

Partial Sunset 1/1/2015

17-52-401 Contents of proposed optional plan.

- (1)
 - (a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or sixth class is not subject to the provisions of this section; and
 - (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class is subject to the provisions of this section.
- (2) Each optional plan proposed under this chapter:
 - (a) shall propose the adoption of one of the forms of county government listed in Subsection 17-52-402(1)(a);
 - (b) shall contain detailed provisions relating to the transition from the existing form of county government to the form proposed in the optional plan, including provisions relating to the:
 - (i) election or appointment of officers specified in the optional plan for the new form of county government;
 - (ii) retention, elimination, or combining of existing offices and, if an office is eliminated, the division or department of county government responsible for performing the duties of the eliminated office;
 - (iii) continuity of existing ordinances and regulations;
 - (iv) continuation of pending legislative, administrative, or judicial proceedings;
 - (v) making of interim and temporary appointments; and
 - (vi) preparation, approval, and adjustment of necessary budget appropriations;
 - (c) shall specify the date it is to become effective if adopted, which may not be earlier than the first day of January next following the election of officers under the new plan; and
 - (d) notwithstanding any other provision of this title and except with respect to an optional plan that proposes the adoption of the county commission or expanded county commission form of government, with respect to the county budget shall provide that the county executive's role is to prepare and present a proposed budget to the county legislative body, and the county legislative body's role is to adopt a final budget.
- (3) Subject to Subsection (4), an optional plan may include provisions that are considered necessary or advisable to the effective operation of the proposed optional plan.
- (4) An optional plan may not include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute.
- (5) Each optional plan proposing to change the form of government to a form under Section 17-52-504 or 17-52-505 shall:
 - (a) provide for the same executive and legislative officers as are specified in the applicable section for the form of government being proposed by the optional plan;
 - (b) provide for the election of the county council;
 - (c) specify the number of county council members, which shall be an odd number from three to nine;
 - (d) specify whether the members of the county council are to be elected from districts, at large, or by a combination of at large and by district;
 - (e) specify county council members' qualifications and terms and whether the terms are to be staggered;
 - (f) contain procedures for filling vacancies on the county council, consistent with the provisions of Section 20A-1-508; and
 - (g) state the initial compensation, if any, of county council members and procedures for prescribing and changing compensation.

- (6) Each optional plan proposing to change the form of government to the county commission form under Section 17-52-501 or the expanded county commission form under Section 17-52-502 shall specify:
- (a)
 - (i) for the county commission form of government, that the county commission shall have three members; or
 - (ii) for the expanded county commission form of government, whether the county commission shall have five or seven members;
 - (b) the terms of office for county commission members and whether the terms are to be staggered;
 - (c) whether members of the county commission are to be elected from districts, at large, or by a combination of at large and from districts; and
 - (d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members.