

Bill: SB 314 – Special District Modifications

Sponsor: Senator Kirk Cullimore

House Sponsor: Undeclared

UASD Position: Support

This Bill amends provisions related to special districts.

Discussion: Senator Cullimore stated that this is a clean-up Bill for the Utah Association of Special Districts (“UASD”). Heather Anderson, representing UASD, presented with the sponsor. She stated that SB 314 does 5 things. 1) It establishes a uniform candidate filing period for special district elections. 2) If a special district has adopted a 4-day standard work week and the board member candidate filing deadline falls on a day that is not a regular working day, the deadline for filing will be extended to the close of normal office hours on the next business day. 3) It will allow an area that is annexed into a municipality, not located in a county of the first class, that is served entirely by a fire district to more easily be annexed into the fire district and be served on par with the rest of the municipality. 4) It provides for a second elected official to be appointed by a legislative body of each included municipality and the county to serve as an alternate municipal services district board member in the absence of the regular board member. 5) It provides a 90-day deadline for the county or municipal legislative body to fill the vacancy. Failing that, the authority to fill the vacancy will revert back to the elected special district board, provided that there is a quorum. The Committee adopted Senate Amendment 1 which clarifies that it is 90 “calendar” days.

Senator Vickers sought clarification on whether the annexation provision applied exclusively to fire districts. Ms. Anderson confirmed that it is limited to fire districts outside counties of the first class. Senator Vickers then inquired about the exclusion of Salt Lake County. Ms. Anderson explained that excluding counties of the first class allows prior agreements in Salt Lake County to remain in place.

Senator Winterton inquired if an alternate board member on a municipal services district board could replace any absent board member. Ms. Anderson clarified that the alternate could only replace the board member from the municipality or county by which they were appointed. She further explained that during the 2024 Legislative Session, a law was passed converting the five metro townships that were served by the Greater Salt Lake Municipal Services District (“MSD”) into four cities and a town. Prior to that conversion on July 1, 2024, the mayor of each metro township automatically represented the metro township on the MSD Board with the mayor pro tempore to serve on the board in the absence of the mayor. Having an alternate board member was important because of the statutorily weighted voting power of each board member. Without an alternate board member, it can be difficult to achieve a quorum, even when a majority of the board members are present. With the change in the law on July 1, the mayors are no longer automatically members of the MSD board and there is no longer an alternate board member. Instead, the legislative body of each municipality and the Salt Lake County Council appoint one of their elected officials to serve on the Board. The changes on lines 325-349 provide for a

second elected official to be appointed to serve as an alternate MSD board member in the absence of their regular board member.

Yeas: 4

Nays: 0

N/V: 3

Outcome: SB 314, as amended, passed out of the Committee with a favorable recommendation.

UNASSD