

1 **COUNCIL-MANAGER FORM OF GOVERNMENT AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Douglas V. Sagers**

5 Senate Sponsor: Scott D. Sandall

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions prohibiting county council members and county employees
10 from participating in certain activities.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ clarifies that an individual member of a county council may not participate in
- 14 certain activities;
- 15 ▶ repeals language prohibiting county employees from contributing to a candidate for
- 16 county office; and
- 17 ▶ clarifies existing provisions.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **17-52a-204**, as renumbered and amended by Laws of Utah 2018, Chapter 68

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

27 Section 1. Section **17-52a-204** is amended to read:



28 **17-52a-204. Council-manager form of county government.**

29 (1) (a) The following shall govern a county operating under the form of government
30 known as the "council-manager" form:

- 31 (i) an elected county council;
- 32 (ii) a county manager appointed by the council; and
- 33 (iii) other officers and employees authorized by law.

34 (b) The optional plan shall provide for the qualifications, time and manner of
35 appointment subject to Subsections (6) and (7), term of office, compensation, and removal of
36 the county manager.

37 (2) The county manager is the administrative head of the county government and has
38 the powers, functions, and duties of a county executive, except:

- 39 (a) as the county legislative body otherwise provides by ordinance; and
- 40 (b) that the county manager may not veto any ordinances enacted by the council.

41 (3) (a) ~~[A]~~ An individual member of the council may not directly or indirectly, by
42 suggestion or otherwise:

- 43 (i) attempt to influence or coerce the manager in:
 - 44 (A) making any appointment;
 - 45 (B) removing any officer or employee; or
 - 46 (C) purchasing supplies;
- 47 (ii) attempt to exact any promise relative to any appointment from any candidate for
48 manager; or
- 49 (iii) discuss directly or indirectly with the manager the matter of specific appointments
50 to any county office or employment.

51 (b) (i) A ~~[person]~~ member of the county council who violates the provisions of this
52 Subsection (3) shall forfeit the member's county council office ~~[of the offending member of the~~
53 ~~council]~~.

54 (ii) Nothing in this section shall be construed, however, as prohibiting the council
55 while in open session from fully and freely discussing with or suggesting to the manager
56 anything pertaining to county affairs or the interests of the county.

57 (iii) ~~[Neither manager nor any person in the employ of the county shall]~~ The county
58 manager may not take part in securing, or contributing any money toward, the nomination or

59 election of any candidate for a county office.

60 (iv) The optional plan may provide procedures for implementing this Subsection (3).

61 (4) In the council-manager form of county government:

62 (a) the legislative powers of the county are vested in the county council; and

63 (b) the executive powers of the county are vested in the county manager.

64 (5) A reference in statute or state rule to the "governing body" or the "board of county
65 commissioners" of the county, in the council-manager form of county government, means:

66 (a) the county council, with respect to legislative functions, duties, and powers; and

67 (b) the county manager, with respect to executive functions, duties, and powers.

68 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of
69 time that:

70 (i) begins on the day on which a general election described in Section 17-16-6 is held
71 to elect a council member; and

72 (ii) ends on the day on which the council member-elect begins the council member's
73 term.

74 (b) (i) The county council may not appoint a county manager during an interim vacancy
75 period.

76 (ii) Notwithstanding Subsection (6)(b)(i):

77 (A) the county council may appoint an interim county manager during an interim
78 vacancy period; and

79 (B) the interim county manager's term shall expire once a new county manager is
80 appointed by the new administration after the interim vacancy period has ended.

81 (c) Subsection (6)(b) does not apply if all the county council members who held office
82 on the day of the county general election whose term of office was vacant for the election are
83 re-elected to the council for the following term.

84 (7) A county council that appoints a county manager in accordance with this section
85 may not, on or after May 10, 2011, enter into an employment contract that contains an
86 automatic renewal provision with the county manager.