

Representative Stephen G. Handy proposes the following substitute bill:

LOCAL DISTRICTS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to local districts.

Highlighted Provisions:

This bill:

- ▶ modifies provisions related to adopting a resolution related to a local district;
- ▶ modifies the requirements for being a board member of certain local districts;
- ▶ modifies requirements related to obtaining insurance coverage for a board member of a local district;
- ▶ modifies the requirements for appointing a board member to a local district;
- ▶ modifies requirements related to a person filing to become a candidate for an elective position on a local district board;
- ▶ modifies provisions related to compensation of a board member of a local district;
- ▶ modifies provisions related to the purchasing procedures of a local district;
- ▶ modifies provisions related to the authority of a municipal services district; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **17B-1-212**, as renumbered and amended by Laws of Utah 2007, Chapter 329

30 **17B-1-213**, as last amended by Laws of Utah 2014, Chapter 405

31 **17B-1-302**, as last amended by Laws of Utah 2019, Chapters 40 and 108

32 **17B-1-303**, as last amended by Laws of Utah 2021, Chapters 84 and 345

33 **17B-1-304**, as last amended by Laws of Utah 2021, Chapter 355

34 **17B-1-306**, as last amended by Laws of Utah 2021, Chapters 84, 345, 355, and 415

35 **17B-1-307**, as last amended by Laws of Utah 2017, Chapter 70

36 **17B-1-618**, as renumbered and amended by Laws of Utah 2007, Chapter 329

37 **17B-2a-822**, as renumbered and amended by Laws of Utah 2007, Chapter 329

38 **17B-2a-1104**, as last amended by Laws of Utah 2015, Chapter 352

39

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

41 Section 1. Section **17B-1-212** is amended to read:

42 **17B-1-212. Resolution indicating whether the requested service will be provided.**

43 (1) (a) Within 60 days after the last hearing required under Section **17B-1-210**
44 concerning a request, the legislative body of each county whose unincorporated area includes
45 and the legislative body of each municipality whose boundaries include any part of the
46 proposed local district shall adopt a resolution indicating whether the county or municipality
47 will provide to the area of the proposed local district within its boundaries the service proposed
48 to be provided by the proposed local district.

49 (b) If a county or municipality adopts a resolution indicating that the county or
50 municipality will provide the service proposed to be provided by the proposed local district
51 under Subsection (1)(a), the resolution shall include a reasonable timeline for the county or
52 municipality to begin providing the service.

53 (2) If the legislative body of a county or municipality fails to adopt a resolution within
54 the time provided under Subsection (1), the county or municipal legislative body shall be
55 considered to have declined to provide the service requested and to have consented to the
56 creation of the local district.

57 (3) If the county or municipality adopts a resolution under Subsection (1) indicating
58 that it will provide the requested service but does not, within 120 days after the adoption of that
59 resolution, take substantial measures to provide the requested service, the county or municipal
60 legislative body shall be considered to have declined to provide the requested service.

61 (4) Each county or municipality that adopts a resolution under Subsection (1)
62 indicating that it will provide the requested service:

63 (a) shall diligently proceed to take all measures necessary to provide the service[-]; and

64 (b) if the county or municipality fails to timely provide the requested service, the
65 county will be considered to have declined to provide the service and the creation of the local
66 district may proceed accordingly.

67 Section 2. Section 17B-1-213 is amended to read:

68 **17B-1-213. Protest after adoption of resolution -- Adoption of resolution**
69 **approving creation for certain districts.**

70 (1) For purposes of this section, "adequate protests" means protests that are:

71 (a) filed with the county clerk, municipal clerk or recorder, or local district secretary or
72 clerk, as the case may be, within 60 days after the last public hearing required under Section
73 17B-1-210; and

74 (b) signed by:

75 (i) the owners of private real property that:

76 (A) is located within the proposed local district;

77 (B) covers at least 25% of the total private land area within the applicable area; and

78 (C) is equal in value to at least 15% of the value of all private real property within the
79 applicable area; or

80 (ii) registered voters residing within the applicable area equal in number to at least 25%
81 of the number of votes cast in the applicable area for the office of president of the United States
82 at the most recent election prior to the adoption of the resolution.

83 (2) An owner may withdraw a protest at any time before the expiration of the 60-day
84 period described in Subsection (1)(a).

85 (3) If adequate protests are filed, the governing body that adopted a resolution under
86 Subsection 17B-1-203(1)(d) or (e):

87 (a) may not:

88 (i) hold or participate in an election under Subsection 17B-1-214(1) with respect to the
89 applicable area;

90 (ii) take any further action under the protested resolution to create a local district or
91 include the applicable area in a local district; or

92 (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or
93 (e) proposing the creation of a local district including substantially the same area as the
94 applicable area and providing the same service as the proposed local district in the protested
95 resolution; and

96 (b) shall, within five days after receiving adequate protests, mail or deliver written
97 notification of the adequate protests to the responsible body.

98 (4) Subsection (3)(a) may not be construed to prevent an election from being held for a
99 proposed local district whose boundaries do not include an applicable area that is the subject of
100 adequate protests.

101 (5) (a) If adequate protests are not filed with respect to a resolution proposing the
102 creation of a local district for which an election is not required under Subsection
103 17B-1-214(3)(d), (e), (f), or (g), a resolution approving the creation of the local district [~~may~~]
104 shall be adopted by:

105 (i) (A) the legislative body of a county whose unincorporated area is included within
106 the proposed local district; and

107 (B) the legislative body of a municipality whose area is included within the proposed
108 local district; or

109 (ii) the board of trustees of the initiating local district.

110 (b) Each resolution adopted under Subsection (5)(a) shall:

111 (i) describe the area included in the local district;

112 (ii) be accompanied by a map that shows the boundaries of the local district;

113 (iii) describe the service to be provided by the local district;

114 (iv) state the name of the local district; and

115 (v) provide a process for the appointment of the members of the initial board of
116 trustees.

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

118 **17B-1-302. Board member qualifications -- Number of board members.**

119 (1) Except as provided in Section 17B-2a-905, each member of a local district board of
120 trustees shall be:

121 (a) a registered voter at the location of the member's residence; and

122 (b) except as otherwise provided in Subsection (2) or (3), a resident within:

123 (i) the boundaries of the local district; and

124 (ii) if applicable, the boundaries of the division of the local district from which the
125 member is elected or appointed.

126 (2) (a) As used in this Subsection (2):

127 (i) "Proportional number" means the number of members of a board of trustees that
128 bears, as close as mathematically possible, the same proportion to all members of the board that
129 the number of seasonally occupied homes bears to all residences within the district that receive
130 service from the district.

131 (ii) "Seasonally occupied home" means a single-family residence:

132 (A) that is located within the local district;

133 (B) that receives service from the local district; and

134 (C) whose owner does not reside permanently at the residence but may occupy the
135 residence on a temporary or seasonal basis.

136 (b) If over 50% of the residences within a local district that receive service from the
137 local district are seasonally occupied homes, the requirement under Subsection (1)(b) is
138 replaced, for a proportional number of members of the board of trustees, with the requirement
139 that the member be an owner of land, or an agent or officer of the owner of land, that:

140 (i) receives service from the district; and

141 (ii) is located within the local district and, if applicable, the division from which the
142 member is elected.

143 (3) (a) For a board of trustees member in a basic local district, or in any other type of
144 local district that is located solely within a county of the fourth, fifth, or sixth class, that has
145 within the district's boundaries fewer than one residential dwelling unit per 10 acres of land, the
146 requirement under Subsection (1)(b) may be replaced by the requirement that the member be a
147 resident within the boundaries of the local district, or that the member be an owner of land
148 within the local district that receives service from the district[;] or an agent or officer of the
149 owner.

150 (b) A member of the board of trustees of a service area described in Subsection
151 [17B-2a-905](#)(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is
152 not subject to the requirements described in Subsection (1)(b) if the elected official was elected
153 at large by the voters of the county.

154 (c) Notwithstanding Subsection (1)(b) and except as provided in Subsection (3)(d), the
155 county legislative body may appoint to the local district board one of the county legislative
156 body's own members, regardless of whether the member resides within the boundaries
157 described in Subsection (1)(b), if:

158 (i) the county legislative body satisfies the procedures to fill a vacancy described in:

159 (A) for the appointment of a new board member, Subsections [17B-1-304](#)(2) and (3); or

160 (B) for an appointment to fill a midterm vacancy, Subsection [20A-1-512](#)(1)(a)(ii) or
161 Subsection [20A-1-512](#)(2);

162 (ii) fewer qualified candidates timely file to be considered for appointment to the local
163 district board than are necessary to fill the board;

164 (iii) the county legislative body appoints each of the qualified candidates who timely
165 filed to be considered for appointment to the board; and

166 (iv) the county legislative body appoints a member of the body to the local district
167 board, in accordance with Subsection [17B-1-304](#)(6) or Subsection [20A-1-512](#)(1)(c), who was:

168 (A) elected at large by the voters of the county;

169 (B) elected from a division of the county that includes more than 50% of the
170 geographic area of the local district; or

171 (C) if the local district is divided into divisions under Section [17B-1-306.5](#), elected
172 from a division of the county that includes more than 50% of the geographic area of the
173 division of the local district in which there is a board vacancy.

174 (d) If it is necessary to reconstitute the board of trustees of a local district located solely
175 within a county of the fourth, fifth, or sixth class because the term of a majority of the members
176 of the board has expired without new trustees having been elected or appointed as required by
177 law, even if sufficient qualified candidates timely file to be considered for a vacancy on the
178 board, the county legislative body may appoint to the local district board no more than one of
179 the county legislative body's own members who does not satisfy the requirements of
180 Subsection (1).

181 (4) (a) Except as otherwise provided by statute, the number of members of each board
182 of trustees of a local district that has nine or fewer members shall have an odd number of
183 members that is no fewer than three.

184 (b) If a board of trustees of a local district has more than nine members, the number of
185 members may be odd or even.

186 (5) For a newly created local district, the number of members of the initial board of
187 trustees shall be the number specified:

188 (a) for a local district whose creation was initiated by a petition under Subsection
189 17B-1-203(1)(a), (b), or (c), in the petition; or

190 (b) for a local district whose creation was initiated by a resolution under Subsection
191 17B-1-203(1)(d) or (e), in the resolution.

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

194 (b) No change in the number of members of a board of trustees under Subsection (6)(a)
195 may:

196 (i) violate Subsection (4); or

197 (ii) serve to shorten the term of any member of the board.

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

199 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
200 **of board member contact information.**

201 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
202 member of a board of trustees begins at noon on the January 1 following the member's election
203 or appointment.

204 (b) The term of each member of the initial board of trustees of a newly created local
205 district begins:

206 (i) upon appointment, for an appointed member; and

207 (ii) upon the member taking the oath of office after the canvass of the election at which
208 the member is elected, for an elected member.

209 (c) The term of each water conservancy district board member whom the governor
210 appoints in accordance with Subsection 17B-2a-1005(2)(c):

211 (i) begins on the later of the following:

212 (A) the date on which the Senate consents to the appointment; or

213 (B) the expiration date of the prior term; and

214 (ii) ends on the February 1 that is approximately four years after the date described in
215 Subsection (1)(c)(i)(A) or (B).

216 (d) The term of a member of a board of trustees whom an appointing authority appoints
217 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

218 (e) If the member of the board of trustees fails to assume or qualify for office on
219 January 1 for any reason, the term begins on the date the member assumes or qualifies for
220 office.

221 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
222 and (iii), the term of each member of a board of trustees is four years, except that
223 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
224 two-year term so that the term of approximately half the board members expires every two
225 years.

226 (ii) If the terms of members of the initial board of trustees of a newly created local
227 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
228 those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the
229 terms of their successors complying with:

230 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following
231 a member's election or appointment; and

232 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

233 (iii) If the term of a member of a board of trustees does not begin on January 1 because
234 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term
235 complying with the requirement under Subsection (1)(a) that the successor member's term,
236 regardless of whether the incumbent is the successor, begins at noon on January 1 following the
237 successor member's election or appointment.

238 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
239 subtract more than a year from a member's term.

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

243 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
244 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed
245 successor:

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

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

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

251 (ii) A judge, county clerk, notary public, or the local district clerk may administer an
252 oath of office.

253 (b) The member of the board of trustees taking the oath of office shall file the oath of
254 office with the clerk of the local district.

255 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
256 does not invalidate any official act of that member.

257 (4) A board of trustees member may serve any number of terms.

258 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
259 trustees position is filled in accordance with Section 20A-1-512.

260 (b) When the number of members of a board of trustees increases in accordance with
261 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new
262 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

263 (6) (a) For purposes of this Subsection (6):

264 (i) "Appointed official" means a person who:

265 (A) is appointed as a member of a local district board of trustees by a county or
266 municipality that is entitled to appoint a member to the board; and

267 (B) holds an elected position with the appointing county or municipality.

268 (ii) "Appointing entity" means the county or municipality that appointed the appointed
269 official to the board of trustees.

270 (b) The board of trustees shall declare a midterm vacancy for the board position held
271 by an appointed official if:

272 (i) during the appointed official's term on the board of trustees, the appointed official
273 ceases to hold the elected position with the appointing entity; and

274 (ii) the appointing entity submits a written request to the board to declare the vacancy.

275 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
276 appointing entity shall appoint another person to fill the remaining unexpired term on the board
277 of trustees.

278 (7) (a) ~~[Each]~~ A member of a board of trustees shall [give a] obtain a fidelity bond or
279 obtain theft or crime insurance for the faithful performance of the member's duties, in the
280 amount and with the sureties or with an insurance company that the board of trustees
281 prescribes.

282 (b) The local district:

283 (i) may assist the board of trustees in obtaining a fidelity bond or obtaining theft or
284 crime insurance as a group or for members individually; and

285 (ii) shall pay the cost of each fidelity bond or insurance coverage required under
286 ~~[Subsection (7)(a)]~~ this Subsection (7).

287 (8) (a) The lieutenant governor may extend the term of an elected district board
288 member by one year in order to compensate for a change in the election year under Subsection
289 [17B-1-306](#)(14).

290 (b) When the number of members of a board of trustees increases in accordance with
291 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members
292 expires every two years in accordance with Subsection (2)(a):

293 (i) the board shall set shorter terms for approximately half of the new board members,
294 chosen by lot; and

295 (ii) the initial term of a new board member position may be less than two or four years.

296 (9) (a) A local district shall:

297 (i) post on the Utah Public Notice Website created in Section [63A-16-601](#) the name,
298 phone number, and email address of each member of the local district's board of trustees;

299 (ii) update the information described in Subsection (9)(a)(i) when:

300 (A) the membership of the board of trustees changes; or

301 (B) a member of the board of trustees' phone number or email address changes; and

302 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
303 on which the change requiring the update occurs.

304 (b) This Subsection (9) applies regardless of whether the county or municipal

305 legislative body also serves as the board of trustees of the local district.

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

307 **17B-1-304. Appointment procedures for appointed members.**

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

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

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

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

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

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

318 (b) The appointing authority shall:

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

321 (ii) post the notice of vacancy on the Utah Public Notice Website, created in Section
322 [63A-16-601](#), for five days before the deadline for accepting nominees for appointment.

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

325 (3) (a) [~~Not sooner than two months after~~] After the appointing authority is notified of
326 [~~the~~] a vacancy and has satisfied the requirements described in Subsection (2), the appointing
327 authority shall select a person to fill the vacancy from the applicants who meet the
328 qualifications established by law.

329 (b) The appointing authority shall:

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

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

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

334 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
335 appointing authority, the appointing authority shall select the appointee from the two top

336 candidates by lot.

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

340 (5) (a) At the end of each board member's term, the position is considered vacant, and,
341 after following the appointment procedures established in this section, the appointing authority
342 may either reappoint the incumbent board member or appoint a new member.

343 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
344 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

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

348 Section 6. Section 17B-1-306 is amended to read:

349 **17B-1-306. Local district board -- Election procedures.**

350 (1) Except as provided in Subsection (12), each elected board member shall be selected
351 as provided in this section.

352 (2) (a) Each election of a local district board member shall be held:

353 (i) at the same time as the municipal general election or the regular general election, as
354 applicable; and

355 (ii) at polling places designated by the local district board in consultation with the
356 county clerk for each county in which the local district is located, which polling places shall
357 coincide with municipal general election or regular general election polling places, as
358 applicable, whenever feasible.

359 (b) The local district board, in consultation with the county clerk, may consolidate two
360 or more polling places to enable voters from more than one district to vote at one consolidated
361 polling place.

362 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
363 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
364 polling place per division of the district, designated by the district board.

365 (ii) Each polling place designated by an irrigation district board under Subsection
366 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection

367 (2)(a)(ii).

368 (3) The clerk of each local district with a board member position to be filled at the next
369 municipal general election or regular general election, as applicable, shall provide notice of:

370 (a) each elective position of the local district to be filled at the next municipal general
371 election or regular general election, as applicable;

372 (b) the constitutional and statutory qualifications for each position; and

373 (c) the dates and times for filing a declaration of candidacy.

374 (4) The clerk of the local district shall publish the notice described in Subsection (3):

375 (a) by posting the notice on the Utah Public Notice Website created in Section
376 [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy; and

377 (b) by posting the notice in at least five public places within the local district at least 10
378 days before the first day for filing a declaration of candidacy; and

379 (c) if the local district has a website, on the local district's website for 10 days before
380 the first day for filing a declaration of candidacy.

381 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
382 local district board position, an individual shall file a declaration of candidacy in person with
383 an official designated by the local district[~~, during office hours,~~] within the candidate filing
384 period for the applicable election year in which the election for the local district board is held[~~;~~]
385 and:

386 (i) during the local district's standard office hours, if the standard office hours provide
387 at least three consecutive office hours each day during the candidate filing period that is not a
388 holiday or weekend; or

389 (ii) if the standard office hours of a local district do not provide at least three
390 consecutive office hours each day, a three-hour consecutive time period each day designated by
391 the local district during the candidate filing period that is not a holiday or weekend.

392 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
393 filing time shall be extended until the close of normal office hours on the following regular
394 business day.

395 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
396 declaration of candidacy with the official designated by the local district if:

397 (i) the individual is located outside of the state during the entire filing period;

398 (ii) the designated agent appears in person before the official designated by the local
399 district; and

400 (iii) the individual communicates with the official designated by the local district using
401 an electronic device that allows the individual and official to see and hear each other.

402 (d) (i) Before the filing officer may accept any declaration of candidacy from an
403 individual, the filing officer shall:

404 (A) read to the individual the constitutional and statutory qualification requirements for
405 the office that the individual is seeking; and

406 (B) require the individual to state whether the individual meets those requirements.

407 (ii) If the individual does not meet the qualification requirements for the office, the
408 filing officer may not accept the individual's declaration of candidacy.

409 (iii) If it appears that the individual meets the requirements of candidacy, the filing
410 officer shall accept the individual's declaration of candidacy.

411 (e) The declaration of candidacy shall be in substantially the following form:

412 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
413 _____, City of _____, County of _____, state of Utah, (Zip
414 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
415 office of board of trustees member for _____ (state the name of the local
416 district); that I am a candidate for that office to be voted upon at the next election; and that, if
417 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
418 period, and I hereby request that my name be printed upon the official ballot for that election.

419 (Signed) _____

420 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
421 of _____, _____.

422 (Signed) _____

423 (Clerk or Notary Public)".

424 (f) An agent designated under Subsection (5)(c) may not sign the form described in
425 Subsection (5)(e).

426 (g) Each individual wishing to become a valid write-in candidate for an elective local
427 district board position is governed by Section [20A-9-601](#).

428 (h) If at least one individual does not file a declaration of candidacy as required by this

429 section, an individual shall be appointed to fill that board position in accordance with the
430 appointment provisions of Section 20A-1-512.

431 (i) If only one candidate files a declaration of candidacy and there is no write-in
432 candidate who complies with Section 20A-9-601, the board, in accordance with Section
433 20A-1-206, may:

434 (i) consider the candidate to be elected to the position; and

435 (ii) cancel the election.

436 (6) (a) A primary election may be held if:

437 (i) the election is authorized by the local district board; and

438 (ii) the number of candidates for a particular local board position or office exceeds
439 twice the number of persons needed to fill that position or office.

440 (b) The primary election shall be conducted:

441 (i) on the same date as the municipal primary election or the regular primary election,
442 as applicable; and

443 (ii) according to the procedures for primary elections provided under Title 20A,
444 Election Code.

445 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
446 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
447 names to the clerk of each county in which the local district is located.

448 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
449 20A-6-305, the clerk of each county in which the local district is located and the local district
450 clerk shall coordinate the placement of the name of each candidate for local district office in
451 the nonpartisan section of the ballot with the appropriate election officer.

452 (ii) If consolidation of the local district election ballot with the municipal general
453 election ballot or the regular general election ballot, as applicable, is not feasible, the local
454 district board of trustees, in consultation with the county clerk, shall provide for a separate
455 local district election ballot to be administered by poll workers at polling locations designated
456 under Subsection (2).

457 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
458 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

459 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall

460 prescribe the form of the ballot for each board member election.

461 (B) Each ballot for an election of an irrigation district board member shall be in a
462 nonpartisan format.

463 (C) The name of each candidate shall be placed on the ballot in the order specified
464 under Section 20A-6-305.

465 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

466 (i) be a registered voter within the district, except for an election of:

467 (A) an irrigation district board of trustees member; or

468 (B) a basic local district board of trustees member who is elected by property owners;

469 and

470 (ii) meet the requirements to vote established by the district.

471 (b) Each voter may vote for as many candidates as there are offices to be filled.

472 (c) The candidates who receive the highest number of votes are elected.

473 (9) Except as otherwise provided by this section, the election of local district board
474 members is governed by Title 20A, Election Code.

475 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
476 local district board shall serve a four-year term, beginning at noon on the January 1 after the
477 person's election.

478 (b) A person elected shall be sworn in as soon as practical after January 1.

479 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
480 the county or municipality holding an election under this section for the costs of the election
481 attributable to that local district.

482 (b) Each irrigation district shall bear the district's own costs of each election the district
483 holds under this section.

484 (12) This section does not apply to an improvement district that provides electric or gas
485 service.

486 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
487 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

488 (14) (a) As used in this Subsection (14), "board" means:

489 (i) a local district board; or

490 (ii) the administrative control board of a special service district that has elected

491 members on the board.

492 (b) A board may hold elections for membership on the board at a regular general
493 election instead of a municipal general election if the board submits an application to the
494 lieutenant governor that:

495 (i) requests permission to hold elections for membership on the board at a regular
496 general election instead of a municipal general election; and

497 (ii) indicates that holding elections at the time of the regular general election is
498 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
499 material reason.

500 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
501 governor may approve the application if the lieutenant governor concludes that holding the
502 elections at the regular general election is beneficial based on the criteria described in
503 Subsection (14)(b)(ii).

504 (d) If the lieutenant governor approves a board's application described in this section:

505 (i) all future elections for membership on the board shall be held at the time of the
506 regular general election; and

507 (ii) the board may not hold elections at the time of a municipal general election unless
508 the board receives permission from the lieutenant governor to hold all future elections for
509 membership on the board at a municipal general election instead of a regular general election,
510 under the same procedure, and by applying the same criteria, described in this Subsection (14).

511 (15) (a) This Subsection (15) applies to a local district if:

512 (i) the local district's board members are elected by the owners of real property, as
513 provided in Subsection [17B-1-1402\(1\)\(b\)](#); and

514 (ii) the local district was created before January 1, 2020.

515 (b) The board of a local district described in Subsection (15)(a) may conduct an
516 election:

517 (i) to fill a board member position that expires at the end of the term for that board
518 member's position; and

519 (ii) notwithstanding Subsection [20A-1-512\(1\)\(a\)\(i\)](#), to fill a vacancy in an unexpired
520 term of a board member.

521 (c) An election under Subsection (15)(b) may be conducted as determined by the local

522 district board, subject to Subsection (15)(d).

523 (d) (i) The local district board shall provide to property owners eligible to vote at the
524 local district election:

525 (A) notice of the election; and

526 (B) a form to nominate an eligible individual to be elected as a board member.

527 (ii) (A) The local district board may establish a deadline for a property owner to submit
528 a nomination form.

529 (B) A deadline under Subsection (15)(d)(ii)(A) may not be earlier than 15 days after
530 the board provides the notice and nomination form under Subsection (15)(d)(i).

531 (iii) (A) After the deadline for submitting nomination forms, the local district board
532 shall provide a ballot to all property owners eligible to vote at the local district election.

533 (B) A local district board shall allow at least five days for ballots to be returned.

534 (iv) A local district board shall certify the results of an election under this Subsection
535 (15) during an open meeting of the board.

536 Section 7. Section **17B-1-307** is amended to read:

537 **17B-1-307. Annual compensation -- Per diem compensation -- Participation in**
538 **group insurance plan -- Reimbursement of expenses.**

539 (1) (a) Except as provided in Subsection **17B-1-308(1)(e)**, a member of a board of
540 trustees may receive compensation for service on the board, as determined by the board of
541 trustees.

542 (b) The amount of compensation under this Subsection (1) may not exceed \$5,000 per
543 year.

544 (c) (i) As determined by the board of trustees, a member of the board of trustees may
545 participate in a group insurance plan provided to employees of the local district on the same
546 basis as employees of the local district.

547 (ii) The amount that the local district pays to provide a member with coverage under a
548 group insurance plan shall be included as part of the member's compensation for purposes of
549 Subsection (1)(b).

550 (d) The amount that a local district pays employer-matching employment taxes, if a
551 member of the board of trustees is treated as an employee for federal tax purposes, does not
552 constitute compensation under Subsection (1).

553 (2) In addition to the compensation provided under Subsection (1), the board of
554 trustees may elect to allow a member to receive per diem and travel expenses for up to 12
555 meetings or activities per year in accordance with rules adopted by the board of trustees or
556 Section [11-55-103](#).

557 Section 8. Section **17B-1-618** is amended to read:

558 **17B-1-618. Purchasing procedures.**

559 All purchases or encumbrances by a local district shall be made or incurred according to
560 the purchasing procedures established [by] for each district [by resolution] by the district's
561 rulemaking authority, as that term is defined in Section [63G-6a-103](#), and only on an order or
562 approval of the person or persons duly authorized.

563 Section 9. Section **17B-2a-822** is amended to read:

564 **17B-2a-822. Multicounty district may employ or contract for law enforcement**
565 **officers -- Law enforcement officer status, powers, and jurisdiction.**

566 (1) The board of trustees of a multicounty district may employ law enforcement
567 officers or contract with other law enforcement agencies to provide law enforcement services
568 for the district.

569 (2) A law enforcement officer employed or provided by contract under Subsection (1)
570 is a law enforcement officer under Section [53-13-103](#) and shall be subject to the provisions of
571 that section.

572 ~~[(3) Subject to the provisions of Section [53-13-103](#), the jurisdiction of a law~~
573 ~~enforcement officer employed under this section is limited to transit facilities and transit~~
574 ~~vehicles.]~~

575 Section 10. Section **17B-2a-1104** is amended to read:

576 **17B-2a-1104. Additional municipal services district powers.**

577 In addition to the powers conferred on a municipal services district under Section
578 [17B-1-103](#), a municipal services district may:

579 (1) notwithstanding Subsection [17B-1-202](#)(3), provide no more than six municipal
580 services; ~~[and]~~

581 (2) assist a municipality or a county located within a municipal services district by
582 providing staffing and administrative services, including:

583 (a) human resources staffing and services;

584 (b) finance and budgeting staffing and services; and
585 (c) information technology staffing and services; and
586 ~~[(2)]~~ (3) issue bonds as provided in and subject to Chapter 1, Part 11, Local District
587 Bonds, to carry out the purposes of the district.