

Chapter 53
County Executive, Legislative Body, and Other Officers

Part 1
General Provisions

17-53-101 County officers enumerated.

- (1) The elected officers of a county are:
 - (a)
 - (i) in a county operating under a county commission or expanded county commission form of government, county commission members; or
 - (ii) in a county operating under one of the other forms of county government under Subsection 17-52a-405(1)(a), county legislative body members and the county executive;
 - (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a county attorney, a district attorney in a county which is part of a prosecution district, a county surveyor, and a county assessor; and
 - (c) any others provided by law.
- (2) Notwithstanding Subsection (1), in counties having a taxable value of less than \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the duties of the office without extra compensation.

Amended by Chapter 68, 2018 General Session

17-53-103 Unauthorized payment or warrant -- Investigation by another county attorney -- Action to enjoin or recover payment.

- (1)
 - (a) If a county officer, without authority of law, orders any money paid for any purpose, or if any other county officer draws a warrant in the officer's own favor or in favor of any other person without being authorized to do so by the county legislative body or by law, the county attorney of that county shall request a county attorney from another county to investigate whether an unauthorized payment has been ordered or an unauthorized warrant drawn.
 - (b) If the county attorney requests a county attorney from another county to investigate under Subsection (1)(a), the county attorney shall deputize the investigating county attorney.
- (2) If an investigating county attorney determines that an unauthorized payment has been ordered or that an unauthorized warrant has been drawn, that county attorney may commence and prosecute an action in the name of the county:
 - (a) if the payment has not been made or the warrant paid, to enjoin the payment of the unauthorized payment or of the unauthorized warrant; or
 - (b) if the payment has been made or the warrant paid, to recover from the payee or the county officer and the officer's official bondsman the amount paid.
- (3) An order of the county legislative body is not necessary in order to maintain an action under Subsection (2).

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-104 Vacancy in a county office -- Vacancies in the office of county attorney or district attorney.

- (1) Except as provided in Subsection (2), a vacancy in a county office shall be filled as provided in Section 20A-1-508.
- (2) A vacancy in the office of county attorney or district attorney shall be filled as provided in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-105 Deposit of money in treasury.

Each officer who collects any money on behalf of the county shall as rapidly as it is collected deposit it into the county treasury.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-106 Supervision of county elected officers -- Legislative body and executive may examine and audit accounts and conduct investigation.

- (1) As used in this section, "professional duties" means a county elected officer's functions, duties, and responsibilities specifically provided for by law and includes:
 - (a) the exercise of professional judgment and discretion reasonably related to the officer's required functions, duties, and responsibilities; and
 - (b) the management of deputies and other employees under the supervision of the elected officer under statute or county ordinance, policy, or regulation.
- (2)
 - (a) A county legislative body and a county executive each:
 - (i) may generally direct and supervise all elected county officers and employees to ensure compliance with general county administrative ordinances, rules, or policies;
 - (ii) may not direct or supervise other elected county officers or their sworn deputies with respect to the performance of the professional duties of the officers or deputies;
 - (iii) may examine and audit the accounts of all county officers having the care, management, collection, or distribution of money belonging to the county, appropriated to the county, or otherwise available for the county's use and benefit; and
 - (iv) may investigate any matter pertaining to a county officer or to the county or its business or affairs, and may require the attendance of witnesses and take evidence in any such investigation.
 - (b) In an investigation under Subsection (2)(a)(iv):
 - (i) the county executive or any member of the county legislative body may issue subpoenas and administer oaths to witnesses; and
 - (ii) if the county legislative body appoints members of the legislative body as a committee and confers on the committee power to hear or take evidence, the committee shall have the same power as the full county legislative body.
- (3) Nothing in this section may be construed to prohibit the county executive or county legislative body from initiating an action for removal or prosecution of an elected county officer as provided by statute.

Amended by Chapter 11, 2002 General Session

Amended by Chapter 185, 2002 General Session

Part 2 County Legislative Body

17-53-201 General powers, duties, and functions of county legislative body.

- (1) Except as expressly provided otherwise in statute, each county legislative body shall exercise all legislative powers, have all legislative duties, and perform all legislative functions of the county, including those enumerated in this part.
- (2) A county legislative body may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute.

Amended by Chapter 241, 2001 General Session

17-53-202 Eligibility -- Election.

Each member of a county legislative body shall:

- (1) be a registered voter of the county which the member represents; and
- (2) have been a registered voter for at least one year immediately preceding the member's election.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-203 Chair -- Oaths -- Quorum.

- (1) Each county legislative body shall elect one of their number chair and may elect a vice chair.
- (2)
 - (a) The chair shall preside at all meetings of the county legislative body, and in case of the chair's absence or inability to act, the vice chair, if there is one, shall preside.
 - (b) If both the chair and vice chair, if there is one, are absent or unable to act, the members present shall, by an order entered in their minutes, select one of their number to act as chair temporarily.
- (3) Any member of the county legislative body may administer oaths to any person when necessary in the performance of official duties.
- (4) Not less than a majority of members shall constitute a quorum for the transaction of business, and no act of the county legislative body shall be valid or binding unless a majority of members present when a quorum is present concurs therein.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-204 Meetings -- At county seat -- Exception.

- (1)
 - (a) The county legislative body shall provide by ordinance for the holding of regular meetings of the county legislative body.
 - (b) The county legislative body may cancel a regular meeting as the county legislative body considers appropriate.
- (2)
 - (a) Except as provided in Subsection (2)(b), each regular meeting of the county legislative body shall be held at the county seat.
 - (b) If approved by a vote of the county legislative body, a county legislative body may hold an occasional meeting outside the county seat as the public business requires.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-205 Special meetings -- How called -- Business limited.

- (1) If the business of the county requires a special meeting of the legislative body, such meeting may be ordered by a majority of the legislative body or by the chair.
- (2) Each order calling a special meeting shall:
 - (a) be signed by the members or chair calling the meeting;
 - (b) be entered in the minutes of the legislative body; and
 - (c) specify the business to be transacted at the meeting.
- (3) No business other than that specified in the order may be transacted at a special meeting unless all members of the county legislative body are present and give their consent.
- (4) Except as otherwise provided by county ordinance, the county clerk shall give five days notice of each special meeting to each member of a county legislative body that does not join in the order calling the meeting.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-206 Meetings to comply with open meetings law -- Records and minutes -- Compelling attendance at meetings of legislative body.

- (1) As used in this section, "rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
 - (a) parliamentary order and procedure;
 - (b) ethical behavior; and
 - (c) civil discourse.
- (2) Each meeting of the county legislative body shall comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
 - (a) Subject to Subsection (3)(b), a county legislative body shall:
 - (i) adopt rules of order and procedure to govern a public meeting of the legislative body;
 - (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (3)(a)(i); and
 - (iii) make the rules of order and procedure described in Subsection (3)(a)(i) available to the public:
 - (A) at each meeting of the county legislative body; and
 - (B) on the county's public website, if available.
 - (b) Subsection (3)(a) does not affect a county legislative body's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (4) The chair and clerk of the county legislative body shall sign the records and minutes of the county legislative body.
- (5) The legislative body of a county may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance.

Amended by Chapter 107, 2011 General Session

17-53-206.5 Expulsion of members prohibited -- Exception for disorderly conduct.

- (1) Except as provided in Subsection (2), the governing body may not expel a member of the governing body from an open public meeting or prohibit the member from attending an open public meeting.
- (2) Except as provided in Subsection (3), following a two-thirds vote of the members of the governing body, the governing body may fine or expel a member of the governing body for:
 - (a) disorderly conduct at the open public meeting;
 - (b) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or
 - (c) a commission of a crime during the open public meeting.
- (3) A governing body may adopt rules or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Enacted by Chapter 196, 2015 General Session

17-53-207 Rules and regulations governing legislative body and transaction of business.

The county legislative body may make and enforce such rules and regulations for the government of itself, the preservation of order, and the transaction of business as may be necessary.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-208 Ordinances -- Effective dates -- Publication -- Adoption of ordinances printed in book form -- Review of nuisance ordinances.

- (1) The enacting clause of an ordinance adopted by the county legislative body shall be as follows:
"The County Legislative Body of _____County ordains as follows:".
- (2)
 - (a) The chair of the county legislative body shall sign, and the county clerk shall attest to, each ordinance.
 - (b) If the county legislative body votes to adopt an ordinance, county staff shall:
 - (i) record the vote of each county legislative body member in attendance and enter each vote in the minutes of the meeting; and
 - (ii) enter the full text of the adopted ordinance in the county ordinance book.
- (3)
 - (a) No ordinance passed by the county legislative body may take effect within less than 15 days after its passage.
 - (b) The county legislative body shall, before the ordinance may take effect:
 - (i) deposit a copy of the ordinance in the office of the county clerk; and
 - (ii)
 - (A) publish a short summary of the ordinance, together with a statement that a complete copy of the ordinance is available at the county clerk's office and with the name of the members voting for and against the ordinance:
 - (I) for at least one publication in:
 - (Aa) a newspaper published in and having general circulation in the county, if there is one; or
 - (Bb) if there is none published in the county, in a newspaper of general circulation within the county; and
 - (II) as required in Section 45-1-101; or
 - (B) post a complete copy of the ordinance in nine public places within the county.

- (4) Any ordinance printed by authority of the county legislative body in book form or electronic media, or any general revision of county ordinances printed in book form or electronic media, may be adopted by an ordinance making reference to the printed ordinance or revision if a copy of the ordinance or revision is filed in the office of the county clerk at the time of adoption for use and examination by the public.
- (5) If the county legislative body adopts an ordinance establishing rules and regulations, printed as a code in book form or electronic media, for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other related or similar work, the county legislative body may adopt the ordinance by reference to the code book if a copy of the code book is filed in the office of the county clerk at the time of the adoption of the ordinance for use and examination by the public.
- (6) If, in the opinion of the county legislative body, an ordinance is necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants, the ordinance may, if clearly stated in the ordinance, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county, if there is one, and if there is none published in the county, then immediately after posting at the courthouse door.
- (7) An ordinance may take effect at a later date than provided in this section, if the ordinance clearly states the later effective date.
- (8) An order entered in the minutes of the county legislative body that an ordinance has been duly published or posted shall be prima facie proof of the publication or posting.

Amended by Chapter 89, 2020 General Session

17-53-209 Records to be kept.

The legislative body of each county shall cause to be kept:

- (1) a minute record, in which shall be recorded all orders and decisions made by the county legislative body and the daily proceedings had at all regular and special meetings;
- (2) an allowance record, in which shall be recorded all orders for the allowance of money from the county treasury, to whom made and on what account, dating, numbering, and indexing the same through each year;
- (3) a road record, containing all proceedings and adjudications relating to the establishment, maintenance, charge, and discontinuance of roads and road districts, and all contracts and other matters pertaining thereto;
- (4) a franchise record, containing all franchises granted by the board, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required or other consideration to be paid;
- (5) an ordinance record, in which shall be entered all ordinances or laws duly passed by the county legislative body; and
- (6) a warrant record, to be kept by the county auditor, in which shall be entered in the order of drawing all warrants drawn on the treasurer, with their number and reference to the order on the minute record, with date, amount, on what account, and the name of the payee.

Amended by Chapter 297, 2011 General Session

17-53-210 Dividing county into precincts and districts.

A county legislative body may divide the county into precincts, districts, or other entities as permitted or required by law, and may change them and create others as convenience requires.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-211 Fees for services -- Exceptions.

The legislative body of each county shall adopt an ordinance establishing fees for services provided by each county officer, except:

- (1) fees for the recorder, sheriff, and county constables; and
- (2) fees established by statute.

Enacted by Chapter 133, 2000 General Session

17-53-212 Examination and audit of accounts.

- (1) A county legislative body may examine and audit the accounts of all officers having the care, management, collection, or disbursement of money belonging to the county or appropriated by law or otherwise for its use and benefit.
- (2) Nothing in this section may be construed to affect a county auditor's authority under Chapter 19a, County Auditor.

Amended by Chapter 17, 2012 General Session

17-53-213 Special funds.

A county legislative body may establish a salary fund and such other county funds as it considers necessary for the proper transaction of the business of the county, and may transfer money from one fund to another as the public interest requires, except as otherwise specifically provided in statute.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-214 Seal for county.

The legislative body of each county shall:

- (1) adopt a seal for the county, the impression of which shall contain the words "State of Utah, County of _____"; and
- (2) file an impression of the seal in the office of the county clerk and with the Division of Archives.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-215 Seal for clerk of district court.

If a county provides clerk services to that county's district court, the legislative body of the county shall:

- (1) provide a seal for the clerk of the district court of the county, the impression of which shall contain the words "District Court, State of Utah," together with the name of the county; and
- (2) file an impression of the seal in the office of the county clerk and with the Division of Archives.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-216 Business license fees and taxes -- Application information to be transmitted to the county assessor.

- (1) As used in this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.
- (2) Except as provided in Subsection (4)(a), and subject to Subsection (4)(b), the legislative body of a county may by ordinance provide for the licensing of businesses within the unincorporated areas of the county for the purpose of regulation, and may impose fees on businesses to recover the county's costs of regulation.
- (3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.
- (4) A county may not:
 - (a) require a license or permit for a business that is operated:
 - (i) only occasionally; and
 - (ii) by an individual who is under 18 years of age; or
 - (b) charge a license fee for a home based business unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.
- (5) The county business licensing agency shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.
- (6) This section may not be construed to enhance, diminish, or otherwise alter the taxing power of counties existing prior to the effective date of Laws of Utah 1988, Chapter 144.

Amended by Chapter 361, 2017 General Session

17-53-217 Commanding services of sheriff.

A county legislative body may direct the sheriff to serve notices, subpoenas, citations, or other process issued by the legislative body, and to attend in person or by deputy all meetings of the legislative body to preserve order.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-218 Duties as board of equalization.

The legislative body of each county shall perform such duties as a county board of equalization as are provided by law.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-219 Auditor statement of county debt.

The legislative body of each county shall have prepared by the auditor under its direction prior to the annual meeting for levying taxes a statement showing the indebtedness of the county, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part of it.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-220 Taxation for county purposes.

A county legislative body may levy taxes upon the taxable property within the county for all county purposes.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-221 Tax for care, relief, and burial of indigents.

- (1) A county legislative body may, if it considers it necessary and expedient so to do, annually at its session at which the annual tax levy for county purposes is fixed and levied, assess and levy a tax for:
 - (a) the care, maintenance, and relief of the indigent sick or dependent poor persons having a lawful settlement in the county;
 - (b) the temporary relief of indigent persons not having a lawful settlement in the county temporarily residing therein, and for the burial of such indigent persons who die within the county;
 - (c) the erection and maintenance of hospitals, infirmaries, and farms in connection with Subsections (1)(a) and (b);
 - (d) the employment of a superintendent for such county hospitals and infirmaries, and any other necessary help in them; and
 - (e) the salary of the county physician for attending the indigent sick or dependent poor and other duties as provided by law.
- (2) The taxes authorized under Subsection (1) shall be assessed, levied, and collected in the same manner as other county taxes are assessed, levied, and collected.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-222 Tax for exhibits encouraging trade.

A county legislative body may levy a special tax on the taxable property within the county for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibit of the products and industries of the county at any domestic or foreign exposition, fair, or livestock show for the purpose of encouraging immigration and increasing trade in the products of the state and for the purpose of maintaining, conducting, and furnishing facilities for livestock or other exhibitions or for the purpose of promoting and making water surveys, collecting data relating to the supply, distribution and use of water or the necessity for drainage or other reclamation work and the compilation of data or information to encourage the conservation of water for the reclamation of lands within the county or counties of the state either by the county or through the instrumentality of a corporation not for pecuniary profit, organized for that purpose.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-223 Ordinances -- Power to enact -- Penalty for violation.

- (1) A county legislative body may:
 - (a) pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;
 - (b) enforce obedience to ordinances with fines or penalties as the county legislative body considers proper; and
 - (c) pass ordinances to control air pollution.
- (2)

- (a) Punishment imposed under Subsection (1)(b) shall be by fine, not to exceed the maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or both fine and imprisonment.
 - (b) Notwithstanding Subsection (2)(a), a county may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined in Section 4-12-102, or an individual's use of the individual's residence unless:
 - (i) the violation:
 - (A) is a nuisance as defined in Subsection 78B-6-1101(1); and
 - (B) threatens the health, safety, or welfare of the individual or an identifiable third party; or
 - (ii) the county has imposed a fine on the individual for a violation that involves the same residence or pet on three previous occasions within the past 12 months.
 - (c) Subsection (2)(b) does not apply to county enforcement of a building code or fire code ordinance in accordance with Title 15A, State Construction and Fire Codes Act.
 - (d) When a penalty for a violation of an ordinance includes any possibility of imprisonment, the county legislative body shall include in the ordinance a statement that the county is required, under Section 78B-22-301, to provide for indigent defense services, as that term is defined in Section 78B-22-102.
 - (e) Notwithstanding any other provision of law, the following may issue a criminal citation for a violation that is punished as a misdemeanor if the violation threatens the health and safety of an animal or the public:
 - (i) a fire officer described in Section 53-7-102;
 - (ii) a law enforcement officer described in Section 53-13-103; or
 - (iii) an animal control officer described in Section 11-46-102.
- (3)
- (a) Except as specifically authorized by statute, the county legislative body may not impose a civil penalty for the violation of a county traffic ordinance.
 - (b) Subsection (3)(a) does not apply to an ordinance regulating the parking of vehicles on a highway.
- (4) A county may not issue more than one infraction within a 14-day period for a violation described in Subsection (2)(b) that is ongoing.

Amended by Chapter 89, 2020 General Session

17-53-224 Rewards for information -- Law enforcement -- Protection of county property.

- (1)
 - (a) A county legislative body may appropriate funds from the county treasury for the offering and payment of rewards for information which directly assists in the enforcement of law and protection of county property.
 - (b) The offering and payment of rewards shall be made under conditions and limitations as established by the county legislative body.
- (2) With the prior approval of the county legislative body, any county officer or agency may offer rewards to the same extent and for the same purposes authorized by Subsection (1).

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-225 County legislative body may adopt Utah Procurement Code -- Retention of records.

- (1) A county legislative body may adopt any or all of the provisions of Title 63G, Chapter 6a, Utah Procurement Code, or the rules promulgated pursuant to that code.
- (2) Whenever any county is required by law to receive bids for purchases, construction, repairs, or any other purpose requiring the expenditure of funds, that county shall keep on file all bids received, together with proof of advertisement by publication or otherwise, for:
 - (a) at least three years following the letting of any contract pursuant to those bids; or
 - (b) three years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected.

Amended by Chapter 347, 2012 General Session

17-53-226 Investigation by legislative body -- Witnesses -- Hearings.

- (1) A county legislative body may investigate any matter pertaining to the county or its business or affairs or any county officer, and may require the attendance of witnesses and take evidence in its investigations.
- (2) At such investigations, any member of the county legislative body may administer oaths to witnesses.
- (3) If the county legislative body appoints a member of its body a committee upon any subject or matter and confers upon that member power to hear or take evidence, such committee shall have the same powers in the premises as the county legislative body itself.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-227 Breach of duty by county legislative body member -- Penalty.

A member of a county legislative body who, without just cause, refuses or neglects to perform a duty imposed upon the member or willfully violates any law governing the member as a member of the county legislative body, or who, as a county legislative body member, willfully, fraudulently, or corruptly attempts to perform an act unauthorized by law shall, in addition to the penalty provided in the criminal code:

- (1) forfeit to the county \$500 for every such act, to be recovered on the member's official bond; and
- (2) be further liable on the member's official bond to any person injured by the act for all damages sustained.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-228 Administrative hearings and procedures -- Penalty for code violation.

- (1) A county may adopt an ordinance establishing an administrative hearing process to review and decide matters relating to the violation, enforcement, or administration of a county civil ordinance, including an ordinance related to the following:
 - (a) a building code;
 - (b) planning and zoning;
 - (c) animal control;
 - (d) licensing;
 - (e) health and safety;
 - (f) county employment; or
 - (g) sanitation.
- (2) An ordinance adopted in accordance with Subsection (1) shall provide appropriate due process protections for a party participating in an administrative hearing.

- (3) An administrative hearing held in accordance with an ordinance described in Subsection (1) may be conducted by an administrative law judge.
- (4) A county may not impose a civil penalty and adjudication for the violation of a county moving traffic ordinance.
- (5)
 - (a) A county may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance unless the county provides to the individual who is subject to the penalty written notice that:
 - (i) identifies the relevant regulation or ordinance at issue;
 - (ii) specifies the violation of the relevant regulation or ordinance; and
 - (iii) provides for a reasonable time to cure the violation, taking into account the cost of curing the violation.
 - (b) A county may not collect on a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance that is outstanding or pending on or after May 14, 2019, unless the county imposed the outstanding or pending penalty in relation to a written notice that:
 - (i) identified the relevant regulation or ordinance at issue;
 - (ii) specified the violation of the relevant regulation or ordinance; and
 - (iii) provided for a reasonable time to cure the violation, taking into account the cost of curing the violation.

Amended by Chapter 278, 2019 General Session

Part 3 County Executive

17-53-301 General powers, duties, and functions of county executive.

- (1) The elected county executive is the chief executive officer of the county.
- (2) Each county executive shall exercise all executive powers, have all executive duties, and perform all executive functions of the county, including those enumerated in this part, except as expressly provided otherwise in statute and except as contrary to the powers, duties, and functions of other county officers expressly provided for in:
 - (a) Chapter 16, County Officers;
 - (b) Chapter 17, County Assessor;
 - (c) Chapter 18a, Powers and Duties of County and District Attorney;
 - (d) Chapter 19a, County Auditor;
 - (e) Chapter 20, County Clerk;
 - (f) Chapter 21, Recorder;
 - (g) Chapter 22, Sheriff;
 - (h) Chapter 23, County Surveyor; and
 - (i) Chapter 24, County Treasurer.
- (3) A county executive may take any action required by law and necessary to the full discharge of the executive's duties, even though the action is not expressly authorized in statute.

Amended by Chapter 258, 2015 General Session

17-53-302 County executive duties.

Each county executive shall:

- (1) exercise supervisory control over all functions of the executive branch of county government;
- (2) direct and organize the management of the county in a manner consistent with state law, county ordinance, and the county's optional plan of county government;
- (3) carry out programs and policies established by the county legislative body;
- (4) faithfully ensure compliance with all applicable laws and county ordinances;
- (5) exercise supervisory and coordinating control over all departments of county government;
- (6) except as otherwise vested in the county legislative body by state law or by the optional plan of county government, and subject to Section 17-53-317, appoint, suspend, and remove the directors of all county departments and all appointive officers of boards and commissions;
- (7) except as otherwise delegated by statute to another county officer, exercise administrative and auditing control over all funds and assets, tangible and intangible, of the county;
- (8) except as otherwise delegated by statute to another county officer, supervise and direct centralized budgeting, accounting, personnel management, purchasing, and other service functions of the county;
- (9) conduct planning studies and make recommendations to the county legislative body relating to financial, administrative, procedural, and operational plans, programs, and improvements in county government;
- (10) maintain a continuing review of expenditures and of the effectiveness of departmental budgetary controls;
- (11) develop systems and procedures, not inconsistent with statute, for planning, programming, budgeting, and accounting for all activities of the county;
- (12) if the county executive is an elected county executive, exercise a power of veto over ordinances enacted by the county legislative body, including an item veto upon budget appropriations, in the manner provided by the optional plan of county government;
- (13) review, negotiate, approve, and execute contracts for the county, unless otherwise provided by statute;
- (14) perform all other functions and duties required of the executive by state law, county ordinance, and the optional plan of county government; and
- (15) sign on behalf of the county all deeds that convey county property.

Amended by Chapter 209, 2011 General Session

17-53-303 Examination and audit of accounts.

- (1) The county executive may examine and audit the accounts of all officers having the care, management, collection, or disbursement of money belonging to the county or appropriated by law or otherwise for its use and benefit.
- (2) Nothing in this section may be construed to affect a county auditor's authority under Chapter 19a, County Auditor.

Amended by Chapter 17, 2012 General Session

17-53-304 Commanding services of sheriff.

The county executive may direct the county sheriff to serve notices, subpoenas, citations, or other process issued by the executive, and to attend in person or by deputy all meetings conducted by the executive to preserve order.

Enacted by Chapter 133, 2000 General Session

17-53-305 Warrants -- Authority to draw on treasurer.

The county executive may settle and allow all accounts legally chargeable against the county, after their examination by the county auditor, and order warrants to be drawn on the county treasurer for those accounts.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-306 Warrants -- Required information -- Payment -- Registration.

- (1) Each warrant drawn by order of the county executive on the county treasurer for current expenses during each year shall specify the liability for which it is drawn, when it accrued, and the funds from which it is to be paid.
- (2) Each warrant shall be paid in the order of presentation to the treasurer.
- (3) If the money in the treasury is insufficient to pay a warrant, the treasurer shall register the warrant and pay it in the order of registration.
- (4) Accounts for county charges of every description shall be presented to the auditor and county executive to be audited as prescribed in statute.

Enacted by Chapter 133, 2000 General Session

17-53-307 County purchasing agent -- Appointment -- Compensation -- Oath -- Supervision -- Duties.

- (1) The county executive, with the advice and consent of the county legislative body, in each county having a taxable value in excess of \$500,000,000 may appoint a county purchasing agent.
- (2) The agent shall qualify by taking, subscribing, and filing the constitutional oath and giving bond to the county in a sum fixed by the county legislative body.
- (3)
 - (a) The county purchasing agent shall, under the direction and supervision of the county executive and except as provided in Subsection (3)(b):
 - (i) negotiate for the purchase of or contract for all supplies and materials required by the county;
 - (ii) submit all contracts and purchases negotiated by the purchasing agent under Subsection (3)(a)(i) to the county executive for approval and ratification; and
 - (iii) keep an accurate and complete record of all purchases and a detailed disposition of them and, when required by the county legislative body, make a complete and detailed report to it of business transacted.
 - (b) Subject to Subsection (3)(c), the county executive may structure the county purchasing agent's office so that:
 - (i) the county purchasing agent's office is physically located within the county auditor's office; and
 - (ii) the county purchasing agent receives direction and supervision from the county auditor.
 - (c) The county executive:
 - (i) may not structure the county purchasing agent's office as described in Subsection (3)(b) unless:
 - (A) the county executive receives the advice and consent of the county council; and
 - (B) the county executive and county auditor agree, in writing, to the proposed structure, including the level of direction and supervision of the county purchasing agent retained by the county executive; and

- (ii) shall maintain the level of direction and supervision over the county purchasing agent as agreed upon with the county auditor.
- (4) The county executive may exclude from the purchasing agent's responsibility a county clerk's duties concerning elections or a sheriff's duties under Section 17-22-8.

Amended by Chapter 140, 2011 General Session

17-53-309 Approval of cost-increase changes in plans and specifications -- Delegation.

- (1) If the county executive adopts plans and specifications for the alteration, construction, or repair of any public building or other public structure, the plans and specifications may not be altered or changed in any manner that would increase the cost of altering, constructing, or repairing the building or structure, unless the county executive approves the alteration or change in the plans and specifications.
- (2) The county executive may adopt policies and procedures to delegate authority to approve alterations or changes in plans and specifications to a county employee, including the county engineer, architect, surveyor, or director of the department or division responsible for the work.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-310 Changes or alterations in contract -- Liability of county.

- (1) If the county executive enters into a contract for the construction, alteration, or repair of any public building or other public structure, the contract may be altered or changed only if the alteration or change is within the general scope of the contract.
- (2) If a change or alteration in the contract is made:
 - (a) the particular change or alteration shall be specified in writing; and
 - (b) the increase or decrease in cost due to the change or alteration shall be established by the county executive according to either the provisions of the contract or established principles of the construction industry.
- (3)
 - (a) The county executive may adopt policies and procedures to delegate authority for approval of changes or alterations in the contract to a county employee, including the county engineer, architect, surveyor, or director of the department or division responsible for the work.
 - (b) Unless the requirements of this section are met, the county is not liable for any extra work done on the buildings or public structures.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-311 Contracting for management, maintenance, operation, or construction of jails.

- (1)
 - (a) With the approval of the sheriff, a county executive may contract with private contractors for management, maintenance, operation, and construction of county jails.
 - (b) A county executive may include a provision in the contract that allows use of a building authority created under the provisions of Title 17D, Chapter 2, Local Building Authority Act, to construct or acquire a jail facility.
 - (c) A county executive may include a provision in the contract that requires that any jail facility meet any federal, state, or local standards for the construction of jails.
- (2) If a county executive contracts only for the management, maintenance, or operation of a jail, the county executive shall include provisions in the contract that:

- (a) require the private contractor to post a performance bond in the amount set by the county legislative body;
 - (b) establish training standards that shall be met by jail personnel;
 - (c) require the private contractor to provide and fund training for jail personnel so that the personnel meet the standards established in the contract and any other federal, state, or local standards for the operation of jails and the treatment of jail prisoners;
 - (d) require the private contractor to indemnify the county for errors, omissions, defalcations, and other activities committed by the private contractor that result in liability to the county;
 - (e) require the private contractor to show evidence of liability insurance protecting the county and its officers, employees, and agents from liability arising from the construction, operation, or maintenance of the jail, in an amount not less than those specified in Title 63G, Chapter 7, Governmental Immunity Act of Utah;
 - (f) require the private contractor to:
 - (i) receive all prisoners committed to the jail by competent authority; and
 - (ii) provide them with necessary food, clothing, and bedding in the manner prescribed by the governing body; and
 - (g) prohibit the use of inmates by the private contractor for private business purposes of any kind.
- (3) A contractual provision requiring the private contractor to maintain liability insurance in an amount not less than the liability limits established by Title 63G, Chapter 7, Governmental Immunity Act of Utah, may not be construed as waiving the limitation on damages recoverable from a governmental entity or its employees established by that chapter.

Amended by Chapter 297, 2011 General Session

17-53-312 County resource development committee -- Membership -- Term -- Compensation and expenses -- Duties.

- (1)
- (a) A county executive may, with the advice and consent of the county legislative body, appoint a county resource development committee of three or more members, at least one of which shall be a member of the county legislative body.
 - (b) Each member of a county resource development committee shall be a resident of the county.
- (2)
- (a) The term of each member of a county resource development committee shall be two years and until a successor has been appointed.
 - (b) The legislative body of each county with a county resource development committee shall provide by ordinance for the filling of a vacancy in the membership of the committee and for the removal of a member for nonperformance of duty or misconduct.
- (3)
- (a) Each member shall serve without compensation.
 - (b) The county legislative body may reimburse a member for actual expenses incurred in performing the member's duties and responsibilities on the committee, upon presentation of proper receipts and vouchers.
- (4) The committee may elect such officers from its members as it considers appropriate and may, with the consent and approval of the county legislative body, employ an executive director for the committee.
- (5) The committee shall:
- (a) assist in promoting the development of the county's mineral, water, manpower, industrial, historical, cultural, and other resources; and

- (b) make such recommendations to the county for resource development as the committee considers advisable.
- (6) The county executive may cooperate and enter into contracts with municipalities, local communities, other counties, and the state for the purpose of promoting the development of the economic, historical, and cultural resources of the county.

Enacted by Chapter 133, 2000 General Session

17-53-313 Hiring of professional architect, engineer, or surveyor.

Notwithstanding the adoption of some or all of the provisions of Title 63G, Chapter 6a, Utah Procurement Code, under Section 17-53-225, each county executive that engages the services of a professional architect, engineer, or surveyor and considers more than one such professional for the engagement:

- (1) shall consider, as a minimum, in the selection process:
 - (a) the qualifications, experience, and background of each firm submitting a proposal;
 - (b) the specific individuals assigned to the project and the time commitments of each to the project; and
 - (c) the project schedule and the approach to the project that the firm will take; and
- (2) may engage the services of a professional architect, engineer, or surveyor based on the criteria under Subsection (1) rather than solely on lowest cost.

Amended by Chapter 347, 2012 General Session

17-53-314 Restrictions on county procurement of architect-engineer services.

- (1) As used in this section, "architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.
- (2) When a county elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:
 - (a) a higher education entity, or any part of one, may not submit a proposal in response to the county's competitive procurement process; and
 - (b) the county may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.

Enacted by Chapter 21, 2000 General Session

17-53-315 Actions -- Control and direction.

- (1)
 - (a) A county executive may control and direct the prosecution, defense, and settlement of all lawsuits and other actions:
 - (i) to which the county is a party;
 - (ii) as to which the county may be required to pay the judgment or the costs of prosecution or defense; or
 - (iii) as further provided by county ordinance.
 - (b) If necessary, the county executive may, upon the recommendation of the county or district attorney or if required by court order, employ counsel to represent the county in the lawsuit or other action or assist the county attorney or, in a county that does not have a county

attorney, the district attorney in conducting those lawsuits or any other actions where the county attorney or district attorney, as the case may be, is authorized by law to act.

- (2) If a lawsuit or other action is brought or prosecuted by another elected official or a board or other entity of the county under a statutory duty, that other elected official, board, or other entity may control and direct the lawsuit or other action, consistent with applicable law.

Amended by Chapter 241, 2001 General Session

17-53-316 Executive orders.

- (1) The county executive may issue an executive order to:
 - (a) establish an executive policy;
 - (b) implement an executive practice; or
 - (c) execute a legislative policy or ordinance, as provided by statute.
- (2) An executive order may not:
 - (a) be inconsistent with county ordinances addressing or with policies established by the county legislative body addressing the same subject as the executive order; or
 - (b) expand or narrow legislative action taken or legislative policy issued by the county legislative body.
- (3) Each executive order exercising supervisory power over other elected county officers shall be consistent with the authority given the county executive under Section 17-53-106.

Enacted by Chapter 241, 2001 General Session

17-53-317 Executive appointment with advice and consent of county legislative body.

- (1) The appointment of a person to fill a position on a board, committee, or similar body whose membership is appointed by the county shall be by the county executive, with the advice and consent of the county legislative body.
- (2)
 - (a) As used in this Subsection (2), "interim vacancy period" means:
 - (i) for a county commission form or expanded county commission form of government, the period of time that:
 - (A) begins on the day on which a general election described in Section 17-16-6 is held to elect a commission member; and
 - (B) ends on the day on which the commission member-elect begins the council member's term; or
 - (ii) for a county executive-council form of government, the period of time that:
 - (A) begins on the day on which a general election described in Section 17-16-6 is held to elect a county executive; and
 - (B) ends on the day on which the county executive-elect begins the county executive's term.
 - (b)
 - (i) A county commission in a county commission form of government, or a county commission in an expanded county commission form of government, may not appoint during an interim period vacancy a manager, a chief executive officer, a chief administrative officer, or a similar position to perform executive and administrative duties or functions.
 - (ii) Notwithstanding Subsection (2)(b)(i):
 - (A) a county commission in a county commission form of government, or a county commission in an expanded county commission form of government, may appoint an

- interim manager, a chief executive officer, a chief administrative officer, or a similar position during an interim vacancy period; and
- (B) the interim appointee's term shall expire once a new manager, a chief executive officer, a chief administrative officer, or a similar position is appointed by the new administration after the interim vacancy period has ended.
- (c) Subsection (2)(b) does not apply if all the county commission 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 county commission for the following term.
- (d)
 - (i) A county executive in a county executive-council form of government may not appoint during an interim vacancy period a manager, a chief executive officer, a chief administrative officer, or a similar position to perform executive and administrative duties or functions.
 - (ii) Notwithstanding Subsection (2)(d)(i):
 - (A) a county executive in a county executive-council form of government may appoint an interim manager, a chief executive officer, a chief administrative officer, or a similar position during an interim vacancy period; and
 - (B) the interim appointee's term shall expire once a new manager, a chief executive officer, a chief administrative officer, or a similar position is appointed by the new county executive after the interim vacancy period has ended.
- (e) Subsection (2)(d) does not apply if the county executive who held office on the day of the county general election is re-elected to the office of county executive for the following term.
- (3) A county commission in a county commission form of government, a county commission in an expanded county commission form of government, or a county executive in a county executive-council form of government that appoints a manager, a chief executive officer, a chief administrative officer, or a similar position 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 manager, chief executive officer, chief administrative officer, or similar position.

Amended by Chapter 209, 2011 General Session

17-53-318 Governing body as cooperating agency in federal land planning and regulation.

- (1) As used in this section:
 - (a) "Cooperating agency" means:
 - (i) a cooperating agency as defined in 43 CFR 1601.0-5; or
 - (ii) a cooperating agency as defined in 40 CFR 1508.5.
 - (b) "General plan" means the general plan described in Title 17, Chapter 27a, Part 4, General Plan.
 - (c) "Governing body" means, respectively:
 - (i) a county commission;
 - (ii) a county council and county executive; or
 - (iii) a county council and county manager.
- (2) A governing body or a person designated by the governing body:
 - (a) may represent the county as a cooperating agency; and
 - (b) is considered to have special expertise:
 - (i) in a matter related to the:
 - (A) National Environmental Policy Act of 1969, 42 U.S.C. Sec. 4321 et seq.;
 - (B) Federal Land Policy Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
 - (C) Wilderness Act of 1964, 16 U.S.C. Sec. 1131 et seq.;

- (D) Multiple-Use Sustained Yield Act of 1960, 16 U.S.C. Sec. 528 et seq.;
 - (E) National Forest Management Act of 1976, 16 U.S.C. Sec. 1600 et seq.; or
 - (F) an energy policy and conservation act amended by the Energy Policy Act of 2005, 42 U.S.C. Sec. 16511 et seq.;
 - (ii) in a matter related to federal land development and planning, the implementation of a federal resource management plan, and other related federal land management actions;
 - (iii) regarding whether a federal land development and plan, resource management plan, or other related federal land management action is consistent with an adopted county general plan; and
 - (iv) on a subject matter for which it has statutory responsibility, including a subject matter related to the health, safety, welfare, custom, culture, or socioeconomic viability of a county.
- (3) A county through its governing body or a person designated by the governing body may participate in efforts to coordinate and make consistent the federal agency resource management plan or other related management action with the general plan as provided in:
- (a) the Federal Land Policy Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;
 - (b) 16 U.S.C. Sec. 1604; or
 - (c) any other federal law or rule that provides for coordination and consistency with local government plans and policies.

Enacted by Chapter 97, 2013 General Session