

**APPOINTMENT OF LEGAL COUNSEL IN  
COUNTIES**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: John E. Swallow**

AN ACT RELATING TO COUNTIES; AUTHORIZING THE APPOINTMENT OF SEPARATE  
COUNSEL FOR COUNTY EXECUTIVE OR COUNTY LEGISLATIVE BODY UNDER  
CERTAIN CIRCUMSTANCES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**17-15-27**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **17-15-27** is enacted to read:

**17-15-27. Appointment of legal counsel by county executive and county legislative  
body.**

(1) (a) ~~h [A]~~ **AN ELECTED** ~~h~~ county executive in a county that has adopted an optional form  
of county  
government under Title 17, Chapter 35a, Optional Forms of County Government Act, may appoint  
an attorney to advise and represent the county executive.

(b) An attorney appointed under Subsection (1)(a):

(i) serves at the pleasure of the county executive; and

(ii) may not perform any of the functions of a county attorney or h [prosecuting] DISTRICT h  
attorney  
under this title.

(c) ~~h [As directed by the county executive, an]~~ **AN** ~~h~~ attorney appointed under this Subsection  
(1)  
may represent the county executive in cases and controversies before courts and administrative  
agencies and tribunals h **WHEN A CONFLICT EXISTS THAT PRECLUDES THE COUNTY OR DISTRICT  
ATTORNEY FROM REPRESENTING THE COUNTY EXECUTIVE** h .

~~h [(2) (a) The legislative body of a county that is within a prosecution district created under  
Section 17-18-1.9 may appoint an attorney to advise and represent the county legislative body.] h~~

28           ~~h [(b) An attorney appointed under Subsection (2)(a):~~  
 29           ~~—— (i) serves at the pleasure of the county legislative body; and~~  
 30           ~~—— (ii) may not perform any of the functions of a county attorney or prosecuting attorney~~  
 31           ~~under this title.~~  
 32           ~~—— (c) As directed by the county legislative body, an attorney appointed under this Subsection~~  
 33           ~~(1) may represent the county legislative body in cases and controversies before courts and~~  
 34           ~~administrative agencies and tribunals.]~~  
 34a           (2) A COUNTY LEGISLATIVE BODY MAY APPOINT AN ATTORNEY TO REPRESENT THE  
 34b           COUNTY LEGISLATIVE BODY WHEN A CONFLICT EXISTS THAT PRECLUDES THE COUNTY OR  
 34c           DISTRICT ATTORNEY FROM REPRESENTING THE COUNTY LEGISLATIVE BODY. h

**Legislative Review Note**  
 as of **1-25-99 10:30 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**