

COUNTY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Jordan D. Teuscher

LONG TITLE

General Description:

This bill modifies provisions related to the duties of certain county officers.

Highlighted Provisions:

This bill:

- ▶ modifies the duties of a district or county attorney related to reviewing county legal documents;

- ▶ requires the county executive to rescind an existing executive order when a county legislative body establishes a program or policy that conflicts with the existing executive order;

- ▶ requires the county executive to ensure compliance with a program or policy established by a county legislative body; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

[17-18a-504](#), as enacted by Laws of Utah 2013, Chapter 237

[17-53-302](#), as last amended by Laws of Utah 2011, Chapter 209

[17-53-316](#), as enacted by Laws of Utah 2001, Chapter 241

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

31 Section 1. Section **17-18a-504** is amended to read:

32 **17-18a-504. Review and advise as to form.**

33 The civil counsel shall review and [~~approve~~] advise as to form and legality each county
34 contract, ordinance, regulation, real estate document, conveyance, and legal document.

35 Section 2. Section **17-53-302** is amended to read:

36 **17-53-302. County executive duties.**

37 Each county executive shall:

38 (1) exercise supervisory control over all functions of the executive branch of county
39 government;

40 (2) direct and organize the management of the county in a manner consistent with state
41 law, county ordinance, and the county's optional plan of county government;

42 (3) (a) carry out programs and policies established by the county legislative body; and

43 (b) ensure that all departments of county government comply with programs and
44 policies established by the county legislative body;

45 (4) faithfully ensure compliance with all applicable laws and county ordinances;

46 (5) exercise supervisory and coordinating control over all departments of county
47 government;

48 (6) except as otherwise vested in the county legislative body by state law or by the
49 optional plan of county government, and subject to Section **17-53-317**, appoint, suspend, and
50 remove the directors of all county departments and all appointive officers of boards and
51 commissions;

52 (7) except as otherwise delegated by statute to another county officer, exercise
53 administrative and auditing control over all funds and assets, tangible and intangible, of the
54 county;

55 (8) except as otherwise delegated by statute to another county officer, supervise and
56 direct centralized budgeting, accounting, personnel management, purchasing, and other service
57 functions of the county;

58 (9) conduct planning studies and make recommendations to the county legislative body
59 relating to financial, administrative, procedural, and operational plans, programs, and
60 improvements in county government;

61 (10) maintain a continuing review of expenditures and of the effectiveness of
62 departmental budgetary controls;

63 (11) develop systems and procedures, not inconsistent with statute, for planning,
64 programming, budgeting, and accounting for all activities of the county;

65 (12) if the county executive is an elected county executive, exercise a power of veto
66 over ordinances enacted by the county legislative body, including an item veto upon budget
67 appropriations, in the manner provided by the optional plan of county government;

68 (13) review, negotiate, approve, and execute contracts for the county, unless otherwise
69 provided by statute;

70 (14) perform all other functions and duties required of the executive by state law,
71 county ordinance, and the optional plan of county government; and

72 (15) sign on behalf of the county all deeds that convey county property.

73 Section 3. Section **17-53-316** is amended to read:

74 **17-53-316. Executive orders.**

75 (1) The county executive may issue an executive order to:

76 (a) establish an executive policy;

77 (b) implement an executive practice; or

78 (c) execute a legislative policy or ordinance, as provided by statute.

79 ~~[(2) An executive order may not:]~~

80 (2) (a) The county executive may not issue an executive order that:

81 ~~[(a) be]~~ (i) is inconsistent with county ordinances ~~[addressing]~~ that address the same
82 subject as the executive order or with policies established by the county legislative body

83 ~~[addressing]~~ that address the same subject as the executive order; or

84 ~~[(b) expand or narrow]~~ (ii) expands or narrows legislative action taken or legislative
85 policy issued by the county legislative body.

86 (b) If a county legislative body adopts an ordinance or establishes a policy that
87 conflicts with an existing executive order, the ordinance or policy adopted or established by the
88 county legislative body supersedes the executive order.

89 (3) Each executive order exercising supervisory power over other elected county
90 officers shall be consistent with the authority given the county executive under Section
91 [17-53-106](#).