

COUNTY COUNCIL AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a county executive to take action in certain circumstances after the county legislative body establishes a program or policy.

Highlighted Provisions:

This bill:

- ▶ 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:

17-53-302, as last amended by Laws of Utah 2011, Chapter 209

17-53-316, as enacted by Laws of Utah 2001, Chapter 241



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

29 Section 1. Section **17-53-302** is amended to read:

30 **17-53-302. County executive duties.**

31 Each county executive shall:

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

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

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

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

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

40 (5) exercise supervisory and coordinating control over all departments of county
41 government;

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

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

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

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

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

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

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

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

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

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

67 Section 2. Section 17-53-316 is amended to read:

68 **17-53-316. Executive orders.**

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

70 (a) establish an executive policy;

71 (b) implement an executive practice; or

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

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

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

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

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

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

80 (b) If a county legislative body adopts an ordinance or establishes a policy that
81 conflicts with an existing executive order, the county executive shall rescind the executive
82 order immediately.

83 (3) Each executive order exercising supervisory power over other elected county
84 officers shall be consistent with the authority given the county executive under Section
85 17-53-106.