

Jordan D. Teuscher proposes the following substitute bill:

**County Governance Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor:

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to forms of county government.

**Highlighted Provisions:**

This bill:

- defines terms;
- provides that a county of the third through sixth class with a council-manager form of government must elect 65% of the county's council members to represent single voter districts;
- establishes a process for a county of the third through sixth class with a council-manager form of government to create voter districts;
- modifies the composition of a study committee formed to study changing the form of county government;
- requires a county of the third or fourth class to adopt either a county commission, expanded county commission, or council-manager form of government; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-52a-103**, as last amended by Laws of Utah 2020, Chapter 47 and further amended by Revisor Instructions, Laws of Utah 2020, Chapter 47

**17-52a-204**, as last amended by Laws of Utah 2020, Chapter 67

**17-52a-403**, as last amended by Laws of Utah 2020, Chapter 47

29 **17-52a-405**, as last amended by Laws of Utah 2020, Chapter 47  
 30 **63I-2-217**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

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

33 Section 1. Section **17-52a-103** is amended to read:

34 **17-52a-103 . Forms of county government -- County commission form required**  
 35 **unless another is adopted -- Restrictions on form of county government.**

36 (1) Subject to Subsection (2), each county shall operate under one of the following forms of  
 37 county government:

- 38 (a) the county commission form under Section 17-52a-201;
- 39 (b) the expanded county commission form under Section 17-52a-202;
- 40 (c) the county executive and council form under Section 17-52a-203; or
- 41 (d) the council-manager form under Section 17-52a-204.

42 (2) Unless a county adopts another form of government as provided in this chapter, the  
 43 county shall operate under the county commission form of government under Section  
 44 17-52a-201.

45 ~~[(3)(a) In a county that operates under a form of government that is not described in~~  
 46 ~~Subsection (2):]~~

47 ~~[(i) the county's legislative body shall, before July 1, 2018, initiate the process under~~  
 48 ~~Section 17-52a-302 of changing the county's form of government;]~~

49 ~~[(ii) the county shall hold a special election on November 6, 2018;]~~

50 ~~[(iii) if the voters approve the appointment of a study committee at the special~~  
 51 ~~election described in Subsection (3)(a)(ii):]~~

52 ~~[(A) the study committee may not recommend under Section 17-52a-403 that the~~  
 53 ~~county retain the county's current form of government; and]~~

54 ~~[(B) the county shall hold an election described in Section 17-52a-501 before~~  
 55 ~~December 31, 2020, on an optional plan that the study committee creates; and]~~

56 ~~[(iv) the registered voters of the county may not repeal an optional plan under Section~~  
 57 ~~17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).]~~

58 ~~[(b) If the voters of a county described in Subsection (3)(a) do not approve a change in~~  
 59 ~~the county's form of government at an election described in Subsection (3)(a)(iii)(B)~~  
 60 ~~before December 31, 2020:]~~

61 ~~[(i) the county shall operate under the county commission form of government under~~  
 62 ~~Section 17-52a-201; and]~~

63           ~~[(ii) the county shall transition to the form of government described in Subsection~~  
 64           ~~(3)(b)(i) in the same manner as if the voters of the county had approved the~~  
 65           ~~change in the form of government described in Subsection (3)(b)(i) in the~~  
 66           ~~applicable election described in Subsection (3)(b).]~~

67   ~~[(4)]~~ (3) In a county of the ~~[fifth or]~~ third through sixth class, if the county legislative body  
 68   under Section 17-52a-302 or the registered voters under Section 17-52a-303~~[-after~~  
 69   ~~March 24, 2020,]~~ initiate the process to adopt an optional plan, the proposed optional  
 70   plan may only propose a form of government authorized under Section 17-52a-405.

71       Section 2. Section **17-52a-204** is amended to read:

72       **17-52a-204 . Council-manager form of county government -- Establishment of**  
 73   **voting districts.**

74   (1) As used in this section, "district" means a geographic area within the boundaries of a  
 75   county with a council-manager form of government that is represented only by one  
 76   council member who is a resident of the area.

77   ~~[(1)]~~ (2)(a) The following shall govern a county operating under the form of government  
 78   known as the "council-manager" form:

- 79           (i) an elected county council;
- 80           (ii) a county manager appointed by the council; and
- 81           (iii) other officers and employees authorized by law.

82   (b) The optional plan shall provide for the qualifications, time and manner of  
 83   appointment subject to Subsections ~~[(6)]~~ (7) and ~~[(7)]~~ (8), term of office,  
 84   compensation, and removal of the county manager.

85   ~~[(2)]~~ (3) The county manager is the administrative head of the county government and has  
 86   the powers, functions, and duties of a county executive, except:

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

89   ~~[(3)]~~ (4)(a) An individual member of the council may not directly or indirectly, by  
 90   suggestion or otherwise:

- 91           (i) attempt to influence or coerce the manager in:
  - 92               (A) making any appointment;
  - 93               (B) removing any officer or employee; or
  - 94               (C) purchasing supplies;
- 95           (ii) attempt to exact any promise relative to any appointment from any candidate for  
 96           manager; or

- 97 (iii) discuss directly or indirectly with the manager the matter of specific  
 98 appointments to any county office or employment.
- 99 (b)(i) A member of the county council who violates the provisions of this Subsection [  
 100 ~~(3)~~] (4) shall forfeit the member's county council office.
- 101 (ii) Nothing in this section shall be construed, however, as prohibiting the council  
 102 from fully and freely discussing with or suggesting to the manager anything  
 103 pertaining to county affairs or the interests of the county.
- 104 (iii) The county manager may not take part in securing, or contributing any money  
 105 toward, the nomination or election of any candidate for a county office.
- 106 (iv) The optional plan may provide procedures for implementing this Subsection [~~(3)~~]  
 107 (4).
- 108 [~~(4)~~] (5) In the council-manager form of county government:
- 109 (a) the legislative powers of the county are vested in the county council; and  
 110 (b) the executive powers of the county are vested in the county manager.
- 111 [~~(5)~~] (6) A reference in statute or state rule to the "governing body" or the "board of county  
 112 commissioners" of the county, in the council-manager form of county government,  
 113 means:
- 114 (a) the county council, with respect to legislative functions, duties, and powers; and  
 115 (b) the county manager, with respect to executive functions, duties, and powers.
- 116 [~~(6)~~] (7)(a) As used in this Subsection [~~(6)~~] (7), "interim vacancy period" means the  
 117 period of time that:
- 118 (i) begins on the day on which a general election described in Section 17-16-6 is held  
 119 to elect a council member; and
- 120 (ii) ends on the day on which the council member-elect begins the council member's  
 121 term.
- 122 (b)(i) The county council may not appoint a county manager during an interim  
 123 vacancy period.
- 124 (ii) Notwithstanding Subsection [~~(6)(b)(i)~~] (7)(b)(i):
- 125 (A) the county council may appoint an interim county manager during an interim  
 126 vacancy period; and
- 127 (B) the interim county manager's term shall expire once a new county manager is  
 128 appointed by the new administration after the interim vacancy period has ended.
- 129 (c) Subsection [~~(6)(b)~~] (7)(b) does not apply if all the county council members who held  
 130 office on the day of the county general election whose term of office was vacant for

- 131 the election are re-elected to the council for the following term.
- 132 ~~[(7)]~~ (8) A county council that appoints a county manager in accordance with this section  
133 may not ~~[, on or after May 10, 2011,]~~ enter into an employment contract that contains an  
134 automatic renewal provision with the county manager.
- 135 (9) Except as provided in Subsection (10), a county of the third through sixth class with a  
136 council-manager form of government shall ensure that at least 65% of council members:  
137 (a) each represent a single district, rather than being elected at large; and  
138 (b) are elected by a majority vote of voters residing within the member's district.
- 139 (10) A county of the third through sixth class with a council-manager form of government  
140 may maintain the county's election structure if, on and after May 7, 2025, at least 50% of  
141 the county's council members:  
142 (a) each represent a single district, rather than being elected at large; and  
143 (b) were elected by a majority vote of voters residing within the member's district.
- 144 (11)(a) For a county with a council-manager form of government that, on May 7, 2025,  
145 does not meet the requirements described in Subsection (9) or (10):  
146 (i) the term of office for each member on the county council ends on December 31,  
147 2026;  
148 (ii) all county council positions shall be filled at the 2026 regular general election to  
149 serve an initial term, beginning on January 1, 2027;  
150 (iii) beginning with the election held in 2026, each county council member shall be  
151 elected to represent an individual district, by the voters who reside in that district;  
152 (iv) the county council shall, on or before June 1, 2025:  
153 (A) in accordance with Subsection (11)(b), establish a county districting  
154 commission; and  
155 (B) in accordance with Subsection (11)(c), approve a map of the county council  
156 districts; and  
157 (v) the term of office for each county council position will be four years, except that  
158 the initial term of approximately half of the county council members shall be two  
159 years, as determined under Subsection (11)(c)(i)(B).
- 160 (b)(i) A county council shall comply with Subsection (11)(a)(iv)(A) or (12) by  
161 establishing a county districting commission, consisting of:  
162 (A) one representative from each municipality in the county, who is either the  
163 municipality's mayor or a resident appointed by that mayor; and  
164 (B) one representative who resides in an unincorporated area of the county,

- 165 appointed by the county council.
- 166 (ii) The county districting commission shall divide the county into districts by:
- 167 (A) relying on the total population enumeration of the most recent decennial
- 168 census;
- 169 (B) ensuring that between districts, there is less than 10% total population
- 170 deviation;
- 171 (C) ensuring that each district is contiguous and reasonably compact; and
- 172 (D) complying with the United States Constitution.
- 173 (iii) The county districting commission shall submit a proposed map of district
- 174 boundaries to the county council for approval for the initial districting process, on
- 175 or before August 1, 2025.
- 176 (c) After receiving the district map described in Subsection (11)(b)(iii), the county
- 177 council shall:
- 178 (i) within 30 calendar days after the day on which the county council receives the
- 179 map, hold a public hearing, at which:
- 180 (A) the county council shall approve the district map; and
- 181 (B) the county clerk shall, by lot, designate approximately half of the districts to
- 182 have an initial term of two years; and
- 183 (ii) implement the district map for the next county council election.
- 184 (12) Each time a county described in Subsection (11) conducts redistricting for the county
- 185 council districts, the county shall conduct the redistricting as follows:
- 186 (a) the county council shall appoint a districting commission, in accordance with
- 187 Subsection (11)(b)(i), before January 1 of the year in which redistricting will occur;
- 188 (b) the districting commission shall:
- 189 (i) comply with Subsection (11)(b)(ii); and
- 190 (ii) submit a proposed map of district boundaries to the county council for approval;
- 191 and
- 192 (c) the county council shall, within 30 calendar days after the day on which the county
- 193 council receives the map under Subsection (12)(b), hold a public hearing, at which
- 194 the county council shall approve the district map.
- 195 Section 3. Section **17-52a-403** is amended to read:
- 196 **17-52a-403 . Study committee -- Members -- Powers and duties -- Proposed plan**
- 197 **and report -- Services provided by county.**
- 198 (1)(a) As used in this Subsection (1), "council of governments" means the same as that

199 term is defined in Section 17B-2a-802.

200 ~~[(a)]~~ (b) A study committee consists of:

201 (i) for a study committee established by the county legislative body under Section  
202 17-52a-302, five members appointed by the ~~[county legislative body]~~ county's  
203 council of governments; or

204 (ii) for a study committee established by the registered voters through a petition  
205 under Section 17-52a-303:

206 (A) ~~[two members]~~ one member appointed by the sponsors of the petition; and

207 ~~[(B) two members appointed by the county legislative body; and]~~

208 ~~[(C) (B) [one member]~~ four members appointed by the county's council of  
209 governments.

210 ~~[(b)]~~ (c) A member of a study committee:

211 (i) may not receive compensation for service on the study committee;

212 (ii) may not hold an elected county office or have filed a current declaration of  
213 candidacy for an elected county office; and

214 (iii) shall be a registered voter.

215 ~~[(e)]~~ (d) The county legislative body shall reimburse each member of a study committee  
216 for necessary expenses incurred in performing the member's duties on the study  
217 committee.

218 (2) A study committee may:

219 (a) adopt rules for the study committee's own organization and procedure and to fill a  
220 vacancy in its membership;

221 (b) establish advisory boards or committees and include on the advisory boards or  
222 committees persons who are not members of the study committee; and

223 (c) request the assistance and advice of any officers or employees of any agency of state  
224 or local government.

225 (3)(a) A study committee shall:

226 (i) study the form of government within the county and compare it with other forms  
227 available under this chapter;

228 (ii) determine whether the administration of local government in the county could be  
229 strengthened, made more clearly responsive or accountable to the people, or  
230 significantly improved in the interest of economy and efficiency by a change in  
231 the form of county government;

232 (iii) hold public hearings and community forums and other means the committee

- 233 considers appropriate to disseminate information and stimulate public discussion  
234 of the committee's purposes, progress, and conclusions; and
- 235 (iv) file a written report of the study committee's findings and recommendations with  
236 the county executive, the county legislative body, and the county clerk no later  
237 than one year after the convening of the study committee's first meeting under  
238 Section 17-52a-402.
- 239 (b) Within 10 days after the day on which the study committee submits the study  
240 committee's report under Subsection (3)(a)(iv), if the report recommends a change in  
241 the form of county government, the county clerk shall send to the county attorney a  
242 copy of the optional plan recommended in the report for review in accordance with  
243 Section 17-52a-406.
- 244 (4) Each study committee report under Subsection (3)(a)(iv) shall include:
- 245 (a) the study committee's recommendation as to whether the form of county government  
246 should be changed to another form authorized under this chapter;
- 247 (b) if the study committee recommends changing the form of government, a complete  
248 detailed draft of a proposed optional plan to change the form of county government,  
249 including all necessary implementing provisions; and
- 250 (c) any additional recommendations the study committee considers appropriate to  
251 improve the efficiency and economy of the administration of local government within  
252 the county.
- 253 (5)(a) If the study committee's report recommends a change in the form of county  
254 government, the study committee may conduct additional public hearings after filing  
255 the report under Subsection (3)(a)(iv) and, following the hearings and subject to  
256 Subsection (5)(b), alter the report or proposed optional plan.
- 257 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration  
258 to the report or proposed optional plan:
- 259 (i) that would recommend the adoption of an optional form different from that  
260 recommended in the original report; or
- 261 (ii) within the 160-day period before the election under Section 17-52a-501.
- 262 (6) Each meeting that the study committee holds shall be open to the public.
- 263 (7) If the study committee's report does not recommend a change in the form of county  
264 government, the report is final, the study committee is dissolved, and the process to  
265 change the county's form of government is concluded.
- 266 (8) The county legislative body shall provide for the study committee:



- 267 (a) suitable meeting facilities;
- 268 (b) necessary secretarial services;
- 269 (c) necessary printing and photocopying services;
- 270 (d) necessary clerical and staff assistance; and
- 271 (e) adequate funds for the employment of independent legal counsel and professional
- 272 consultants that the study committee reasonably determines to be necessary to help
- 273 the study committee fulfill its duties.

274 (9) The county legislative body may not interfere with the work of the study committee.

275 Section 4. Section **17-52a-405** is amended to read:

276 **17-52a-405 . Plan shall propose changing forms of county government -- Partisan**

277 **elections.**

278 (1)(a) [~~The optional plan proponent described in Subsection 17-52a-404(1) shall ensure~~

279 ~~that each optional plan proposes~~] An optional plan under Subsection 17-52a-404(1)

280 shall propose changing the form of county government to:

281 (i) for a county of the first[;] or second[; ~~third, or fourth~~] class:

282 (A) the county commission form under Section 17-52a-201;

283 (B) the expanded county commission form under Section 17-52a-202;

284 (C) the county [~~executive and council~~] executive-council form under Section

285 17-52a-203; or

286 (D) the council-manager form under Section 17-52a-204; [~~and~~] or

287 (ii) for a county of the third or fourth class:

288 (A) the county commission form under Section 17-52a-201;

289 (B) the expanded county commission form under Section 17-52a-202; or

290 (C) the council-manager form under Section 17-52a-204; or

291 [(ii)] (iii) for a county of the fifth or sixth class:

292 (A) the county commission form under Section 17-52a-201; or

293 (B) the expanded county commission form under Section 17-52a-202.

294 (b) [~~The optional plan proponent described in~~] An optional plan under Subsection

295 17-52a-404(1) may not[ ~~recommend an optional plan that~~]:

296 (i) [~~proposes~~] propose changing the form of government to a form not authorized in

297 Subsection (1)(a);

298 (ii) [~~provides~~] provide for the nonpartisan election of elected officers;

299 (iii) [~~imposes~~] impose a limit on the number of terms or years that an elected officer

300 may serve;

301 (iv) [~~provides~~] provide for elected officers to be subject to a recall election; or  
 302 (v) [~~provides~~] provide, in a county with a population of 225,000 or more, for a  
 303 full-time county commission in an expanded county commission form of  
 304 government under Section 17-52a-202.

305 (2) A county that provides for the election of the county's elected officers through a partisan  
 306 election may not change to a process that provides for the election of the county's  
 307 elected officers through a nonpartisan election.

308 (3)(a) In a county of the third through sixth class that, on May 7, 2025, operates under  
 309 the county executive-council form of county government described in Section  
 310 17-52a-203:

311 (i) the county's legislative body shall, before July 1, 2025, initiate the process under  
 312 Section 17-52a-302 of changing the county's form of government;

313 (ii) the county shall hold a special election on November 4, 2025;

314 (iii) if the voters approve the appointment of a study committee at the special election  
 315 described in Subsection (3)(a)(ii):

316 (A) the study committee may not recommend under Section 17-52a-403 that the  
 317 county retain the executive-council form of government; and

318 (B) the county shall hold an election described in Section 17-52a-501 before  
 319 December 31, 2027, on an optional plan that the study committee creates; and

320 (iv) the registered voters of the county may not repeal an optional plan under Section  
 321 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).

322 (b) If the voters of a county described in Subsection (3)(a) do not approve a change in  
 323 the county's form of government at an election described in Subsection (3)(a)(iii)(B)  
 324 before December 31, 2027:

325 (i) the county shall operate under the county commission form of government under  
 326 Section 17-52a-201; and

327 (ii) the county shall transition to the form of government described in Subsection  
 328 (3)(b)(i) in the same manner as if the voters of the county had approved the  
 329 change in the form of government described in Subsection (3)(b)(i) in the  
 330 applicable election described in Subsection (3)(b).

331 Section 5. Section **63I-2-217** is amended to read:

332 **63I-2-217 . Repeal dates: Titles 17 through 17D.**

333 (1) Subsection 17-22-2(1)(o), regarding a sheriff's contractual duties under an interlocal  
 334 agreement for law enforcement services, is repealed July 1, 2025.

- 335 (2) Subsection 17-22-2(3), regarding the role of a sheriff in a police interlocal entity or  
336 police local district, is repealed July 1, 2025.
- 337 (3) Section 17-27a-604.9, Effective dates of Sections 17-27a-604.1 and 17-27a-604.2, is  
338 repealed January 1, 2025.
- 339 (4) Section 17-52a-405(3), regarding the process for changing a form of county  
340 government, is repealed January 1, 2030.
- 341 [~~(4) Subsection 17-52a-103(3), regarding the process for changing a form of county~~  
342 ~~government, is repealed January 1, 2028.~~]
- 343 Section 6. **Effective Date.**
- 344 This bill takes effect on May 7, 2025.