

METRO TOWNSHIP MODIFICATIONS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to a metro township and a municipal services district.

Highlighted Provisions:

This bill:

- ▶ renames the chair of the metro township council to mayor;
- ▶ amends provisions related to the membership of a municipal services district board of trustees;
- ▶ allows a certain county or municipality to share revenue other than sales tax for a municipal services district purpose; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3b-501, as repealed and reenacted by Laws of Utah 2015, Chapter 352

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28 **10-3b-504**, as last amended by Laws of Utah 2017, Chapter 13
 29 **17B-2a-1106**, as last amended by Laws of Utah 2016, Chapter 176
 30 **17B-2a-1109**, as enacted by Laws of Utah 2014, Chapter 405



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **10-3b-501** is amended to read:

34 **10-3b-501. Metro township government powers vested in a five-member council.**

35 The powers of municipal government in a metro township, as defined in Section
36 **10-2a-403**, are vested in a council consisting of five members, one of which is the [chair]
37 mayor.

38 Section 2. Section **10-3b-502** is amended to read:

39 **10-3b-502. Governance of metro townships that are not in a municipal services**
40 **district.**

41 For a metro township in which the voters at an election held in accordance with Section
42 **10-2a-404** do not choose a metro township with limited municipal powers that is included in a
43 municipal services district:

44 (1) (a) the council:

45 (i) has the same powers, authority, and duties as a council described in Section
46 **10-3b-403**; and

47 (ii) is not subject to Section **10-3b-504**; and

48 (b) the [chair] mayor:

49 (i) has the same powers, authority, and duties as a mayor described in Section
50 **10-3b-402**; and

51 (ii) is not subject to Section **10-3b-503**.

52 Section 3. Section **10-3b-503** is amended to read:

53 **10-3b-503. Mayor in a metro township included in a municipal services district.**

54 (1) The [chair] mayor in a metro township that is included in a municipal services
55 district:

56 (a) is a regular and voting member of the council;

57 (b) is elected by the members of the council from among the council members;

58 (c) is the chair of the council and presides at all council meetings;

- 59 (d) exercises ceremonial functions for the municipality;
- 60 (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken
- 61 by the council;
- 62 (f) represents the metro township on the board of a municipal services district; and
- 63 (g) has other powers and duties described in this section and otherwise authorized by
- 64 law except as modified by ordinance under Subsection 10-3b-504(2).

65 (2) Except as provided in Subsection (3), the [~~chair~~] mayor in a metro township that is

66 included in a municipal services district:

67 (a) shall:

- 68 (i) keep the peace and enforce the laws of the metro township;
- 69 (ii) ensure that all applicable statutes and metro township ordinances and resolutions
- 70 are faithfully executed and observed;
- 71 (iii) if the [~~chair~~] mayor remits a fine or forfeiture under Subsection (2)(b)(ii), report
- 72 the remittance to the council at the council's next meeting after the remittance;

73 (iv) perform all duties prescribed by statute or metro township ordinance or resolution;

74 (v) report to the council the condition and needs of the metro township;

75 (vi) report to the council any release granted under Subsection (2)(b)(iv); and

76 (b) may:

77 (i) recommend for council consideration any measure that the [~~chair~~] mayor considers

78 to be in the best interests of the municipality;

79 (ii) remit fines and forfeitures;

80 (iii) if necessary, call on residents of the municipality over the age of 21 years to assist

81 in enforcing the laws of the state and ordinances of the municipality;

82 (iv) release a person imprisoned for a violation of a municipal ordinance;

83 (v) with the council's advice and consent appoint a person to fill a municipal office or a

84 vacancy on a commission or committee of the municipality; and

85 (vi) at any reasonable time, examine and inspect the official books, papers, records, or

86 documents of:

87 (A) the municipality; or

88 (B) any officer, employee, or agency of the municipality.

89 (3) The powers and duties in Subsection (1) are subject to the council's authority to

90 limit or expand the [chair's] mayor's powers and duties under Subsection 10-3b-504(2).

91 (4) (a) If the [chair] mayor is absent, unable, or refuses to act, the council may elect a
92 member of the council as [chair] mayor pro tempore, to:

93 (i) preside at a council meeting; and

94 (ii) perform during the [chair's] mayor's absence, disability, or refusal to act, the duties
95 and functions of [chair] mayor.

96 (b) In accordance with Section 10-3c-203, the county clerk of the county in which the
97 metro township is located shall enter in the minutes of the council meeting the election of a
98 council member as [chair] mayor under Subsection (1)(b) or [chair] mayor pro tempore under
99 Subsection (4)(a).

100 Section 4. Section 10-3b-504 is amended to read:

101 **10-3b-504. Council in a metro township that is included in a municipal services**
102 **district.**

103 (1) The council in a metro township that is included in a municipal services district:

104 (a) exercises any executive or administrative power and performs or supervises the
105 performance of any executive or administrative power, duty, or function that has not been
106 given to the [chair] mayor under Section 10-3b-503 unless the council removes that power,
107 duty, or function from the [chair] mayor in accordance with Subsection (2);

108 (b) may:

109 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:

110 (A) removing from the [chair] mayor any power, duty, or function of the [chair] mayor;
111 and

112 (B) reinstating to the [chair] mayor any power, duty, or function previously removed
113 under Subsection (1)(b)(i)(A); and

114 (ii) adopt an ordinance delegating to the [chair] mayor any executive or administrative
115 power, duty, or function that the council has under Subsection (1)(a); and

116 (c) may not remove from the [chair] mayor or delegate:

117 (i) any of the [chair's] mayor's legislative or judicial powers or ceremonial functions;

118 (ii) the [chair's] mayor's position as chair of the council; or

119 (iii) any ex officio position that the [chair] mayor holds.

120 (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to

121 the [chair] mayor a power, duty, or function provided for in Section 10-3b-503 requires the
122 affirmative vote of:

123 (a) the [chair] mayor and a majority of all other council members; or

124 (b) all council members except the [chair] mayor.

125 (3) The metro township council of a metro township that is included in a municipal
126 services district:

127 (a) shall:

128 (i) by ordinance, provide for the manner in which a subdivision is approved,
129 disapproved, or otherwise regulated;

130 (ii) review municipal administration and pass ordinances;

131 (iii) perform all duties that the law imposes on the council; and

132 (iv) elect one of its members to be [chair] mayor of the metro township and the chair of
133 the council;

134 (b) may:

135 (i) (A) notwithstanding Subsection (3)(c), appoint a committee of council members or
136 citizens to conduct an investigation into an officer, department, or agency of the municipality,
137 or any other matter relating to the welfare of the municipality; and

138 (B) delegate to an appointed committee powers of inquiry that the council considers
139 necessary;

140 (ii) make and enforce any additional rule or regulation for the government of the
141 council, the preservation of order, and the transaction of the council's business that the council
142 considers necessary; and

143 (iii) take any action allowed under Section 10-8-84 that is reasonably related to the
144 safety, health, morals, and welfare of the metro township inhabitants; and

145 (c) may not:

146 (i) direct or request, other than in writing, the appointment of a person to or the
147 removal of a person from an executive municipal office;

148 (ii) interfere in any way with an executive officer's performance of the officer's duties;

149 or

150 (iii) publicly or privately give orders to a subordinate of the [chair] mayor.

151 (4) A member of a metro township council as described in this section may not have

152 any other compensated employment with the metro township.

153 Section 5. Section **17B-2a-1106** is amended to read:

154 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

155 (1) Except as provided in Subsection (2), and notwithstanding any other provision of
156 law regarding the membership of a local district board of trustees, the initial board of trustees
157 of a municipal services district shall consist of the county legislative body.

158 (2) (a) Notwithstanding any provision of law regarding the membership of a local
159 district board of trustees or the governance of a local district, and, except as provided in
160 Subsection (3), if a municipal services district is created in a county of the first class with the
161 county executive-council form of government, the initial governance of the municipal services
162 district is as follows:

163 (i) subject to Subsection (2)(b), the county council is the municipal services district
164 board of trustees; and

165 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal
166 services district.

167 (b) Notwithstanding any other provision of law, the board of trustees of a municipal
168 services district described in Subsection (2)(a) shall:

169 (i) act as the legislative body of the district; and

170 (ii) exercise legislative branch powers and responsibilities established for county
171 legislative bodies in:

172 (A) Title 17, Counties; and

173 (B) an optional plan, as defined in Section [17-52-101](#), adopted for a county
174 executive-council form of county government as described in Section [17-52-504](#).

175 (c) Notwithstanding any other provision of law, in a municipal services district
176 described in Subsection (2)(a), the executive of the district shall:

177 (i) act as the executive of the district;

178 (ii) nominate a general manager of the municipal services district, subject to the advice
179 and consent of the board of trustees; and

180 (iii) exercise executive branch powers and responsibilities established for a county
181 executive in:

182 (A) Title 17, Counties; and

183 (B) an optional plan, as defined in Section 17-52-101, adopted for a county
 184 executive-council form of county government as described in Section 17-52-504.

185 (3) (a) If, after the initial creation of a municipal services district, an area within the
 186 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not
 187 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area
 188 within the municipality is annexed into the municipal services district in accordance with
 189 Section 17B-2a-1103, the district's board of trustees shall be as follows:

190 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

191 (ii) ~~[subject to Subsection (4), two members]~~ one member of the county council of the
 192 county in which the municipal services district is located; and

193 (iii) the total number of board members ~~[shall]~~ is not required to be an odd number.

194 (b) A member described in Subsection (3)(a)(i) shall be:

195 (i) for a municipality other than a metro township, designated by the municipal
 196 legislative body; and

197 (ii) for a metro township, the ~~[chair]~~ mayor of the metro township.

198 (c) A member of the board of trustees has the powers and duties described in
 199 Subsection (2)(b).

200 (d) The county executive is the executive and has the powers and duties as described in
 201 Subsection (2)(c).

202 ~~[(4) (a) The number of county council members may be increased or decreased to meet
 203 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.]~~

204 ~~[(b)]~~ (4) The ~~[number of]~~ county council ~~[members]~~ member described in Subsection
 205 (3)(a)(ii) ~~[does not include]~~ may not be the county mayor who, as the executive of the district,
 206 is not a member of the board of trustees.

207 (5) For a board of trustees described in Subsection (3), each board member's vote is
 208 weighted using the proportion of the municipal services district population that resides:

209 (a) for each member described in Subsection (3)(a)(i), within that member's
 210 municipality; and

211 (b) for ~~[each]~~ the member described in Subsection (3)(a)(ii), within the unincorporated
 212 county~~[, with the members' weighted vote divided evenly if there is more than one member on
 213 the board described in Subsection (3)(a)(ii)].~~

214 (6) The board may adopt a resolution providing for future board members to be
215 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

216 (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of
217 trustees may adopt a resolution to determine the internal governance of the board.

218 (b) A resolution adopted under Subsection (7)(a) may not alter or impair the board of
219 trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's
220 duties, powers, or responsibilities described in Subsection (2)(c).

221 (8) The municipal services district and the county may enter into an agreement for the
222 provision of legal services to the municipal services district.

223 Section 6. Section 17B-2a-1109 is amended to read:

224 **17B-2a-1109. Counties and municipalities authorized to provide funds to a**
225 **municipal services district.**

226 (1) A county[;] or, subject to Section 17B-2a-1108, a municipality involved in the
227 establishment and operation of a municipal services district may fund the operation and
228 maintenance of the district through the sharing of sales tax and other revenue for district
229 purposes.

230 (2) A municipal services district may use sales tax or other revenue that the district
231 receives from a county or a municipality under Subsection (1) to fund expenses and activities
232 of a county or municipality that is part of the district.

Legislative Review Note
Office of Legislative Research and General Counsel