

Effective 5/4/2022

Repealed 5/1/2024

10-3c-203 Administrative and operational services -- Staff provided by county or municipal services district -- Recording of open meetings.

- (1)
- (a) This section applies only to a metro township in which:
 - (i) the electors at an election under Section 10-2a-404 chose a metro township that is included in a municipal services district and has limited municipal powers; or
 - (ii) the metro township is subsequently annexed into a municipal services district.
 - (b) This section does not apply to a metro township described in Subsection (7)(a) if the municipal services district is dissolved.
- (2)
- (a) Any of the following officials elected or appointed, or persons employed by, the county in which a metro township is located may, for the purposes of interpreting and complying with applicable law, fulfill the responsibilities and hold the following metro township offices or positions if the county official and the metro township agree:
 - (i) the county treasurer may fulfill the duties and hold the powers of treasurer for the metro township;
 - (ii) the county clerk may fulfill the duties and hold the powers of recorder and clerk for the metro township;
 - (iii) the county surveyor may fulfill, on behalf of the metro township, all surveyor duties imposed by law;
 - (iv) the county engineer may fulfill the duties and hold the powers of engineer for the metro township; and
 - (v) subject to Subsection (2)(b), the county auditor may fulfill the duties and hold the powers of auditor for the metro township.
 - (b)
 - (i) The county auditor may fulfill the duties and hold the powers of auditor for the metro township to the extent that the county auditor's powers and duties are described in and delegated to the county auditor in accordance with Title 17, Chapter 19a, County Auditor, and a municipal auditor's powers and duties described in this title are the same.
 - (ii) Notwithstanding Subsection (2)(b), in a metro township, services described in Sections 17-19a-204 and 17-19a-205, and services other than those described in Subsection (2)(b)(i) that are provided by a municipal auditor in accordance with this title that are required by law, may be performed by county staff other than the county auditor.
- (3)
- (a) Nothing in Subsection (2) may be construed to relieve an official described in Subsections (2)(a)(i) through (v) of a duty to either the county or, if the official and the metro township agree as provided in Subsection (2)(a), the metro township or a duty to fulfill that official's position as required by law.
 - (b) Notwithstanding Subsection (3)(a), an official or the official's deputy or other person described in Subsections (2)(a)(i) through (v):
 - (i) is elected, appointed, or otherwise employed, in accordance with the provisions of Title 17, Counties, as applicable to that official's or person's county office;
 - (ii) is paid a salary and benefits and subject to employment discipline in accordance with the provisions of Title 17, Counties, as applicable to that official's or person's county office;
 - (iii) is not subject to:
 - (A) Chapter 3, Part 11, Personnel Rules and Benefits; or

- (B) Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and
(iv) is not required to provide a bond for the applicable municipal office if a bond for the office is required by this title.
- (4) The district attorney of the county in which a metro township is located may provide legal counsel to the metro township if the county and the metro township agree.
 - (5) The metro township may establish a planning commission in accordance with Section 10-9a-301 and an appeal authority in accordance with Section 10-9a-701.
 - (6) A municipal services district established in accordance with Title 17B, Chapter 2a, Part 11, Municipal Services District Act, and of which the metro township is a part, may provide staff to the metro township planning commission and appeal authority.
 - (7) Notwithstanding Title 52, Chapter 4, Open and Public Meetings Act, and Section 10-6-137, if the county clerk and the metro township agree to the county clerk providing recorder and clerk services to the metro township as provided in Subsection 10-3c-203(1)(a)(ii):
 - (a) the county clerk may choose to not attend an open meeting of the metro township council;
and
 - (b) if the county clerk does not attend an open meeting of the metro township council, the county clerk shall ensure that the chair of the metro township council or a designee of the county clerk, in accordance with Section 52-4-203, makes a recording of the meeting and prepares written minutes of the meeting.