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1	COUNCIL-MANAGER FORM OF GOVERNMENT AMENDMENTS
2	2020 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Douglas V. Sagers
5	Senate Sponsor: Scott D. Sandall
6 7	LONG TITLE
3	General Description:
)	This bill amends provisions prohibiting county council members and county employees
1	from participating in certain activities.
	Highlighted Provisions:
	This bill:
	 clarifies that an individual member of a county council may not participate in
	certain activities;
	 repeals language prohibiting county employees from contributing to a candidate for
	county office; and
	clarifies existing provisions.
	Money Appropriated in this Bill:
	None
	Other Special Clauses:
	None
	Utah Code Sections Affected:
	AMENDS:
	17-52a-204, as renumbered and amended by Laws of Utah 2018, Chapter 68
	Be it enacted by the Legislature of the state of Utah:
	Section 1. Section 17-52a-204 is amended to read:
	17-52a-204. Council-manager form of county government.
	(1) (a) The following shall govern a county operating under the form of government

H.B. 122 Enrolled Copy

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 <u>member's county council</u> 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

Enrolled Copy H.B. 122

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. (iv) The optional plan may provide procedures for implementing this Subsection (3). 60 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 commissioners" of the county, in the council-manager form of county government, means: 65 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. (6) (a) As used in this Subsection (6), "interim vacancy period" means the period of 68 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. (b) (i) The county council may not appoint a county manager during an interim vacancy 74 75 period. 76 (ii) Notwithstanding Subsection (6)(b)(i): (A) the county council may appoint an interim county manager during an interim 77 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.

(7) A county council that appoints a county manager in accordance with this section

may not, on or after May 10, 2011, enter into an employment contract that contains an

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H.B. 122 Enrolled Copy

automatic renewal provision with the county manager.