

**FIREMEN'S CIVIL SERVICE COUNCIL  
AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: J. Morgan Philpot**

**This act modifies the County Code by amending provisions relating to the Firemen's Civil Service Council. The act shifts appointment power and oversight of the council from the county legislative body to the county executive.**

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

AMENDS:

- 17-28-1, as last amended by Chapter 115, Laws of Utah 1992
- 17-28-2, as last amended by Chapter 115, Laws of Utah 1992
- 17-28-3, as last amended by Chapter 115, Laws of Utah 1992
- 17-28-6, as last amended by Chapter 115, Laws of Utah 1992
- 17-28-14, as last amended by Chapter 115, Laws of Utah 1992

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

Section 1. Section 17-28-1 is amended to read:

**17-28-1. County Fire Civil Service Council.**

(1) There is created in each of the counties of this state having and maintaining a regularly organized fire department in which there are regularly employed four or more paid firefighters, a County Fire Civil Service Council consisting of three members to be appointed by the county ~~[legislative body]~~ executive.

(2) Each member shall serve for a term of three years except that the county ~~[legislative body]~~ executive shall appoint the original council members as follows:

- (a) one member for a period of one year;
- (b) one member for a period of two years; and
- (c) one member for a period of three years.

Section 2. Section 17-28-2 is amended to read:

**17-28-2. Vacancies -- Compensation -- Removal from office.**

(1) Any vacancy occurring on the County Fire Civil Service Council shall be filled by appointment by the county [~~legislative body~~] executive for the unexpired term.

(2) Not more than two members of any council shall at any one time be affiliated with or a member of the same political party.

(3) A member of the council may not hold, during the term of his office, any other public office or be a candidate for any other public office.

(4) Each council member shall receive \$50 for each meeting of the council attended by him. The county legislative body may raise the compensation of council members as it considers appropriate. This compensation and allowance shall be a charge against the county and paid monthly.

(5) In case of misconduct, willful neglect, or inability to perform the duties of his office, any council member may be removed from office by the county legislative body upon a majority vote of the body, but the member is entitled to an opportunity to be heard in his own defense.

Section 3. Section **17-28-3** is amended to read:

**17-28-3. Organization of council -- Accommodations.**

(1) The County Fire Civil Service Council shall select one of its members as chair.

(2) The [~~legislative body of the county in which it is organized~~] county executive shall assign a qualified employee of the county to act as secretary to the council and a qualified attorney to act as legal counsel to the council, each of which shall be acceptable to the council and shall act and serve without additional compensation.

(3) The county [~~legislative body~~] executive shall provide suitable accommodations, equipment, and necessary funds to enable the council of its county to properly conduct its business.

Section 4. Section **17-28-6** is amended to read:

**17-28-6. County Fire Civil Service executive director -- Powers and duties.**

(1) (a) Within each county subject to this chapter, there is created the office of executive director of County Fire Civil Service, who shall be appointed by the county [~~legislative body~~] executive.

(b) The executive director shall be a person with proven experience in personnel

management and shall be accountable to the county [~~legislative body~~] executive for his performance in office.

(c) The position of executive director shall be a merit position under Title 17, Chapter 33, County Personnel Management Act, and shall be recruited and selected in the same manner as the holders of other career service merit positions, with the concurrence of the County Fire Civil Service Council.

(2) The County Fire Civil Service executive director shall:

(a) exercise, on behalf of the county, executive or administrative duties regarding the management and administration of the County Fire Civil Service System, including the management and administration of examinations, classification of duties, preparation of hiring registers, recommendations regarding civil service regulations and policies, and other duties provided in this chapter;

(b) classify persons successfully passing examinations in the order of their ascertained merit and prepare a list of them;

(c) make certification of classifications when required;

(d) make, publish, and distribute necessary rules relative to examinations, classifications, and certifications as may be proper and desirable in the administration of this chapter;

(e) establish and maintain records of employees in the County Fire Civil Service System setting forth as to each employee class, title, pay, status, and other relevant data;

(f) make necessary and proper reports to the County Fire Civil Service Council, the fire chief, or the county [~~legislative body~~] executive;

(g) apply and carry out the provisions of this chapter and the policies and rules adopted under it; and

(h) perform other lawful acts that may be necessary or desirable to carry out the purposes of this chapter.

(3) The executive director shall appoint the members of and act as chair to a County Fire Civil Service Advisory Committee which shall assist the executive director in making recommendations to the county [~~legislative body~~] executive regarding County Fire Civil Service

System rules and policies.

Section 5. Section **17-28-14** is amended to read:

**17-28-14. Reports by executive director.**

Each County Fire Civil Service executive director shall, each December, make an annual report to the county executive and the county legislative body and shall make other reports as required by the county [~~legislative body~~] executive regarding the activities of the County Fire Civil Service Council and System.