

COUNTY COUNSEL AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the responsibilities of certain attorneys who are representing a county.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the duties of an attorney appointed by a county legislative body in a county that has a county executive-council form of county government;
- ▶ modifies the duties of a district or county attorney in a county that has a county executive-council form of county government; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-15-27, as last amended by Laws of Utah 2018, Chapter 68

17-18a-504, as enacted by Laws of Utah 2013, Chapter 237



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

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

30 **17-15-27. Appointment of legal counsel by county executive and county legislative**
31 **body.**

32 (1) (a) An elected county executive in a county that has adopted a county
33 executive-council form of county government under Chapter 52a, Changing Forms of County
34 Government, may appoint an attorney to advise and represent the county executive.

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

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

37 (ii) may not perform any of the functions of a county attorney or district attorney under
38 this title, except as provided in this section.

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

43 (2) (a) The legislative body of a county that has adopted a county executive-council
44 form of county government under Chapter 52a, Changing Forms of County Government, may
45 appoint an attorney to advise and represent the county legislative body.

46 (b) An attorney appointed under Subsection (2)(a):

47 (i) serves at the pleasure of the county legislative body; and

48 (ii) may not perform any of the functions of a county attorney or district attorney under
49 this title, except as provided in this section and Section 17-18a-504.

50 (c) An attorney appointed under this Subsection (2) may represent the county
51 legislative body in cases and controversies before courts and administrative agencies and
52 tribunals when a conflict exists that precludes the county or district attorney from representing
53 the county legislative body.

54 Section 2. Section **17-18a-504** is amended to read:

55 **17-18a-504. Review and approve as to form.**

56 ~~[The]~~ (1) As used in this section:

57 (a) "Appointed attorney" means an attorney who is appointed to advise and represent
58 the legislative body of a county in accordance with Subsection 17-15-27(2)(a).

59 **(b) "Civil counsel" means an attorney, as that term is defined in Section [17-18a-102](#),**
60 **who is exercising the attorney's civil duties for a county.**

61 **(2) Except as provided in Subsection (3), the civil counsel shall review and approve as**
62 **to form and legality each county contract, ordinance, regulation, policy, real estate document,**
63 **conveyance, and legal document.**

64 **(3) If a county has an appointed attorney:**

65 **(a) the appointed attorney shall review and approve as to form and legality each county**
66 **ordinance, regulation, and policy; and**

67 **(b) the civil counsel shall review and approve as to form and legality each county**
68 **contract, real estate document, conveyance, and legal document other than a legal document**
69 **described in Subsection (3)(a).**