

**TRANSIT DISTRICT AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Chris H. Wilson**

House Sponsor: Michael J. Petersen

**LONG TITLE**

**General Description:**

This bill amends provisions related to the membership of a board of trustees of a small public transit district.

**Highlighted Provisions:**

This bill:

► requires relevant political subdivisions to enact a governing ordinance related to a small public transit district to establish methods for appointment and apportionment of membership on the board of trustees of the small public transit district;

► allows a small public transit district to have a board of trustees between five and nine members; and

► makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17B-2a-807**, as last amended by Laws of Utah 2018, Chapters 330, 424

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

Section 1. Section **17B-2a-807** is amended to read:

**17B-2a-807. Small public transit district board of trustees -- Appointment --**

30 **Apportionment -- Qualifications -- Quorum -- Compensation -- Terms.**

31 (1) (a) For a small public transit district, the board of trustees shall consist of members  
32 appointed by the legislative bodies of each municipality, county, or unincorporated area within  
33 any county [~~on the basis of one member for each full unit of regularly scheduled passenger~~  
34 ~~routes proposed to be served by the district in each municipality or unincorporated area within~~  
35 ~~any county in the following calendar year].~~

36 [~~(b) For purposes of determining membership under Subsection (1)(a), the number of~~  
37 ~~service miles comprising a unit shall be determined jointly by the legislative bodies of the~~  
38 ~~municipalities or counties comprising the district.]~~

39 (b) The legislative bodies of each municipality, county, or unincorporated area within  
40 any county shall establish a governing ordinance for the small public transit district, which  
41 shall include:

42 (i) the method for apportioning representation on the board of trustees among the  
43 relevant municipalities, counties, or unincorporated areas of any counties within the boundary  
44 of the small public transit district;

45 (ii) subject to Subsection (1)(c), the number of members of the board of trustees;

46 (iii) the method for reapportionment of representation on the board of trustees based on  
47 changes in the boundary of the small public transit district; and

48 (iv) other aspects of appointment and apportionment of membership of the board of  
49 trustees as necessary.

50 (c) A board of trustees of a small public transit district may have membership of not  
51 less than five and not more than nine members.

52 ~~[(e)]~~ (d) The board of trustees of a public transit district under this section may include  
53 a member that is a commissioner on the Transportation Commission created in Section  
54 72-1-301 and appointed as provided in Subsection (8), who shall serve as a nonvoting, ex  
55 officio member.

56 [~~(d) Members appointed under this section shall be appointed and added to the board or~~  
57 ~~omitted from the board at the time scheduled routes are changed, or as municipalities, counties,~~

58 ~~or unincorporated areas of counties annex to or withdraw from the district using the same~~  
59 ~~appointment procedures.]~~

60 ~~[(e) For purposes of appointing members under this section, municipalities, counties,~~  
61 ~~and unincorporated areas of counties in which regularly scheduled passenger routes proposed~~  
62 ~~to be served by the district in the following calendar year is less than a full unit, as defined in~~  
63 ~~Subsection (1)(b), may combine with any other similarly situated municipality or~~  
64 ~~unincorporated area to form a whole unit and may appoint one member for each whole unit~~  
65 ~~formed.]~~

66 (2) Upon the completion of an annexation to a public transit district under Chapter 1,  
67 Part 4, Annexation, ~~[the annexed area shall have a representative on the board of trustees on the~~  
68 ~~same basis as if the area had been included in the district as originally organized]~~ membership  
69 on the board of trustees of the small public transit district shall reapportion membership as  
70 described in the governing ordinance enacted pursuant to Subsection (1)(b).

71 (3) (a) Vacancies for members shall be filled by the official appointing the member  
72 creating the vacancy for the unexpired term, unless the official fails to fill the vacancy within  
73 90 days.

74 (b) If the appointing official under Subsection (1) does not fill the vacancy within 90  
75 days, the board of trustees of the ~~[authority]~~ small public transit district shall fill the vacancy.

76 (4) (a) Each voting member may cast one vote on all questions, orders, resolutions, and  
77 ordinances coming before the board of trustees.

78 (b) A majority of all voting members of the board of trustees are a quorum for the  
79 transaction of business.

80 (c) The affirmative vote of a majority of all voting members present at any meeting at  
81 which a quorum was initially present shall be necessary and, except as otherwise provided, is  
82 sufficient to carry any order, resolution, ordinance, or proposition before the board of trustees.

83 (5) Each public transit district shall pay to each member per diem and travel expenses  
84 for meetings actually attended, in accordance with Section [11-55-103](#).

85 (6) (a) Members of the initial board of trustees shall convene at the time and place

86 fixed by the chief executive officer of the entity initiating the proceedings.

87 (b) The board of trustees shall elect from its voting membership a chair, vice chair, and  
88 secretary.

89 (c) The members elected under Subsection (6)(b) shall serve for a period of two years  
90 or until their successors shall be elected and qualified.

91 (d) [~~On or after January 1, 2011, a~~] A locally elected public official is not eligible to  
92 serve as the chair, vice chair, or secretary of the board of trustees.

93 (7) (a) Except as otherwise authorized under Subsection (7)(b), at the time of a  
94 member's appointment or during a member's tenure in office, a member may not hold any  
95 employment, except as an independent contractor or locally elected public official, with a  
96 county or municipality within the district.

97 (b) A member appointed by a county or municipality may hold employment with the  
98 county or municipality if the employment is disclosed in writing and the public transit district  
99 board of trustees ratifies the appointment.

100 (8) The Transportation Commission created in Section [72-1-301](#) may appoint a  
101 commissioner of the Transportation Commission to serve on the board of trustees of a small  
102 public transit district as a nonvoting, ex officio member.

103 (9) (a) (i) Each member of the board of trustees of a public transit district is subject to  
104 recall at any time by the legislative body of the county or municipality from which the member  
105 is appointed.

106 (ii) Each recall of a board of trustees member shall be made in the same manner as the  
107 original appointment.

108 (iii) The legislative body recalling a board of trustees member shall provide written  
109 notice to the member being recalled.

110 (b) Upon providing written notice to the board of trustees, a member of the board may  
111 resign from the board of trustees.

112 (c) If a board member is recalled or resigns under this Subsection (9), the vacancy shall  
113 be filled as provided in Subsection (3).

