

1 **FIREMEN'S CIVIL SERVICE COUNCIL**

2 **AMENDMENTS**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: J. Morgan Philpot**

6 **This act modifies the County Code by amending provisions relating to the Firemen's Civil**
7 **Service Council. The act shifts appointment power and oversight of the council from the**
8 **county legislative body to the county executive.**

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

10 AMENDS:

11 **17-28-1**, as last amended by Chapter 115, Laws of Utah 1992

12 **17-28-2**, as last amended by Chapter 115, Laws of Utah 1992

13 **17-28-3**, as last amended by Chapter 115, Laws of Utah 1992

14 **17-28-6**, as last amended by Chapter 115, Laws of Utah 1992

15 **17-28-14**, as last amended by Chapter 115, Laws of Utah 1992

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

17 Section 1. Section **17-28-1** is amended to read:

18 **17-28-1. County Fire Civil Service Council.**

19 (1) There is created in each of the counties of this state having and maintaining a regularly
20 organized fire department in which there are regularly employed four or more paid firefighters, a
21 County Fire Civil Service Council consisting of three members to be appointed by the county
22 [~~legislative body~~] executive.

23 (2) Each member shall serve for a term of three years except that the county [~~legislative~~
24 ~~body~~] executive shall appoint the original council members as follows:

25 (a) one member for a period of one year;

26 (b) one member for a period of two years; and

27 (c) one member for a period of three years.



28 Section 2. Section **17-28-2** is amended to read:

29 **17-28-2. Vacancies -- Compensation -- Removal from office.**

30 (1) Any vacancy occurring on the County Fire Civil Service Council shall be filled by
31 appointment by the county [~~legislative body~~] executive for the unexpired term.

32 (2) Not more than two members of any council shall at any one time be affiliated with or
33 a member of the same political party.

34 (3) A member of the council may not hold, during the term of his office, any other public
35 office or be a candidate for any other public office.

36 (4) Each council member shall receive \$50 for each meeting of the council attended by
37 him. The county legislative body may raise the compensation of council members as it considers
38 appropriate. This compensation and allowance shall be a charge against the county and paid
39 monthly.

40 (5) In case of misconduct, willful neglect, or inability to perform the duties of his office,
41 any council member may be removed from office by the county legislative body upon a majority
42 vote of the body, but the member is entitled to an opportunity to be heard in his own defense.

43 Section 3. Section **17-28-3** is amended to read:

44 **17-28-3. Organization of council -- Accommodations.**

45 (1) The County Fire Civil Service Council shall select one of its members as chair.

46 (2) The [~~legislative body of the county in which it is organized~~] county executive shall
47 assign a qualified employee of the county to act as secretary to the council and a qualified attorney
48 to act as legal counsel to the council, each of which shall be acceptable to the council and shall act
49 and serve without additional compensation.

50 (3) The county [~~legislative body~~] executive shall provide suitable accommodations,
51 equipment, and necessary funds to enable the council of its county to properly conduct its business.

52 Section 4. Section **17-28-6** is amended to read:

53 **17-28-6. County Fire Civil Service executive director -- Powers and duties.**

54 (1) (a) Within each county subject to this chapter, there is created the office of executive
55 director of County Fire Civil Service, who shall be appointed by the county [~~legislative body~~]
56 executive.

57 (b) The executive director shall be a person with proven experience in personnel
58 management and shall be accountable to the county [~~legislative body~~] executive for his

59 performance in office.

60 (c) The position of executive director shall be a merit position under Title 17, Chapter 33,
61 County Personnel Management Act, and shall be recruited and selected in the same manner as the
62 holders of other career service merit positions, with the concurrence of the County Fire Civil
63 Service Council.

64 (2) The County Fire Civil Service executive director shall:

65 (a) exercise, on behalf of the county, executive or administrative duties regarding the
66 management and administration of the County Fire Civil Service System, including the
67 management and administration of examinations, classification of duties, preparation of hiring
68 registers, recommendations regarding civil service regulations and policies, and other duties
69 provided in this chapter;

70 (b) classify persons successfully passing examinations in the order of their ascertained
71 merit and prepare a list of them;

72 (c) make certification of classifications when required;

73 (d) make, publish, and distribute necessary rules relative to examinations, classifications,
74 and certifications as may be proper and desirable in the administration of this chapter;

75 (e) establish and maintain records of employees in the County Fire Civil Service System
76 setting forth as to each employee class, title, pay, status, and other relevant data;

77 (f) make necessary and proper reports to the County Fire Civil Service Council, the fire
78 chief, or the county [~~legislative body~~] executive;

79 (g) apply and carry out the provisions of this chapter and the policies and rules adopted
80 under it; and

81 (h) perform other lawful acts that may be necessary or desirable to carry out the purposes
82 of this chapter.

83 (3) The executive director shall appoint the members of and act as chair to a County Fire
84 Civil Service Advisory Committee which shall assist the executive director in making
85 recommendations to the county [~~legislative body~~] executive regarding County Fire Civil Service
86 System rules and policies.

87 Section 5. Section **17-28-14** is amended to read:

88 **17-28-14. Reports by executive director.**

89 Each County Fire Civil Service executive director shall, each December, make an annual

90 report to the county executive and the county legislative body and shall make other reports as
91 required by the county [~~legislative body~~] executive regarding the activities of the County Fire Civil
92 Service Council and System.

Legislative Review Note
as of 1-15-02 1:38 PM

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

Office of Legislative Research and General Counsel