

Jordan D. Teuscher proposes the following substitute bill:

County Governance Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Michael K. McKell

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; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 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
- 17-52a-404**, as last amended by Laws of Utah 2020, Chapter 47

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

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

29 **17-52a-204 . Council-manager form of county government -- Establishment of**
30 **voting districts.**

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

34 [(+)] (2)(a) The following shall govern a county operating under the form of government
35 known as the "council-manager" form:

- 36 (i) an elected county council;
- 37 (ii) a county manager appointed by the council; and
- 38 (iii) other officers and employees authorized by law.

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

42 [(2)] (3) The county manager is the administrative head of the county government and has
43 the powers, functions, and duties of a county executive, except:

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

46 [(3)] (4)(a) An individual member of the council may not directly or indirectly, by
47 suggestion or otherwise:

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

56 (b)(i) A member of the county council who violates the provisions of this Subsection [
57 (3)] (4) shall forfeit the member's county council office.

58 (ii) Nothing in this section shall be construed, however, as prohibiting the council
59 from fully and freely discussing with or suggesting to the manager anything
60 pertaining to county affairs or the interests of the county.

61 (iii) The county manager may not take part in securing, or contributing any money
62 toward, the nomination or election of any candidate for a county office.

- 63 (iv) The optional plan may provide procedures for implementing this Subsection [(3)]
 64 (4).
- 65 [(4)] (5) In the council-manager form of county government:
 66 (a) the legislative powers of the county are vested in the county council; and
 67 (b) the executive powers of the county are vested in the county manager.
- 68 [(5)] (6) A reference in statute or state rule to the "governing body" or the "board of county
 69 commissioners" of the county, in the council-manager form of county government,
 70 means:
 71 (a) the county council, with respect to legislative functions, duties, and powers; and
 72 (b) the county manager, with respect to executive functions, duties, and powers.
- 73 [(6)] (7)(a) As used in this Subsection [(6)] (7), "interim vacancy period" means the
 74 period of time that:
 75 (i) begins on the day on which a general election described in Section 17-16-6 is held
 76 to elect a council member; and
 77 (ii) ends on the day on which the council member-elect begins the council member's
 78 term.
- 79 (b)(i) The county council may not appoint a county manager during an interim
 80 vacancy period.
- 81 (ii) Notwithstanding Subsection [(6)(b)(i)] (7)(b)(i):
 82 (A) the county council may appoint an interim county manager during an interim
 83 vacancy period; and
 84 (B) the interim county manager's term shall expire once a new county manager is
 85 appointed by the new administration after the interim vacancy period has ended.
- 86 (c) Subsection [(6)(b)] (7)(b) does not apply if all the county council members who held
 87 office on the day of the county general election whose term of office was vacant for
 88 the election are re-elected to the council for the following term.
- 89 [(7)] (8) A county council that appoints a county manager in accordance with this section
 90 may not~~[, on or after May 10, 2011,]~~ enter into an employment contract that contains an
 91 automatic renewal provision with the county manager.
- 92 (9) Except as provided in Subsection (10), a county of the third through sixth class with a
 93 council-manager form of government shall ensure that at least 65% of council members:
 94 (a) each represent a single district, rather than being elected at large;
 95 (b) are elected by a majority vote of voters residing within the member's district; and
 96 (c) are each a resident of the district the council member represents.

97 (10) A county of the third through sixth class with a council-manager form of government
98 may maintain the county's election structure if, on and after May 7, 2025, at least 50% of
99 the county's council members:

100 (a) each represent a single district, rather than being elected at large;

101 (b) were elected by a majority vote of voters residing within the member's district; and

102 (c) are each a resident of the district the council member represents.

103 (11)(a) For a county with a council-manager form of government that, on May 7, 2025,
104 does not meet the requirements described in Subsection (9) or (10), the county
105 council shall, on or before June 1, 2025:

106 (i) in accordance with Subsection (11)(b), establish a county districting commission;
107 and

108 (ii) in accordance with Subsection (11)(c), approve a map of the county council
109 districts.

110 (b)(i) A county council shall comply with Subsection (11)(a)(i) by establishing a
111 county districting commission, consisting of:

112 (A) one representative from each municipality in the county, who is either the
113 municipality's mayor or a resident appointed by that mayor;

114 (B) one representative who resides in an unincorporated area of the county,
115 appointed by the county council; and

116 (C) the county clerk, or the county clerk's designee, as a non-voting member.

117 (ii) The county districting commission shall determine the number of council
118 positions to be represented by districts and the number to be represented at-large,
119 ensuring that at least 65% of positions are represented by districts.

120 (iii) The county districting commission shall divide the county into districts by:

121 (A) relying on the total population enumeration of the most recent decennial
122 census;

123 (B) ensuring that between districts, there is less than 10% total population
124 deviation;

125 (C) ensuring that each district is contiguous and reasonably compact;

126 (D) ensuring that district boundaries do not divide existing voter precincts; and

127 (E) complying with the United States Constitution.

128 (iv) The county districting commission shall submit a proposed map of district
129 boundaries to the county council for approval for the initial districting process, on
130 or before October 1, 2025.

- 131 (v) The county manager shall provide for the county districting commission:
 132 (A) county staff for assistance; and
 133 (B) suitable meeting facilities.
- 134 (c) After receiving the district map described in Subsection (11)(b)(iv), the county
 135 council shall, within 30 calendar days after the day on which the county council
 136 receives the map, hold a public hearing, at which:
 137 (i) the county council shall approve the district map; and
 138 (ii) the county clerk shall:
 139 (A) for each district, designate, by lot, a current county council member to
 140 represent that district for the remainder of the council member's term of office,
 141 regardless of whether the council member is a resident of that district; and
 142 (B) designate any council member not selected to represent a district under
 143 Subsection (11)(c)(ii)(A) as an at-large council member for the remainder of
 144 that council member's term of office.
- 145 (12) After the adoption of a district map under Subsection (11)(c)(i), at an election in which
 146 a county council position representing an individual district is subject to an election:
 147 (a) each candidate for that position must reside in the district that the position represents;
 148 and
 149 (b) the council member for the district shall be elected by a majority vote of voters
 150 residing in the district.
- 151 (13)(a) After creating districts and adopting a district map under Subsections (11) and
 152 (12), a county described in Subsection (11) may not redistrict until an official
 153 decennial census publicly releases population data for the county, unless otherwise
 154 required by law.
- 155 (b) Each time a county described in Subsection (11) conducts redistricting for the county
 156 council districts, the county council shall redistrict by:
 157 (i) adjusting districts in accordance with Subsections (11)(b)(iii)(A), (B), (C), and
 158 (E); and
 159 (ii) after drawing a proposed map of district boundaries, holding a public hearing, at
 160 which the county council shall approve the map as proposed, or revise the map
 161 and approve the revised map.

162 Section 2. Section **17-52a-403** is amended to read:

163 **17-52a-403 . Study committee -- Members -- Powers and duties -- Proposed plan**
 164 **and report -- Services provided by county.**

- 165 (1)(a) As used in this Subsection (1), "council of governments" means the same as that
166 term is defined in Section 17B-2a-802.
- 167 ~~[(a)]~~ (b) A study committee consists of:
- 168 (i) for a study committee established by the county legislative body under Section
169 17-52a-302~~[, five members appointed by the county legislative body; or] :~~
- 170 (A) two members appointed by the county legislative body, who each may be
171 either a member of the county legislative body or an individual appointed by
172 the county legislative body; and
- 173 (B) three members appointed by the county's council of governments, who each
174 may be either a member of the county's council of governments or an
175 individual appointed by the county's council of governments.
- 176 (ii) for a study committee established by the registered voters through a petition
177 under Section 17-52a-303:
- 178 (A) ~~[two members]~~ one member appointed by the sponsors of the petition; and
179 ~~[(B) two members appointed by the county legislative body; and]~~
- 180 ~~[(C)]~~ (B) ~~[one member]~~ four members appointed by the county's council of
181 governments.
- 182 ~~[(b)]~~ (c) A member of a study committee:
- 183 (i) may not receive compensation for service on the study committee;
- 184 (ii) may not hold an elected county office or have filed a current declaration of
185 candidacy for an elected county office; and
- 186 (iii) shall be a registered voter.
- 187 ~~[(c)]~~ (d) The county legislative body shall reimburse each member of a study committee
188 for necessary expenses incurred in performing the member's duties on the study
189 committee.
- 190 (2) A study committee may:
- 191 (a) adopt rules for the study committee's own organization and procedure and to fill a
192 vacancy in its membership;
- 193 (b) establish advisory boards or committees and include on the advisory boards or
194 committees persons who are not members of the study committee; and
- 195 (c) request the assistance and advice of any officers or employees of any agency of state
196 or local government.
- 197 (3)(a) A study committee shall:
- 198 (i) study the form of government within the county and compare it with other forms

- 199 available under this chapter;
- 200 (ii) determine whether the administration of local government in the county could be
201 strengthened, made more clearly responsive or accountable to the people, or
202 significantly improved in the interest of economy and efficiency by a change in
203 the form of county government;
- 204 (iii) hold public hearings and community forums and other means the committee
205 considers appropriate to disseminate information and stimulate public discussion
206 of the committee's purposes, progress, and conclusions; and
- 207 (iv) file a written report of the study committee's findings and recommendations with
208 the county executive, the county legislative body, and the county clerk no later
209 than one year after the convening of the study committee's first meeting under
210 Section 17-52a-402.
- 211 (b) Within 10 days after the day on which the study committee submits the study
212 committee's report under Subsection (3)(a)(iv), if the report recommends a change in
213 the form of county government, the county clerk shall send to the county attorney a
214 copy of the optional plan recommended in the report for review in accordance with
215 Section 17-52a-406.
- 216 (4) Each study committee report under Subsection (3)(a)(iv) shall include:
- 217 (a) the study committee's recommendation as to whether the form of county government
218 should be changed to another form authorized under this chapter;
- 219 (b) if the study committee recommends changing the form of government, a complete
220 detailed draft of a proposed optional plan to change the form of county government,
221 including all necessary implementing provisions; and
- 222 (c) any additional recommendations the study committee considers appropriate to
223 improve the efficiency and economy of the administration of local government within
224 the county.
- 225 (5)(a) If the study committee's report recommends a change in the form of county
226 government, the study committee may conduct additional public hearings after filing
227 the report under Subsection (3)(a)(iv) and, following the hearings and subject to
228 Subsection (5)(b), alter the report or proposed optional plan.
- 229 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration
230 to the report or proposed optional plan:
- 231 (i) that would recommend the adoption of an optional form different from that
232 recommended in the original report; or

- 233 (ii) within the 160-day period before the election under Section 17-52a-501.
- 234 (6) Each meeting that the study committee holds shall be open to the public.
- 235 (7) If the study committee's report does not recommend a change in the form of county
236 government, the report is final, the study committee is dissolved, and the process to
237 change the county's form of government is concluded.
- 238 (8) The county legislative body shall provide for the study committee:
- 239 (a) suitable meeting facilities;
- 240 (b) necessary secretarial services;
- 241 (c) necessary printing and photocopying services;
- 242 (d) necessary clerical and staff assistance; and
- 243 (e) adequate funds for the employment of independent legal counsel and professional
244 consultants that the study committee reasonably determines to be necessary to help
245 the study committee fulfill its duties.
- 246 (9) The county legislative body may not interfere with the work of the study committee.
- 247 Section 3. Section **17-52a-404** is amended to read:
- 248 **17-52a-404 . Contents of proposed optional plan.**
- 249 (1) The study committee or the sponsors of a petition described in Subsection
250 17-52a-303(1)(a)(ii) shall ensure that an optional plan the committee or registered voters
251 propose under this chapter, respectively:
- 252 (a) proposes the adoption of one of the forms of county government authorized in
253 Subsection 17-52a-405(1)(a);
- 254 (b) contains detailed provisions relating to the transition from the existing form of
255 county government to the form proposed in the optional plan, including provisions
256 relating to the:
- 257 (i) election or appointment of officers specified in the optional plan for the new form
258 of county government;
- 259 (ii) retention, elimination, or combining of existing offices and, if an office is
260 eliminated, the division or department of county government responsible for
261 performing the duties of the eliminated office;
- 262 (iii) continuity of existing ordinances and regulations;
- 263 (iv) continuation of pending legislative, administrative, or judicial proceedings;
- 264 (v) making of interim and temporary appointments; and
- 265 (vi) preparation, approval, and adjustment of necessary budget appropriations;
- 266 (c) specifies the date the optional plan becomes effective if adopted, which may not be

267 earlier than the first day of January next following the election of officers under the
268 new plan; and

269 (d) notwithstanding any other provision of this title and except with respect to an
270 optional plan that proposes the adoption of the county commission or expanded
271 county commission form of government, with respect to the county budget provides
272 that:

273 (i) the county executive's role is to prepare and present a proposed budget to the
274 county legislative body; and

275 (ii) the county legislative body's role is to adopt a final budget.

276 (2) Subject to Subsection (3), an optional plan may include provisions that are considered
277 necessary or advisable to the effective operation of the proposed optional plan.

278 (3) An optional plan may not:

279 (a) include any provision that is inconsistent with or prohibited by the Utah Constitution
280 or any statute;

281 (b) if the optional plan is proposed after March 20, 2020:

282 ~~[(b)]~~ (i) specify compensation, including benefits, for any appointed or elected county
283 official; or

284 ~~[(e)]~~ (ii) specify the full or part-time status of any appointed or elected county official;
285 or

286 ~~[(d)]~~ (c) if the optional plan specifies that county council or commission members are to
287 be elected from districts, establish, divide, abolish, alter, change, or otherwise attempt
288 to draw boundaries of election districts or impair the duties of the county legislative
289 body as described in Section 17-52a-503.

290 (4) The optional plan proponent described in Subsection (1) shall ensure that an optional
291 plan proposing to change the form of government to the county executive-council form
292 under Section 17-52a-203 or the council-manager form under Section 17-52a-204:

293 (a) provides for the same executive and legislative officers as are specified in the
294 applicable section for the form of government that the optional plan proposes;

295 (b) provides for the election of the county council;

296 (c) specifies the number of county council members, which shall be an odd number from
297 three to nine;

298 (d) subject to ~~[Subsection (3)(d)]~~ Subsections (3)(c) and 17-52a-204(9), specifies
299 whether the members of the county council are to be elected from districts, at large,
300 or by a combination of at large and by district;

- 301 (e) specifies county council members' qualifications and terms and whether the terms are
302 to be staggered; and
- 303 (f) contains procedures for filling vacancies on the county council, consistent with the
304 provisions of Section 20A-1-508.
- 305 (5) The optional plan proponent described in Subsection (1) shall ensure that an optional
306 plan proposing to change the form of government to the county commission form under
307 Section 17-52a-201 or the expanded county commission form under Section 17-52a-202
308 specifies:
- 309 (a)(i) for the county commission form of government, that the county commission
310 shall have three members; or
- 311 (ii) for the expanded county commission form of government, whether the county
312 commission shall have five or seven members;
- 313 (b) the terms of office for county commission members and whether the terms are to be
314 staggered;
- 315 (c) subject to Subsection [~~(3)(d)~~] (3)(c), whether members of the county commission are
316 to be elected from districts, at large, or by a combination of at large and from districts;
- 317 (d) if any members of the county commission are to be elected from districts, the district
318 residency requirements for those commission members; and
- 319 (e) if any members of the county commission are to be elected at large, whether the
320 election of county commission members is subject to the provisions of Subsection
321 17-52a-201(6) or Subsection 17-52a-202(6).

322 Section 4. **Effective Date.**

323 This bill takes effect on May 7, 2025.