

Effective 3/15/2018

Chapter 52a
Changing Forms of County Government

Part 1
General Provisions

17-52a-101 Title.

This chapter is known as "Changing Forms of County Government."

Enacted by Chapter 68, 2018 General Session

17-52a-102 Definitions.

As used in this chapter:

- (1) "Optional plan" means a plan establishing an alternate form of government for a county as provided in Section 17-52a-404.
- (2) "Study committee" means the committee that has five members appointed and charged with the duties as provided in Section 17-52a-403.

Amended by Chapter 47, 2020 General Session

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

- (1) Subject to Subsection (2), each county shall operate under one of the following forms of county government:
 - (a) the county commission form under Section 17-52a-201;
 - (b) the expanded county commission form under Section 17-52a-202;
 - (c) the county executive and council form under Section 17-52a-203; or
 - (d) the council-manager form under Section 17-52a-204.
- (2) Unless a county adopts another form of government as provided in this chapter, the county shall operate under the county commission form of government under Section 17-52a-201.
- (3)
 - (a) In a county that operates under a form of government that is not described in Subsection (2):
 - (i) the county's legislative body shall, before July 1, 2018, initiate the process under Section 17-52a-302 of changing the county's form of government;
 - (ii) the county shall hold a special election on November 6, 2018;
 - (iii) if the voters approve the appointment of a study committee at the special election described in Subsection (3)(a)(ii):
 - (A) the study committee may not recommend under Section 17-52a-403 that the county retain the county's current form of government; and
 - (B) the county shall hold an election described in Section 17-52a-501 before December 31, 2020, on an optional plan that the study committee creates; and
 - (iv) the registered voters of the county may not repeal an optional plan under Section 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).
 - (b) If the voters of a county described in Subsection (3)(a) do not approve a change in the county's form of government at an election described in Subsection (3)(a)(iii)(B) before December 31, 2020:

- (i) the county shall operate under the county commission form of government under Section 17-52a-201; and
 - (ii) the county shall transition to the form of government described in Subsection (3)(b)(i) in the same manner as if the voters of the county had approved the change in the form of government described in Subsection (3)(b)(i) in the applicable election described in Subsection (3)(b).
- (4) In a county of the fifth or sixth class, if the county legislative body under Section 17-52a-302 or the registered voters under Section 17-52a-303, after March 24, 2020, initiate the process to adopt an optional plan, the proposed optional plan may only propose a form of government authorized under Section 17-52a-405.

Amended by Chapter 47, 2020 General Session
Revisor instructions Chapter 47, 2020 General Session

Part 2

Forms of County Government

17-52a-201 County commission form of government -- Commission member elections.

- (1) As used in this section:
- (a) "Midterm vacancy" means a county commission position that is being filled at an election for less than the position's full term as established in:
 - (i) Subsection (4)(a); or
 - (ii) a county's optional plan under Subsection 17-52a-404(5)(b).
 - (b) "Open position" means a county commission position that is being filled at a regular general election for the position's full term as established in:
 - (i) Subsection (4)(a); or
 - (ii) a county's optional plan under Subsection 17-52a-404(5)(b).
 - (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a), chosen to conduct county commissioner elections in accordance with Subsection (6).
- (2) A county commission consisting of three members shall govern each county operating under the county commission form of government.
- (3) A county commission under a county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
- (4) Except as otherwise provided in an optional plan adopted under this chapter:
- (a) the term of office of each county commission member is four years;
 - (b) the terms of county commission members shall be staggered so that two members are elected at a regular general election date that alternates with the regular general election date of the other member; and
 - (c) each county commission member shall be elected:
 - (i) at large, unless otherwise required by court order; and
 - (ii) subject to the provisions of this section, in accordance with Title 20A, Election Code.
- (5) Except as provided in Subsection (6):
- (a) if two county commission positions are vacant for an election, the positions shall be designated "county commission seat A" and "county commission seat B";

- (b) each candidate who files a declaration of candidacy when two positions are vacant shall designate on the declaration of candidacy form whether the candidate is a candidate for seat A or seat B; and
 - (c) no person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.
- (6)
- (a) A county of the first or second class may, through an optional plan as described in Subsection 17-52a-404(5) or by ordinance, choose to conduct county commissioner elections in accordance with this Subsection (6).
 - (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk of an opt-in county shall, if there is at least one open position and at least one midterm vacancy, designate:
 - (i) each open position as "open position"; and
 - (ii) each midterm vacancy as "midterm vacancy."
 - (c) An individual who files a declaration of candidacy for the office of county commissioner in an opt-in county:
 - (i) if there is more than one open position, is not required to indicate which open position the individual is running for;
 - (ii) if there is at least one open position and at least one midterm vacancy, shall designate on the declaration of candidacy whether the individual is filing for an open position or a midterm vacancy; and
 - (iii) may not file a declaration of candidacy for an open position and a midterm vacancy in the same election.
 - (d) If there is an open position and a midterm vacancy being voted upon in the same election in an opt-in county, the county clerk shall indicate on the ballot for the election which positions are open positions and which positions are midterm vacancies.
 - (e) In an opt-in county:
 - (i) the candidates for open positions, in a number equal to the number of open positions, who receive the highest number of votes are:
 - (A) for the purposes of a regular primary election, nominated by the candidates' party for the open positions; and
 - (B) for the purposes of a regular general election, elected to fill the open positions; and
 - (ii) the candidates for midterm vacancies, in a number equal to the number of midterm vacancies, who receive the highest number of votes are:
 - (A) for the purposes of a regular primary election, nominated by the candidates' party for the midterm vacancies; and
 - (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-202 Expanded county commission form of government -- Commission member elections.

- (1) As used in this section:
 - (a) "Midterm vacancy" means the same as that term is defined in Section 17-52a-201.
 - (b) "Open position" means the same as that term is defined in Section 17-52a-201.
 - (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a), chosen to conduct county commissioner elections in accordance with Subsection (6).

- (2) A county commission consisting of five or seven members shall govern each county operating under an expanded county commission form of government.
- (3) A county commission under the expanded county commission form of government is both the county legislative body and the county executive and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
- (4) Except as otherwise provided in an optional plan adopted under this chapter:
 - (a) the term of office of each county commission member is four years;
 - (b) the terms of county commission members shall be staggered so that approximately half the members are elected at alternating regular general election dates; and
 - (c) each county commission member shall be elected:
 - (i) at large, unless otherwise required by court order; and
 - (ii) subject to the provisions of this section, in accordance with Title 20A, Election Code.
- (5) Except as provided in Subsection (6):
 - (a) if multiple at-large county commission positions are vacant for an election, the positions shall be designated "county commission seat A," "county commission seat B," and so on as necessary for the number of vacant positions;
 - (b) each candidate who files a declaration of candidacy when multiple positions are vacant shall designate the letter of the county commission seat for which the candidate is a candidate; and
 - (c) no person may file a declaration of candidacy for, be a candidate for, or be elected to two county commission positions in the same election.
- (6)
 - (a) A county of the first or second class may, through an optional plan as described in Subsection 17-52a-404(5) or by ordinance, choose to conduct county commissioner elections in accordance with this Subsection (6).
 - (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk of an opt-in county shall, if there is at least one open position and at least one midterm vacancy, designate:
 - (i) each open position as "open position"; and
 - (ii) each midterm vacancy as "midterm vacancy."
 - (c) An individual who files a declaration of candidacy for the office of county commissioner in an opt-in county:
 - (i) if there is more than one open position, is not required to indicate which open position the individual is running for;
 - (ii) if there is at least one open position and at least one midterm vacancy, shall designate on the declaration of candidacy whether the individual is filing for an open position or a midterm vacancy; and
 - (iii) may not file a declaration of candidacy for an open position and a midterm vacancy in the same election.
 - (d) If there is an open position and a midterm vacancy being voted upon in the same election in an opt-in county, the county clerk shall indicate on the ballot for the election which positions are open positions and which positions are midterm vacancies.
 - (e) In an opt-in county:
 - (i) the candidates for open positions, in a number equal to the number of open positions, who receive the highest number of votes are:
 - (A) for the purposes of a regular primary election, nominated by the candidates' party for the open positions; and
 - (B) for the purposes of a regular general election, elected to fill the open positions; and

- (ii) the candidates for midterm vacancies, in a number equal to the number of midterm vacancies, who receive the highest number of votes are:
 - (A) for the purposes of a regular primary election, nominated by the candidates' party for the midterm vacancies; and
 - (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-203 County executive-council form of county government.

- (1)
 - (a) The following shall govern a county operating under the form of government known as the "county executive-council" form:
 - (i) an elected county council;
 - (ii) an elected county executive; and
 - (iii) other officers and employees authorized by law.
 - (b) The optional plan shall provide for the qualifications, time, and manner of election, term of office and compensation of the county executive.
- (2) The county executive is the chief executive officer or body of the county.
- (3) In the county executive-council form of county government:
 - (a) the county council is the county legislative body and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and
 - (b) the county executive has the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.
- (4) References in any statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the county executive-council form of county government, means:
 - (a) the county council, with respect to legislative functions, duties, and powers; and
 - (b) the county executive, with respect to executive functions, duties, and powers.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-204 Council-manager form of county government.

- (1)
 - (a) The following shall govern a county operating under the form of government known as the "council-manager" form:
 - (i) an elected county council;
 - (ii) a county manager appointed by the council; and
 - (iii) other officers and employees 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 is the administrative head of the county government and has 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) An individual member of the council may not directly or indirectly, by suggestion or otherwise:
 - (i) attempt to influence or coerce the manager in:
 - (A) making any appointment;

- (B) removing any officer or employee; or
 - (C) purchasing supplies;
 - (ii) attempt to exact any promise relative to any appointment from any candidate for manager; or
 - (iii) discuss directly or indirectly with the manager the matter of specific appointments to any county office or employment.
- (b)
- (i) A member of the county council who violates the provisions of this Subsection (3) shall forfeit the member's county council office.
 - (ii) Nothing in this section shall be construed, however, as prohibiting the council from fully and freely discussing with or suggesting to the manager anything pertaining to county affairs or the interests of the county.
 - (iii) The county manager may not 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:
- (a) the legislative powers of the county are vested in the county council; and
 - (b) the executive powers of the county are 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 67, 2020 General Session

Part 3

Procedure for Initiating Adoption of Optional Plan

17-52a-301 Procedure for initiating adoption of optional plan -- Limitations -- Pending proceedings.

- (1) An optional plan proposing an alternate form of government for a county may be adopted as provided in this chapter.
- (2) The process to adopt an optional plan establishing an alternate form of county government may be initiated by:
 - (a) the county legislative body as provided in Section 17-52a-302; or
 - (b) registered voters of the county as provided in Section 17-52a-303.
- (3)
 - (a) If the process to adopt an optional plan is initiated under Laws of Utah 1973, Chapter 26, Section 3, 4, or 5, or Section 17-52a-302 or 17-52a-303, the county legislative body may not initiate the process again under Section 17-52a-302, and registered voters may not initiate the process again under Section 17-52a-303, until:
 - (i) the first initiated process concludes with an election under Section 17-52a-501;
 - (ii) the first initiated process concludes under Subsection 17-52a-403(7) because the study committee recommended that the county's form of government not change; or
 - (iii) the first initiated process concludes because registered voters fail to submit a sufficient number of valid signatures for a petition before the deadline described in Subsection 17-52a-303(2)(c).
 - (b) A county legislative body may not initiate the process to adopt an optional plan under Section 17-52a-302 within four years of an election at which voters first elect elected county officials in accordance with Section 17-52a-503 and as specified in an optional plan proposed as a result of a process initiated by the county legislative body.
 - (c) Registered voters of a county may not initiate the process to adopt an optional plan under Section 17-52a-303 within four years of an election at which voters first elect elected county officials in accordance with Section 17-52a-503 and as specified in an optional plan proposed as a result of a process initiated by registered voters.

Amended by Chapter 47, 2020 General Session

17-52a-302 County legislative body initiation of adoption of optional plan -- Procedure.

- (1)
 - (a) A county legislative body may only initiate the process of adopting an optional plan by:
 - (i) approving a motion to establish a study committee to study changing the form of government; and
 - (ii) adopting a resolution to submit to the voters the question of whether the county should adopt an optional plan proposed by the study committee described in Subsection (1)(a)(i).
 - (b) The county legislative body may not submit to the voters an optional plan unless the optional plan complies with the requirements of Sections 17-52a-404 and 17-52a-405.
- (2)
 - (a) No later than 10 days after the day on which the county legislative body approves a motion as described in Subsection (1)(a)(i), the county legislative body shall notify the county executive of the county legislative body's approval to establish a study committee.
 - (b) No later than 10 days after the day on which the county legislative body adopts a resolution as described in Subsection (1)(a)(ii), the legislative body shall send a copy of the optional plan that the legislative body recommends to:
 - (i) the county clerk; and
 - (ii) the county attorney for review in accordance with Section 17-52a-406.

Amended by Chapter 47, 2020 General Session

17-52a-303 Registered voter initiation of adoption of optional plan -- Certification of petition signatures -- Removal of signature -- Procedure.

- (1)
 - (a) Registered voters of a county may initiate the process of adopting an optional plan by filing with the county clerk a notice of intent to gather signatures for a petition:
 - (i) for the establishment of a study committee described in Section 17-52a-403; or
 - (ii) to adopt an optional plan that:
 - (A) accompanies the petition during the signature gathering process and accompanies the petition in the submission to the county clerk under Subsection (2)(b); and
 - (B) complies with the requirements described in Sections 17-52a-404 and 17-52a-405.
 - (b) A notice of intent described in Subsection (1)(a) shall:
 - (i) designate five sponsors for the petition;
 - (ii) designate a contact sponsor to serve as the primary contact for the petition sponsors;
 - (iii) list the mailing address and telephone number of each of the sponsors; and
 - (iv) be signed by each of the petition sponsors.
 - (c) Registered voters of a county may not file a notice of intent to gather signatures in bad faith.
- (2)
 - (a) The sponsors of a petition may circulate the petition after filing a notice of intent to gather signatures under Subsection (1).
 - (b)
 - (i) Except as provided in Subsection (2)(b)(ii), the petition is valid if the petition contains the number of legal signatures required under Subsection 20A-7-501(2).
 - (ii) For a county of the fifth or sixth class, the petition is valid if the petition contains at least the number of legal signatures equal to 30% of the number of active voters, as defined in Section 20A-7-501, in the county.
 - (iii) The county clerk may not count a signature that was collected for the petition before the petition sponsors filed a notice of intent under Subsection (1)(a).
 - (iv) Notwithstanding any other provision of law, an individual may not sign a petition circulated under this section by electronic signature as defined in Section 20A-1-202.
 - (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit the completed petition and any amended or supplemental petition described in Subsection (4) with the county clerk not more than 180 days after the day on which the sponsors file the notice described in Subsection (1).
 - (d)
 - (i) Within 30 days after the day on which the sponsors submit a petition, the sponsors shall submit financial disclosures to the county clerk that include:
 - (A) a list of each contribution received by the sponsors and the name of the donor; and
 - (B) a list of each expenditure for purposes of furthering or sponsoring the petition and the recipient of each expenditure.
 - (ii) The county clerk shall publish the financial disclosures described in Subsection (2)(d)(i).
 - (iii) All sponsors of a petition shall date and sign each list described in Subsection (2)(d)(i).
- (3) Within 30 days after the day on which the sponsors submit a petition under Subsection (2)(c) or an amended or supplemental petition under Subsection (4), the county clerk shall:
 - (a)

- (i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter; and
 - (ii) determine whether the petition or amended or supplemental petition has been signed by the required number of registered voters;
- (b)
- (i) if the petition was signed by a sufficient number of registered voters:
 - (A) certify the petition;
 - (B) deliver the petition to the county legislative body and county executive; and
 - (C) notify the contact sponsor in writing of the certification; or
 - (ii) if the petition was not signed by a sufficient number of registered voters:
 - (A) reject the petition; and
 - (B) notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection; and
- (c) for a petition described in Subsection (1)(a)(ii), no later than 10 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i), the county clerk shall send a copy of the optional plan that accompanied the petition to the county attorney for review in accordance with Section 17-52a-406.
- (4) The sponsors of a petition circulated under this section may submit supplemental signatures for the petition:
- (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and
 - (b) before the earlier of:
 - (i) the deadline described in Subsection (2)(c); or
 - (ii) 20 days after the day on which the county clerk rejects the petition under Subsection (3)(b)(ii).
- (5) With the unanimous approval of petition sponsors, a petition filed under this section may be withdrawn at any time within 90 days after the day on which the county clerk certifies the petition under Subsection (3)(b)(i) and no later than 45 days before an election under Section 17-52a-501 if the petition included a notification to petition signers, in conspicuous language and in a conspicuous location, that the petition sponsors are authorized to withdraw the petition.
- (6)
- (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors submit the petition to the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
 - (b) A statement described in Subsection (6)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
 - (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.

Amended by Chapter 116, 2023 General Session

17-52a-305 Public hearings.

The county legislative body shall hold four public hearings on a proposed optional plan within 45 days after the day on which:

- (1) the county legislative body adopts a resolution that proposes an optional plan under Subsection 17-52a-302(1)(a)(ii); or

- (2) the county clerk certifies, in accordance with Subsection 17-52a-303(3), a petition that proposes an optional plan under Subsection 17-52a-303(1)(a)(ii).

Amended by Chapter 47, 2020 General Session

Part 4

Study Committee and Optional Plan

17-52a-402 Convening of first meeting of study committee.

- (1) The county executive shall convene the first meeting of the study committee no later than 10 days after the day on which the county executive receives notification:
- (a) of the establishment of a study committee by the county legislative body as described in Section 17-52a-302; or
 - (b) of a certified petition from the county clerk as described in Section 17-52a-303.
- (2)
- (a) At the study committee's first meeting, the study committee shall select a chair from among the members of the study committee.
 - (b) The chair of the study committee is responsible for convening each future meeting of the study committee.

Amended by Chapter 47, 2020 General Session

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

- (1)
- (a) A study committee consists of:
 - (i) for a study committee established by the county legislative body under Section 17-52a-302, five members appointed by the county legislative body; or
 - (ii) for a study committee established by the registered voters through a petition under Section 17-52a-303:
 - (A) two members appointed by the sponsors of the petition;
 - (B) two members appointed by the county legislative body; and
 - (C) one member appointed by the county's council of governments.
 - (b) A member of a study committee:
 - (i) may not receive compensation for service on the study committee;
 - (ii) may not hold an elected county office or have filed a current declaration of candidacy for an elected county office; and
 - (iii) shall be a registered voter.
 - (c) The county legislative body shall reimburse each member of a study committee for necessary expenses incurred in performing the member's duties on the study committee.
- (2) A study committee may:
- (a) adopt rules for the study committee's own organization and procedure and to fill a vacancy in its membership;
 - (b) establish advisory boards or committees and include on the advisory boards or committees persons who are not members of the study committee; and

- (c) request the assistance and advice of any officers or employees of any agency of state or local government.
- (3)
 - (a) A study committee shall:
 - (i) study the form of government within the county and compare it with other forms available under this chapter;
 - (ii) determine whether the administration of local government in the county could be strengthened, made more clearly responsive or accountable to the people, or significantly improved in the interest of economy and efficiency by a change in the form of county government;
 - (iii) hold public hearings and community forums and other means the committee considers appropriate to disseminate information and stimulate public discussion of the committee's purposes, progress, and conclusions; and
 - (iv) file a written report of the study committee's findings and recommendations with the county executive, the county legislative body, and the county clerk no later than one year after the convening of the study committee's first meeting under Section 17-52a-402.
 - (b) Within 10 days after the day on which the study committee submits the study committee's report under Subsection (3)(a)(iv), if the report recommends a change in the form of county government, the county clerk shall send to the county attorney a copy of the optional plan recommended in the report for review in accordance with Section 17-52a-406.
- (4) Each study committee report under Subsection (3)(a)(iv) shall include:
 - (a) the study committee's recommendation as to whether the form of county government should be changed to another form authorized under this chapter;
 - (b) if the study committee recommends changing the form of government, a complete detailed draft of a proposed optional plan to change the form of county government, including all necessary implementing provisions; and
 - (c) any additional recommendations the study committee considers appropriate to improve the efficiency and economy of the administration of local government within the county.
- (5)
 - (a) If the study committee's report recommends a change in the form of county government, the study committee may conduct additional public hearings after filing the report under Subsection (3)(a)(iv) and, following the hearings and subject to Subsection (5)(b), alter the report or proposed optional plan.
 - (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report or proposed optional plan:
 - (i) that would recommend the adoption of an optional form different from that recommended in the original report; or
 - (ii) within the 160-day period before the election under Section 17-52a-501.
- (6) Each meeting that the study committee holds shall be open to the public.
- (7) If the study committee's report does not recommend a change in the form of county government, the report is final, the study committee is dissolved, and the process to change the county's form of government is concluded.
- (8) The county legislative body shall provide for the study committee:
 - (a) suitable meeting facilities;
 - (b) necessary secretarial services;
 - (c) necessary printing and photocopying services;
 - (d) necessary clerical and staff assistance; and

- (e) adequate funds for the employment of independent legal counsel and professional consultants that the study committee reasonably determines to be necessary to help the study committee fulfill its duties.
- (9) The county legislative body may not interfere with the work of the study committee.

Amended by Chapter 47, 2020 General Session

17-52a-404 Contents of proposed optional plan.

- (1) The study committee or the sponsors of a petition described in Subsection 17-52a-303(1)(a) (ii) shall ensure that an optional plan the committee or registered voters propose under this chapter, respectively:
 - (a) proposes the adoption of one of the forms of county government authorized in Subsection 17-52a-405(1)(a);
 - (b) contains detailed provisions relating to the transition from the existing form of county government to the form proposed in the optional plan, including provisions relating to the:
 - (i) election or appointment of officers specified in the optional plan for the new form of county government;
 - (ii) retention, elimination, or combining of existing offices and, if an office is eliminated, the division or department of county government responsible for performing the duties of the eliminated office;
 - (iii) continuity of existing ordinances and regulations;
 - (iv) continuation of pending legislative, administrative, or judicial proceedings;
 - (v) making of interim and temporary appointments; and
 - (vi) preparation, approval, and adjustment of necessary budget appropriations;
 - (c) specifies the date the optional plan becomes effective if adopted, which may not be earlier than the first day of January next following the election of officers under the new plan; and
 - (d) notwithstanding any other provision of this title and except with respect to an optional plan that proposes the adoption of the county commission or expanded county commission form of government, with respect to the county budget provides that:
 - (i) the county executive's role is to prepare and present a proposed budget to the county legislative body; and
 - (ii) the county legislative body's role is to adopt a final budget.
- (2) Subject to Subsection (3), an optional plan may include provisions that are considered necessary or advisable to the effective operation of the proposed optional plan.
- (3) An optional plan may not:
 - (a) include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute;
 - (b) specify compensation, including benefits, for any appointed or elected county official;
 - (c) specify the full or part-time status of any appointed or elected county official; or
 - (d) if the optional plan specifies that county council or commission members are to be elected from districts, establish, divide, abolish, alter, change, or otherwise attempt to draw boundaries of election districts or impair the duties of the county legislative body as described in Section 17-52a-503.
- (4) The optional plan proponent described in Subsection (1) shall ensure that an optional plan proposing to change the form of government to the county executive-council form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:
 - (a) provides for the same executive and legislative officers as are specified in the applicable section for the form of government that the optional plan proposes;

- (b) provides for the election of the county council;
 - (c) specifies the number of county council members, which shall be an odd number from three to nine;
 - (d) subject to Subsection (3)(d), specifies whether the members of the county council are to be elected from districts, at large, or by a combination of at large and by district;
 - (e) specifies county council members' qualifications and terms and whether the terms are to be staggered; and
 - (f) contains procedures for filling vacancies on the county council, consistent with the provisions of Section 20A-1-508.
- (5) The optional plan proponent described in Subsection (1) shall ensure that an optional plan proposing to change the form of government to the county commission form under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202 specifies:
- (a)
 - (i) for the county commission form of government, that the county commission shall have three members; or
 - (ii) for the expanded county commission form of government, whether the county commission shall have five or seven members;
 - (b) the terms of office for county commission members and whether the terms are to be staggered;
 - (c) subject to Subsection (3)(d), whether members of the county commission are to be elected from districts, at large, or by a combination of at large and from districts;
 - (d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members; and
 - (e) if any members of the county commission are to be elected at large, whether the election of county commission members is subject to the provisions of Subsection 17-52a-201(6) or Subsection 17-52a-202(6).

Amended by Chapter 47, 2020 General Session

17-52a-405 Plan may propose changing forms of county government -- Partisan elections.

- (1)
- (a) The optional plan proponent described in Subsection 17-52a-404(1) shall ensure that each optional plan proposes changing the form of county government to:
 - (i) for a county of the first, second, third, or fourth class:
 - (A) the county commission form under Section 17-52a-201;
 - (B) the expanded county commission form under Section 17-52a-202;
 - (C) the county executive and council form under Section 17-52a-203; or
 - (D) the council-manager form under Section 17-52a-204; and
 - (ii) for a county of the fifth or sixth class:
 - (A) the county commission form under Section 17-52a-201; or
 - (B) the expanded county commission form under Section 17-52a-202.
 - (b) The optional plan proponent described in Subsection 17-52a-404(1) may not recommend an optional plan that:
 - (i) proposes changing the form of government to a form not authorized in Subsection (1)(a);
 - (ii) provides for the nonpartisan election of elected officers;
 - (iii) imposes a limit on the number of terms or years that an elected officer may serve;
 - (iv) provides for elected officers to be subject to a recall election; or

- (v) provides, in a county with a population of 225,000 or more, for a full-time county commission in an expanded county commission form of government under Section 17-52a-202.
- (2) A county that provides for the election of the county's elected officers through a partisan election may not change to a process that provides for the election of the county's elected officers through a nonpartisan election.

Amended by Chapter 47, 2020 General Session

17-52a-406 County attorney review of proposed optional plan -- Conflict with statutory or constitutional provisions -- Processing of optional plan after attorney review.

- (1) As used in this section:
 - (a) "Proposed optional plan" means an optional plan that is submitted to the county attorney for review in accordance with a provision of this chapter.
 - (b) "Requesting entity" means the person who submits a proposed optional plan to the county attorney for review in accordance with a provision of this chapter.
- (2)
 - (a) Within 45 days after the day on which the county attorney receives a proposed optional plan from a requesting entity, the county attorney shall review the proposed optional plan and send a written report containing the information described in Subsection (2)(b) to:
 - (i) the requesting entity; and
 - (ii)
 - (A) the petition sponsors, if the proposed optional plan was recommended under Section 17-52a-303; or
 - (B) the study committee, if the proposed optional plan was recommended under Section 17-52a-403.
 - (b) A report from the county attorney under Subsection (2)(a) shall:
 - (i) state the county attorney's opinion as to whether implementation of the proposed optional plan would result in a violation of any applicable statutory or constitutional provision;
 - (ii) if the county attorney concludes that a violation would result:
 - (A) identify specifically each statutory or constitutional provision that implementation of the proposed optional plan would violate;
 - (B) identify specifically each provision or feature of the proposed optional plan that would result in a statutory or constitutional violation if the proposed optional plan is implemented; and
 - (C) recommend how the proposed optional plan may be modified to avoid the statutory or constitutional violation.
- (3)
 - (a) The proposed optional plan may not be the subject of an election under Section 17-52a-501 if:
 - (i) the county attorney has not reviewed and submitted a written report in accordance with this section; or
 - (ii) the county attorney concludes that implementation of the proposed optional plan would result in a violation of an applicable statutory or constitutional provision.
 - (b) The study committee may:
 - (i) modify a proposed optional plan that the study committee recommends in accordance with Section 17-52a-403 to avoid a violation that a county attorney's report describes under Subsection (2); and
 - (ii) file a new report under Subsection 17-52a-403(3)(a)(iv).

- (c) A county legislative body may:
 - (i) modify a proposed optional plan that the county legislative body proposes in accordance with Section 17-52a-302 or 17-52a-403 to avoid a violation that a county attorney's report describes under Subsection (2); and
 - (ii) within 10 days of modifying the proposed optional plan, send the modified proposed optional plan to:
 - (A) the county clerk, if the proposed optional plan was proposed in accordance with Section 17-52a-302; and
 - (B) the county attorney for review in accordance with this section.
- (d)
 - (i) The petition sponsors may:
 - (A) modify a proposed optional plan that the petition proposes in accordance with Subsection 17-52a-303(1)(a)(ii) to avoid a violation that a county attorney's report describes under Subsection (2); and
 - (B) submit the modified proposed optional plan to the county clerk.
 - (ii) Upon receipt of a modified proposed optional plan described in Subsection (3)(d)(i), the county clerk shall send the modified proposed optional plan to the county attorney for review in accordance with this section.
- (4) The county executive, county legislative body, county attorney, and county clerk shall treat the following as an original:
 - (a) a new report that a study committee files under Subsection 17-52a-403(3)(a)(iv);
 - (b) a modified proposed optional plan that a county legislative body sends under Subsection (3)(c); and
 - (c) a modified proposed optional plan that petition sponsors submit to the county clerk and that the county clerk sends under Subsection (3)(d).
- (5) If the county attorney's written report under Subsection (2)(b) does not identify any provisions or features of the proposed optional plan that, if implemented, would violate a statutory or constitutional provision, the proposed optional plan is subject to the provisions described in Section 17-52a-501.

Amended by Chapter 47, 2020 General Session

Part 5

Adoption and Implementation of Optional Plan

17-52a-501 Election on recommended optional plan.

- (1) If the county attorney finds under Section 17-52a-406 that a proposed optional plan does not violate a statutory or constitutional provision, a county shall hold an election on the optional plan at the next regular general election that is not less than 65 days after the day on which the county attorney submits to the county clerk the attorney's report described in Section 17-52a-406.
- (2) The county clerk shall prepare the ballot for an election under this section so that the question on the ballot states substantially the following:

"Shall _____ County adopt the alternate form of government known as the (insert the proposed form of government) as recommended in the proposed optional plan?"
- (3) The county clerk shall:

- (a) publish the complete text of the proposed optional plan in a newspaper of general circulation within the county at least once during two different calendar weeks within the 30-day period immediately before the date of the election described in Subsection (1);
 - (b) post the complete text of the proposed optional plan in a conspicuous place on the county's website during the 45-day period that immediately precedes the election on the optional plan; and
 - (c) make a complete copy of the optional plan and the study committee report available free of charge to any member of the public who requests a copy.
- (4) A county clerk shall declare an optional plan as adopted by the voters if a majority of voters voting on the optional plan vote in favor of the optional plan.

Amended by Chapter 47, 2020 General Session

17-52a-502 Voter information pamphlet.

- (1) In anticipation of an election under Section 17-52a-501, the county clerk shall prepare a voter information pamphlet to inform the public of the proposed optional plan in accordance with the provisions of Title 20A, Chapter 7, Part 7, Voter Information Pamphlet.
- (2) In preparing a voter information pamphlet under this section, the county clerk shall:
 - (a) allow proponents and opponents of the proposed optional plan to provide written statements to be included in the pamphlet; and
 - (b) ensure each written statement described in Subsection (2)(a) is printed in the same font style and point size.
- (3) A county clerk shall cause the publication and distribution of the pamphlet in a manner that the county clerk determines is adequate.

Amended by Chapter 47, 2020 General Session

17-52a-503 Adoption of optional plan -- Election of new county officers -- Effect of adoption.

- (1) If a proposed optional plan is approved at an election held under Section 17-52a-501:
 - (a) on or before November 1 of the year immediately following the year of the election described in Section 17-52a-501 in which the optional plan is approved, the county legislative body shall:
 - (i) if the proposed optional plan under Section 17-52a-404 specifies that one or more members of the county legislative body are elected from districts, adopt the geographic boundaries of each council or commission member district; and
 - (ii) adopt the compensation, including benefits, for each member of the county legislative body;
 - (b) the elected county officers specified in the plan shall be elected at the next regular general election following the election under Section 17-52a-501, according to the procedure and schedule established under Title 20A, Election Code, for the election of county officers;
 - (c) the proposed optional plan:
 - (i) becomes effective according to the optional plan's terms;
 - (ii) subject to Subsection 17-52a-404(1)(c), at the time specified in the optional plan, is a public record open to inspection by the public; and
 - (iii) is judicially noticeable by all courts;
 - (d) the county clerk shall, within 10 days of the canvass of the election, file with the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and correct copy;
 - (e) all public officers and employees shall cooperate fully in making the transition between forms of county government; and

- (f) the county legislative body may enact and enforce necessary ordinances to bring about an orderly transition to the new form of government, including any transfer of power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent with the approved optional plan and necessary or convenient to place it into full effect.
- (2) An action by the county legislative body under Subsection (1)(a) is not an amendment for purposes of Section 17-52a-504.
- (3) Adoption of an optional plan does not alter or affect the boundaries, organization, powers, duties, or functions of any:
 - (a) school district;
 - (b) justice court;
 - (c) special district under Title 17B, Limited Purpose Local Government Entities - Special Districts;
 - (d) special service district under Title 17D, Chapter 1, Special Service District Act;
 - (e) city or town; or
 - (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.
- (4)
 - (a) After adoption of the optional plan, the county legislative body may adopt a change to the geographic boundaries of a council or commission member's district.
 - (b) An action by the county legislative body under Subsection (4)(a) is not an amendment for purposes of Section 17-52a-504.
- (5) After the adoption of an optional plan, the county remains vested with all powers and duties vested generally in counties by statute.

Amended by Chapter 15, 2023 General Session

17-52a-504 Amendment of optional plan.

- (1) Subject to Subsection (2), an optional plan, after going into effect following an election held under Section 17-52a-501, may be amended by an affirmative vote of two-thirds of the county legislative body.
- (2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect may not take effect until a majority of registered voters voting in a general or special election at which the amendment is proposed approve the amendment, if the amendment changes:
 - (a) the size or makeup of the legislative body, except for adjustments necessary due to decennial reapportionment;
 - (b) the distribution of powers between the executive and legislative branches of county government; or
 - (c) the status of the county executive or legislative body from full-time to part-time or vice versa.

Renumbered and Amended by Chapter 68, 2018 General Session

17-52a-505 Repeal of optional plan -- Certification of petition signatures -- Removal of signature.

- (1) An optional plan that the voters in an election adopt under this chapter may be repealed as provided in this section.
- (2) Registered voters of a county that has adopted an optional plan may initiate the process of repealing an optional plan by filing a petition for the repeal of the optional plan.
- (3)

- (a) Registered voters of a county may not file a petition to repeal an optional plan sooner than four years or more than five years after the election of county officers under Section 17-52a-503.
- (b)
 - (i) If the registered voters file a petition to repeal an optional plan under this section, the petition is certified, and the optional plan is not repealed at an election described in Subsection (9), the voters may not circulate or file a subsequent petition to repeal until at least four, and not more than five, years after the certification of the original petition.
 - (ii) If, after four years, the voters file a subsequent petition under Subsection (3)(b)(i), the voters:
 - (A) may not circulate or file another petition to repeal until at least four, and not more than five, years after certification of the subsequent petition; and
 - (B) shall wait an additional four, and not more than five, years after the date of certification of the previous petition for each petition filed thereafter.
- (4) A petition described in Subsection (2) shall:
 - (a) be signed by registered voters residing in the county:
 - (i) equal in number to at least 15% of the total number of votes cast in each precinct described in Subsection (4)(a)(ii) for all candidates for president of the United States at the most recent election in which a president of the United States was elected; and
 - (ii) who represent at least 85% of the voting precincts located within the county;
 - (b) designate up to five of the petition signers as sponsors, designating one petition signer as the contact sponsor, with the mailing address and telephone number of each; and
 - (c) be filed in the office of the clerk of the county in which the petition signers reside.
- (5) Within 30 days after the filing of a petition under Subsection (2) or an amended petition under Subsection (6), the county clerk shall:
 - (a)
 - (i) use the procedures described in Section 20A-1-1002 to determine whether a signer is a registered voter; and
 - (ii) determine whether the required number of voters have signed the petition or amended petition has been signed by the required number of registered voters; and
 - (b)
 - (i) if a sufficient number of voters have signed the petition, certify the petition or amended petition and deliver it to the county legislative body, and notify in writing the contact sponsor of the certification; or
 - (ii) if a sufficient number of voters have not signed the petition, reject the petition or the amended petition and notify the county legislative body and the contact sponsor in writing of the rejection and the reasons for the rejection.
- (6) If a county clerk rejects a petition or an amended petition under Subsection (5)(b)(ii), the petition may be amended or an amended petition may be further amended with additional signatures and refiled within 20 days of the date of rejection.
- (7)
 - (a) A voter who signs a petition under this section may have the voter's signature removed from the petition by, no later than three business days after the day on which the sponsors file the petition in the office of the county clerk, submitting to the county clerk a statement requesting that the voter's signature be removed.
 - (b) A statement described in Subsection (7)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).

- (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.
- (8) If a county clerk certifies a petition under Subsection (2), the county legislative body shall hold an election on the proposal to repeal the optional plan at the next regular general election that is at least 60 days after the day on which the county clerk certifies the petition.
- (9) If, at an election held under Subsection (8), a majority of voters voting on the proposal to repeal the optional plan vote in favor of repealing:
 - (a) the optional plan is repealed, effective January 1 of the year following the election of county officers under Subsection (9)(c);
 - (b) upon the effective date of the repeal under Subsection (9)(a), the form of government under which the county operates reverts to the form it had before the optional plan was adopted; and
 - (c) the county officers under the form of government to which the county reverts, who are different than the county officers under the repealed optional plan, shall be elected at the next regular general election following the election under Subsection (8).

Amended by Chapter 116, 2023 General Session