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March 28, 2008

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Members, Salt Lake County Council  
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Subject: Terms for board members for the divided Jordan School Districts

Dear Salt Lake County Council members:

In its January 3, 2008 meeting, the Salt Lake County Council complied with a statutory requirement and divided seats on the initial boards of the "Jordan West" and "Jordan East" school districts into two groups. One group of seats would have a term of roughly 17 months, while the other group would have a term of roughly 41 months. We respectfully request the Council to redesignate those seats so that the former Jordan School District board members who, under SB71, continue as board members of the Jordan West and Jordan East districts will all hold seats with the shorter term.

As you know, last November voters approved the creation of a new school district from the Jordan School District. Under Section 53A-2-118.1, the remaining "Jordan West" district and the new "Jordan East" district would each have a new board. Current law requires those board members to be all newly elected at an election held in June of this year. The terms of the newly elected members are scheduled to begin July 15. Because those terms do not align with the normal terms of other school district board members in the state, Subsection 53A-2-118.1(3)(c) requires the county council to adjust the terms of the initial board members so that they align with the terms of other school district board members around the state. The council is also required to stagger the terms so that they do not all expire at the same time. This is what the Salt Lake County Council did in its January 3, 2008 meeting.

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Since that time, however, the Legislature has passed SB 71, School District Amendments, which takes effect on May 5, 2008, before the election of board members occurs. SB 71 contains a provision which changes the makeup of the initial boards of the "Jordan West" and "Jordan East" districts. Under SB 71, persons currently serving as members of the original Jordan School District automatically become members of the initial board of the "Jordan West" or "Jordan East" district, depending on which district they reside in. This provision, in combination with the requirement to stagger and adjust terms, could have the unintended consequence of allowing a current Jordan School District board member to serve almost four years beyond the normal expiration of the member's term of office.

To avoid that unintended consequence, we respectfully request the Council to revisit its action of January 3, 2008. Specifically, we request the Council to designate the seats that will be automatically occupied by current Jordan School District board members as seats with the shorter, 17-month term. The Council could randomly designate remaining seats as shorter-term or longer-term, similar to the random selection process the Council used in its January 3 meeting. We note, parenthetically, that there is no statutory requirement under Section 53A-1-118.1 that the staggering and adjusting of terms be done on a random basis.

Thank you for your consideration of this request and for your service to Salt Lake County and the state. If you have any questions regarding the foregoing, please do not hesitate to contact either one of us.

Sincerely,

John L. Valentine, President

Greg J. Curtis, Speaker