



30 known as the "council-manager" form:

- 31 (i) an elected county council;
- 32 (ii) a county manager appointed by the council; and
- 33 (iii) other officers and employees authorized by law.

34 (b) The optional plan shall provide for the qualifications, time and manner of  
35 appointment subject to Subsections (6) and (7), term of office, compensation, and removal of  
36 the county manager.

37 (2) The county manager is the administrative head of the county government and has  
38 the powers, functions, and duties of a county executive, except:

- 39 (a) as the county legislative body otherwise provides by ordinance; and
- 40 (b) that the county manager may not veto any ordinances enacted by the council.

41 (3) (a) ~~[A]~~ An individual member of the council may not directly or indirectly, by  
42 suggestion or otherwise:

43 (i) attempt to influence or coerce the manager in:

- 44 (A) making any appointment;
- 45 (B) removing any officer or employee; or
- 46 (C) purchasing supplies;

47 (ii) attempt to exact any promise relative to any appointment from any candidate for  
48 manager; or

49 (iii) discuss directly or indirectly with the manager the matter of specific appointments  
50 to any county office or employment.

51 (b) (i) A ~~[person]~~ member of the county council who violates the provisions of this  
52 Subsection (3) shall forfeit the member's county council office ~~[of the offending member of the~~  
53 ~~council]~~.

54 (ii) Nothing in this section shall be construed, however, as prohibiting the council  
55 ~~[while in open session]~~ from fully and freely discussing with or suggesting to the manager  
56 anything pertaining to county affairs or the interests of the county.

57 (iii) ~~[Neither manager nor any person in the employ of the county shall]~~ The county

58 manager may not take part in securing, or contributing any money toward, the nomination or  
59 election of any candidate for a county office.

60 (iv) The optional plan may provide procedures for implementing this Subsection (3).

61 (4) In the council-manager form of county government:

62 (a) the legislative powers of the county are vested in the county council; and

63 (b) the executive powers of the county are vested in the county manager.

64 (5) A reference in statute or state rule to the "governing body" or the "board of county  
65 commissioners" of the county, in the council-manager form of county government, means:

66 (a) the county council, with respect to legislative functions, duties, and powers; and

67 (b) the county manager, with respect to executive functions, duties, and powers.

68 (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of  
69 time that:

70 (i) begins on the day on which a general election described in Section 17-16-6 is held  
71 to elect a council member; and

72 (ii) ends on the day on which the council member-elect begins the council member's  
73 term.

74 (b) (i) The county council may not appoint a county manager during an interim vacancy  
75 period.

76 (ii) Notwithstanding Subsection (6)(b)(i):

77 (A) the county council may appoint an interim county manager during an interim  
78 vacancy period; and

79 (B) the interim county manager's term shall expire once a new county manager is  
80 appointed by the new administration after the interim vacancy period has ended.

81 (c) Subsection (6)(b) does not apply if all the county council members who held office  
82 on the day of the county general election whose term of office was vacant for the election are  
83 re-elected to the council for the following term.

84 (7) A county council that appoints a county manager in accordance with this section  
85 may not, on or after May 10, 2011, enter into an employment contract that contains an

86 automatic renewal provision with the county manager.