

APPOINTMENT OF LEGAL COUNSEL IN COUNTIES

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: John E. Swallow

AN ACT RELATING TO COUNTIES; AUTHORIZING THE APPOINTMENT OF SEPARATE COUNSEL FOR COUNTY EXECUTIVE OR COUNTY LEGISLATIVE BODY UNDER CERTAIN CIRCUMSTANCES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

17-15-27, Utah Code Annotated 1953

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

Section 1. Section **17-15-27** is enacted to read:

17-15-27. Appointment of legal counsel by county executive and county legislative body.

(1) (a) An elected county executive in a county that has adopted an optional form of county government under Chapter 35a, Optional Forms of County Government Act, may appoint an attorney to advise and represent the county executive.

(b) An attorney appointed under Subsection (1)(a):

(i) serves at the pleasure of the county executive; and

(ii) may not perform any of the functions of a county attorney or district attorney under this title.

(c) An attorney appointed under this Subsection (1) may represent the county executive in cases and controversies before courts and administrative agencies and tribunals when a conflict exists that precludes the county or district attorney from representing the county executive.

(2) A county legislative body may appoint an attorney to represent the county legislative body when a conflict exists that precludes the county or district attorney from representing the county legislative body.