

SOUTH JORDAN CITY  
CITY COUNCIL STUDY SESSION

September 1, 2015

**Present:** Mayor David Alvord, Councilman Steve Barnes, Councilman Chuck Newton, Councilman Chris Rogers, Councilman Mark Seethaler, Councilman Don Shelton, CM Gary Whatcott, City Attorney Ryan Loose, Administrative Services Director Dustin Lewis, Development Services Director Brad Klavano, IS Director John Day, Public Works Director Jason Rasmussen, City Council Secretary MaryAnn Dean

**Others:** See Attachment A

**STUDY SESSION – 4:00 PM**

A. Invocation: *By Councilman Steve Barnes*

Councilman Barnes offered the invocation.

B. Review of Federal Issues. *(By Federal Lobbyist, Bryan Cunningham)*

CM Whatcott introduced Bryan Cunningham, the City's Federal lobbyist. He noted that Mr. Cunningham has been working with Senator Hatch's office on water issues.

Bryan Cunningham, said he has been the federal lobbyist for the city for the last few months. He said he has primarily dealt with water reuse issues. He said he grew up in Utah and spends a lot of time here. He reviewed some of the other entities that he represents and gave a brief background of the work that he is currently working on in Washington DC.

Mr. Cunningham reiterated that he has been working with Senator Hatch's office on water reuse issues. The state regulates water reuse strictly. They have also met with the Governor's office and asked them to consider water reuse when addressing water challenges in the west. With their federal delegation, they have identified and have commitments from Senator Hatch to support their efforts to get federal funding to finance this project. It is an expensive project. There are federal resources available; the exact amount of money is yet to be determined. They also need support from the state and the state legislature.

CM Whatcott said Mr. Spatafore is also working on the state side of this project. Mr. Cunningham is primarily working on the federal side.

Councilman Seethaler said he is unsettled about what is the right approach for water reuse in the state. He wonders if it should be done on a regional basis rather than just for the city. For our city, there is not a return on investment.

Mr. Cunningham concurred that there are significant upfront costs for this project. They also need to consider the public good. The western part of the United States will be in a drought for the foreseeable future. Amidst their growth, how will they service all those people? Water is critical to growth. Where will the water come from? Some ideas have been to tap into Bear Lake. Even if that is complete, it is a finite resource.

Councilman Seethaler expressed concern about handling legal, technical, environmental issues, etc. alone. As a single city, he does not understand their role to be prudent with their resources. Mr. Cunningham said South Jordan is uniquely suited to be the voice. They have unique challenges. South Jordan is in a more advantageous place to take leadership on this issue.

Councilman Rogers said all parties would benefit from the water reuse project, including Jordan Valley Water Conservancy District (JVWCD). Councilman Newton concurred that South Jordan is in a unique position to be leaders.

Mayor Alvord recognized Scott Osborne, South Jordan's JVWCD Board representative.

Councilman Rogers said they need to have specific objectives. One option discussed was a test facility. They need to have a change in the law or funding to obtain that facility. In the past, the city and JVWCD had competing positions, but he believes that has now been cleared up.

CM Whatcott indicated that they have a working group including representatives from JVWCD and various state departments. For the state, this is a huge issue. South Jordan has a real need because of the contaminated aquifer, and one of the highest growth rates. They have a specific target and plan. It is realistic, but very expensive.

The City Council determined to put the reuse project on a future work session agenda for a more in depth discussion. Councilman Rogers asked that JVWCD representatives be invited.

CM Whatcott said right now, they are working with a consultant to write a technical plan.

Councilman Rogers asked Mr. Cunningham to look at the AFFH regulations, and proposed local zoning decisions protections act. There is concern this could eventually turn into nationwide zoning regulations. He is concerned about the federal government regulating local zoning issues.

Mr. Cunningham said the governor's office feels that the water reuse test facility project makes sense. He said Draper City (who he also represents) is also concerned about those zoning issues. There is also an issue of drug rehabilitation centers opening in homes in neighborhoods. The neighbors are irate and there is nothing they can do about it. He said that is a challenge. He said there is no question that zoning should stay local. He will keep that issue on his radar.

Scott Osborne, JVWCD, said he feels it is premature for the City Council to adopt a water recycle program. They will be more successful if they are united with all interested parties including at the state and federal level. He noted that the Bear River project has been delayed 30 years (to 2045) because of the process of developing water sources. They need to look at opportunities.

Councilman Seethaler noted that the current state law prohibits them from achieving the 2030 water recycling mandate.

Mayor Alvord noted that the reason the city gets involved with federal government issues is because they are a member city of the United States. Almost all federal monies are spent in cities, and they are subject to federal taxes and laws. He expressed appreciation for the work of their lobbyist. He noted that Councilman Rogers has also been able to meet with some federal delegates.

### C. Arts Council Update (*By Dustin Lewis*)

Administrative Services Director Lewis introduced Evan Jones, Sandi Kirkendoll, and Michelle Robbins, South Jordan Arts Council board members. Mr. Jones passed out a South Jordan Arts Council 2015-2016 strategic priorities pamphlet (Attachment B). He also reviewed a presentation on their goals for this year (<http://play.smilebox.com/#/SpreadMoreHappy/4e4449354e6a6b784d6a553d0d0a>). They want to have people feel a sense of accomplishment and a sense of community. He reviewed their mission and vision. He indicated that they have a great board.

Michelle Robbins, board member and theater teacher at Bingham High School, showed a video regarding education and the role arts can play in a city (<https://www.youtube.com/watch?v=dASDSx1xPb4&feature=youtu.be>). She said art programs get squeezed out with budget cuts. She indicated that the arts makes a person more well rounded. It helps students achieve in other academic areas. It helps with critical thinking, and helps students prepare for the workplace. With kids being connected to technology all the time, it is causing issues with depression and anxiety. Arts programs level those out. It helps with communication skills. To master arts, it takes time and persistence. Arts teaches delayed gratification. It teaches compassion of other people and cultures. The arts encourages communities to come together. Every city has their niche; she believes South Jordan can be the place for arts education.

Sandi Kirkendoll, said their goal is to increase participation in activities by 25 percent in the next year. She said as people age, they lose their confidence. Their goal is to give people their confidence back. She travels to a lot of historical sites. She has learned that it takes community involvement for these programs to be successful. She noted that they give a lot of grants for people that want to provide an arts service in the city (choir groups, ballet, symphony, etc). She said the city can encourage arts in that way. They also want to encourage education, not just classes and performances.

Ms. Robbins said there is arts education in schools, but they want to provide continuing opportunities for adults and seniors for their love of arts, and to try something new.

The Arts Council indicated that they feel they are getting adequate support from the city. It was noted that the City Communications coordinator can help get the word out on events.

Councilman Newton said as the population grows, arts will be even more important. It would be great to let the kids know about opportunities outside of school. He suggested they consider an arts building at the end of the lake in Welby Park, or at the TransJordan landfill site after it closes. Ms. Robbins said West Valley City has a beautiful facility that the city could use as a model.

The City Council took a brief dinner break.

#### D. Appointment: Jordan Valley Water Conservancy Board

CM Whatcott said they met with Richard Bay with JWCD several weeks ago. He referred to a handout that outlines the process for appointment to the JWCD Board (Attachment C).

It was noted that Scott Osborne's term is up in February.

CM Whatcott said they would put a resolution with a letter providing the nominees on the next City Council agenda. He noted that Mr. Osborne has a desire to continue to serve. He has been a good steward for South Jordan.

Mr. Bay explained that they can nominate less than two individuals if they certify that there is no one else willing or qualified to serve. He reviewed the minimum qualifications. He noted that the city can include additional qualifications, and they can state their preference. He said the governor has pushed to limit the board members to 2 terms. He said with their board and the long term planning and financing that is required, and the knowledge needed of their contracts and water rights, term limits would weaken the JWCD Board.

Mayor Alvord noted the precedent that the people on the board are typically elected or former elected officials. The City Council determined to have Mr. Osborne as the first choice and Councilman Rogers as the second choice, stating that the preference is Scott Osborne. CM Whatcott indicated that he would bring the issue back at the next City Council meeting.

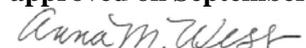
Mr. Bay indicated that they are in their 4<sup>th</sup> year of drought, but their water supply is still good. The Board is studying their long term financial plan. Mr. Osborne has been very involved and very diligent. It was noted that they anticipate a strong El Nino, which would benefit the Colorado River and help Lake Mead.

Councilman Barnes asked about the issues with the lower levels in the Great Salt Lake. Mr. Bay said there are air quality concerns associated with those lower water levels.

#### **ADJOURNMENT**

The September 1, 2015 City Council study session adjourned at 5:52 p.m.

**This is a true and correct copy of the September 1, 2015 Council Study Session minutes, which were approved on September 15, 2015.**

  
**South Jordan City Recorder**



## SOUTH JORDAN ARTS COUNCIL HISTORY



The South Jordan Arts Council was established October of 2006 to support culture and arts throughout the city. Our first project was to request that the City Council commission a Freedom Mural as a public art project. Since then, South Jordan's population has grown tremendously and there has been a shift in the way we think about arts within the city. Until 2009, the Arts Council primarily existed as a grant-making body. Since that time, we have branched out. We now produce annual events and provide the city's residents with the opportunity to experience the arts through education, participation, and performance. Our events include the following:

- Resident on Display
- Candy Windows
- Literary Contest
- Annual Art Show
- Quilt Show
- Chalk Art Competition
- Arts at the Gale

## A TIME OF REFLECTION

As a result of the Arts Council's ongoing efforts and with encouragement from Zoo, Arts and Parks (ZAP) administrators, we met in April 2014 with Nancy Boskoff, an Arts Administrator with Salt Lake County, to reflect on past work, celebrate the group's strengths, and generate insights into future development for the South Jordan community. In the months after this meeting, we redefined programs and put processes into place so we could better evaluate the effectiveness of the events. Finally, in March 2015, we met to discuss our resources and capabilities as a group. This allowed us to create a cohesive mission and vision statement for the arts in South Jordan.



## OUR MISSION

TO PROVIDE OPPORTUNITIES FOR INDIVIDUALS AND FAMILIES TO EXPERIENCE THE ARTS THROUGH EDUCATION, PARTICIPATION, AND PERFORMANCE.

*Through our mission, our long-term vision for the city is to inspire its residents, to increase public awareness in the city's art programs, and to instill a sense of pride in the city's residents for their efforts in the arts.*

## OUR VISION

INSPIRE LIFE-LONG APPRECIATION FOR THE ARTS.

*With our mission and our vision in mind, we established goals for 2015 – 2016 that will better focus our efforts on our mission and vision.*



## EDUCATION

(Increased Capacity)

Furthering a connection with schools can help residents grow and develop. We need to extend the educational outreach of the Arts Council and make South Jordan City the center for arts education. Doing so will:

- Help students achieve in the arts and in other academic disciplines.
- Prepare students for the workplace.
- Encourage self-discipline and persistence.
- Teach us about human nature and culture.
- Build business and community participation.

In our high-tech society, providing arts education within our community will unite our citizens and also put South Jordan on the map.

## PARTICIPATION

(Engaged Community)

We must increase attendance, participation and audience size for each program and event. This can be accomplished through a combination of building the city's brand, marketing wisely and engaging volunteers.

## PERFORMANCE

(Desirable Amenities)

We need to have high standards for the work we do, but we also need to have fun. The arts are supposed to bring joy into people's lives, so if we're not having fun, we're doing something wrong. Our long term vision for the arts in South Jordan is to have a community gathering space where we can invite others into the city through performance, participation and education.

"There is no better indicator of the spiritual health of our city, its neighborhoods, and the larger region than the state of the arts. The arts deepen our understanding of the human spirit, extend our capacity to comprehend the lives of others, and allow us to imagine a more just and humane world. Through their diversity of feeling, their variety of form, and their multiplicity of inspiration, the arts make our culture richer and more reflective."

—Jonathan Fanton

# SOUTH JORDAN ARTS COUNCIL

## ARTS COUNCIL



SOUTH JORDAN  
Arts Council

2015-2016 STRATEGIC PRIORITIES

Attachment B 9-1-15 C.C. Study Session

JORDAN VALLEY WATER CONSERVANCY DISTRICT

**TRUSTEE NOMINATION BY CITY OF SOUTH JORDAN FOR BOARD  
OF JORDAN VALLEY WATER CONSERVANCY DISTRICT**

July 13, 2015

1. Current Trustees on JWCD Board - see attached sheet
2. Trustee currently representing City of South Jordan: Scott Osborne
  - His term expires February 1, 2016.<sup>1</sup>
3. Statutory process for nominations by City of South Jordan
  - JWCD will give formal notice to City of reappointment by September 15, 2015.
  - City's legislative body shall identify two nominees.<sup>2</sup>

Note: The legislative body may submit fewer than two nominees if the body certifies in writing to the Governor that, after reasonably diligent effort, the body is unable to identify two nominees who are willing and qualified to serve as trustee.<sup>3</sup>
  - Nominees must:<sup>4</sup>
    - reside within Jordan Valley boundaries.
    - be registered voter at that residence.
  - Legislative body shall submit nominees to Governor within 90 days after formal notice from JWCD.
4. Schedule of events
  - Scott Osborne's term expires: February 1, 2016
  - JWCD's formal notice to City of reappointment (with a courtesy copy to the Governor): September 15, 2015
  - Nomination period: Sept. 15 – Dec. 14, 2015
  - Governor makes appointment from list of nominees: January - February 2016
  - Senate confirmation of appointment: February - March 2016
5. Recommendations:
  - Send nomination letter to Governor, with copy to JWCD, between September 15 and December 14, 2015.

<sup>1</sup> §17B-1-303(1)(c)(i)(B) - copy attached

<sup>2</sup> §17B-2a-1005(2)(c)(ii) - copy attached

<sup>3</sup> §17B-2a-1005(2)(c)(iii)(B) - copy attached

<sup>4</sup> §17B-1-302(1)(a) - copy attached



JORDAN VALLEY WATER CONSERVANCY DISTRICT

**BOARD OF TRUSTEES INFORMATION**

July 2015

<b>BOARD MEMBER</b>	<b>DIVISION</b>	<b>CURRENT TERM*</b>	<b>APPOINTMENT DATES</b>	<b>NOTES</b>
Christensen, Gregory R.	<u>Division 2:</u> Kearns, Magna, Hexcel, (some unincorporated areas)	March 12, 2014 to February 1, 2018	2014: 4-year term	-Trustee, Kearns Improvement District Board -Former Chair, Kearns Improvement District Board -Former member, Kearns Community Planning Commissions -Former member, Kearns Community Council -Former member, Chamber West Board -Long-time resident of Kearns
Crane, J. Lynn	<u>Division 8</u> Bluffdale, Herriman & Riverton Cities	February 2, 2012 to February 1, 2016	March, 2008: 4-year term  2012: 4-year term	-Mayor of Herriman City (1999 – 2010) -Insurance Representative -Independent Sales Representation Selling Curriculum Material -School Teacher in Jordan School District -Elected member of the Jordan School District Board -Graduate of BYU with a degree in Secondary Education
Nichols, Chad G.	<u>Division 4:</u> West Jordan City	March 12, 2014 to February 1, 2018	2014: 4-year term	-MS, Aeronautical Science - Embry-Riddle Aeronautical University (2011) -BS, Management information Systems - Brigham Young University (2002) -Councilmember, City of West Jordan (2010 - present) -Operations Supervisor, Federal Aviation Administration (2002-present) -Board Member, City of West Jordan Redevelopment Authority Agency (2010-present) -Former Mayor Pro Tempore, City of West Jordan (2012) -Former Planning Commissioner, City of West Jordan (2009) -Western Growth Coalition -Air Traffic Controller, Pilot, Rescue Diver -MCSE, MCP+I, CCNA
Osborne, Scott L.	<u>Division 5:</u> South Jordan City	March 7, 2012  to  February 1, 2016	2012: 4-year term	-Mayor of South Jordan City -Owner of Osborne's Engineering Supply Co., Inc. and Vision Perfect Software
Owens, Stephen W.	<u>Division 7:</u> Granite Park, Holladay Murray, South Cottonwood, Willow Creek, South Salt Lake, Union, White City Improvement District, Hi Country Estates, and unincorporated areas	March 12, 2014  to  January 31, 2018	2014: 4-year term	-Attorney with Epperson & Owens Law Offices -Elected President of the Utah State Bar (2009-10) -Utah Civility and Community Advisory Council (2011) -The Inclusion Center (non-profit) Board Member -Rated AV/Preeminent (highest) by Martindale Hubble -Named one of Utah's "Legal Elite" by Utah Business Magazine (2006-present) -Harry S. Truman Scholar
Rushton, Corey L.	<u>Division 1:</u> West Valley City	February 8, 2012 to February 1, 2016	2012: 4 year term	-West Valley City Councilmember at-Large 2007 – current -Chair of West Valley Redevelopment Agency -Current Chair of the Jordan River Commission -Part Owner and Proprietor of Rushton Farms -Staff Assistant, United States Senate, Washington DC 2006 -Account Executive, LMJ Marketing Group 2004-2006 -Financial Analyst at McGraw-Hill Companies -Bank Operations Specialist at Zions Bank 1994-1997

**JORDAN VALLEY WATER CONSERVANCY DISTRICT**

**BOARD OF TRUSTEES INFORMATION**

July 2015

BOARD MEMBER	DIVISION	CURRENT TERM <sup>a</sup>	APPOINTMENT DATES	NOTES
Sperry, Ronald E.	<u>Division 6</u> Midvale and Draper Cities Draper Irrigation Company Department of Corrections	February 2, 2012 to February 1, 2016	2009: New 9 <sup>th</sup> Trustee appointed to 3-year term  2012: 4-year term	-Executive Vice President/CFO First Utah Bank -Member of First Utah Bank Board of Directors -Board member, First Utah Bancorporation -Board member, Premier Data Corporation -Former director of several bank related companies -2008 Inducted into Utah Bankers Hall of Fame.
Swensen, Gary C.	<u>Division 3:</u> Taylorsville City	March 12, 2014 to February 1, 2018	1989* (Aug.) filled the unexpired term of Val Lindsay 1992: 4-year term 1996: 4-year term 1997: Resigned to fulfill church mission 2000: (Aug) filled the unexpired term of Denis Morrill 2002: 4-year term 2006 4-year term 2010 4-year term 2014 4-year term	-Retired Superintendent Salt Lake County Parks -Former Chairman, Taylorsville-Bennion Improvement District -Granite School District Board of Education -Former Director, Central Valley Water Reclamation -Former Director, North Jordan Irrigation Company
Winder, Kent L.	<u>Division 1:</u> West Valley City	February 2, 2012 to February 1, 2016	2012: 4-year term	-Chair Granger-Hunter Improvement District -Board of Trustees Granger-Hunter Improvement District 2008 -Vice President of Winder Farms -Former City Council Member of the City of Taylorsville -Former Chair Chamber West of Commerce -Former Chair, Pioneer Valley Hospital Board of Directors -Volunteer Huntsman/Herbert Campaign 2004 -Former Director, Valley View Memorial Park -Member - American Water Works Association -Member - Water Environment Federation, Alexandria, VA

<sup>a</sup> These dates are approximate. Terms should begin when a successor is duly appointed and qualified (voter registration, residency, and Senate confirmation). §17B-1-303; §17B-2a-1005

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

(1)

- (a) Each member of a local district board of trustees shall be:
  - (i) a registered voter at the location of the member's residence; and
  - (ii) except as provided in Subsections (1)(b) and (c), a resident within:
    - (A) the boundaries of the local district; and
    - (B) if applicable, the boundaries of the division of the local district from which the member is elected.

(b)

- (i) As used in this Subsection (1)(b):
  - (A) "Proportional number" means the number of members of a board of trustees that bears, as close as mathematically possible, the same proportion to all members of the board that the number of seasonally occupied homes bears to all residences within the district that receive service from the district.
  - (B) "Seasonally occupied home" means a single-family residence:
    - (I) that is located within the local district;
    - (II) that receives service from the local district; and
    - (III) whose owner:
      - (Aa) does not reside permanently at the residence; and
      - (Bb) may occupy the residence on a temporary or seasonal basis.

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

- (A) receives service from the district; and
- (B) is located within:
  - (I) the local district; and
  - (II) if applicable, the division from which the member is elected.

- (c) For a board of trustees member in a basic local district that has within its boundaries fewer than one residential dwelling unit per 10 acres of land, the requirement under Subsection (1)(a)(ii) is replaced with the requirement that the member be an owner of land within the local district that receives service from the district, or an agent or officer of the owner.

(2) Except as otherwise provided by statute, the number of members of each board of trustees of a local district shall be an odd number that is no less than three.

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

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

(4)

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

- (b) No change in the number of members of a board of trustees under Subsection (4)(a) may:
  - (i) violate Subsection (2); or
  - (ii) serve to shorten the term of any member of the board.

Amended by Chapter 68, 2011 General Session

**Effective 5/13/2014**

**17B-1-303 Term of board of trustees members -- Oath of office -- Bond.**

- (1)
- (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a board of trustees shall begin at noon on the January 1 following the member's election or appointment.
  - (b) The term of each member of the initial board of trustees of a newly created local district shall begin:
    - (i) upon appointment, for an appointed member; and
    - (ii) upon the member taking the oath of office after the canvass of the election at which the member is elected, for an elected member.
  - (c) The term of each water conservancy district board member appointed by the governor as provided in Subsection 17B-2a-1005(2)(c) shall:
    - (i) begin on the later of the following:
      - (A) the date on which the Senate consents to the appointment; or
      - (B) the expiration date of the prior term; and
    - (ii) end on the February 1 that is approximately four years after the date described in Subsection (1)(c)(i)(A) or (B).
- (2)
- (a)
    - (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the term of each member of a board of trustees shall be four years, except that approximately half the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the board members expires every two years.
    - (ii)
      - (A) If the terms of members of the initial board of trustees of a newly created local district do not begin on January 1 because of application of Subsection (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in the terms of their successors complying with:
        - (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following a member's election or appointment; and
        - (II) the requirement under Subsection (2)(a)(i) that terms be four years.
      - (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or subtract more than a year from a member's term.
  - (b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.
  - (c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), or if the member's term expires without a duly elected or appointed successor:
    - (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
    - (ii) the member may continue to serve until a successor is duly elected or appointed and qualified.
- (3)
- (a)
    - (i) Before entering upon the duties of office, each member of a board of trustees shall take the oath of office specified in Utah Constitution Article IV, Section 10.
    - (ii) An oath of office may be administered by a judge, county clerk, notary public, or the local district clerk.
  - (b) Each oath of office shall be filed with the clerk of the local district.

- (c) The failure of a board of trustees member to take the oath required by Subsection (3)(a) does not invalidate any official act of that member.
- (4) A board of trustees member is not limited in the number of terms the member may serve.
- (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees position shall be filled as provided in Section 20A-1-512.
- (6)
  - (a) For purposes of this Subsection (6):
    - (i) "Appointed official" means a person who:
      - (A) is appointed as a member of a local district board of trustees by a county or municipality entitled to appoint a member to the board; and
      - (B) holds an elected position with the appointing county or municipality.
    - (ii) "Appointing entity" means the county or municipality that appointed the appointed official to the board of trustees.
  - (b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed official if:
    - (i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing entity; and
    - (ii) the appointing entity submits a written request to the board to declare the vacancy.
  - (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing entity shall appoint another person to fill the remaining unexpired term on the board of trustees.
- (7)
  - (a) Each member of a board of trustees shall give a bond for the faithful performance of the member's duties, in the amount and with the sureties prescribed by the board of trustees.
  - (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
- (8) The lieutenant governor may extend the term of an elected district board member by one year in order to compensate for a change in the election year under Subsection 17B-1-306(13).

Amended by Chapter 362, 2014 General Session  
Amended by Chapter 377, 2014 General Session

**Effective 5/13/2014**

**17B-1-303 Term of board of trustees members -- Oath of office -- Bond.**

- (1)
  - (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a board of trustees shall begin at noon on the January 1 following the member's election or appointment.
  - (b) The term of each member of the initial board of trustees of a newly created local district shall begin:
    - (i) upon appointment, for an appointed member; and
    - (ii) upon the member taking the oath of office after the canvass of the election at which the member is elected, for an elected member.
  - (c) The term of each water conservancy district board member appointed by the governor as provided in Subsection 17B-2a-1005(2)(c) shall:
    - (i) begin on the later of the following:
      - (A) the date on which the Senate consents to the appointment; or
      - (B) the expiration date of the prior term; and
    - (ii) end on the February 1 that is approximately four years after the date described in Subsection (1)(c)(i)(A) or (B).
- (2)
  - (a)
    - (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the term of each member of a board of trustees shall be four years, except that approximately half the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the board members expires every two years.
    - (ii)
      - (A) If the terms of members of the initial board of trustees of a newly created local district do not begin on January 1 because of application of Subsection (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in the terms of their successors complying with:
        - (I) the requirement under Subsection (1)(a) for a term to begin on January 1 following a member's election or appointment; and
        - (II) the requirement under Subsection (2)(a)(i) that terms be four years.
      - (B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or subtract more than a year from a member's term.
  - (b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.
  - (c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), or if the member's term expires without a duly elected or appointed successor:
    - (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
    - (ii) the member may continue to serve until a successor is duly elected or appointed and qualified.
- (3)
  - (a)
    - (i) Before entering upon the duties of office, each member of a board of trustees shall take the oath of office specified in Utah Constitution Article IV, Section 10.
    - (ii) An oath of office may be administered by a judge, county clerk, notary public, or the local district clerk.
  - (b) Each oath of office shall be filed with the clerk of the local district.

- (c) The failure of a board of trustees member to take the oath required by Subsection (3)(a) does not invalidate any official act of that member.
- (4) A board of trustees member is not limited in the number of terms the member may serve.
- (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees position shall be filled as provided in Section 20A-1-512.
- (6)
  - (a) For purposes of this Subsection (6):
    - (i) "Appointed official" means a person who:
      - (A) is appointed as a member of a local district board of trustees by a county or municipality entitled to appoint a member to the board; and
      - (B) holds an elected position with the appointing county or municipality.
    - (ii) "Appointing entity" means the county or municipality that appointed the appointed official to the board of trustees.
  - (b) The board of trustees shall declare a midterm vacancy for the board position held by an appointed official if:
    - (i) during the appointed official's term on the board of trustees, the appointed official ceases to hold the elected position with the appointing entity; and
    - (ii) the appointing entity submits a written request to the board to declare the vacancy.
  - (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the appointing entity shall appoint another person to fill the remaining unexpired term on the board of trustees.
- (7)
  - (a) Each member of a board of trustees shall give a bond for the faithful performance of the member's duties, in the amount and with the sureties prescribed by the board of trustees.
  - (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
- (8) The lieutenant governor may extend the term of an elected district board member by one year in order to compensate for a change in the election year under Subsection 17B-1-306(13).

Amended by Chapter 362, 2014 General Session

Amended by Chapter 377, 2014 General Session

**Effective 5/13/2014**

**17B-2a-1005 Water conservancy district board of trustees -- Selection of members -- Number -- Qualifications -- Terms -- Vacancies -- Surety bonds -- Authority.**

(1) Members of the board of trustees for a water conservancy district shall be:

(a) elected in accordance with:

(i) the petition or resolution that initiated the process of creating the water conservancy district;  
and

(ii) Section 17B-1-306;

(b) appointed in accordance with Subsection (2); or

(c) elected under Subsection (4)(a).

(2)

(a) If the members of the board of trustees are appointed, within 45 days after the day on which a water conservancy district is created as provided in Section 17B-1-215, the board of trustees shall be appointed as provided in this Subsection (2).

(b) For a district located entirely within the boundaries of a single county, the county legislative body of that county shall appoint each trustee.

(c)

(i) For a district located in more than a single county, the governor, with the consent of the Senate, shall appoint each trustee from nominees submitted as provided in this Subsection (2)(c).

(ii)

(A) Except as provided in Subsection (2)(c)(ii)(B), in a division composed solely of municipalities, the legislative body of each municipality within the division shall submit two nominees per trustee.

(B) The legislative body of a municipality may submit fewer than two nominees per trustee if the legislative body certifies in writing to the governor that the legislative body is unable, after reasonably diligent effort, to identify two nominees who are willing and qualified to serve as trustee.

(iii)

(A) Except as provided in Subsection (2)(c)(iii)(B), in all other divisions, the county legislative body of the county in which the division is located shall submit three nominees per trustee.

(B) The county legislative body may submit fewer than three nominees per trustee if the county legislative body certifies in writing to the governor that the county legislative body is unable, after reasonably diligent effort, to identify three nominees who are willing and qualified to serve as trustee.

(iv) If a trustee represents a division located in more than one county, the county legislative bodies of those counties shall collectively compile the list of three nominees.

(v) For purposes of this Subsection (2)(c), a municipality that is located in more than one county shall be considered to be located in only the county in which more of the municipal area is located than in any other county.

(d) In districts where substantial water is allocated for irrigated agriculture, one trustee appointed in that district shall be a person who owns irrigation rights and uses those rights as part of that person's livelihood.

(3)

(a) The board shall give written notice of the upcoming vacancy in an appointed trustee's term and the date when the trustee's term expires to the county legislative body in single county districts and to the nominating entities and the governor in all other districts:

- (i) if the upcoming vacancy is in a single county district, at least 90 days before the expiration of the trustee's term; and
  - (ii) for all other districts, on or before October 1 before the expiration of the appointed trustee's term.
- (b)
- (i) Upon receipt of the notice of the expiration of an appointed trustee's term or notice of a vacancy in the office of an appointed trustee, the county or municipal legislative body, as the case may be, shall nominate candidates to fill the unexpired term of office pursuant to Subsection (2).
  - (ii) If a trustee is to be appointed by the governor and the entity charged with nominating candidates has not submitted the list of nominees within 90 days after service of the notice, the governor shall make the appointment from qualified candidates without consultation with the county or municipal legislative body.
  - (iii) If the governor fails to appoint, the incumbent shall continue to serve until a successor is appointed and qualified.
  - (iv) Appointment by the governor vests in the appointee, upon qualification, the authority to discharge the duties of trustee, subject only to the consent of the Senate.
- (c) Each trustee shall hold office during the term for which appointed and until a successor is duly appointed and has qualified.
- (4)
- (a) Members of the board of trustees of a water conservancy district shall be elected, if, subject to Subsection (4)(b):
    - (i) two-thirds of all members of the board of trustees of the water conservancy district vote in favor of changing to an elected board; and
    - (ii) the legislative body of each municipality or county that appoints a member to the board of trustees adopts a resolution approving the change to an elected board.
  - (b) A change to an elected board of trustees under Subsection (4)(a) may not shorten the term of any member of the board of trustees serving at the time of the change.
- (5) The board of trustees of a water conservancy district shall consist of:
- (a) except as provided in Subsection (5)(b), not more than 11 persons who are residents of the district; or
  - (b) if the district consists of five or more counties, not more than 21 persons who are residents of the district.
- (6) If an elected trustee's office is vacated, the vacated office shall be filled in accordance with Section 17B-1-303.
- (7) Each trustee shall furnish a corporate surety bond at the expense of the district, conditioned for the faithful performance of duties as a trustee.
- (8)
- (a) The board of trustees of a water conservancy district may:
    - (i) make and enforce all reasonable rules and regulations for the management, control, delivery, use, and distribution of water;
    - (ii) withhold the delivery of water with respect to which there is a default or delinquency of payment;
    - (iii) provide for and declare a forfeiture of the right to the use of water upon the default or failure to comply with an order, contract, or agreement for the purchase, lease, or use of water, and resell, lease, or otherwise dispose of water with respect to which a forfeiture has been declared;
    - (iv) allocate and reallocate the use of water to lands within the district;

- (v) provide for and grant the right, upon terms, to transfer water from lands to which water has been allocated to other lands within the district;
- (vi) create a lien, as provided in this part, upon land to which the use of water is transferred;
- (vii) discharge a lien from land to which a lien has attached; and
- (viii) subject to Subsection (8)(b), enter into a written contract for the sale, lease, or other disposition of the use of water.

(b)

(i) A contract under Subsection (8)(a)(viii) may provide for the use of water perpetually or for a specified term.

(ii)

(A) If a contract under Subsection (8)(a)(viii) makes water available to the purchasing party without regard to actual taking or use, the board may require that the purchasing party give security for the payment to be made under the contract, unless the contract requires the purchasing party to pay for certain specified annual minimums.

(B) The security requirement under Subsection (8)(b)(ii)(A) in a contract with a public entity may be met by including in the contract a provision for the public entity's levy of a special assessment to make annual payments to the district.

Amended by Chapter 377, 2014 General Session