

28 AMENDS:

29 **17-15-27**, as last amended by Chapter 185, Laws of Utah 2002

30

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

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

33 **17-15-27. Appointment of legal counsel by county executive and county legislative**
34 **body.**

35 (1) (a) An elected county executive in a county that has adopted [~~an optional~~] a county
36 executive-council form of county government under Chapter 52, Changing Forms of County
37 Government, may appoint an attorney to advise and represent the county executive.

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

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

40 (ii) may not perform any of the functions of a county attorney or district attorney under
41 this title, except as provided in this section.

42 (c) An attorney appointed under this Subsection (1) may represent the county executive
43 in cases and controversies before courts and administrative agencies and tribunals when a
44 conflict exists that precludes the county or district attorney from representing the county
45 executive.

46 (2) [~~A county~~] (a) The legislative body of a county that has adopted a county
47 executive-council form of county government under Chapter 52, Changing Forms of County
48 Government, may appoint an attorney to advise and represent the county legislative body
49 [~~when a conflict exists that precludes the county or district attorney from representing the~~
50 ~~county legislative body~~].

51 (b) An attorney appointed under Subsection (2)(a):

52 (i) serves at the pleasure of the county legislative body; and

53 (ii) may not perform any of the functions of a county attorney or district attorney under
54 this title, except as provided in this section.

55 (c) An attorney appointed under this Subsection (2) may represent the county
56 legislative body in cases and controversies before courts and administrative agencies and
57 tribunals when a conflict exists that precludes the county or district attorney from representing
58 the county legislative body.

Legislative Review Note

as of 2-2-06 11:21 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0249

County Government Amendments

06-Feb-06

1:55 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst