

**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) A county executive in a county that has adopted an optional form of county
government under Title 17, 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 prosecuting attorney
under this title.

(c) As directed by the county executive, an attorney appointed under this Subsection (1)
may represent the county executive in cases and controversies before courts and administrative
agencies and tribunals.

(2) (a) The legislative body of a county that is within a prosecution district created under
Section 17-18-1.9 may appoint an attorney to advise and represent the county legislative body.

28 (b) An attorney appointed under Subsection (2)(a):
29 (i) serves at the pleasure of the county legislative body; and
30 (ii) may not perform any of the functions of a county attorney or prosecuting attorney
31 under this title.

32 (c) As directed by the county legislative body, an attorney appointed under this Subsection
33 (1) may represent the county legislative body in cases and controversies before courts and
34 administrative agencies and tribunals.

Legislative Review Note
as of 1-25-99 10:30 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel