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County Governance Revisions

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronald M. Winterton

House Sponsor:

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LONG TITLE

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General Description:

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This bill modifies the power and duties of a county manager.

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Highlighted Provisions:

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This bill:

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- ▶ vests the executive powers of a county in the county council in a council-manager form of government;

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- ▶ limits the powers, functions, and duties a county council may delegate to a county manager;

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- ▶ limits the terms of an employment contract with a county manager;
- ▶ prohibits an unelected county employee from exercising the powers, functions, and duties of an elected county executive or county officer; and

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- ▶ makes technical and conforming changes.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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17-62-204, as last amended by Laws of Utah 2025, First Special Session, Chapter 7

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17-65-301, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

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

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Section 1. Section **17-62-204** is amended to read:

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17-62-204 . Council-manager form of county government -- Establishment of voting districts.

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(1) As used in this section, "district" means a geographic area within the boundaries of a

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31 county with a council-manager form of government that is represented only by one
32 council member who:
33 (a) resides in the district;
34 (b) represents only the district where the member resides; and
35 (c) is elected only by voters who reside in the same district as the district where the
36 member resides, and that the member represents.

37 (2)(a) The following shall govern a county operating under the form of government
38 known as the "council-manager" form:

39 (i) an elected county council;
40 (ii) a county manager appointed by the county council; and
41 (iii) other county officers and employees authorized by law.

42 (b) The optional plan shall provide for the county manager's:

43 (i) qualifications[–] ;
44 (ii) subject to Subsection (8), time and manner of appointment[subject to
45 Subseetions (7) and (8),] ;
46 (iii) term of office[–] ;
47 (iv) compensation[;] ; and[–]
48 (v) removal[of the county manager].

49 (3)(a) In a council-manager form of government, the county council:

50 (i) is the legislative body; and
51 (ii) is vested with the executive powers of the county.

52 (b) The chair of the legislative body shall ratify an executive action taken by the county
53 council.

54 [(3)] (4)(a) [The] A county manager is the administrative head of the county government
55 and has the powers, functions, and duties[of a county executive, except:]

56 [(a) as] the county legislative body[–otherwise] provides by ordinance[; and] ,
57 [(b) that the county manager may not veto any ordinances enacted by the council.]

58 (b) A county legislative body may not:

59 (i) delegate to a county manager the powers, functions, and duties of a county
60 executive;
61 (ii) delegate to a county manager the powers, functions, and duties of an elected
62 county officer, including the county officers described in Section 17-66-102; or
63 (iii) require an elected county officer or head of a county department to report to the
64 county manager.

65 (5)(a) A county manager is an at-will employee of the county.

66 (b) On or after May 6, 2026, a legislative body may not approve an employment contract
67 with a county manager that includes:

68 (i) a term of employment that automatically renews, or that is longer than four years;
69 (ii) severance or other benefits to be provided to the county manager if the legislative
70 body chooses to terminate the county manager's employment with the county; or
71 (iii) pay increases that are automatic or are different than county practices or policies
72 governing pay increases for other at-will county employees.

73 [(4)] (6)(a) An individual member of the county council may not directly or indirectly, by
74 suggestion or otherwise:

75 (i) attempt to influence or coerce the county manager in:

76 (A) making any appointment;

77 (B) removing any officer or employee; or

78 (C) purchasing supplies;

79 (ii) attempt to exact any promise relative to any appointment from any candidate for
80 manager; or

81 (iii) discuss directly or indirectly with the county manager the matter of specific
82 appointments to any county office or employment, including a salary adjustment
83 for an elected county officer.

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

86 (ii) [Nothing in this section shall be construed, however, as prohibiting the] This
87 section does not prohibit the county council from fully and freely discussing with
88 or suggesting to the county manager anything pertaining to county affairs or the
89 interests of the county.

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

92 (iv) The optional plan may provide procedures for implementing this Subsection [(4)]
93 (6).

94 [(5) In the council-manager form of county government:]

95 [(a) the legislative powers of the county are vested in the county council; and]
96 [(b) the executive powers of the county are vested in the county manager.]

97 [(6)] (7) A reference in statute or state rule to the "governing body" or the "board of county
98 commissioners" of the county, in the council-manager form of county government,

99 means[~~;~~]

100 [(a)] the county council[~~, with respect to legislative functions, duties, and powers; and~~] .

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

102 [(7)] (8)(a) As used in this Subsection [(7)] (8), "interim vacancy period" means the
103 period of time that:

104 (i) begins on the day on which a general election described in Section 17-66-202 is
105 held to elect a county council member; and

106 (ii) ends on the day on which the council member-elect begins the county council
107 member's term.

108 (b)(i) The county council may [~~not appoint a~~ appoint an interim county manager
109 during an interim vacancy period for a term that expires when the county council
110 appoints a new county manager.

111 [(ii) Notwithstanding Subsection (7)(b)(i):]

112 [(A) the county council may appoint an interim county manager during an interim
113 vacancy period; and]

114 [(B) the interim county manager's term shall expire once a new county manager is
115 appointed by the new administration after the interim vacancy period has ended]

116 (ii) If a county council appoints an interim county manager under Subsection (8)(b)(i),
117 the county council shall appoint a new county manager after the interim vacancy
118 period ends.

119 (c) Subsection [(7)(b)] (8)(b) does not apply if all the county council members who held
120 office on the day [~~of the county general election whose term of office was vacant for~~
121 ~~the election~~] the interim vacancy period ends are re-elected to the council for the
122 following term.

123 [(8) A county council that appoints a county manager in accordance with this section may
124 not enter into an employment contract that contains an automatic renewal provision with
125 the county manager.]

126 (9)(a) Except as provided in Subsections (9)(b) and (10), beginning on May 7, 2025, a
127 county with a council-manager form of government shall ensure that each county
128 council member:

129 (i) represents a single district, rather than being elected at-large;

130 (ii) is elected by a majority vote of voters residing within the county council
131 member's district; and

132 (iii) except as provided in Subsections (12)(a)(iii) and (12)(b), resides in the district

133 the county council member represents.

134 (b) A county with a council-manager form of government where at least 65% of county
135 council members meet the qualifications of Subsection (9)(a) on and after May 7,
136 2025, may continue to have one or more county council members elected at-large.

137 (c) A county that adopts a council-manager form of government after May 7, 2025, shall
138 ensure that all county council members meet the qualifications described in
139 Subsection (9)(a).

140 (10) For a county with a council-manager form of government that does not comply with
141 Subsection (9)(a) on May 7, 2025, and to which the exception in Subsection (9)(b) does
142 not apply, the county council shall:

143 (a) on or before June 1, 2025, establish a districting commission in accordance with
144 Subsection (11);

145 (b) by October 15, 2025, hold a public meeting at which:

146 (i) the county council shall adopt the proposed district map submitted as described in
147 Subsection (11)(d); and

148 (ii) the county clerk shall designate a current council member to represent each
149 district for the remainder of the county council member's term of office in
150 accordance with Subsection (12); and

151 (c) implement the district map adopted under Subsection (10)(b)(i) for the next county
152 council election.

153 (11) A county districting commission established under Subsection (10) shall:

154 (a) consist of:

155 (i) one representative from each municipality located wholly within the county, who
156 is either the municipality's mayor or a municipal resident whom the mayor
157 appoints;

158 (ii) one representative who resides in an unincorporated area of the county, appointed
159 by the county council; and

160 (iii) the county clerk, or the county clerk's designee, as a non-voting member;

161 (b) select by majority vote the chair of the districting commission from among the
162 membership of the districting commission;

163 (c) divide the county into districts by:

164 (i) using the total population enumeration of the most recent decennial census to
165 ensure that there is less than 10% total population deviation between each district;

166 (ii) ensuring that each district is contiguous and reasonably compact;

- (iii) drawing district boundary lines that, to the extent practicable, do not divide existing voting precincts; and
- (iv) complying with the United States Constitution; and

(d) by no later than October 1, 2025, submit a proposed district map to the county council that:

- (i) is recommended by a majority of districting commission members; and
- (ii) complies with the requirements of Subsection (11)(c).

(a) For a county council that adopts a district map described in Subsection (10)(b), the county clerk shall designate one current county council member to serve each district for the remainder of the county council member's term as follows:

- (i) if only one county council member lives in a district in an adopted district map, the county clerk shall assign that county council member to represent that district;
- (ii) if more than one county council member lives in a district in an adopted district map, the county clerk shall draw lots and assign one county council member to represent the district; and
- (iii) if no county council members live in a district in an adopted district map, the county clerk shall draw lots and assign from the county council members not already assigned under Subsections (12)(a)(i) and (ii) one county council member to represent each district.

(b) For a county council member assigned under Subsection (12)(a)(iii) to represent a district in which the county council member does not live, the county council member is eligible to hold the county council member's seat in the assigned district until the end of the term that the county council member was in on October 15, 2025, unless earlier disqualified by another provision of law.

(a) After a county implements a district map for the election of county council members, a county may not redistrict until:

- (i) an official decennial census publicly releases population data for the county, unless otherwise required by law; or
- (ii) population growth in the county results in greater than 10% population deviation between districts.

(b) Each time a county conducts redistricting for the county council districts, the county council shall redistrict by:

- (i) adjusting districts in a proposed district map by:
 - (A) using the total population enumeration of the most recent decennial census to

201 ensure that there is less than 10% total population deviation between each
202 district;

203 (B) ensuring that each district is contiguous and reasonably compact;
204 (C) drawing district boundary lines that, to the extent practicable, do not divide
205 existing voting precincts; and
206 (D) complying with the United States Constitution; and

207 (ii) after drawing a proposed district map, holding a public meeting, at which the
208 county council shall:

209 (A) adopt the map as proposed; or
210 (B) revise the map and, if the revised map fulfills the requirements of Subsection
211 (13)(b)(i), adopt the revised map.

212 (14)(a) A voter in a county that fails to comply with the requirements of Subsections (9)
213 through (13) may commence suit in a court of competent jurisdiction to compel
214 compliance with, or enjoin a violation of, Subsections (9) through (13).

215 (b) The court may award reasonable attorney fees and court costs to a successful
216 plaintiff.

217 (15) Beginning January 1, 2026, for a county that fails to comply with the requirements of
218 Subsections (9) through (13), in addition to the remedies described in Subsection (14),
219 the ~~state tax commission~~ State Tax Commission may suspend disbursements of
220 transient room tax revenue to the county until the county establishes that the county is in
221 compliance with Subsections (9) through (13).

222 Section 2. Section **17-65-301** is amended to read:

223 **17-65-301 . General powers, duties, and functions.**

224 (1) The elected county executive is the chief executive officer of the county.
225 (2) Each county executive shall exercise all executive powers, have all executive duties,
226 and perform all executive functions of the county, including those enumerated in this
227 chapter, except as expressly provided otherwise in statute and except as contrary to the
228 powers, duties, and functions of other county officers expressly provided for in:
229 (a) Chapter 66, County Officers and Officials Generally;
230 (b) Chapter 67, County Assessor;
231 (c) Chapter 68, County and District Attorney;
232 (d) Chapter 69, County Auditor;
233 (e) Chapter 70, County Clerk;
234 (f) Chapter 71, County Recorder;

235 (g) Chapter 72, County Sheriff;
236 (h) Chapter 73, County Surveyor; and
237 (i) Chapter 74, County Treasurer.

238 (3) A county executive may take any action required by law and necessary to the full
239 discharge of the county executive's duties, even though the action is not expressly
240 authorized in statute.

241 (4) An unelected county employee or officer may not perform the duties of an elected
242 county executive.

243 **Section 3. Effective Date.**

244 This bill takes effect on May 6, 2026.