

Difference Between Special Service Districts and Local Districts

Local Districts are created under Title 17B and are completley independent governmental entities that are initially created by cities or counties to provide a specific limited service.

Special Service Districts are created under Title 17D and are hybrid entities in that they are an independent governmental entity, except for the following: levying taxes or assessments, issuing debt, holding an election, changing the district's boundaries, or changing the district's board composition.

These actions must be approved by the governmental entity that created the special service district. This can be cumbersome and cause delays in action. Recent examples: Withdrawing annexed Sandy City properties & Allowing the newly incorporated municipalities a seat on the Board.

In reality, special service districts are still ultimately under the control of their creating entities. The creating entity can choose to run the district itself, or appoint an Administrative Control Board (ACB) to run the district, or to have control over just certain aspects of the district. After appointing an ACB, the creating entity can revoke all or a portion of the ACB's authority at any time.

Reorganizing a Special Service District into a Local District

The Salt Lake County Council, as the legislative body of the county that created WFWRD, may reorganize WFWRD (a special service district) as a local district in accordance with Utah Code Ann. § 17D-1-604. These procedures were enacted by the Legislature in 2013 specifically with WFWRD in mind, as it was the County's desire at that time to give WFWRD independent control, but at that time there was not a clear statutory method to give WFWRD complete independence as a local district. Below is a brief summary of the steps required to complete the conversion from the special service district type to a local district.

1. County Intent Resolution. The process begins by the County Council adopting a resolution that indicates its intent to reorganize WFWRD as a local district.
2. Public Hearing. The Salt Lake County Council must hold a public hearing, and at least 35 days are needed for the public notice requirements, so that will dictate when the hearing can be scheduled.
3. Municipal Consent. Each municipality located within the WFWRD boundaries must consent to the reorganization. **It may be best to get these consents before the County starts its part of the process.**
4. Resolution Approving Reorganization. At or following the public hearing, the County Council shall adopt a resolution approving the reorganization of the district. We finalize the process by filing with the Lieutenant Governor and the County Recorder.