

Districts in Utah

Utah Association of Special Districts

www.uasd.org

Districts in Utah

- Purpose
- History
- District types
- Statutory Framework
- Governance
- Compliance

Districts in Utah

- Purpose
 - To provide a service that is difficult, undesirable, or impossible for another type of government entity to provide.
 - To achieve economies of scale
 - Operational
 - Fiscal
 - Liability protection
 - Local governance

History

- 1790 - First district formed in the United States
 - Prison Services
- Utah's first district was formed sometime before statehood
 - Drainage district

District Types

- 1913 - Utah Code has continuously authorized the formation of districts
 - 1913 Drainage districts
 - 1919 Irrigation Districts
 - 1935 Metropolitan Water Districts
 - 1941 Water Conservancy Districts
 - 1945 Cemetery Maintenance Districts

District Types

- Pre-1949 Improvement Districts
- 1951 Fire Protection Districts
- 1953 Mosquito Abatement Districts
- 1957 Service Areas
- 1969 Public Transit Districts
- 1975 Special Service Districts

District Types

- 408 local and special service districts in Utah
- Approximately 1/3 are special service districts
- Approximately 2/3 are local districts

District Services

- Airport
- Cemetery
- Fire Protection, Paramedic, EMS, 911, Dispatch
- Garbage collection and disposal
- Health care and hospital, health department
- Library

District Services

- Mosquito Abatement
- Parks and Recreation
- Operation of sewage system
- Construction and maintenance of right-of-way
- Transportation, public transit, construction of roads
- Water collection, storage, retention, control, conservation, treatment, supply, distribution, reclamation, etc.

District Services

- Law enforcement service
- Electric Utility
- Control or abatement of earth movement or landslide
- Animal Control
- Renewable energy system, charging infrastructure
- Street lighting
- Mineral Lease funding

Statutory Framework

- Local Districts
 - Title 17B
- Special Service Districts
 - Title 17D

Statutory Framework

- Other Laws Governing Districts
 - Historic Property Protection, Section 9-8-404 et. seq.
 - Interlocal Cooperation Act, Section 11-13-101 et. seq.
 - Local Government Bonding Act, Sections 11-14-101 and 17B-1-1101 et. seq.
 - Utah Refunding Bond Act, Section 11-27-1 et. seq.
 - Utah Bond Validation Act, Section 11-30-1 et. seq.

Statutory Framework

- Other Laws Governing Districts
 - Utah Public Finance Act, Section 11-31-1, et. seq.
 - Impact Fees Act, Section 11-36a-101 et. seq.
 - Bidding Requirements for Building Improvements and Public Works, Section 11-39-101 et. seq.
 - Criminal Background Checks by Political Subdivisions Operation Water Systems, Section 11-40-101 et. seq.

Statutory Framework

- Other Laws Governing Districts
 - Assessment Area Act, Section 11-42-101 et. seq.
 - Fiscal Procedures for Local Districts Act, Section 17B-1-601 et. seq.
 - Board Member Training Requirements, Section 17 B-1-312
 - Personnel Management, Section 17B-1-801 et. seq.
 - Statutory Limits on Taxing and Bonding, Section 17B-1-1002

Statutory Framework

- Other Laws Governing Districts
 - Open and Public Meetings Act, Section 52-4-101 et. seq.
 - Reimbursement of Legal Fees and Costs to Officers and Employees Act, Section 52-6-101 et. seq.
 - Reports and Notices, Section 52-8-101 et. seq.
 - Property Tax Act, 59-2
 - Truth in Taxation Requirements, Section 59-2-919 et. seq.

Statutory Framework

- Other Laws Governing Districts
 - "EX" License Plate use, Section 41-1a-407
 - Accounting Reports from Political Subdivisions, Interlocal Organizations, and other Local Entities Act, Section 51-2a-101
 - Deposits of Funds Due State, Section 51-4-1 et. seq.
 - State Money Management Act, Section 51-7-1 et. seq.
 - Anti-Nepotism, Section 52-3-1 et. seq.

Statutory Framework

- Other Laws Governing Districts
 - GRAMA, Section 63G-2-101 et. seq.
 - Utah Procurement Code, Section 63G-6-101
 - Governmental Immunity Act of Utah, Section 63G-7-101 et. seq.
 - Identity Documents and Verification, Section 63G12-302, 401, 402

Statutory Framework

- Other Laws Governing Districts
 - Constitutional Takings Issues Act, Section 63L-4-101, et. seq.
 - Utah Public Officers' and Employees' Ethics Act, Section 67-16-1 et. seq.
 - Criminal Offenses Against the Administration of Justice, Section 76-8-101 et. seq.

Creation

- Local Districts
 - Petition
 - Public Hearings
 - Vote of the people
 - Taxation

Creation

- Special Service Districts
 - Petition, or
 - Action of a City Council or County Commission/Council
 - Public Hearing
 - Creation
 - Taxation

Governance

- Local District
 - Independent District
 - Board of three or larger
 - MAD = five or larger
 - Elected, appointed, or hybrid

Governance

- Special Service District
- Dependent District
- Governing Board - three or larger
 - Creating Body
 - Administrative Control Board
- Elected, appointed, or hybrid

Compliance

- Financial Requirements
 - Annual Budget
 - Annual Audit
- Transparency Website
- Procurement Practices

Compliance

- Training Requirements
 - Open Meetings
 - New board members
 - Auditor verification of training
- Records Officers

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