whose boundaries completely encompass the proposed  
72 local district, if:

73 (i) the proposed local district is being created to provide one or more components of  
74 the same service that the initiating local district is authorized to provide; and  
75 (ii) the initiating local district is not providing to the area of the proposed local district  
76 any of the components that the proposed local district is being created to provide.

77 (2) (a) Each resolution under Subsection (1)(d) or (e) shall:

78 (i) describe the area proposed to be included in the proposed local district;  
79 (ii) be accompanied by a map that shows the boundaries of the proposed local district;  
80 (iii) describe the service proposed to be provided by the proposed local district;  
81 (iv) if the resolution proposes the creation of a specialized local district, specify the  
82 type of specialized local district proposed to be created;

- 83 (v) explain the anticipated method of paying the costs of providing the proposed
- 84 service;
- 85 (vi) state the estimated average financial impact on a household within the proposed
- 86 local district;
- 87 (vii) state the number of members that the board of trustees of the proposed local
- 88 district will have, consistent with the requirements of Subsection [17B-1-302](#)~~(2)~~(4);
- 89 (viii) for a proposed basic local district:
  - 90 (A) state whether the members of the board of trustees will be elected or appointed or
  - 91 whether some members will be elected and some appointed, as provided in Section
  - 92 [17B-1-1402](#);
  - 93 (B) if one or more members will be elected, state the basis upon which each elected
  - 94 member will be elected; and
  - 95 (C) if applicable, explain how the election or appointment of board members will
  - 96 transition from one method to another based on stated milestones or events, as provided in
  - 97 Section [17B-1-1402](#);
  - 98 (ix) for a proposed improvement district whose remaining area members or county
  - 99 members, as those terms are defined in Section [17B-2a-404](#), are to be elected, state that those
  - 100 members will be elected; and
  - 101 (x) for a proposed service area that is entirely within the unincorporated area of a single
  - 102 county, state whether the initial board of trustees will be:
    - 103 (A) the county legislative body;
    - 104 (B) appointed as provided in Section [17B-1-304](#); or
    - 105 (C) elected as provided in Section [17B-1-306](#).
  - 106 (b) Each county or municipal legislative body adopting a resolution under Subsection
  - 107 (1)(d) shall, on or before the first public hearing under Section [17B-1-210](#), mail or deliver a
  - 108 copy of the resolution to the responsible body if the county or municipal legislative body's
  - 109 resolution is one of multiple resolutions adopted by multiple county or municipal legislative

110 bodies proposing the creation of the same local district.

111 Section 2. Section **17B-1-208** is amended to read:

112 **17B-1-208. Additional petition requirements and limitations.**

113 (1) Each petition shall:

114 (a) be filed with the responsible clerk;

115 (b) separately group signatures by county and municipality, so that all signatures of the  
116 owners of real property located within or of registered voters residing within each county  
117 whose unincorporated area includes and each municipality whose boundaries include part of  
118 the proposed local district are grouped separately; and

119 (c) state the number of members that the board of trustees of the proposed local district  
120 will have, consistent with the requirements of Subsection **17B-1-302**~~(2)~~(4).

121 (2) (a) A petition may not propose the creation of a local district that includes an area  
122 located within the unincorporated part of a county or within a municipality if the legislative  
123 body of that county or municipality has adopted a resolution under Subsection **17B-1-212**(1)  
124 indicating that the county or municipality will provide to that area the service proposed to be  
125 provided by the proposed local district.

126 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is  
127 considered to have declined to provide the requested service under Subsection **17B-1-212**(3).

128 (c) Subsection (2)(a) may not be construed to prevent the filing of a petition that  
129 proposes the creation of a local district whose area excludes that part of the unincorporated area  
130 of a county or that part of a municipality to which the county or municipality has indicated, in a  
131 resolution adopted under Section **17B-1-212**, it will provide the requested service.

132 (3) A petition may not propose the creation of a local district whose area includes:

133 (a) some or all of an area described in a previously filed petition that, subject to  
134 Subsection **17B-1-202**(4)(b):

135 (i) proposes the creation of a local district to provide the same service as proposed by  
136 the later filed petition; and

137 (ii) is still pending at the time the later petition is filed; or  
138 (b) some or all of an area within a political subdivision that provides in that area the  
139 same service proposed to be provided by the proposed local district.

140 (4) A petition may not be filed more than 12 months after a county or municipal  
141 legislative body declines to provide the requested service under Subsection 17B-1-212(1) or is  
142 considered to have declined to provide the requested service under Subsection 17B-1-212(2) or  
143 (3).

144 Section 3. Section 17B-1-302 is amended to read:

145 **17B-1-302. Board member qualifications -- Number of board members.**

146 (1) ~~(a)~~ Each member of a local district board of trustees shall be:

147 ~~(i)~~ (a) a registered voter at the location of the member's residence; and

148 ~~(ii)~~ (b) except as otherwise provided in ~~this~~ Subsection ~~(i)~~ (2) or (3), a resident  
149 within:

150 ~~(A)~~ (i) the boundaries of the local district; and

151 ~~(B)~~ (ii) if applicable, the boundaries of the division of the local district from which  
152 the member is elected or appointed.

153 ~~(b)(i)~~ (2) (a) As used in this Subsection ~~(i)(b)~~ (2):

154 ~~(A)~~ (i) "Proportional number" means the number of members of a board of trustees  
155 that bears, as close as mathematically possible, the same proportion to all members of the board  
156 that the number of seasonally occupied homes bears to all residences within the district that  
157 receive service from the district.

158 ~~(B)~~ (ii) "Seasonally occupied home" means a single-family residence:

159 ~~(i)~~ (A) that is located within the local district;

160 ~~(ii)~~ (B) that receives service from the local district; and

161 ~~(iii)~~ (C) whose owner~~:(A)~~ does not reside permanently at the residence~~;~~ and  
162 ~~(B)~~ but may occupy the residence on a temporary or seasonal basis.

163 ~~(i)~~ (b) If over 50% of the residences within a local district that receive service from

164 the local district are seasonally occupied homes, the requirement under Subsection  
 165 (1)~~(a)(ii)~~(b) is replaced, for a proportional number of members of the board of trustees, with  
 166 the requirement that the member be an owner of land, or an agent or officer of the owner of  
 167 land, that:

168 ~~(A)~~ (i) receives service from the district; and  
 169 ~~(B)~~ (ii) is located within~~(F)~~ the local district~~;~~~~and (H)~~ and, if applicable, the  
 170 division from which the member is elected.

171 ~~(C)~~ (3) (a) For a board of trustees member in a basic local district that has within ~~(its)~~  
 172 the district's boundaries fewer than one residential dwelling unit per 10 acres of land, the  
 173 requirement under Subsection (1)~~(a)(ii)~~(b) is replaced with the requirement that the member  
 174 be an owner of land within the local district that receives service from the district, or an agent  
 175 or officer of the owner.

176 ~~(D)~~ (b) A member of the board of trustees of a service area described in Subsection  
 177 17B-2a-905(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is  
 178 not subject to the requirements described in Subsection (1)~~(a)(ii)~~(b) if the elected official was  
 179 elected at large by the voters of the county.

180 ~~(E)~~ (4) Except as otherwise provided by statute, the number of members of each  
 181 board of trustees of a local district shall be an odd number that is no less than three.

182 ~~(F)~~ (5) For a newly created local district, the number of members of the initial board  
 183 of trustees shall be the number specified:

184 (a) for a local district whose creation was initiated by a petition under Subsection  
 185 17B-1-203(1)(a), (b), or (c), in the petition; or

186 (b) for a local district whose creation was initiated by a resolution under Subsection  
 187 17B-1-203(1)(d) or (e), in the resolution.

188 ~~(G)~~ (6) (a) For an existing local district, the number of members of the board of  
 189 trustees may be changed by a two-thirds vote of the board of trustees.

190 (b) No change in the number of members of a board of trustees under Subsection ~~(4)~~

191 (6)(a) may:

- 192 (i) violate Subsection [~~(2)~~] (4); or
- 193 (ii) serve to shorten the term of any member of the board.

194 Section 4. Section **17B-1-303** is amended to read:

195 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**  
196 **of board member contact information.**

197 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a  
198 board of trustees shall begin at noon on the January 1 following the member's election or  
199 appointment.

200 (b) The term of each member of the initial board of trustees of a newly created local  
201 district shall begin:

- 202 (i) upon appointment, for an appointed member; and
- 203 (ii) upon the member taking the oath of office after the canvass of the election at which  
204 the member is elected, for an elected member.

205 (c) The term of each water conservancy district board member appointed by the  
206 governor as provided in Subsection **17B-2a-1005(2)(c)** shall:

- 207 (i) begin on the later of the following:
  - 208 (A) the date on which the Senate consents to the appointment; or
  - 209 (B) the expiration date of the prior term; and
- 210 (ii) end on the February 1 that is approximately four years after the date described in  
211 Subsection (1)(c)(i)(A) or (B).

212 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the  
213 term of each member of a board of trustees shall be four years, except that approximately half  
214 the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that  
215 the term of approximately half the board members expires every two years.

216 (ii) (A) If the terms of members of the initial board of trustees of a newly created local  
217 district do not begin on January 1 because of application of Subsection (1)(b), the terms of

218 those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in  
219 the terms of their successors complying with:

220 (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following  
221 a member's election or appointment; and

222 (II) the requirement under Subsection (2)(a)(i) that terms be four years.

223 (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or  
224 subtract more than a year from a member's term.

225 (b) Each board of trustees member shall serve until a successor is duly elected or  
226 appointed and qualified, unless the member earlier is removed from office or resigns or  
227 otherwise leaves office.

228 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
229 [17B-1-302\(1\), \(2\), or \(3\)](#), or if the member's term expires without a duly elected or appointed  
230 successor:

231 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

232 (ii) the member may continue to serve until a successor is duly elected or appointed  
233 and qualified.

234 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees  
235 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

236 (ii) An oath of office may be administered by a judge, county clerk, notary public, or  
237 the local district clerk.

238 (b) Each oath of office shall be filed with the clerk of the local district.

239 (c) The failure of a board of trustees member to take the oath required by Subsection  
240 (3)(a) does not invalidate any official act of that member.

241 (4) A board of trustees member is not limited in the number of terms the member may  
242 serve.

243 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees  
244 position shall be filled as provided in Section [20A-1-512](#).

245 (6) (a) For purposes of this Subsection (6):  
246 (i) "Appointed official" means a person who:  
247 (A) is appointed as a member of a local district board of trustees by a county or  
248 municipality entitled to appoint a member to the board; and  
249 (B) holds an elected position with the appointing county or municipality.  
250 (ii) "Appointing entity" means the county or municipality that appointed the appointed  
251 official to the board of trustees.  
252 (b) The board of trustees shall declare a midterm vacancy for the board position held  
253 by an appointed official if:  
254 (i) during the appointed official's term on the board of trustees, the appointed official  
255 ceases to hold the elected position with the appointing entity; and  
256 (ii) the appointing entity submits a written request to the board to declare the vacancy.  
257 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
258 appointing entity shall appoint another person to fill the remaining unexpired term on the board  
259 of trustees.  
260 (7) (a) Each member of a board of trustees shall give a bond for the faithful  
261 performance of the member's duties, in the amount and with the sureties prescribed by the  
262 board of trustees.  
263 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).  
264 (8) The lieutenant governor may extend the term of an elected district board member  
265 by one year in order to compensate for a change in the election year under Subsection  
266 [17B-1-306\(13\)](#).  
267 (9) (a) A local district shall:  
268 (i) post on the Utah Public Notice Website created in Section [63F-1-701](#) the name,  
269 phone number, and email address of each member of the local district's board of trustees;  
270 (ii) update the information described in Subsection (9)(a)(i) when:  
271 (A) the membership of the board of trustees changes; or

272 (B) a member of the board of trustees' phone number or email address changes; and  
273 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day  
274 on which the change requiring the update occurs.

275 (b) This Subsection (9) applies regardless of whether the county or municipal  
276 legislative body also serves as the board of trustees of the local district.

277 Section 5. Section **17B-1-304** is amended to read:

278 **17B-1-304. Appointment procedures for appointed members.**

279 (1) The appointing authority may, by resolution, appoint persons to serve as members  
280 of a local district board by following the procedures established by this section.

281 (2) (a) In any calendar year when appointment of a new local district board member is  
282 required, the appointing authority shall prepare a notice of vacancy that contains:

283 (i) the positions that are vacant that shall be filled by appointment;

284 (ii) the qualifications required to be appointed to those positions;

285 (iii) the procedures for appointment that the governing body will follow in making  
286 those appointments; and

287 (iv) the person to be contacted and any deadlines that a person shall meet who wishes  
288 to be considered for appointment to those positions.

289 (b) The appointing authority shall:

290 (i) post the notice of vacancy in four public places within the local district at least one  
291 month before the deadline for accepting nominees for appointment; ~~and~~

292 (ii) ~~(A)~~ publish the notice of vacancy:

293 ~~(A)~~ (A) in a daily newspaper of general circulation within the local district for five  
294 consecutive days before the deadline for accepting nominees for appointment; or

295 ~~(B)~~ (B) in a local weekly newspaper circulated within the local district in the week  
296 before the deadline for accepting nominees for appointment; and

297 ~~(B)~~ (iii) publish the notice of vacancy in accordance with Section [45-1-101](#) for five  
298 days before the deadline for accepting nominees for appointment.

299 (c) The appointing authority may bill the local district for the cost of preparing,  
300 printing, and publishing the notice.

301 (3) (a) Not sooner than two months after the appointing authority is notified of the  
302 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants  
303 who meet the qualifications established by law.

304 (b) The appointing authority shall:

305 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the  
306 appointment;

307 (ii) allow any interested persons to be heard; and

308 (iii) adopt a resolution appointing a person to the local district board.

309 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the  
310 appointing authority, the appointing authority shall select the appointee from the two top  
311 candidates by lot.

312 (4) Persons appointed to serve as members of the local district board serve four-year  
313 terms, but may be removed for cause at any time after a hearing by two-thirds vote of the  
314 appointing body.

315 (5) (a) At the end of each board member's term, the position is considered vacant, and,  
316 after following the appointment procedures established in this section, the appointing authority  
317 may either reappoint the ~~[old]~~ incumbent board member or appoint a new member ~~[after~~  
318 ~~following the appointment procedures established in this section]~~.

319 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a  
320 successor is ~~[duly]~~ elected or appointed and qualified in accordance with Subsection  
321 17B-1-303(2)(b).

322 (6) Notwithstanding any other provision of this section, if the appointing authority  
323 appoints one of its own members and that member meets all applicable statutory board member  
324 qualifications, the appointing authority need not comply with Subsection (2) or (3).

325 Section 6. Section **17B-1-1001** is amended to read:

326 **17B-1-1001. Provisions applicable to property tax levy.**

327 (1) Each local district that levies and collects property taxes shall levy and collect them  
328 according to the provisions of Title 59, Chapter 2, Property Tax Act.

329 (2) As used in this section, "elected official" means a local district board of trustees  
330 member who:

331 (a) is elected to the board of trustees by local district voters at an election held for that  
332 purpose, including a member elected under Subsection (4);

333 (b) holds, at the time of appointment to the board of trustees, an elected position with a  
334 municipality, county, or another local district that is partially or completely included within the  
335 boundaries of the local district;

336 (c) is appointed in accordance with Subsection 17B-1-303(5) or 17B-1-306(4)(f); or

337 (d) is considered to be elected in accordance with Subsection 17B-1-306(4)(g).

338 (3) (a) Except as provided in Subsection (3)(b), a local district may not levy or collect  
339 property tax revenue that exceeds the certified tax rate during a taxable year that begins on or  
340 after January 1, 2011.

341 (b) Notwithstanding Subsection (3)(a), a local district may levy or collect property tax  
342 revenue that exceeds the certified tax rate during a taxable year that begins on or after January  
343 1, 2011, if:

344 (i) and to the extent that the revenue from the property tax was pledged before January  
345 1, 2011, to pay for bonds or other obligations of the local district;

346 (ii) the members of the board of trustees are all elected officials;

347 (iii) the majority of the board of trustees are elected officials; or

348 (iv) the proposed tax or increase in the property tax rate has been approved by:

349 (A) a majority of the registered voters within the local district ~~[at]~~ who vote in an  
350 election held for that purpose on a date specified in Section 20A-1-204;

351 (B) the legislative body of the appointing authority; or

352 (C) the legislative body of:

353 (I) a majority of the municipalities partially or completely included within the  
354 boundary of the specified local district; or

355 (II) the county in which the specified local district is located, if the county has some or  
356 all of its unincorporated area included within the boundary of the specified local district.

357 (4) (a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions  
358 Applicable to Different Types of Local Districts, and for purposes of Subsection (3)(b),  
359 members of the board of trustees of a local district shall be elected, if, subject to Subsection  
360 (4)(b):

361 (i) two-thirds of all members of the board of trustees of the local district vote in favor  
362 of changing to an elected board; and

363 (ii) the legislative body of each municipality or county that appoints a member to the  
364 board of trustees adopts a resolution approving the change to an elected board.

365 (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten  
366 the term of any member of the board of trustees serving at the time of the change.

367 (5) Subsections (2), (3), and (4) do not apply to:

368 (a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

369 (b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

370 (c) a local district in which:

371 (i) the board of trustees consists solely of:

372 (A) land owners or the land owners' agents; or

373 (B) as described in Subsection [17B-1-302\[\(1\)\(c\)\]\(3\)](#), land owners or the land owners'  
374 agents or officers; and

375 (ii) there are no residents within the local district at the time a property tax is levied.

376 Section 7. Section **17B-2a-404** is amended to read:

377 **17B-2a-404. Improvement district board of trustees.**

378 (1) As used in this section:

379 (a) "County district" means an improvement district that does not include within its

380 boundaries any territory of a municipality.

381 (b) "County member" means a member of a board of trustees of a county district.

382 (c) "Electric district" means an improvement district that was created for the purpose of  
383 providing electric service.

384 (d) "Included municipality" means a municipality whose boundaries are entirely  
385 contained within but do not coincide with the boundaries of an improvement district.

386 (e) "Municipal district" means an improvement district whose boundaries coincide  
387 with the boundaries of a single municipality.

388 (f) "Regular district" means an improvement district that is not a county district,  
389 electric district, or municipal district.

390 (g) "Remaining area" means the area of a regular district that:

391 (i) is outside the boundaries of an included municipality; and

392 (ii) includes the area of an included municipality whose legislative body elects, under  
393 Subsection (5)(a)(ii), not to appoint a member to the board of trustees of the regular district.

394 (h) "Remaining area member" means a member of a board of trustees of a regular  
395 district who is appointed, or, if applicable, elected to represent the remaining area of the  
396 district.

397 (2) The legislative body of the municipality included within a municipal district may:

398 (a) elect, at the time of the creation of the district, to be the board of trustees of the  
399 district; and

400 (b) adopt at any time a resolution providing for:

401 (i) the election of board of trustees members, as provided in Section [17B-1-306](#); or

402 (ii) the appointment of board of trustees members, as provided in Section [17B-1-304](#).

403 (3) (a) The legislative body of a county whose unincorporated area is partly or  
404 completely within a county district may:

405 (i) elect, at the time of the creation of the district, to be the board of trustees of the  
406 district, even though a member of the legislative body of the county may not meet the

407 requirements of Subsection 17B-1-302(1)~~(a)~~;

408       (ii) adopt at any time a resolution providing for:

409           (A) the election of board of trustees members, as provided in Section 17B-1-306; or

410           (B) except as provided in Subsection (4), the appointment of board of trustees

411 members, as provided in Section 17B-1-304; and

412       (iii) if the conditions of Subsection (3)(b) are met, appoint a member of the legislative

413 body of the county to the board of trustees, except that the legislative body of the county may

414 not appoint more than three members of the legislative body of the county to the board of

415 trustees.

416       (b) A legislative body of a county whose unincorporated area is partly or completely

417 within a county district may take an action under Subsection (3)(a)(iii) if:

418           (i) more than 35% of the residences within a county district that receive service from

419 the district are seasonally occupied homes, as defined in Subsection

420 17B-1-302~~(1)(b)(i)(B)~~(2)(a)(ii);

421           (ii) the board of trustees are appointed by the legislative body of the county; and

422           (iii) there are at least two appointed board members who meet the requirements of

423 ~~Subsection~~ Subsections 17B-1-302(1), (2), and (3), except that a member of the legislative

424 body of the county need not satisfy the requirements of ~~Subsection~~ Subsections

425 17B-1-302(1), (2), and (3).

426       (4) Subject to Subsection (6)(d), the legislative body of a county may not adopt a

427 resolution providing for the appointment of board of trustees members as provided in

428 Subsection (3)(a)(ii)(B) at any time after the county district is governed by an elected board of

429 trustees unless:

430           (a) the elected board has ceased to function;

431           (b) the terms of all of the elected board members have expired without the board

432 having called an election; or

433           (c) the elected board of trustees unanimously adopts a resolution approving the change

434 from an elected to an appointed board.

435 (5) (a) (i) Except as provided in Subsection (5)(a)(ii), the legislative body of each  
436 included municipality shall each appoint one member to the board of trustees of a regular  
437 district.

438 (ii) The legislative body of an included municipality may elect not to appoint a member  
439 to the board under Subsection (5)(a)(i).

440 (b) Except as provided in Subsection (6), the legislative body of each county whose  
441 boundaries include a remaining area shall appoint all other members to the board of trustees of  
442 a regular district.

443 (6) Notwithstanding Subsection (3), each remaining area member of a regular district  
444 and each county member of a county district shall be elected, as provided in Section  
445 [17B-1-306](#), if:

446 (a) the petition or resolution initiating the creation of the district provides for remaining  
447 area or county members to be elected;

448 (b) the district holds an election to approve the district's issuance of bonds;

449 (c) for a regular district, an included municipality elects, under Subsection (5)(a)(ii),  
450 not to appoint a member to the board of trustees; or

451 (d) (i) at least 90 days before the municipal general election or regular general election,  
452 as applicable, a petition is filed with the district's board of trustees requesting remaining area  
453 members or county members, as the case may be, to be elected; and

454 (ii) the petition is signed by registered voters within the remaining area or county  
455 district, as the case may be, equal in number to at least 10% of the number of registered voters  
456 within the remaining area or county district, respectively, who voted in the last gubernatorial  
457 election.

458 (7) Subject to Section [17B-1-302](#), the number of members of a board of trustees of a  
459 regular district shall be:

460 (a) the number of included municipalities within the district, if:

- 461 (i) the number is an odd number; and  
462 (ii) the district does not include a remaining area;
- 463 (b) the number of included municipalities plus one, if the number of included  
464 municipalities within the district is even; and
- 465 (c) the number of included municipalities plus two, if:  
466 (i) the number of included municipalities is odd; and  
467 (ii) the district includes a remaining area.
- 468 (8) (a) Except as provided in Subsection (8)(b), each remaining area member of the  
469 board of trustees of a regular district shall reside within the remaining area.
- 470 (b) Notwithstanding Subsection (8)(a) and subject to Subsection (8)(c), each remaining  
471 area member shall be chosen from the district at large if:
- 472 (i) the population of the remaining area is less than 5% of the total district population;  
473 or
- 474 (ii) (A) the population of the remaining area is less than 50% of the total district  
475 population; and
- 476 (B) the majority of the members of the board of trustees are remaining area members.
- 477 (c) Application of Subsection (8)(b) may not prematurely shorten the term of any  
478 remaining area member serving the remaining area member's elected or appointed term on May  
479 11, 2010.
- 480 (9) If the election of remaining area or county members of the board of trustees is  
481 required because of a bond election, as provided in Subsection (6)(b):
- 482 (a) a person may file a declaration of candidacy if:  
483 (i) the person resides within:  
484 (A) the remaining area, for a regular district; or  
485 (B) the county district, for a county district; and  
486 (ii) otherwise qualifies as a candidate;
- 487 (b) the board of trustees shall, if required, provide a ballot separate from the bond

488 election ballot, containing the names of candidates and blanks in which a voter may write  
489 additional names; and

490 (c) the election shall otherwise be governed by Title 20A, Election Code.

491 (10) (a) (i) This Subsection (10) applies to the board of trustees members of an electric  
492 district.

493 (ii) Subsections (2) through (9) do not apply to an electric district.

494 (b) The legislative body of the county in which an electric district is located may  
495 appoint the initial board of trustees of the electric district as provided in Section 17B-1-304.

496 (c) After the initial board of trustees is appointed as provided in Subsection (10)(b),  
497 each member of the board of trustees of an electric district shall be elected by persons using  
498 electricity from and within the district.

499 (d) Each member of the board of trustees of an electric district shall be a user of  
500 electricity from the district and, if applicable, the division of the district from which elected.

501 (e) The board of trustees of an electric district may be elected from geographic  
502 divisions within the district.

503 (f) A municipality within an electric district is not entitled to automatic representation  
504 on the board of trustees.

505 Section 8. Section 17B-2a-405 is amended to read:

506 **17B-2a-405. Board of trustees of certain sewer improvement districts.**

507 (1) As used in this section:

508 (a) "Jurisdictional boundaries" means:

509 (i) for a qualified county, the boundaries that include:

510 (A) the area of the unincorporated part of the county that is included within a sewer  
511 improvement district; and

512 (B) the area of each nonappointing municipality that is included within the sewer  
513 improvement district; and

514 (ii) for a qualified municipality, the boundaries that include the area of the municipality

515 that is included within a sewer improvement district.

516 (b) "Nonappointing municipality" means a municipality that:

517 (i) is partly included within a sewer improvement district; and

518 (ii) is not a qualified municipality.

519 (c) "Qualified county" means a county:

520 (i) some or all of whose unincorporated area is included within a sewer improvement  
521 district; or

522 (ii) which includes within its boundaries a nonappointing municipality.

523 (d) "Qualified county member" means a member of a board of trustees of a sewer  
524 improvement district appointed under Subsection (3)(a)(ii).

525 (e) "Qualified municipality" means a municipality that is partly or entirely included  
526 within a sewer improvement district that includes:

527 (i) all of the municipality that is capable of receiving sewage treatment service from the  
528 sewer improvement district; and

529 (ii) more than half of:

530 (A) the municipality's land area; or

531 (B) the assessed value of all private real property within the municipality.

532 (f) "Qualified municipality member" means a member of a board of trustees of a sewer  
533 improvement district appointed under Subsection (3)(a)(i).

534 (g) "Sewer improvement district" means an improvement district that:

535 (i) provides sewage collection, treatment, and disposal service; and

536 (ii) made an election before 1954 under Laws of Utah 1953, Chapter 29, to enable it to  
537 continue to appoint its board of trustees members as provided in this section.

538 (2) (a) Notwithstanding Section [17B-2a-404](#), the board of trustees members of a sewer  
539 improvement district shall be appointed as provided in this section.

540 (b) The board of trustees of a sewer improvement district may revoke the election  
541 under Subsection (1)(d) and become subject to the provisions of Section [17B-2a-404](#) only by

542 the unanimous vote of all members of the sewer improvement district's board of trustees at a  
543 time when there is no vacancy on the board.

544 (3) (a) The board of trustees of each sewer improvement district shall consist of:

545 (i) at least one person but not more than three persons appointed by the mayor of each  
546 qualified municipality, with the consent of the legislative body of that municipality; and

547 (ii) at least one person but not more than three persons appointed by:

548 (A) the county executive, with the consent of the county legislative body, for a  
549 qualified county operating under a county executive-council form of county government; or

550 (B) the county legislative body, for each other qualified county.

551 (b) Each qualified county member appointed under Subsection (3)(a)(ii) shall represent  
552 the area within the jurisdictional boundaries of the qualified county.

553 (4) Notwithstanding Subsection 17B-1-302[~~(2)~~](4), the number of board of trustees  
554 members of a sewer improvement district shall be the number that results from application of  
555 Subsection (3)(a).

556 (5) Except as provided in this section, an appointment to the board of trustees of a  
557 sewer improvement district is governed by Section 17B-1-304.

558 (6) A quorum of a board of trustees of a sewer improvement district consists of  
559 members representing more than 50% of the total number of qualified county and qualified  
560 municipality votes under Subsection (7).

561 (7) (a) Subject to Subsection (7)(b), each qualified county and each qualified  
562 municipality is entitled to one vote on the board of trustees of a sewer improvement district for  
563 each \$10,000,000, or fractional part larger than 1/2 of that amount, of assessed valuation of  
564 private real property taxable for district purposes within the respective jurisdictional  
565 boundaries, as shown by the assessment records of the county and evidenced by a certificate of  
566 the county auditor.

567 (b) Notwithstanding Subsection (7)(a), each qualified county and each qualified  
568 municipality shall have at least one vote.

569 (8) If a qualified county or qualified municipality appoints more than one board  
570 member, all the votes to which the qualified county or qualified municipality is entitled under  
571 Subsection (7) for an item of board business shall collectively be cast by a majority of the  
572 qualified county members or qualified municipal members, respectively, present at a meeting  
573 of the board of trustees.

574 Section 9. Section **17B-2a-604** is amended to read:

575 **17B-2a-604. Metropolitan water district board of trustees.**

576 (1) Members of the board of trustees of a metropolitan water district shall be:

577 (a) elected in accordance with:

578 (i) the petition or resolution that initiated the process of creating the metropolitan water  
579 district; and

580 (ii) Section [17B-1-306](#);

581 (b) appointed in accordance with Subsection (2); or

582 (c) elected under Subsection (3)(a).

583 (2) (a) This Subsection (2) shall apply to an appointed board of trustees of a  
584 metropolitan water district.

585 (b) If a district contains the area of a single municipality:

586 (i) the legislative body of that municipality shall appoint each member of the board of  
587 trustees; and

588 (ii) one member shall be the officer with responsibility over the municipality's water  
589 supply and distribution system, if the system is municipally owned.

590 (c) If a district contains some or all of the retail water service area of more than one  
591 municipality:

592 (i) the legislative body of each municipality shall appoint the number of members for  
593 that municipality as determined under Subsection (2)(c)(ii);

594 (ii) subject to Subsection (2)(c)(iii), the number of members appointed by each  
595 municipality shall be determined:

596 (A) by agreement between the metropolitan water district and the municipalities,  
597 subject to the maximum stated in Subsection 17B-1-302[~~(2)~~](4); or

598 (B) as provided in Chapter 1, Part 3, Board of Trustees; and

599 (iii) at least one member shall be appointed by each municipality.

600 (d) Each trustee shall be appointed without regard to partisan political affiliations from  
601 among citizens of the highest integrity, attainment, competence, and standing in the  
602 community.

603 (3) (a) Members of the board of trustees of a metropolitan water district shall be  
604 elected in accordance with Section 17B-1-306, if, subject to Subsection (3)(b):

605 (i) three-fourths of all members of the board of trustees of the metropolitan water  
606 district vote in favor of changing to an elected board; and

607 (ii) the legislative body of each municipality that appoints a member to the board of  
608 trustees adopts a resolution approving the change to an elected board.

609 (b) A change to an elected board of trustees under Subsection (3)(a) may not shorten  
610 the term of any member of the board of trustees serving at the time of the change.

611 (4) A member of the board of trustees of a metropolitan water district shall be:

612 (a) a registered voter;

613 (b) a property taxpayer; and

614 (c) a resident of:

615 (i) the metropolitan water district; and

616 (ii) the retail water service area of the municipality that:

617 (A) elects the member; or

618 (B) the member is appointed to represent.

619 (5) (a) Except as provided in Subsection (7), a member shall immediately forfeit the  
620 member's seat on the board of trustees if the member becomes elected or appointed to office in  
621 or becomes an employee of the municipality whose legislative body appointed the member  
622 under Subsection (2).

623 (b) The position of the member described in Subsection (5)(a) is vacant until filled as  
624 provided in Section 17B-1-304.

625 (6) Except as provided in Subsection (7), the term of office of each member of the  
626 board of trustees is as provided in Section 17B-1-303.

627 (7) Subsections (4), (5)(a), and (6) do not apply to a member who is a member under  
628 Subsection (2)(b)(ii).

629 Section 10. Section 17B-2a-608 is amended to read:

630 **17B-2a-608. Limit on property tax authority -- Exceptions.**

631 (1) As used in this section, "elected official" means a metropolitan water district board  
632 of trustee member who is elected to the board of trustees by metropolitan water district voters  
633 at an election held for that purpose.

634 (2) The board of trustees of a metropolitan water district may not collect property tax  
635 revenue in a tax year beginning on or after January 1, 2015, that would exceed the certified tax  
636 rate under Section 59-2-924 unless:

637 (a) the members of the board of trustees are all elected officials; or

638 (b) the proposed tax levy has previously been approved by:

639 (i) a majority of the metropolitan water district voters [at] who vote in an election held  
640 for that purpose on a date specified in Section 20A-1-204; or

641 (ii) the legislative body of each municipality that appoints a member to the board of  
642 trustees under Section 17B-2a-604.

643 Section 11. Section 17B-2a-704 is amended to read:

644 **17B-2a-704. Mosquito abatement district board of trustees.**

645 (1) (a) Notwithstanding Subsection 17B-1-302[~~(2)~~](4):

646 (i) the board of trustees of a mosquito abatement district shall consist of no less than  
647 five members appointed in accordance with this section; and

648 (ii) subject to Subsection (1)(b), the legislative body of each municipality that is  
649 entirely or partly included within a mosquito abatement district shall appoint one member to

650 the board of trustees.

651 (b) If 75% or more of the area of a mosquito abatement district is within the boundaries  
652 of a single municipality:

653 (i) the board of trustees shall consist of five members; and

654 (ii) the legislative body of that municipality shall appoint all five members of the  
655 board.

656 (2) The legislative body of each county in which a mosquito abatement district is  
657 located shall appoint at least one member but no more than three members to the district's  
658 board of trustees as follows:

659 (a) one member may be appointed if:

660 (i) some or all of the county's unincorporated area is included within the boundaries of  
661 the mosquito abatement district and Subsection (2)(b) does not apply; or

662 (ii) (A) the number of municipalities that are entirely or partly included within the  
663 district is an even number less than nine; and

664 (B) Subsection (1)(b) does not apply; or

665 (b) subject to Subsection (3), up to and including three members may be appointed if:

666 (i) more than 25% of the population of the mosquito abatement district resides outside  
667 the boundaries of all municipalities that may appoint members to the board of trustees; and

668 (ii) at least four members of the board of trustees are appointed by a municipality.

669 (3) A member appointed in accordance with Subsection (2)(b) may not reside within a  
670 municipality that may appoint a member to the board of trustees.

671 (4) If the number of board members appointed by application of Subsections (1) and  
672 (2)(a) is an even number less than nine, the legislative body of the county in which the district  
673 is located shall appoint an additional member.

674 (5) Notwithstanding Subsection (2):

675 (a) if the mosquito abatement district is located entirely within one county and, in  
676 accordance with this section, only one municipality may appoint a member of the board of

677 trustees, the county legislative body shall appoint at least four members to the district's board  
678 of trustees; and

679 (b) if the mosquito abatement district is located entirely within one county and no  
680 municipality may appoint a member of the board of trustees, all of the members of the board  
681 shall be appointed by the county legislative body.

682 (6) Each board of trustees member shall be appointed as provided in Section  
683 17B-1-304.

684 (7) Each vacancy on a mosquito abatement district board of trustees shall be filled by  
685 the applicable appointing authority as provided in Section 17B-1-304, or if the vacancy is a  
686 midterm vacancy, as provided in Section 20A-1-512.

687 Section 12. Section 17B-2a-905 is amended to read:

688 **17B-2a-905. Service area board of trustees.**

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

690 (i) the initial board of trustees of a service area located entirely within the  
691 unincorporated area of a single county may, as stated in the petition or resolution that initiated  
692 the process of creating the service area:

693 (A) consist of the county legislative body;

694 (B) be appointed, as provided in Section 17B-1-304; or

695 (C) be elected, as provided in Section 17B-1-306;

696 (ii) if the board of trustees of a service area consists of the county legislative body, the  
697 board may adopt a resolution providing for future board members to be appointed, as provided  
698 in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and

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

701 (A) the service area is not entirely within the unincorporated area of a single county;

702 (B) a petition is filed with the board of trustees requesting that board members be

703 elected, and the petition is signed by registered voters within the service area equal in number

704 to at least 10% of the number of registered voters within the service area who voted at the last  
705 gubernatorial election; or

706 (C) an election is held to authorize the service area's issuance of bonds.

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

709 (i) board members shall be elected in conjunction with the bond election;

710 (ii) the board of trustees shall:

711 (A) establish a process to enable potential candidates to file a declaration of candidacy  
712 sufficiently in advance of the election; and

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

714 and

715 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided  
716 in Section [17B-1-306](#).

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

718 (i) the service area was created to provide:

719 (A) fire protection, paramedic, and emergency services; or

720 (B) law enforcement service;

721 (ii) in the creation of the service area, an election was not required under Subsection  
722 [17B-1-214](#)(3)(d); and

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

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

727 (ii) Each municipality whose area is included within a service area described in  
728 Subsection (2)(a), whether in conjunction with the creation of the service area or by later  
729 annexation, shall appoint one member to the board of trustees.

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

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

732 (c) Notwithstanding Subsection 17B-1-302~~(2)~~(4), the number of members of a board  
733 of trustees of a service area described in Subsection (2)(a) shall be the number resulting from  
734 application of Subsection (2)(b).

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

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

739 (ii) in the creation of the service area, an election was not required under Subsection  
740 17B-1-214(3)(d); and

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

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

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

747 (C) at the time a resolution proposing the creation of the service area is adopted by  
748 each applicable municipal or county legislative body in accordance with Subsection  
749 17B-1-203(1)(d).

750 (b) (i) Each county whose unincorporated area, whether in whole or in part, is included  
751 within a service area described in Subsection (3)(a), whether in conjunction with the creation of  
752 the service area or by later annexation, shall appoint one member to the board of trustees.

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

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

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

759 (c) Notwithstanding Subsection 17B-1-302[~~(2)~~](4), the number of members of a board  
760 of trustees of a service area described in Subsection (3)(a) shall be the number resulting from  
761 the application of Subsection (3)(b).

762 Section 13. Section 17B-2a-1009 is amended to read:

763 **17B-2a-1009. Limit on property tax authority -- Exceptions.**

764 (1) As used in this section, "elected official" means a water conservancy district board  
765 of trustee member who:

766 (a) is elected to the board of trustees by water conservancy district voters at an election  
767 held for that purpose;

768 (b) holds, at the time of appointment to the board of trustees, an elected position with a  
769 municipality, county, or local district that is partially or completely included within the  
770 boundaries of the water conservancy district; or

771 (c) is appointed in accordance with Subsection 17B-1-303(5) or 17B-1-306(4)(f) or (g).

772 (2) The board of trustees of a water conservancy district may not collect property tax  
773 revenue in a tax year beginning on or after January 1, 2015, that would exceed the certified tax  
774 rate under Section 59-2-924 unless:

775 (a) the members of the board of trustees are all elected officials;

776 (b) the majority of the board of trustees are elected officials; or

777 (c) the proposed tax levy has previously been approved by:

778 (i) a majority of the water conservancy district voters [~~at~~] who vote in an election held  
779 for that purpose on a date specified in Section 20A-1-204; or

780 (ii) for a district described in Subsection 17B-2a-1005(2)(b), the appointing authority.