

**TO:** Unified Fire Service Area; Town of Alta  
**FROM:** Rachel S. Anderson  
**DATE:** February 20, 2020  
**SUBJECT:** Boundary Adjustment Procedure Outline (Between Two Districts or Between a District and a Municipality)

“The boards of trustees of two or more local districts having a common boundary and providing the same service on the same wholesale or retail basis may adjust their common boundary,” by following the procedures outlined in Utah Code Ann. § 17B-1-417. In addition, a municipality (such as the Town of Alta) and a local district (such as the Unified Fire Service Area) whose boundaries adjoin or overlap may jointly adjust the boundary of the local district to include more or less of the municipality “by following the same procedural requirements as set forth in Section 17B-1-417 for boundary adjustments between adjoining local districts.” Utah Code Ann. § 17B-1-503(1).

In the case of the UFSA annexing the town of Alta, each of the following steps must be completed:

- I. Resolution of Intent.
  - A. The board of trustees of the UFSA and the Alta town council must each adopt a resolution indicating each body’s intent to adjust the common boundary. Utah Code Ann. § 17B-1-417(3)(a)(i).
- II. Public Hearing Required.
  - A. Both the UFSA board and the town council must hold a public hearing (or a joint public hearing may be held) on the proposed boundary adjustment. Utah Code Ann. §§ 17B-1-417(3)(a)(ii), -417(3)(d). At least sixty days must pass after adoption of the intent resolution before the public hearings may be held.
- III. Notice of Public Hearing.
  - A. A notice of the public hearing must be issued. Utah Code Ann. §§ 17B-1-

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417(3)(a)(iii), -417(3)(c).

1. The notice may be published once a week for two successive weeks in a newspaper of general circulation within the district/town, with the first publication to be within 14 days after adoption of the intent resolutions, and be published for two weeks on the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701 ([www.utah.gov/pmn](http://www.utah.gov/pmn));

or

2. The notice may be mailed to each owner of property located within and to each registered voter residing within the affected area. Even though there is no statutory requirement that a mailed notice be accompanied by publication of the notice on the Utah Public Notice Website, we nevertheless recommend that the website, which is free, be used in such circumstances.

B. The notice must include (Utah Code Ann. § 17B-1-417(3)(b)):

1. A statement that the board of trustees of the UFSA and the Alta town council have adopted resolutions indicating the entities' intent to adjust a common boundary;
2. A description of the affected area;
3. The date, time, and location of each public hearing (or of the joint hearing – we assume it will be more convenient for each entity to hold a separate public hearing as part of a regularly scheduled board/council meeting);
4. District and town telephone numbers where additional information about the proposed boundary adjustment may be obtained;
5. An explanation of the financial and service impacts of the boundary adjustment on affected property owners or residents; and
6. A conspicuous and plain statement that the district board and town council may approve the boundary adjustment unless, at or before the public hearing(s), written protests are filed with the board by the owners of at least 50% of the privately-owned land within the affected area (both by area and by assessed value) or by registered voters residing within the

affected area equal in number to at least 50% of the votes cast in that area for the office of governor at the last regular general election.

- C. The district and town may issue a joint notice. Utah Code Ann. § 17B-1-417(3)(d).
- IV. Adoption of a resolution approving the boundary adjustment.
- A. Unless the requisite number of protests have been received, after the public hearing(s), the district and town may adopt resolutions approving the boundary adjustment. Utah Code Ann. § 17B-1-417(4). Each entity must approve the boundary adjustment at this point.
- V. Filing with the Lieutenant Governor.
- A. Within thirty days after the adoption of the resolutions approving the boundary adjustment by both the district board and the town council, the district whose boundaries are being adjusted to include the affected area must file with the Lieutenant Governor copies of a notice of impending boundary action and an approved final local entity plat. Utah Code Ann. § 17B-1-417(6). We recommend that a copy of the resolutions approving the boundary adjustment accompany the notice and the final local entity plat.
    - 1. The notice of impending boundary action must state the names of the district and town; describe the boundary adjustment for which a certificate is being sought; and contain a statement, signed and verified by the board of the district whose boundaries are being adjusted to include the affected area, certifying that all requirements applicable to the boundary adjustment have been met. Utah Code Ann. § 67-1a-6.5(3).
  - B. Before submittal to the Lieutenant Governor, the approved final local entity plat must be signed by a licensed surveyor and be approved by the County Surveyor and must contain a graphical illustration depicting the boundary of the area that the boundary adjustment proposes to move from inside the boundary of one district to inside the other district. Utah Code Ann. § 17-23-20(4).
    - 1. The plat must be created on permanent reproducible material of the size and type specified by the County Recorder, be drawn to a scale so that all data are legible, contain complete and accurate boundary information including calls along existing boundary lines sufficient to enable the County Surveyor to establish the boundary on the ground and for the County

Recorder to identify, for tax purposes, each tract or parcel that is included within the boundary.

2. The plat must bear a name, approved by the County Recorder, that is sufficiently unique to distinguish the plat from all other recorded plats in the County, and it must contain the name of the district whose boundaries are being adjusted to include the affected area, the name of the County where the affected property is located, the date the plat was prepared, a north arrow and legend, signature blocks for the signatures of the professional land surveyor who prepared the plat, the Chairman of the district board, and the County Surveyor. There must also be a three inch by three-inch block in the lower right-hand corner for the County Recorder's use when recording the plat.
  3. The plat must be certified and signed by a licensed professional land surveyor and have been reviewed and approved by the board of the district whose boundaries are being adjusted to include the affected area. It may also be desirable for the other district to approve the plat.
  4. The County Surveyor may charge a "reasonable fee" to cover costs. The County Surveyor should be consulted up front to ascertain both the amount of the required fee and any particular requirements of the County Surveyor that will apply to the plat.
  5. The requirements relative to the final local entity plat are specified in detail in Utah Code Ann. § 17-23-20.
- C. The Lieutenant Governor may require the submittal of a paper or electronic copy of the notice of impending boundary action and approved final local entity plat.

#### VI. Issuance of a Certificate of Boundary Adjustment.

- A. Within ten days after receiving the district's notice, the Lieutenant Governor is required to issue a certificate of boundary adjustment if requirements applicable to the notice of impending boundary action have been satisfied and the notice is accompanied by an approved final local entity plat. Utah Code Ann. § 67-1a-6.5(2).
1. The Lieutenant Governor is required to send the certificate and the original approved final local entity plat to the board of the district whose boundaries are being adjusted to include the affected area.

2. The Lieutenant Governor is also required to send a copy of the certificate and of the approved final local entity plat to the State Tax Commission, the Automated Geographic Reference Center created under Utah Code Ann. § 63F-1-506, the County Assessor, the County Surveyor, the County Auditor, and the County Attorney.
3. If the Lieutenant Governor finds a deficiency, the district whose boundaries are being adjusted to include the affected area will be notified of that deficiency.

VII. Completion of the boundary adjustment.

- A. After the Lieutenant Governor issues the certificate of boundary adjustment to the district, the district must submit to the County Recorder for recordation the following: the original notice of impending boundary action; the certificate of boundary adjustment issued by the Lieutenant Governor; an approved final local entity plat; and a certified copy of each board resolution approving the boundary adjustment (or the joint resolution). Utah Code Ann. § 17B-1-417(6)(b).
- B. Upon the Lieutenant Governor's issuance of the certificate of boundary adjustment, the affected area will be annexed into and be part of the district. Utah Code Ann. § 17B-1-417(7)(a).
  1. Notwithstanding the issuance of the certificate of boundary adjustment, however, "a boundary action is not effective for [property tax] purposes of assessing under this part the property located within the affected area until the required documents are recorded in the office of the recorder of each county in which the affected area is located." Utah Code Ann. § 59-2-305.5(2).
  2. The district whose boundaries are being adjusted to include the affected area must file all of the documents listed in VII.A. above with the County Recorder and, until that has occurred, the district may not: "(A) levy or collect a property tax on property within the affected area; (B) levy or collect an assessment on property within the affected area; or (C) charge or collect a fee for service provided to property within the affected area." Utah Code Ann. § 17B-1-417(7)(b)(ii).

- a. It is imperative that all required documents be recorded with the County Recorder immediately upon the district's receipt of the Lieutenant Governor's certificate.