

SERVICE AREA BOARD OF TRUSTEES MODIFICATIONS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

(i) the initial board of trustees of a service area located entirely within the unincorporated area of a single county may, as stated in the petition or resolution that initiated 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).