

CHANGE IN FORM OF COUNTY GOVERNMENT 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 powers (enact ordinances and set taxes, budgets and fees) --all powers exercised by one joint body.
- b. Officers: Three county commissioners. Commissioners have staggered four year terms and are elected at-large (unless the optional plan states otherwise).
- c. Other elected officials: Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.

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 powers (enact ordinances and set taxes, budgets and fees) --all powers exercised by one joint body.
- b. Officers: Five or seven county commissioners. Commissioners have staggered four year terms and are elected at-large (unless the optional plan states otherwise).
- c. Other elected officials: Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.

3. Form of government: Elected executive/council

- a. Structure and powers: An elected executive or mayor exercises all executive branch powers (administration and management of county government) including veto power over council legislative acts. A separate elected council exercises all legislative branch powers (enact ordinances and set taxes, budgets and fees).
- b. Officers: A mayor or executive is elected, with term, qualifications and compensation as established in the optional plan; he or she exercises executive branch powers. Elected council members --number, terms, qualifications, and at-large or district status are all as provided in the optional plan; the council exercises all legislative powers.
- c. Other elected officials: Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.

4. Form of government: Council/manager

- a. Structure and Powers: An appointed manager exercises all executive branch powers (administration and management of county government) but the manager has no veto power over legislative enactments. A separate elected council exercises all legislative branch powers (enact ordinances and set taxes, budgets and fees).
- b. Officers: Council members number, terms, qualifications, and at-large or district status are all as provided in the optional plan. A county manager is appointed by the county council, to serve at the

council's pleasure, having such qualifications and compensation as established in the optional plan and exercising county management and administrative powers (except veto).

c. Other elected officials: Other elected county officials are elected as provided in the optional plan and offices can be consolidated in accordance with state statute. If consolidated, that officer's statutory duties and responsibilities must still be performed by some other office or person, as provided in the optional plan.

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 a11lawful 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 genera11aw.

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.

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.