GRAND COUNTY
CHANGE OF FORM OF GOVERNMENT
STUDY COMMITTEE
SPECIAL MEETING

Grand County Council Chambers*
*Event will be moved to Star Hall, 159 East Center Street -- if larger venue is needed
125 East Center Street, Moab, Utah

AGENDA
Thursday, March 21, 2019

5:00 p.m.
- Welcome and Introduction of Gavin Anderson, Salt Lake County Deputy District Attorney (Chairperson Stocks)

- Presentations by Gavin Anderson
  A. Ethics Class

6:00 p.m.
- Forms of County Government Discussion and Public Participation

- Future Considerations

- Adjournment

NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS. In compliance with the Americans with Disabilities Act, individuals with special needs requests wishing to attend Change of Form of Government Study Committee meetings are encouraged to contact the County two (2) business days in advance of these events. Specific accommodations necessary to allow participation of disabled persons will be provided to the maximum extent possible. T.D.D. (Telecommunication Device for the Deaf) calls can be answered at: (435) 259-1346. Individuals with speech and/or hearing impairments may also call the Relay Utah by dialing 711. Spanish Relay Utah: 1 (888) 346-3162

It is hereby the policy of Grand County that elected and appointed representatives, staff and members of Grand County Council may participate in meetings through electronic means. Any form of telecommunication may be used, as long as it allows for real time interaction in the way of discussions, questions and answers, and voting.

At the Change of Form of Government Study Committee meetings/hearings any citizen, property owner, or public official may be heard on any agenda subject. The number of persons heard and the time allowed for each individual may be limited at the sole discretion of the Chair. On matters set for public hearings there is a three-minute time limit per person to allow maximum public participation. Upon being recognized by the Chair, please advance to the microphone, state your full name and address, whom you represent, and the subject matter. No person shall interrupt legislative proceedings.

Requests for inclusion on an agenda and supporting documentation must be received forty-eight (48) hours prior to a regular or special Change of Form of Government Study Committee Meeting, subject to the Chair’s authorization. Information relative to these meetings/hearings may be obtained at the Grand County Council’s Office, 125 East Center Street, Moab, Utah and at www.grandcountyutah.net; (435) 259-1346.

A Change of Form of Government Study Committee agenda packet is available at the local Library, 257 East Center St., Moab, Utah, (435) 259-1111 at least 24 hours in advance of the meeting.
GRAND COUNTY DISCLOSURE STATEMENT

TO: ALL GRAND COUNTY OFFICERS, VOLUNTEERS, BOARD MEMBERS, AND EMPLOYEES (COVERED PERSONS*)

FROM: HUMAN RESOURCES FOR GRAND COUNTY

SUBJECT: STATUTORY ETHICAL AND DISCLOSURE REQUIREMENTS

All Grand County covered persons* must be aware of and abide by a Utah law which prohibits, or requires disclosure of certain actual or potential conflicts of interest between public duties and private business interests, if any. The County Officers and Employees Disclosure Act (§§ 17-16a-1, et seq., U.C.A., 1953 as amended) sets the following requirements:

PROHIBITED ACTS:

1. No covered person shall (1) use a County position* for private advantage by revealing confidential, controlled, private or protected information gained through that position, (2) use his or her County position to secure special privileges, or (3) accept other investment or employment that would reasonably be expected to interfere with the ethical performance of his or her public duties.

2. No covered person shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for him or herself or another if:

3. The gift or loan would reasonably tend to influence him or her in the performance of official duties, or (2) the donor has been, is, or may become involved in any official county business. Exceptions to subparagraph (2) are occasional non-money gifts of a value less than $50.00; public awards; bona fide business loans; or campaign contributions actually used in a political campaign. Paid Grand County officers and employees are prohibited from accepting any gifts of more than nominal value.

4. No covered person, acting in a county position, may accept payment for helping a private person or business in any transaction with the county. Payment may be accepted if the transaction is not in the covered person’s official capacity and disclosure is made as set forth below.

5. A covered person may not be involved with any private business which is regulated by the county, may not be involved in any transaction between their private business interests and the county, and may not be involved in any other actual or potential conflict of interest unless the nature and extent of the private business interest(s) are disclosed as explained below.

DISCLOSURE:

1. Any covered person who receives payment for helping a private person or business in a transaction with the county must disclose the payment.

2. Any covered person involved in a private business which is subject to county regulation must disclose that involvement. If the regulation is made by the agency or board of which the officer or employee is a member, disclosure must be made at each meeting in which the officer’s or employee’s business is discussed. Such oral disclosures shall be made part of the minutes of the meeting.

3. Any covered person involved with a private business that does or anticipates doing business with the county must disclose that involvement.

4. Any covered person who has a personal or business interest of any kind which raises an actual or potential conflict of interest with his or her position must disclose that interest.

5. All written disclosures must be sworn statements containing the information required above and be in a form similar to that on the reverse side of this document. All such statements are public records, open to public inspection. All disclosures must be made as follows: Orally in any meeting of a county agency, board or division where a transaction is discussed involving a matter in which the covered person has an interest. In writing when the conflict first arises. The general written disclosure must also be re-filed every January of each year that the outside interest persists. The written disclosure is filed through the covered person’s chain of command to the immediate supervisor, volunteer or community liaison, division director, department head or elected official, and county council.

Violation of these provisions may subject the covered person to disciplinary action or criminal prosecution. Any violations will be thoroughly investigated and prosecuted. Please be aware that this document is a shortened and simplified statement of the legal requirements involved in this area. YOUR CONDUCT WILL BE GOVERNED BY THE LAW, NOT THIS REVIEW. Feel free to direct any questions regarding the law’s ethical and disclosure requirements to the Civil Division of the Office of the District Attorney.

*See definition of “covered person” and "position”
DISCLOSURE OF PRIVATE PERSONAL OR BUSINESS INTERESTS (Use one form for each outside business entity, institution, or person involved.)

Under the provisions of the County Officers and Employees Disclosure Act, §§ 17-16a-1 et seq., U.C.A., 1953 as amended, I, the undersigned, under penalties of perjury, make the following statement regarding my private personal or business interests. (Type or print all information.)

A.  
Covered Person*  
Position* or County Division  
County Phone

Covered Person’s County Address

B. FOR PERSONAL INTERESTS:

Describe the nature of the personal interest

Location or address of personal or real property involved

Describe the relationship between the personal interest and business of Grand County

C. FOR BUSINESS INTERESTS:

Outside institution, entity, private business or person involved

Describe covered person’s status, employment or investment in the outside institution, entity, private business, or personal contract

Outside institution, entity, business or person’s address and phone number

Describe the nature of the assistance you are providing to the institution, entity, private business or person named above, or the nature of the economic interest or employment you hold in the private business

Describe the relationship with or transaction between the business, institution, person, etc. and Grand County

ADDITIONAL NOTES:

D.  
Describe below the nature of the assistance you are providing to the institution, entity, private business or person named above, or describe the nature of the economic interest or employment you hold in the private business. Also describe the relationship with or transaction between the business, institution, person, etc. and Grand County. Use more sheets if necessary. (This disclosure statement will not be accepted as valid unless this section is completed)

Covered Person’s Signature
SUBSCRIBED and SWORN to before me this ________ day of ____________________________, 20____

[SEAL]

NOTARY PUBLIC: ____________________________
Residing in ____________________________ County ____________________________ State

This statement is a public document. It must be filed with the covered person’s immediate supervisor, volunteer or community liaison, division director, department director or elected official, and the County Council. It must be filed when the potential conflict arises and re-filed every January, as long as the potential conflict persists.

**"Covered person" means any person appointed to any statutory office or position or any other person appointed to any position of employment with Grand County. “Covered person” includes, but is not limited to, persons serving on special, regular or full-time committees, agencies, or boards whether or not such persons are compensated for their services.

**"Position” refers to any Grand County office, appointment, employment, or uncompensated volunteer situation as described in the definition of “covered person.”
WHEREAS, Grand County policy and Utah law, including the Utah County Officers and Employees Disclosure Act, Utah Code §17-16a-1 et seq., the Utah Public Officers and Employees, Utah Code §§ 67-16-1 et seq., and the Utah Election Code, Utah Code §§ 20A-11-101 et seq., requires honest and ethical conduct by its officers, employees and volunteers.

WHEREAS, the effective operation of County government requires officers, employees and volunteers to be independent, impartial, and responsible to County government and its citizens.

WHEREAS, it is the intent of Grand County Government to promote confidence in County government and ensure that citizens of the community are represented in a fair and impartial manner by County officers and employees.

WHEREAS, the County Council adopted Ordinance 462 on November 20, 1997, which is hereby repealed and replaced.

BE IT THEREFORE ORDAINED, by the County Council of Grand County, Utah that the following provisions are enacted to establish rules of procedure for the conduct of County officers and employees.

PURPOSE. The purpose of this policy is to establish standards of conduct for County officers, employees and volunteers where there are actual or potential conflicts of interest between their public duties and their private interests, and to promote honest and ethical conduct.

1. DEFINITIONS.

1.0 DISCLOSURE STATEMENT: The disclosure statement, as required by the “County Officers and Employees Disclosure Act”, Utah Code, Title 17, Chapter 16a, and the “Utah Public Officers’ and Employees’ Ethics Act”, Utah Code, Title 67, Chapter 16, and the Utah Election Code, Utah Code, Title 20A, Chapter 16, is a written and sworn document which discloses Financial Interests, Non-Restricted Conflicts of Interest, and Restricted Conflicts of Interest filed with the County Council and is designated a public.

1.1 FINANCIAL INTEREST: Refers, but shall not be limited to, any direct employment by or direct representation as an agent of any individual, corporation, business entity, organization, or committee. A financial interest also includes any beneficial ownership of one percent or more of a corporation or other business entity.

1.2 GIFTS: Anything of value including a loan at a rate that is substantially less than a prevalent commercial rate, compensation for goods or services exceeding fair market value, goods or services provided for less than fair market value, gratuity, entertainment, hospitality or forbearance, unless consideration of equal or greater value is received.

1.3 HONORARIA: The offering or acceptance of perquisite, gift or anything of value for speaking, writing or participating in a meeting, convention, social event, meal or like gathering.
1.4 HOUSEHOLD: All persons who occupy a residence or dwelling with the officer, employee or volunteer for an entire year including family members (spouse, child, ward, parents, siblings, mother-in-law, father-in-law, grandparent, legal guardian, grandchild, adult designee, dependent child of an adult designee and step-relatives of the same order), relatives (uncle, aunt, nephew, niece, first cousin, brother-in-law, sister-in-law, son-in-law, daughter-in-law) and any unrelated persons.

1.5 NON-RESTRICTED CONFLICT OR NON-RESTRICTED CONFLICT OF INTEREST: Any and all other interests including indirect business, political, family, fraternal, social, other interests or associations which may create the appearance or the actuality of a conflict of interest between an officer or employee's outside interest and his or her county responsibilities, other conflicts as defined by state statute and any campaign contribution made to the officer, employee, representative or to any member of his or her household, of more than five hundred dollars during the prior calendar year.

1.6 PURCHASING OFFICIAL: Any officer or employee who recommends for final action, prepares specifications, or approves or rejects any part of a specific procurement or disposal of goods, services or real property, or any specific contract related to a procurement of goods or services or disposal of property.

1.7 RESTRICTED CONFLICT OF INTEREST: Any direct outside, private financial interest held by the officer, employee or representative, or by members of an officer's, employee's or representative's household. Outside public sector employment does not constitute a restricted conflict of interest.

2.0 PROCEDURE

2.1 Conflicts of Interest - County Officers, Employees and Volunteers shall not:

2.1.1 Accept employment or engage in any business or professional activity which may be reasonably expected to require or induce improper disclosure of controlled, private or protected information gained through affiliation with the County.

2.1.2 Disclose or improperly use controlled, private or protected information acquired through affiliation with the County for the private gain or benefit of self or others.

2.1.3 Use or attempt to use their official position to secure special privileges or exemptions for self or others.

2.1.4 Engage in any outside activity, employment or financial investment which constitutes a restricted conflict of interest or impairs their judgment regarding the faithful performance of county responsibilities.

2.1.5 Knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or economic benefit tantamount to a gift such as a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and compensation received for private services rendered at a pay rate substantially exceeding the fair market value of the services, if:

2.1.5.1 It may be reasonably expected to improperly influence an officer, employee or volunteer to depart from the faithful and impartial discharge of their County duties;
2.1.5.2 The officer, employee or volunteer knows, or a reasonable person in that position should know under the circumstances, it is primarily for the purpose of rewarding the officer, employee or volunteer for an official action already taken.

2.1.5.3 The officer, employee or volunteer is now or in the near future may be involved in any governmental action directly affecting the donor or lender unless disclosures have been made as required under Section 5.0.

2.1.6 Participate in vendor / customer incentive programs which place the officer, employee or volunteer at risk of being viewed as either misappropriating county property or using their position to secure a privilege by virtue of the county position or employment held by the purchaser.

2.1.7 Accept an incentive from any retailer or vendor.

2.1.7.1 If the officer, employee or volunteer were to come into possession of such property, the property must be turned over to the county as soon as practicable and a record made of the fact it was turned over to the county.

2.1.8 Accept honoraria in regard to activities related to their county duties or purpose except as allowed in Section 2.1.15.

2.1.8.1 Consultation, Speeches and Presentations: The County may grant the requests of schools, universities, civic organizations, governmental entities or private businesses to have employees or volunteers give speeches or other presentations, teach or provide consultation services. Such services by employees must be authorized by the Agency Administrator and shall be compensated as for other regularly assigned duties.

2.1.9 Knowingly accept or solicit any gift for themselves, a relative, a household member or organizations of the officer, employee, volunteer or others, except as allowed in Section 2.1.15.

2.1.10 Participate in an official capacity or receive compensation in respect to any transaction between the County and any business entity in which the officer, employee, volunteer or a member of their household is also an officer, director, employee or owns a substantial interest, as defined under financial interest, in the company without first filing a conflict of interest disclosure statement as outlined in Section 5.0.

2.1.11 Have personal investments in any business entity which will create a substantial conflict between their private interests and public duties.

2.1.12 Receive or agree to receive compensation for assisting any person or business entity in any transaction involving the County without first filing a conflict of interest disclosure statement as outlined in Section 5.0.

2.1.13 No county officer or employee shall employ, appoint or attempt to influence the appointment or hiring of a relative or household member to any county position or employment paid out of county funds, except for temporary or seasonal employment or positions.

2.1.14 No county officer or employee shall directly or indirectly supervise or evaluate for purposes of pay, benefits, promotion or discipline a relative or household member in any county position or employment paid out of county funds.

2.1.15 Exceptions - The following are exceptions to the gifts and honoraria requirements:
2.1.15.1 The gift is a political contribution authorized by law and reported as part of the campaign disclosure requirements of the county or any other governmental entity;

2.1.15.2 Token items of nominal value including, but not limited to educational materials, t-shirts, coffee mugs, parking validations or other commemorative or similar souvenir items;

2.1.15.3 Snacks, beverages, educational or informational materials provided at meetings or other functions;

2.1.15.4 Transportation to and attendance at conventions, seminars or events of a primarily educational nature, including meals and entertainment that are part of the required registration, and any associated educational or informational materials directly related to the official duties of the officer, employee or volunteer;

2.1.15.5 Gifts not related to the activities of the officer, employee or volunteer with the county;

2.1.15.6 Awards publicly made for public service;

2.1.15.7 Food or a beverage given at a widely attended reception, meal or meeting by an organization before whom the recipient appears to represent the County, make a speech, answer questions or participate in part of a program;

2.1.15.8 Attendance at political events that are primarily sponsored by a political party or political candidate;

2.1.15.9 Flowers, plants, balloons or similar tokens which are given to express condolences, congratulations or sympathy for ill health or to commemorate holiday or special occasions;

2.1.15.10 County sponsored programs activities or work;

2.1.15.11 Gifts for the county that become the property of the County;

2.1.15.12 Gifts to county officers, employees, volunteers or agencies from other county officers, employees, volunteers or agencies;

2.1.15.13 Death transfers including bequests and inheritances; and

2.1.15.14 Gifts to blind trusts related to legal defense funds for imminent or pending litigation against officers or employees related to their official duties.

3.0 GIFTS AND PROCUREMENT.

3.1 Without exception, receipt or solicitation of any gift or a request for employment by a purchasing official from any person including a vendor, seller or buyer of real property or service provider is illegal and punishable as provided by law.

3.1.1 It is unlawful and punishable as provided by law for any payment, gift or offer of employment to be made by any person to a County officer, employee, volunteer, contractor or any household member of the County officer, employee or contractor of the county to obtain a specific procurement, disposal, contract or subcontract.
4.0 CONFLICTS OF INTEREST – DISCLOSURE REQUIRED.

4.1 A County officer, employee or volunteer must complete a disclosure statement as provided in Section 5.0 under the following circumstances:

4.2 Interest in a business entity regulated by the county or doing business with the county: A County officer, employee and volunteer who is an officer, director, agent, employee or the owner of a substantial interest, as defined under financial interest, in any business entity which is subject to the regulation of the County, including licensure or which does or anticipates doing business with the county.

4.2.1 Restricted Conflict of Interest: In addition to filing a disclosure form, the County officer, employee or volunteer who has a restricted conflict of interest who is also a member of a County body shall publicly disclose such interest to the members of the body and are required to be recused from all discussions, deliberations, decision making or vote regarding the business entity. The disclosure statement shall be entered in the minutes of the meeting.

4.2.2 Non-Restricted Conflict of Interest: In addition to filing a disclosure form, the County officer, employee or volunteer who has a non-restricted conflict of interest who is also a member of a County body shall publicly disclose such interest to the members of the body immediately prior to each discussion and/ or vote regarding the business interest. The disclosure statement shall be entered in the minutes of the meeting.

4.3 Compensation for assistance in transaction involving the county: A County officer, employee or volunteer who agrees to receive compensation for assisting any person or business entity in any transaction involving the County must disclose the information identified in Section 5.0 at least ten days prior to the date of any agreement between the officer, employee or volunteer and the person or business entity being assisted or at least ten days prior to the receipt of compensation by the employee or volunteer.

4.4 Interest creating conflict of interest with duties: A County officer, employee or volunteer or a member of their household who has a personal interest or investment which creates a potential or actual conflict between their personal interests and public duties must disclose the information identified in Section 5.0 and shall publicly disclose such interest to the members of the body immediately prior to discussion and/ or vote regarding the conflict of interest and the nature of the conflict. The disclosure shall be entered in the minutes of the meeting.

5.0 DISCLOSURE STATEMENT. The Disclosure statement shall provide the name and business address of the officer, the name and business address of the person or business entity being assisted and a brief description of the transaction or service provided, or the name and business address of the business in which the County officer, employee or volunteer has a substantial interest, the position held and the precise nature and value of any interest. The Disclosure Statement shall be made upon first assisting the person or business, or upon becoming an officer or employee and in January of each year thereafter during which he or she continues to be an officer, director, agent, owner, volunteer or employee. In all instances, the Disclosure Statement shall be filed prior to a meeting at which a transaction involving a potential or actual Restricted or Non-Restricted Conflict of Interest of a county officer or employee is included on an Agenda of a relevant county board or commission.

5.1 The Disclosure Statement shall be filed at least ten calendar days prior to the date of any agreement to provide assistance or receive compensation.
5.2 County officers, employees and volunteers are responsible for ensuring their Disclosure Statement is current and is filed with their supervisor and the County Council.

5.3 The Council Administrator shall maintain scans of all Disclosure Statements and shall provide copies of the same to the Grand County Audit Committee on or before the last day of February each year for consideration and to potentially eliminate or mitigate conflicts of interest within the County.

5.4 On an annual basis and no later than the second meeting in March, the County Council Consent Agenda shall acknowledge the list of Disclosure Statements received by County officers, employees, and volunteers.

6.0 PROFESSIONAL CODE OF ETHICS.

6.1 County employees and volunteers who work in occupations having professional codes of ethics or standards of professional responsibility shall adhere to those requirements in the performance of their County duties. Failure to abide by professional codes of ethics may adversely affect the employees' ability to perform their duties and may, in appropriate cases, result in disciplinary action or termination of County employment.

6.2 Failure by a County employee or volunteer to meet the requirements of their professional or occupational licensing authority, resulting in loss of the license required to practice in such profession/occupation and the inability to continue to work in the County position may be a basis for immediate termination of employment.

6.3 County employees and volunteers shall have an ongoing obligation to report to their supervisor any actions taken by the licensing authority, including the facts giving rise to such action, which affects their right to continue to practice in that profession to report as required may be a basis for immediate termination of employment.

6.4 County employees, officers and volunteers are expected to comply with applicable County policies, ordinances and laws in their position with the County.

7.0 SAVINGS CLAUSE.

7.1 Ordinance No. 462, repealed by this Ordinance, shall remain in full force to authorize the discipline of a person who violated Ordinance No. 462 prior to the effective date of this Ordinance.

8.0 ENFORCEMENT.

8.1 It shall be the responsibility of the Council Administrator, in consultation with the County Attorney’s office, to advise public officials of the requirements and prohibitions of this Ordinance.

8.2 It shall be the responsibility of each Department Head, in consultation with the County Attorney's Office, to advise employees and volunteers of the requirements and prohibitions of this Ordinance.

8.3 Each Department Head may adopt more restrictive internal policies regarding outside employment only as allowed by law and approved by the County Council

8.4 In addition to any penalty contained in any other County policy or provision of Utah law, any County officer, employee, or volunteer who knowingly and intentionally violates this Ordinance is guilty of a class A misdemeanor and shall be dismissed from employment or removed from office.
SUMMARY

UTAH STATUTES: GOVERNMENT EMPLOYEE ETHICAL REQUIREMENTS

17-16a-1, et seq — The County Officers and Employees Disclosure Act: The county disclosure act focuses on conflicts of interest between an employee’s private financial or business interests and the employee’s public duties. Certain activities are prohibited, such as revealing confidential information, using county employment to secure special advantages, and engaging in an outside interest which may interfere with county duties. The public disclosure of private business interests is required in most circumstances, and disclosure statements are filed with the county council.

67-16-1, et seq — Utah Public Officers’ and Employees’ Ethics Act: The substantive prohibitions and disclosures in this act are almost identical to those in the county disclosure law. This statute is binding on state and district employees, but not in counties and cities.

10-3-1301, et seq — Municipal Officers’ and Employees’ Ethics Act: The substantive prohibitions and disclosures in this act are almost identical to those in the county and state disclosure laws, and is binding on city and town employees.

11-49-101, et seq — Political Subdivisions Ethics Review Commission: This statute creates a commission at the state level that is charged with investigating violations of the county and municipal conflict of interest and disclosure law; members are appointed by the Governor and staff provided by the Legislature. It creates a formal, quasi-judicial administrative hearing process to review complaints of conflicts of interest, with subpoena and contempt power and a confidentiality requirement. The commission may, if it finds a violation of the law, recommend legal or disciplinary action by the employer against the person accused of misconduct. Cities and counties may create their own ethics commission; if they do so, the local commission trumps the state body’s jurisdiction.

67-21-1, et seq — Utah Protection of Public Employees Act: This law establishes ‘whistleblower’ protections for government employees who report misconduct or unethical behavior in the public sector workplace; the chapter prohibits and establishes penalties for retaliation against whistleblowers. The whistle must be blown in good faith and to the appropriate person or entity in the government, as defined in the statute. A private cause of action is created, with damages and injunctive relief, and a person who violates the prohibition against retaliation is subject to a $500 fine and termination of employment. A local government may establish an independent personnel review board to hear retaliation complaints, which would create an ‘exhaustion of remedies’ requirement for whistle-blowers.
CHANGE IN FORM OF COUNTY GOVERNMENT
FOUR OPTIONAL FORMS

1. **Form of Government**: County Commission
   a. **Structure and powers**: The county commission exercises both executive branch powers (administration and management of county activities) and legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget). All powers are exercised by one joint body.
   b. **Officials**: Three County Commissioners. Commissioners have staggered four-year terms and are elected at-large, unless the optional plan states otherwise.

2. **Form of Government**: Expanded County Commission
   a. **Structure and powers**: The county commission exercises both executive branch powers (administration and management of county activities) and legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget). All powers are exercised by one joint body.
   b. **Officials**: Five or seven County Commissioners. Commissioners have staggered four-year terms and are elected at-large, unless the optional plan states otherwise.

3. **Form of Government**: Elected Executive and Council
   a. **Structure and powers**: An elected county executive or mayor exercises all executive branch powers (administration and management of county activities), including veto of council legislative acts. A separate, elected county council exercises all legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget).
   b. **Officials**: A mayor or executive is elected; the term of office, qualifications and compensation are set in the optional plan of government. He or she exercises executive branch powers. Elected county council members are set out – an odd number from 3 to 9, with terms, qualifications and either at-large or by district as established in the optional plan. The council exercises all legislative powers.

4. **Form of Government**: Appointed Manager and Council
   a. **Structure and powers**: An appointed county executive or manager exercises all executive branch powers (administration and management of county activities), but not including veto of council legislative acts. A separate, elected county
council exercises all legislative branch powers (enact ordinances and set tax levels, adopt fees and adopt a budget).

b. **Officials**: A manager or executive is appointed by vote of the county council, to serve at the council’s discretion, with qualifications and compensation set in the optional plan of government. He or she exercises executive branch powers. Elected county council members are set out – an odd number from 3 to 9, with terms, qualifications and either at-large or by district as established in the optional plan. The council exercises all legislative powers.

5. **Other considerations and options**:
   a. Other county elected officials exercise executive branch powers as established by state law (such as the county sheriff manages police activities and the jail) and the elected or appointed manager does not hold those executive branch powers which are vested by statute in the other elected officials.
   b. The offices of the other county elected officials may be consolidated in one person, such as a clerk/auditor, in a process set out in state law or as consolidated in the optional plan. If consolidated, the statutory duties of the two officers must still be performed by some other elected official, as provided in the optional plan.
   c. There is an option for the plan to provide for city/county consolidation, though this may not be viable in small or rural counties, or counties that do not provide municipal services in unincorporated areas. Doing so would merge the county with the largest city in the county and vest in the new entity all the statutory powers of both cities and counties.
Typical Powers and Duties of a County Legislative Body

The Council is the legislative body of _________ County, and is vested with all legislative powers of the County. The specific enumeration of legislative powers herein shall not be construed to limit the legislative powers of the Council. Within the scope and subject to the limits of its lawful powers and duties, the Council shall have the power to:

1. Consider and adopt ordinances, rules, regulations and resolutions, not repugnant to general law, which are necessary and proper to the discharge of the Council's duties and in accordance with state statute.
2. Consider and adopt an administrative code including policies, procedures and regulations governing the affairs and management organization of the County.
3. Adopt, by ordinance, rules governing the activities, meetings and organization of the Council, such rules to be in accordance with this Plan and with general law and state statute.
4. Establish and adopt a budget, set and levy taxes, and establish fees as may be necessary and proper to the discharge of the Council's duties and in accordance with state statute.
5. Fix salaries and benefits of county officers and employees in accordance with state statute; county ordinances, policies and procedures; and this Plan.
6. Require information from the Executive, other elected County officials, and County employees and conduct hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to the County, its business
affairs, or any officer thereof. In connection with such hearings, the Council may by subpoena require the attendance of witnesses or the production of documents and other evidence, may administer oaths, and may take testimony.

7. Conduct quasi-judicial hearings, including serving as the board of equalization and acting as a final board of review for hearing appeals regarding planning and zoning, license revocation, and similar matters as may be provided by statute, ordinance or other law.

8. Advise and consent to appointments in the Executive Branch, where such advice and consent is authorized by this Plan or by state statute.

9. Override vetoes of the Executive, by two-thirds vote of all the members of the Council, within fifteen days after the Council Chair has received written notice of the veto by the Executive.

10. In accordance with state statute, supervise the conduct of all county officers, and the officers of subdivisions of the County, and see that they perform their duties.

11. Within one year after each decennial census report, modify council districts in accordance with state statute and this Plan.

12. Divide the County into precincts and other districts required by law and change and create them as convenience requires and as provided by state statute.

13. Fill vacancies on county boards whose membership is, pursuant to state law, composed of Council appointees.

14. Grant franchisees over and along county roads for all lawful purposes and according to such terms and conditions as the Council determines appropriate, in accordance with state statute.
15. Provide for the development of County resources as shall appear appropriate to the Council, and in accordance with state statute.

16. Do and perform every other act of a legislative nature, which is necessary and proper to the Council's powers and functions and which is not prohibited by this Plan, state statute or general law.

Typical Powers and Duties of a County Executive

The Chief Executive Officer of _______ County is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested, by state statute, in independent elected officials. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the Executive. The Executive's powers include, without limitation, the power to:

1. Manage and direct the activities of the county in a manner consistent with ordinance and this Plan, including the supervisory management and direction of departments, divisions, sections, activities or agencies as now constituted or as may be created in the future, but not including the executive activities of the independent elected officials.

2. Carry out and enforce the programs and policies of the County Council.

3. Carry out and enforce the internal operating regulations, policies and procedures of the County.

4. Faithfully execute and ensure compliance with the laws and ordinances of the County and enforce the terms of county franchises, contracts and other undertakings.
5. Assign employees and work in the Executive Branch.

6. Appoint, suspend and remove county department directors and the members of County commissions and boards, with Council advice and consent. In the exercise of this power, the Mayor shall have the power to establish standards, qualifications, criteria and procedures to govern these appointments, in accordance with state statute and County ordinance.

7. Exercise control over county assets, funds, and property, except as that authority is delegated by state statute to some other elected County officer.

8. Prepare and present a budget to the Council. *[The preparation of a county budget may be a duty of the executive or the auditor.]*

9. Have access to and review county books, accounts and funds necessary to perform the executive function under the Plan, county ordinance and state statute. In the exercise of this power, the Mayor may maintain a continuing review of expenditures and effectiveness of budgetary control in the several departments and agencies of the Executive Branch, and may supervise and conduct audits for budget and management purposes.

10. Negotiate and execute contracts for the purchase of goods and services. In the exercise of this power, the Mayor shall sign all documents or instruments on behalf of Salt Lake County, including contracts and real estate or bonding documents, but excluding legislative acts of the Council or documents which are to be signed by the County Clerk or other County Officer. The Mayor shall follow all ordinances regarding the processing of county contracts and similar undertakings.

11. Consider, adopt and implement long range planning, programs and improvements.

12. Act as intergovernmental relations liaison.
13. Exercise the power of veto and line item budget veto within 15 days of any legislative enactment, provided that such veto or line item budget veto, as provided by law, shall be made in writing and directed to the Council Chair. [*The veto power is not granted to an appointed county executive.*]

14. Shall attend and participate in Council meetings and discussions, with automatic standing, on every agenda, personally or through a deputy, but without the right to vote and without such attendance counting towards a quorum.

15. Do and perform every other act of an executive nature, which is necessary and proper to the Council's powers and functions and which is not prohibited by this Plan, state statute or general law.

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**State Statutes of Interest**

**17-50-101 Definitions.**

As used in this title:

(1) “County” means a unit of local government that is a body corporate and politic and a legal subdivision of the state, with geographic boundaries as described in Section 17-50-104, and powers as provided in Part 3, County Powers.

(2) “Executive,” when used to describe the powers, duties, or functions of a person or body elected as the county executive or a person appointed as the county manager or administrative officer, refers to:
   (a) the power and duty to carry laws and ordinances into effect and secure their due observance; and
   (b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the executive branch of government.

(3) “Legislative,” when used to describe the powers, duties, or functions of a county commission or council, refers to:
   (a) the power and duty to enact ordinances, levy taxes, and establish budgets; and
(b) those powers, duties, and functions that, under constitutional and statutory provisions and through long usage and accepted practice and custom at the federal and state level, have come to be regarded as belonging to the legislative branch of government.

17-53-201 General powers, duties, and functions of county legislative body.
(1) Except as expressly provided otherwise in statute, each county legislative body shall exercise all legislative powers, have all legislative duties, and perform all legislative functions of the county, including those enumerated in this part.
(2) A county legislative body may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute.

17-53-301 General powers, duties, and functions of county executive.
(1) The elected county executive is the chief executive officer of the county.
(2) Each county executive shall exercise all executive powers, have all executive duties, and perform all executive functions of the county, including those enumerated in this part, except as expressly provided otherwise in statute and except as contrary to the powers, duties, and functions of other county officers expressly provided for in:
   (a)Chapter 16, County Officers;
   (b)Chapter 17, County Assessor;
   (c)Chapter 18a, Powers and Duties of County and District Attorney;
   (d)Chapter 19a, County Auditor;
   (e)Chapter 20, County Clerk;
   (f)Chapter 21, Recorder;
   (g)Chapter 22, Sheriff;
   (h)Chapter 23, County Surveyor; and
   (i)Chapter 24, County Treasurer.
(3) A county executive may take any action required by law and necessary to the full discharge of the executive’s duties, even though the action is not expressly authorized in statute.

17-53-106 Supervision of county elected officers -- Legislative body and executive may examine and audit accounts and conduct investigation.
(1) As used in this section, “professional duties” means a county elected officer’s functions, duties, and responsibilities specifically provided for by law and includes:
   (a) the exercise of professional judgment and discretion reasonably related to the
officer’s required functions, duties, and responsibilities; and
(b) the management of deputies and other employees under the supervision of
the elected officer under statute or county ordinance, policy, or regulation.

(2)

(a) A county legislative body and a county executive each:
   (i) may generally direct and supervise all elected county officers and
       employees to ensure compliance with general county administrative
       ordinances, rules, or policies;
   (ii) may not direct or supervise other elected county officers or their sworn
       deputies with respect to the performance of the professional duties of the
       officers or deputies;
   (iii) may examine and audit the accounts of all county officers having the care,
       management, collection, or distribution of money belonging to the county,
       appropriated to the county, or otherwise available for the county’s use and
       benefit; and
   (iv) may investigate any matter pertaining to a county officer or to the county
       or its business or affairs, and may require the attendance of witnesses and take
       evidence in any such investigation.

(b) In an investigation under Subsection (2)(a)(iv):
   (i) the county executive or any member of the county legislative body may
       issue subpoenas and administer oaths to witnesses; and
   (ii) if the county legislative body appoints members of the legislative body as a
       committee and confers on the committee power to hear or take evidence, the
       committee shall have the same power as the full county legislative body.

(3) Nothing in this section may be construed to prohibit the county executive or
county legislative body from initiating an action for removal or prosecution of an
elected county officer as provided by statute.