

1 **WATER CONSERVANCY DISTRICT AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen G. Handy**

5 Senate Sponsor: Todd Weiler

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code to provide for filling a vacancy on the
10 board of a water conservancy district located in more than one county.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ establishes a process for filling a vacancy on the board of a water conservancy
14 district located in more than one county, including providing notice, nominating
15 candidates, and appointing an individual to fill the vacancy.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **20A-1-512**, as last amended by Laws of Utah 2019, Chapter 40

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

25 Section 1. Section **20A-1-512** is amended to read:

26 **20A-1-512. Midterm vacancies on local district boards.**

27 (1) (a) [~~Whenever~~] When a vacancy occurs on any local district board for any reason,



28 the following shall appoint a replacement to serve out the unexpired term in accordance with
 29 this section:

- 30 (i) the local district board, if the person vacating the position was elected; or
 31 (ii) the appointing authority, as that term is defined in Section 17B-1-102, if the
 32 appointing authority appointed the person vacating the position.

33 (b) Except as provided in Subsection (1)(c) or (d), before acting to fill the vacancy, the
 34 local district board or appointing authority shall:

35 (i) give public notice of the vacancy at least two weeks before the local district board
 36 or appointing authority meets to fill the vacancy by:

37 (A) if there is a newspaper of general circulation, as that term is defined in Section
 38 45-1-201, within the district, publishing the notice in the newspaper of general circulation;

39 (B) posting the notice in three public places within the local district; and

40 (C) posting on the Utah Public Notice Website created under Section 63F-1-701; and

41 (ii) identify, in the notice:

42 (A) the date, time, and place of the meeting where the vacancy will be filled;

43 (B) the individual to whom an individual who is interested in an appointment to fill the
 44 vacancy may submit the individual's name for consideration; and

45 (C) any submission deadline.

46 (c) An appointing authority is not subject to Subsection (1)(b) if:

47 (i) the appointing authority appoints one of the appointing authority's own members;

48 and

49 (ii) that member meets all applicable statutory board member qualifications.

50 (d) When a vacancy occurs on the board of a water conservancy district located in
 51 more than one county:

52 (i) the board shall give notice of the vacancy to the county legislative bodies that
 53 nominated the vacating trustee as provided in Section 17B-2a-1005;

54 (ii) the county legislative bodies described in Subsection (1)(d)(i) shall collectively
 55 compile a list of three nominees to fill the vacancy; and

56 (iii) the governor shall, with the ~~Ŝ~~ **→ advice and** ~~←Ŝ~~ consent of the Senate, appoint an
 56a individual to fill the

57 vacancy from nominees submitted as provided in Subsection 17B-2a-1005(2)(c).

58 (2) If the local district board fails to appoint an individual to complete an elected board

59 member's term within 90 days, the legislative body of the county or municipality that created
60 the local district shall fill the vacancy in accordance with the procedure for a local district
61 described in Subsection (1)(b).