

1                   **AMENDMENTS RELATING TO LOCAL DISTRICTS**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Daniel McCay**

5                                   Senate Sponsor: Lincoln Fillmore

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7                   **LONG TITLE**

8                   **General Description:**

9                   This bill modifies provisions relating to local districts that provide fire protection,  
10 paramedic, and emergency services or law enforcement service.

11                   **Highlighted Provisions:**

12                   This bill:

13                   ▶ modifies provisions relating to the withdrawal of a municipality from a local district  
14 that provides fire protection, paramedic, and emergency services or law enforcement  
15 service;

16                   ▶ allows for withdrawal if the municipality and district agree;

17                   ▶ requires a feasibility study of a proposed withdrawal under certain circumstances;

18                   ▶ requires voter approval of a withdrawal under certain circumstances;

19                   ▶ eliminates the requirement for voter approval of the creation of a local district to  
20 provide fire protection, paramedic, and emergency services or law enforcement  
21 service if the municipality previously received that service from another local  
22 district and withdrew from that local district without the necessity of an election;

23                   ▶ modifies a provision relating to certifying a withdrawal from a local district; and

24                   ▶ makes technical and conforming changes.

25                   **Money Appropriated in this Bill:**

26                   None

27                   **Other Special Clauses:**

28                   This bill provides a special effective date.

29                   **Utah Code Sections Affected:**

30 AMENDS:

31 **17B-1-214**, as last amended by Laws of Utah 2014, Chapter 405

32 **17B-1-505**, as last amended by Laws of Utah 2016, Chapter 140

33 **17B-1-512**, as last amended by Laws of Utah 2016, Chapter 140

34 ENACTS:

35 **17B-1-505.5**, Utah Code Annotated 1953



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

38 Section 1. Section **17B-1-214** is amended to read:

39 **17B-1-214. Election -- Exceptions.**

40 (1) (a) Except as provided in Subsection (3) and in Subsection **17B-1-213**(3)(a), an  
41 election on the question of whether the local district should be created shall be held by:

42 (i) if the proposed local district is located entirely within a single county, the  
43 responsible clerk; or

44 (ii) except as provided under Subsection (1)(b), if the proposed local district is located  
45 within more than one county, the clerk of each county in which part of the proposed local  
46 district is located, in cooperation with the responsible clerk.

47 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located  
48 within more than one county and the only area of a county that is included within the proposed  
49 local district is located within a single municipality, the election for that area shall be held by  
50 the municipal clerk or recorder, in cooperation with the responsible clerk.

51 (2) Each election under Subsection (1) shall be held at the next special or regular  
52 general election date that is:

53 (a) for an election pursuant to a property owner or registered voter petition, more than  
54 45 days after certification of the petition under Subsection **17B-1-209**(3)(a); or

55 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing  
56 required under Section **17B-1-210**.

57 (3) The election requirement of Subsection (1) does not apply to:

58 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the  
59 owners of private real property that:

60 (i) is located within the proposed local district;

61 (ii) covers at least 67% of the total private land area within the proposed local district  
62 as a whole and within each applicable area; and

63 (iii) is equal in value to at least 50% of the value of all private real property within the  
64 proposed local district as a whole and within each applicable area;

65 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of  
66 registered voters residing within the proposed local district as a whole and within each  
67 applicable area, equal in number to at least 67% of the number of votes cast in the proposed  
68 local district as a whole and in each applicable area, respectively, for the office of governor at  
69 the last general election prior to the filing of the petition;

70 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the  
71 petition contains the signatures of the owners of groundwater rights that:

72 (i) are diverted within the proposed local district; and

73 (ii) cover at least 67% of the total amount of groundwater diverted in accordance with  
74 groundwater rights within the proposed local district as a whole and within each applicable  
75 area;

76 (d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003,  
77 that proposes the creation of a local district to provide fire protection, paramedic, and  
78 emergency services or law enforcement service, if the proposed local district:

79 (i) includes the unincorporated area, whether in whole or in part, of one or more  
80 counties; or

81 (ii) consists of an area that:

82 (A) has a boundary that is the same as the boundary of the municipality whose  
83 legislative body adopts the resolution proposing the creation of the local district;

84 (B) previously received fire protection, paramedic, and emergency services or law  
85 enforcement service from another local district; and

86 (C) may be withdrawn from the other local district under Section 17B-1-505 without  
87 an election because the withdrawal is pursuant to an agreement under Subsection  
88 17B-1-505(5)(a)(ii)(A) or (5)(b);

89 (e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution  
90 proposes the creation of a local district that has no registered voters within its boundaries;

91 (f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010,  
92 that proposes the creation of a local district described in Subsection 17B-1-202(1)(a)(xiii); or

93 (g) a resolution adopted under Section 17B-2a-1105 to create a municipal services  
94 district.

95 (4) (a) If the proposed local district is located in more than one county, the responsible  
96 clerk shall coordinate with the clerk of each other county and the clerk or recorder of each  
97 municipality involved in an election under Subsection (1) so that the election is held on the  
98 same date and in a consistent manner in each jurisdiction.

99 (b) The clerk of each county and the clerk or recorder of each municipality involved in  
100 an election under Subsection (1) shall cooperate with the responsible clerk in holding the  
101 election.

102 (c) Except as otherwise provided in this part, each election under Subsection (1) shall  
103 be governed by Title 20A, Election Code.

104 Section 2. Section 17B-1-505 is amended to read:

105 **17B-1-505. Withdrawal of municipality from certain districts providing fire**  
106 **protection, paramedic, and emergency services or law enforcement service or municipal**  
107 **services.**

108 (1) As used in this section, "first responder district" means a local district, other than a  
109 municipal services district, that provides:

110 (a) fire protection, paramedic, and emergency services; or

111 (b) law enforcement service.

112 (2) This section applies to the withdrawal of a municipality that is entirely within the  
113 boundary of a first responder district or municipal services district that was created without the

114 necessity of an election because of Subsection 17B-1-214(3)(d) or (g).

115 ~~[(1)]~~ (3) (a) The process to withdraw ~~[an area]~~ a municipality from a ~~[local]~~ first  
116 responder district or municipal services district may be initiated by a resolution adopted by the  
117 legislative body of ~~[a]~~ the municipality, subject to Subsection ~~[(1)]~~ (3)(b)~~[, that is entirely~~  
118 ~~within the boundaries of a local district:]~~.

119 ~~[(i) that provides:]~~

120 ~~[(A) fire protection, paramedic, and emergency services;]~~

121 ~~[(B) law enforcement service; or]~~

122 ~~[(C) municipal services, as defined in Section 17B-2a-1102; and]~~

123 ~~[(ii) in the creation of which an election was not required because of Subsection~~  
124 ~~17B-1-214(3)(d) or (g).]~~

125 (b) ~~[A municipal]~~ The legislative body of a municipality that is within a municipal  
126 services district ~~[established under Chapter 2a, Part 11, Municipal Services District Act,]~~ may  
127 not adopt a resolution under Subsection ~~[(1)]~~ (3)(a) to withdraw from the municipal services  
128 district unless the municipality has conducted a feasibility study in accordance with Section  
129 17B-2a-1110.

130 (c) Within 10 days after adopting a resolution under Subsection ~~[(1)]~~ (3)(a), the  
131 municipal legislative body shall submit to the board of trustees of the ~~[local]~~ first responder  
132 district or municipal services district written notice of the adoption of the resolution,  
133 accompanied by a copy of the resolution.

134 ~~[(2)]~~ (4) If a resolution is adopted under Subsection ~~[(1)]~~ (3)(a) by the legislative body  
135 of a municipality within a municipal services district, the municipal legislative body shall hold  
136 an election at the next municipal general election that is more than 60 days after adoption of the  
137 resolution on the question of whether the municipality should withdraw from the ~~[local]~~  
138 municipal services district.

139 (5) (a) A municipality shall be withdrawn from a first responder district if:

140 (i) the legislative body of the municipality adopts a resolution initiating the withdrawal  
141 under Subsection (3)(a); and

142 (ii) (A) whether before or after the effective date of this section, the municipality and  
143 first responder district agree in writing to the withdrawal; or

144 (B) except as provided in Subsection (5)(b) and subject to Subsection (6), the voters of  
145 the municipality approve the withdrawal at an election held for that purpose.

146 (b) An election under Subsection (5)(a)(ii)(B) is not required if, after a feasibility study  
147 is conducted under Section 17B-1-505.5 and a public hearing is held under Subsection  
148 17B-1-505.5(14), the municipality and first responder district agree in writing to the  
149 withdrawal.

150 (6) An election under Subsection (5)(a)(ii)(B) may not be held unless:

151 (a) a feasibility study is conducted under Section 17B-1-505.5; and

152 (b) (i) the feasibility study concludes that the withdrawal is functionally and financially  
153 feasible for the municipality and the first responder district; or

154 (ii) (A) the feasibility study concludes that the withdrawal would be functionally and  
155 financially feasible for the municipality and the first responder district if conditions specified in  
156 the feasibility study are met; and

157 (B) the legislative body of the municipality adopts a resolution irrevocably committing  
158 the municipality to satisfying the conditions specified in the feasibility study, if the withdrawal  
159 is approved by the municipality's voters.

160 ~~[(3)]~~ (7) If a majority of those voting on the question of withdrawal at an election held  
161 under Subsection ~~[(2)]~~ (4) or (5)(a)(ii)(B) vote in favor of withdrawal, the municipality shall be  
162 withdrawn from the local district.

163 ~~[(4)]~~ (8) (a) Within 10 days after the canvass of an election at which a withdrawal  
164 under this section is submitted to voters, the municipal legislative body shall send written  
165 notice to the board of the ~~[toeaf]~~ first responder district or municipal services district from  
166 which the municipality is proposed to withdraw.

167 (b) Each notice under Subsection ~~[(4)]~~ (8)(a) shall:

168 (i) state the results of the withdrawal election; and

169 (ii) if the withdrawal was approved by voters, be accompanied by a copy of an

170 approved final local entity plat, as defined in Section [67-1a-6.5](#).

171 ~~[(5)]~~ (9) The effective date of a withdrawal under this section is governed by  
172 Subsection [17B-1-512\(2\)\(a\)](#).

173 Section 3. Section [17B-1-505.5](#) is enacted to read:

174 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**  
175 **district providing fire protection, paramedic, and emergency services or law enforcement**  
176 **service.**

177 (1) As used in this section:

178 (a) "Feasibility consultant" means a person with expertise in:

179 (i) the processes and economics of local government; and

180 (ii) the economics of providing fire protection, paramedic, and emergency services or  
181 law enforcement service.

182 (b) "Feasibility study" means a study to determine the functional and financial  
183 feasibility of a municipality's withdrawal from a first responder local district.

184 (c) "First responder district" means a local district, other than a municipal services  
185 district, that provides:

186 (i) fire protection, paramedic, and emergency services; or

187 (ii) law enforcement service.

188 (d) "Withdrawing municipality" means a municipality whose legislative body has  
189 adopted a resolution under Subsection [17B-1-505\(3\)\(a\)](#) to initiate the process of the  
190 municipality's withdrawal from a first responder district.

191 (2) This section applies and a feasibility study shall be conducted, as provided in this  
192 section, if:

193 (a) the legislative body of a municipality has adopted a resolution under Subsection  
194 [17B-1-505\(3\)\(a\)](#) to initiate the process of the municipality's withdrawal from a first responder  
195 district;

196 (b) the municipality and first responder district have not agreed in writing to the  
197 withdrawal; and

198 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election  
199 to be held approving the withdrawal.

200 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first  
201 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

202 (b) The withdrawing municipality and first responder district shall jointly choose and  
203 engage a feasibility consultant according to applicable municipal or local district procurement  
204 procedures.

205 (c) (i) If the withdrawing municipality and first responder district cannot agree on and  
206 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the  
207 legislative body of the withdrawing municipality submits written notice to the first responder  
208 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder  
209 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of  
210 at least eight feasibility consultants provided by the Utah Association of Certified Public  
211 Accountants.

212 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a  
213 feasibility consultant that has had a contract to provide services to the withdrawing  
214 municipality or first responder district at any time during the two-year period immediately  
215 preceding the date the list is provided under Subsection (3)(c)(i).

216 (iii) (A) Beginning with the first responder district, the first responder district and  
217 withdrawing municipality shall alternately eliminate one feasibility consultant each from the  
218 list of feasibility consultants until one feasibility consultant remains.

219 (B) Within five days after receiving the list of consultants from the Utah Association of  
220 Certified Public Accountants, the first responder district shall make the first elimination of a  
221 feasibility consultant from the list and notify the withdrawing municipality in writing of the  
222 elimination.

223 (C) After the first elimination of a feasibility consultant from the list, the withdrawing  
224 municipality and first responder district shall each, within three days after receiving the written  
225 notification of the preceding elimination, notify the other in writing of the elimination of a



226 feasibility consultant from the list.

227 (d) If a withdrawing municipality and first responder district do not engage a feasibility  
228 consultant under Subsection (3)(b), the withdrawing municipality and first responder district  
229 shall engage the feasibility consultant that has not been eliminated from the list at the  
230 completion of the process described in Subsection (3)(c).

231 (4) A feasibility consultant that conducts a feasibility study under this section shall be  
232 independent of and unaffiliated with the withdrawing municipality and first responder district.

233 (5) In conducting a feasibility study under this section, the feasibility consultant shall  
234 consider:

235 (a) population and population density within the withdrawing municipality;

236 (b) current and five-year projections of demographics and economic base in the  
237 withdrawing municipality, including household size and income, commercial and industrial  
238 development, and public facilities;

239 (c) projected growth in the withdrawing municipality during the next five years;

240 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,  
241 including overhead, of providing the same service in the withdrawing municipality as is  
242 provided by the first responder district, including:

243 (i) the estimated cost if the first responder district continues to provide service; and

244 (ii) the estimated cost if the withdrawing municipality provides service;

245 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,  
246 including overhead, of the first responder district providing service with:

247 (i) the municipality included in the first responder district's service area; and

248 (ii) the withdrawing municipality excluded from the first responder district's service  
249 area;

250 (f) a projection of any new taxes per household that may be levied within the  
251 withdrawing municipality within five years after the withdrawal;

252 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other  
253 municipalities and unincorporated areas served by the first responder district, including any rate

254 increase that may become necessary to maintain required coverage ratios for the first responder  
255 district's debt;

256 (h) the physical and other assets that will be required by the withdrawing municipality  
257 to provide, without interruption or diminution of service, the same service that is being  
258 provided by the first responder district;

259 (i) the physical and other assets that will no longer be required by the first responder  
260 district to continue to provide the current level of service to the remainder of the first responder  
261 district, excluding the withdrawing municipality, and could be transferred to the withdrawing  
262 municipality;

263 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder  
264 district's assets between the first responder district and the withdrawing municipality, effective  
265 upon the withdrawal of the withdrawing municipality from the first responder district;

266 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first  
267 responder district and any local building authority of the first responder district, between the  
268 withdrawing municipality and the remaining first responder district, taking into consideration:

269 (i) any requirement to maintain the excludability of interest from the income of the  
270 holder of the debt, liability, or obligation for federal income tax purposes; and

271 (ii) any first responder district assets that have been purchased with the proceeds of  
272 bonds issued by the first responder district that the first responder district will retain and any of  
273 those assets that will be transferred to the withdrawing municipality;

274 (l) the number and classification of first responder district employees who will no  
275 longer be required to serve the remaining portions of the first responder district after the  
276 withdrawing municipality withdraws from the first responder district, including the dollar  
277 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost  
278 associated with termination of the employees if the withdrawing municipality does not employ  
279 the employees;

280 (m) maintaining as a base, for a period of three years after withdrawal, the existing  
281 schedule of pay and benefits for first responder district employees who are transferred to the

282 employment of the withdrawing municipality; and

283 (n) any other factor that the feasibility consultant considers relevant to the question of  
284 the withdrawing municipality's withdrawal from the first responder district.

285 (6) (a) For purposes of Subsections (5)(d) and (e):

286 (i) the feasibility consultant shall assume a level and quality of service to be provided  
287 in the future to the withdrawing municipality that fairly and reasonably approximates the level  
288 and quality of service that the first responder district provides to the withdrawing municipality  
289 at the time of the feasibility study;

290 (ii) in determining the present value cost of a service that the first responder district  
291 provides, the feasibility consultant shall consider:

292 (A) the cost to the withdrawing municipality of providing the service for the first five  
293 years after the withdrawal; and

294 (B) the first responder district's present and five-year projected cost of providing the  
295 same service within the withdrawing municipality; and

296 (iii) the feasibility consultant shall consider inflation and anticipated growth in  
297 calculating the cost of providing service.

298 (b) The feasibility consultant may not consider an allocation of first responder district  
299 assets or a transfer of first responder district employees to the extent that the allocation or  
300 transfer would impair the first responder district's ability to continue to provide the current  
301 level of service to the remainder of the first responder district without the withdrawing  
302 municipality, unless the first responder district consents to the allocation or transfer.

303 (7) A feasibility consultant may retain an architect, engineer, or other professional, as  
304 the feasibility consultant considers prudent and as provided in the agreement with the  
305 withdrawing municipality and first responder district, to assist the feasibility consultant to  
306 conduct a feasibility study.

307 (8) The withdrawing municipality and first responder district shall require the  
308 feasibility consultant to:

309 (a) complete the feasibility study within a time established by the withdrawing

310 municipality and first responder district;

311 (b) prepare and submit a written report communicating the results of the feasibility  
312 study, including a one-page summary of the results; and

313 (c) attend all public hearings relating to the feasibility study under Subsection (14).

314 (9) A written report of the results of a feasibility study under this section shall:

315 (a) contain a recommendation concerning whether a withdrawing municipality's  
316 withdrawal from a first responder district is functionally and financially feasible for both the  
317 first responder district and the withdrawing municipality; and

318 (b) include any conditions the feasibility consultant determines need to be satisfied in  
319 order to make the withdrawal functionally and financially feasible, including:

320 (i) first responder district assets and liabilities to be allocated to the withdrawing  
321 municipality; and

322 (ii) (A) first responder district employees to become employees of the withdrawing  
323 municipality; and

324 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first  
325 responder district employees that the withdrawing municipality needs to assume.

326 (10) The withdrawing municipality and first responder district shall equally share the  
327 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing  
328 municipality and first responder district and the feasibility consultant.

329 (11) (a) Upon completion of the feasibility study and preparation of a written report,  
330 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and  
331 first responder district.

332 (b) (i) A withdrawing municipality or first responder district that disagrees with any  
333 aspect of a feasibility study report may, within 20 business days after receiving a copy of the  
334 report under Subsection (11)(a), submit to the feasibility consultant a written objection  
335 detailing the disagreement.

336 (ii) (A) A withdrawing municipality that submits a written objection under Subsection  
337 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

338 (B) A first responder district that submits a written objection under Subsection  
339 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

340 (iii) A withdrawing municipality or first responder district may, within 10 business  
341 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility  
342 consultant a written response to the objection.

343 (iv) (A) A withdrawing municipality that submits a response under Subsection  
344 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

345 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall  
346 simultaneously deliver a copy of the response to the withdrawing municipality.

347 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,  
348 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for  
349 submitting a response to an objection:

350 (A) modify the feasibility study report or explain in writing why the feasibility  
351 consultant is not modifying the feasibility study report; and

352 (B) deliver the modified feasibility study report or written explanation to the  
353 withdrawing municipality and first responder local district.

354 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)  
355 for submitting an objection or, if an objection is submitted, within seven days after receiving a  
356 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least  
357 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

358 (a) make a copy of the report available to the public at the primary office of the  
359 withdrawing municipality; and

360 (b) if the withdrawing municipality has a website, post a copy of the report on the  
361 municipality's website.

362 (13) A feasibility study report or, if a feasibility study report is modified under  
363 Subsection (11), a modified feasibility study report may not be challenged unless the basis of  
364 the challenge is that the report results from collusion or fraud.

365 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for

366 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following  
367 the withdrawing municipality's receipt of the modified feasibility study report or written  
368 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality  
369 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be  
370 held:

371 (i) within the following 60 days; and

372 (ii) for the purpose of allowing:

373 (A) the feasibility consultant to present the results of the feasibility study; and

374 (B) the public to become informed about the feasibility study results, to ask the

375 feasibility consultant questions about the feasibility study, and to express the public's views  
376 about the proposed withdrawal.

377 (b) At a public hearing under Subsection (14)(a), the legislative body of the  
378 withdrawing municipality shall:

379 (i) provide a copy of the feasibility study for public review; and

380 (ii) allow the public to:

381 (A) ask the feasibility consultant questions about the feasibility study; and

382 (B) express the public's views about the withdrawing municipality's proposed  
383 withdrawal from the first responder district.

384 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a  
385 hearing under Subsection (14):

386 (i) at least once a week for three successive weeks in a newspaper of general  
387 circulation within the withdrawing municipality, with the last publication occurring no less  
388 than three days before the first public hearing held under Subsection (14); and

389 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for three  
390 consecutive weeks immediately before the public hearing.

391 (b) A notice under Subsection (15)(a) shall state:

392 (i) the date, time, and location of the public hearing; and

393 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the

394 office of the withdrawing municipality or on the withdrawing municipality's website.

395 (16) Unless the withdrawing municipality and first responder district agree otherwise,  
396 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to  
397 be functionally and financially feasible for the withdrawing municipality and first responder  
398 district are binding on the withdrawing municipality and first responder district if the  
399 withdrawal occurs.

400 Section 4. Section 17B-1-512 is amended to read:

401 **17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period**  
402 **-- Judicial review.**

403 (1) (a) Within the time specified in Subsection (1)(b), the board of trustees shall file  
404 with the lieutenant governor:

405 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
406 that meets the requirements of Subsection 67-1a-6.5(3); and

407 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

408 (b) The board of trustees shall file the documents listed in Subsection (1)(a):

409 (i) within 10 days after adopting a resolution approving a withdrawal under Section  
410 17B-1-510;

411 (ii) on or before January 31 of the year following the board of trustees' receipt of a  
412 notice or copy described in Subsection (1)(c), if the board of trustees receives the notice or  
413 copy between July 1 and December 31; or

414 (iii) on or before the July 31 following the board of trustees' receipt of a notice or copy  
415 described in Subsection (1)(c), if the board of trustees receives the notice or copy between  
416 January 1 and June 30.

417 (c) The board of trustees shall comply with the requirements described in Subsection  
418 (1)(b)(ii) or (iii) after:

419 (i) receiving:

420 [(†)] (A) a notice under Subsection 10-2-425(2) of an automatic withdrawal under  
421 Subsection 17B-1-502(2);

422           [(~~ii~~)] (B) a copy of the municipal legislative body's resolution approving an automatic  
423 withdrawal under Subsection 17B-1-502(3)(a); or

424           [(~~iii~~)] (C) notice of a withdrawal of a municipality from a local district under Section  
425 17B-1-502~~[-]~~; or

426           (ii) entering into an agreement with a municipality under Subsection  
427 17B-1-505(5)(a)(ii)(A) or (5)(b).

428           (d) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section  
429 67-1a-6.5, the board shall:

430           (i) if the withdrawn area is located within the boundary of a single county, submit to  
431 the recorder of that county:

432           (A) the original:

433           (I) notice of an impending boundary action;

434           (II) certificate of withdrawal; and

435           (III) approved final local entity plat; and

436           (B) if applicable, a certified copy of the resolution or notice referred to in Subsection  
437 (1)(b); or

438           (ii) if the withdrawn area is located within the boundaries of more than a single county,  
439 submit:

440           (A) the original of the documents listed in Subsections (1)~~[(~~c~~)]~~(d)(i)(A)(I), (II), and  
441 (III) and, if applicable, a certified copy of the resolution or notice referred to in Subsection  
442 (1)(b) to one of those counties; and

443           (B) a certified copy of the documents listed in Subsections (1)~~[(~~c~~)]~~(d)(i)(A)(I), (II), and  
444 (III) and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each  
445 other county.

446           (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under  
447 Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal  
448 under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a local district  
449 under Section 17B-1-505, the withdrawal shall be effective, subject to the conditions of the



450 withdrawal resolution, if applicable.

451 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon  
452 the lieutenant governor's issuance of a certificate of withdrawal under Section 67-1a-6.5.

453 (3) (a) The local district may provide for the publication of any resolution approving or  
454 denying the withdrawal of an area:

455 (i) in a newspaper of general circulation in the area proposed for withdrawal; and

456 (ii) as required in Section 45-1-101.

457 (b) In lieu of publishing the entire resolution, the local district may publish a notice of  
458 withdrawal or denial of withdrawal, containing:

459 (i) the name of the local district;

460 (ii) a description of the area proposed for withdrawal;

461 (iii) a brief explanation of the grounds on which the board of trustees determined to  
462 approve or deny the withdrawal; and

463 (iv) the times and place where a copy of the resolution may be examined, which shall  
464 be at the place of business of the local district, identified in the notice, during regular business  
465 hours of the local district as described in the notice and for a period of at least 30 days after the  
466 publication of the notice.

467 (4) Any sponsor of the petition or receiving entity may contest the board's decision to  
468 deny a withdrawal of an area from the local district by submitting a request, within 60 days  
469 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting  
470 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees  
471 based its decision to deny the withdrawal.

472 (5) Within 60 days after the request under Subsection (4) is submitted to the board of  
473 trustees, the board may consider the suggestions for mitigation and adopt a resolution  
474 approving or denying the request in the same manner as provided in Section 17B-1-510 with  
475 respect to the original resolution denying the withdrawal and file a notice of the action as  
476 provided in Subsection (1).

477 (6) (a) Any person in interest may seek judicial review of:

- 478 (i) the board of trustees' decision to withdraw an area from the local district;
- 479 (ii) the terms and conditions of a withdrawal; or
- 480 (iii) the board's decision to deny a withdrawal.

481 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the  
482 district court in the county in which a majority of the area proposed to be withdrawn is located:

483 (i) if the resolution approving or denying the withdrawal is published under Subsection  
484 (3), within 60 days after the publication or after the board of trustees' denial of the request  
485 under Subsection (5);

486 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after  
487 the resolution approving or denying the withdrawal is adopted; or

488 (iii) if a request is submitted to the board of trustees of a local district under Subsection  
489 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board  
490 adopts a resolution under Subsection (5) unless the resolution is published under Subsection  
491 (3), in which event the action shall be filed within 60 days after the publication.

492 (c) A court in which an action is filed under this Subsection (6) may not overturn, in  
493 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

494 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

495 (ii) the court finds that the board materially failed to follow the procedures set forth in  
496 this part.

497 (d) A court may award costs and expenses of an action under this section, including  
498 reasonable attorney fees, to the prevailing party.

499 (7) After the applicable contest period under Subsection (4) or (6), no person may  
500 contest the board of trustees' approval or denial of withdrawal for any cause.

501 **Section 5. Effective date.**

502 If approved by two-thirds of all the members elected to each house, this bill takes effect  
503 upon approval by the governor, or the day following the constitutional time limit of Utah  
504 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
505 the date of veto override.

