

17-52-505 Council-manager form of county government.

- (1)
 - (a) A county operating under the form of government known as the "council-manager" form shall be governed by an elected county council, a county manager appointed by the council, and such other officers and employees as are authorized by law.
 - (b) The optional plan shall provide for the qualifications, time and manner of appointment subject to Subsections (6) and (7), term of office, compensation, and removal of the county manager.
- (2) The county manager shall be the administrative head of the county government and shall have the powers, functions, and duties of a county executive, except:
 - (a) as the county legislative body otherwise provides by ordinance; and
 - (b) that the county manager may not veto any ordinances enacted by the council.
- (3)
 - (a) No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies, attempt to exact any promise relative to any appointment from any candidate for manager, or discuss directly or indirectly with him the matter of specific appointments to any county office or employment.
 - (b)
 - (i) A person who violates the provisions of this Subsection (3) shall forfeit the office of the offending member of the council.
 - (ii) Nothing in this section shall be construed, however, as prohibiting the council while in open session from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.
 - (iii) Neither manager nor any person in the employ of the county shall take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office.
 - (iv) The optional plan may provide procedures for implementing this Subsection (3).
- (4) In the council-manager form of county government, the legislative powers of the county shall be vested in the county council, and the executive powers of the county shall be vested in the county manager.
- (5) A reference in statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the council-manager form of county government, means:
 - (a) the county council, with respect to legislative functions, duties, and powers; and
 - (b) the county manager, with respect to executive functions, duties, and powers.
- (6)
 - (a) As used in this Subsection (6), "interim vacancy period" means the period of time that:
 - (i) begins on the day on which a general election described in Section 17-16-6 is held to elect a council member; and
 - (ii) ends on the day on which the council member-elect begins the council member's term.
 - (b)
 - (i) The county council may not appoint a county manager during an interim vacancy period.
 - (ii) Notwithstanding Subsection (6)(b)(i):
 - (A) the county council may appoint an interim county manager during an interim vacancy period; and
 - (B) the interim county manager's term shall expire once a new county manager is appointed by the new administration after the interim vacancy period has ended.

- (c) Subsection (6)(b) does not apply if all the county council members who held office on the day of the county general election whose term of office was vacant for the election are re-elected to the council for the following term.
- (7) A county council that appoints a county manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the county manager.

Amended by Chapter 209, 2011 General Session