

1 **COUNTY GOVERNMENT CHANGE ELECTION AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gage Froerer**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the process to change a county's form of
10 government.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ reorganizes and recodifies Title 17, Chapter 52, Changing Forms of County
14 Government;
- 15 ▶ combines sections with similar subject matter;
- 16 ▶ defines terms;
- 17 ▶ amends provisions related to the appointment of an appointment council;
- 18 ▶ prohibits a person from initiating a process to change a county's form of government
19 when a process to change the county's form of government is pending;
- 20 ▶ allows certain counties to adopt an optional plan without creating a study
21 committee;
- 22 ▶ requires that registered voters who wish to initiate the process to change a county's
23 form of government file a notice of intent to gather signatures;
- 24 ▶ establishes a deadline by which the sponsors of a petition to create a study
25 committee are required to file the petition;
- 26 ▶ requires only certain counties to comply with a provision that requires an optional
27 plan to be approved by the county legislative body or subjected to a petition before
28 the optional plan is submitted to the voters;

- 29 ▶ requires a county clerk to post an optional plan on the county's website for a
- 30 specified period of time before an election on the optional plan;
- 31 ▶ provides that an optional plan is adopted if approved by a majority of voters that
- 32 vote on the optional plan;
- 33 ▶ provides for the appointment of a chair of a study committee;
- 34 ▶ requires a study committee to submit a report to the county clerk;
- 35 ▶ provides that if a study committee recommends that the form of a county's
- 36 government not change, the process to change the county's form of government is
- 37 concluded;
- 38 ▶ establishes a deadline after which an optional plan may not be repealed without
- 39 initiating a new process to change the county's form of government;
- 40 ▶ provides a grandfather provision for counties that have initiated the process to
- 41 change the county's form of government as of the effective date of this bill;
- 42 ▶ requires a county that operates under a form of government that is not authorized by
- 43 statute to change the county's form of government;
- 44 ▶ establishes repeal dates for provisions that will become obsolete;
- 45 ▶ removes obsolete and superfluous provisions; and
- 46 ▶ makes technical and conforming changes.

47 **Money Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 This bill provides a special effective date.

51 This bill provides revisor instructions.

52 **Utah Code Sections Affected:**

53 AMENDS:

54 17-15-27, as last amended by Laws of Utah 2006, Chapter 171

55 17-16-6, as last amended by Laws of Utah 2014, Chapter 16

56 **17-19a-203**, as enacted by Laws of Utah 2012, Chapter 17
57 **17-31-8**, as last amended by Laws of Utah 2017, Chapter 70
58 **17-43-201**, as last amended by Laws of Utah 2016, Chapter 113
59 **17-43-301**, as last amended by Laws of Utah 2016, Chapter 113
60 **17-53-101**, as renumbered and amended by Laws of Utah 2000, Chapter 133
61 **17B-2a-1106**, as last amended by Laws of Utah 2016, Chapter 176
62 **17C-1-203**, as last amended by Laws of Utah 2016, Chapter 350
63 **17D-2-203**, as enacted by Laws of Utah 2008, Chapter 360
64 **20A-1-203**, as last amended by Laws of Utah 2015, Chapters 111 and 352
65 **20A-1-508**, as last amended by Laws of Utah 2017, Chapter 54
66 **20A-9-409**, as last amended by Laws of Utah 2017, Chapters 54 and 91
67 **26A-1-102**, as last amended by Laws of Utah 2016, Chapter 113
68 **59-2-919**, as last amended by Laws of Utah 2016, Chapters 341 and 367
69 **63I-2-217**, as last amended by Laws of Utah 2017, Chapters 84 and further amended by
70 Revisor Instructions, Laws of Utah 2017, Chapter 448, and 448
71 **68-3-12.5**, as last amended by Laws of Utah 2015, Chapters 141 and 152
72 ENACTS:
73 **17-52a-101**, Utah Code Annotated 1953
74 **17-52a-104**, Utah Code Annotated 1953
75 **17-52a-305**, Utah Code Annotated 1953
76 RENUMBERS AND AMENDS:
77 **17-52a-102**, (Renumbered from 17-52-101, as last amended by Laws of Utah 2012,
78 Chapter 17)
79 **17-52a-103**, (Renumbered from 17-52-102, as last amended by Laws of Utah 2001,
80 Chapter 241)
81 **17-52a-201**, (Renumbered from 17-52-501, as last amended by Laws of Utah 2017,
82 Chapter 54)

- 83 **17-52a-202**, (Renumbered from 17-52-502, as last amended by Laws of Utah 2017,
84 Chapter 54)
- 85 **17-52a-203**, (Renumbered from 17-52-504, as renumbered and amended by Laws of
86 Utah 2000, Chapter 133)
- 87 **17-52a-204**, (Renumbered from 17-52-505, as last amended by Laws of Utah 2011,
88 Chapter 209)
- 89 **17-52a-301**, (Renumbered from 17-52-201, as last amended by Laws of Utah 2008,
90 Chapter 250)
- 91 **17-52a-302**, (Renumbered from 17-52-202, as last amended by Laws of Utah 2004,
92 Chapter 371)
- 93 **17-52a-303**, (Renumbered from 17-52-203, as last amended by Laws of Utah 2013,
94 Chapters 37 and 134)
- 95 **17-52a-304**, (Renumbered from 17-52-203.5, as last amended by Laws of Utah 2004,
96 Chapter 371)
- 97 **17-52a-401**, (Renumbered from 17-52-301, as last amended by Laws of Utah 2001,
98 Chapter 241)
- 99 **17-52a-402**, (Renumbered from 17-52-302, as last amended by Laws of Utah 2001,
100 Chapter 241)
- 101 **17-52a-403**, (Renumbered from 17-52-303, as last amended by Laws of Utah 2001,
102 Chapter 241)
- 103 **17-52a-404**, (Renumbered from 17-52-401, as last amended by Laws of Utah 2017,
104 Chapter 54)
- 105 **17-52a-405**, (Renumbered from 17-52-402, as last amended by Laws of Utah 2015,
106 Chapter 216)
- 107 **17-52a-406**, (Renumbered from 17-52-204, as last amended by Laws of Utah 2001,
108 Chapter 241)
- 109 **17-52a-501**, (Renumbered from 17-52-206, as last amended by Laws of Utah 2013,

110 Chapter 37)

111 **17-52a-502**, (Renumbered from 17-52-205, as last amended by Laws of Utah 2001,

112 Chapter 241)

113 **17-52a-503**, (Renumbered from 17-52-403, as last amended by Laws of Utah 2012,

114 Chapter 17)

115 **17-52a-504**, (Renumbered from 17-52-404, as renumbered and amended by Laws of

116 Utah 2000, Chapter 133)

117 **17-52a-505**, (Renumbered from 17-52-405, as enacted by Laws of Utah 2013, Chapter

118 134)

119 REPEALS:

120 **17-52-207**, as last amended by Laws of Utah 2001, Chapter 241

121 **Utah Code Sections Affected by Revisor Instructions:**

122 **17-52a-104, Utah Code Annotated 1953**

123

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

125 Section 1. Section **17-15-27** is amended to read:

126 **17-15-27. Appointment of legal counsel by county executive and county legislative**
127 **body.**

128 (1) (a) An elected county executive in a county that has adopted a county
129 executive-council form of county government under Chapter 52a, Changing Forms of County
130 Government, may appoint an attorney to advise and represent the county executive.

131 (b) An attorney appointed under Subsection (1)(a):

132 (i) serves at the pleasure of the county executive; and

133 (ii) may not perform any of the functions of a county attorney or district attorney under
134 this title, except as provided in this section.

135 (c) An attorney appointed under this Subsection (1) may represent the county executive
136 in cases and controversies before courts and administrative agencies and tribunals when a

137 conflict exists that precludes the county or district attorney from representing the county
138 executive.

139 (2) (a) The legislative body of a county that has adopted a county executive-council
140 form of county government under Chapter 52a, Changing Forms of County Government, may
141 appoint an attorney to advise and represent the county legislative body.

142 (b) An attorney appointed under Subsection (2)(a):

143 (i) serves at the pleasure of the county legislative body; and

144 (ii) may not perform any of the functions of a county attorney or district attorney under
145 this title, except as provided in this section.

146 (c) An attorney appointed under this Subsection (2) may represent the county
147 legislative body in cases and controversies before courts and administrative agencies and
148 tribunals when a conflict exists that precludes the county or district attorney from representing
149 the county legislative body.

150 Section 2. Section 17-16-6 is amended to read:

151 **17-16-6. County officers -- Time of holding elections -- County commissioners --**
152 **Terms of office.**

153 (1) Except as otherwise provided in an optional plan adopted under Chapter 52a,
154 Changing Forms of County Government:

155 (a) each elected county officer shall be elected at the regular general election every four
156 years in accordance with Section 20A-1-201, except as otherwise provided in this title;

157 (b) county commissioners shall be elected at the times, in the manner, and for the terms
158 provided in Section [~~17-52-501~~] 17-52a-201; and

159 (c) an elected officer shall hold office for the term for which the officer is elected,
160 beginning at noon on the first Monday in January following the officer's election and until a
161 successor is elected or appointed and qualified, except as provided in Section 17-16-1.

162 (2) (a) The terms of county officers shall be staggered in accordance with this
163 Subsection (2).

- 164 (b) Except as provided in Subsection (2)(c), in the 2014 general election:
165 (i) the following county officers shall be elected to one six-year term and thereafter
166 elected to a four-year term:
167 (A) county treasurer;
168 (B) county recorder;
169 (C) county surveyor; and
170 (D) county assessor; and
171 (ii) all other county officers shall be elected to a four-year term.
172 (c) If a county legislative body consolidates two or more county offices in accordance
173 with Section [17-16-3](#), and the consolidated offices are on conflicting election schedules, the
174 county legislative body shall pass an ordinance that sets the election schedule for the
175 consolidated offices in a reasonable manner that staggers the terms of county officers as
176 provided in this Subsection (2).

177 Section 3. Section **17-19a-203** is amended to read:

178 **17-19a-203. Budget officer.**

179 The budget officer of a county is designated by:

- 180 (1) in a county commission form of government described in Section [~~17-52-501~~]
181 [17-52a-201](#) or an expanded county commission form of government described in Section
182 [~~17-52-502~~] [17-52a-202](#), the county commission;
183 (2) in the county executive-council form of government described in Section
184 [~~17-52-504~~] [17-52a-203](#), the county executive; or
185 (3) in the council-manager form of government described in Section [~~17-52-505~~]
186 [17-52a-204](#), the county council.

187 Section 4. Section **17-31-8** is amended to read:

188 **17-31-8. Tourism tax advisory boards.**

- 189 (1) (a) Except as provided in Subsection (1)(b), any county that collects the following
190 taxes shall operate a tourism tax advisory board:

191 (i) the tax allowed under Section [59-12-301](#); or

192 (ii) the tax allowed under Section [59-12-603](#).

193 (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the
194 county has an existing board, council, committee, convention visitor's bureau, or body that
195 substantially conforms with Subsections (2), (3), and (4).

196 (2) A tourism tax advisory board created under Subsection (1) shall consist of at least
197 five members.

198 (3) A tourism tax advisory board shall be composed of the following members that are
199 residents of the county:

200 (a) a majority of the members shall be current employees of entities in the county that
201 are subject to the taxes referred to in Section [59-12-301](#) or [59-12-603](#); and

202 (b) the balance of the board's membership shall be employees of recreational facilities,
203 convention facilities, museums, cultural attractions, or other tourism related industries located
204 within the county.

205 (4) (a) Each tourism tax advisory board shall advise the county legislative body on the
206 best use of revenues collected from the tax allowed under Section [59-12-301](#) by providing the
207 legislative body with a priority listing for proposed expenditures based on projected available
208 tax revenues supplied to the board by the county legislative body on an annual basis.

209 (b) Each tourism tax advisory board in a county operating under the county
210 commission form of government under Section [~~17-52-501~~] [17-52a-201](#) or the expanded
211 county commission form under Section [~~17-52-502~~] [17-52a-202](#) shall advise the county
212 legislative body on the best use of revenues collected from the tax allowed under Section
213 [59-12-603](#) by providing the legislative body with a priority listing for proposed expenditures
214 based on projected available tax revenues supplied to the board by the county legislative body
215 on an annual basis.

216 (5) A member of any county tourism tax advisory board:

217 (a) may not receive compensation or benefits for the member's services; and

218 (b) may receive per diem and travel expenses incurred in the performance of the
219 member's official duties, in accordance with Section 11-55-103.

220 Section 5. Section 17-43-201 is amended to read:

221 **17-43-201. Local substance abuse authorities -- Responsibilities.**

222 (1) (a) (i) In each county operating under a county executive-council form of
223 government under Section [~~17-52-504~~] 17-52a-203, the county legislative body is the local
224 substance abuse authority, provided however that any contract for plan services shall be
225 administered by the county executive.

226 (ii) In each county operating under a council-manager form of government under
227 Section [~~17-52-505~~] 17-52a-204, the county manager is the local substance abuse authority.

228 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the
229 county legislative body is the local substance abuse authority.

230 (b) Within legislative appropriations and county matching funds required by this
231 section, and under the direction of the division, each local substance abuse authority shall:

232 (i) develop substance abuse prevention and treatment services plans;

233 (ii) provide substance abuse services to residents of the county; and

234 (iii) cooperate with efforts of the Division of Substance Abuse and Mental Health to
235 promote integrated programs that address an individual's substance abuse, mental health, and
236 physical healthcare needs, as described in Section 62A-15-103.

237 (c) Within legislative appropriations and county matching funds required by this
238 section, each local substance abuse authority shall cooperate with the efforts of the Department
239 of Human Services to promote a system of care, as defined in Section 62A-1-104, for minors
240 with or at risk for complex emotional and behavioral needs, as described in Section 62A-1-111.

241 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
242 Cooperation Act, two or more counties may join to:

243 (i) provide substance abuse prevention and treatment services; or

244 (ii) create a united local health department that provides substance abuse treatment

245 services, mental health services, and local health department services in accordance with
246 Subsection (3).

247 (b) The legislative bodies of counties joining to provide services may establish
248 acceptable ways of apportioning the cost of substance abuse services.

249 (c) Each agreement for joint substance abuse services shall:

250 (i) (A) designate the treasurer of one of the participating counties or another person as
251 the treasurer for the combined substance abuse authorities and as the custodian of money
252 available for the joint services; and

253 (B) provide that the designated treasurer, or other disbursing officer authorized by the
254 treasurer, may make payments from the money for the joint services upon audit of the
255 appropriate auditing officer or officers representing the participating counties;

256 (ii) provide for the appointment of an independent auditor or a county auditor of one of
257 the participating counties as the designated auditing officer for the combined substance abuse
258 authorities;

259 (iii) (A) provide for the appointment of the county or district attorney of one of the
260 participating counties as the designated legal officer for the combined substance abuse
261 authorities; and

262 (B) authorize the designated legal officer to request and receive the assistance of the
263 county or district attorneys of the other participating counties in defending or prosecuting
264 actions within their counties relating to the combined substance abuse authorities; and

265 (iv) provide for the adoption of management, clinical, financial, procurement,
266 personnel, and administrative policies as already established by one of the participating
267 counties or as approved by the legislative body of each participating county or interlocal board.

268 (d) An agreement for joint substance abuse services may provide for joint operation of
269 services and facilities or for operation of services and facilities under contract by one
270 participating local substance abuse authority for other participating local substance abuse
271 authorities.

272 (3) A county governing body may elect to combine the local substance abuse authority
273 with the local mental health authority created in Part 3, Local Mental Health Authorities, and
274 the local health department created in Title 26A, Chapter 1, Part 1, Local Health Department
275 Act, to create a united local health department under Section 26A-1-105.5. A local substance
276 abuse authority that joins a united local health department shall comply with this part.

277 (4) (a) Each local substance abuse authority is accountable to the department, the
278 Department of Health, and the state with regard to the use of state and federal funds received
279 from those departments for substance abuse services, regardless of whether the services are
280 provided by a private contract provider.

281 (b) Each local substance abuse authority shall comply, and require compliance by its
282 contract provider, with all directives issued by the department and the Department of Health
283 regarding the use and expenditure of state and federal funds received from those departments
284 for the purpose of providing substance abuse programs and services. The department and
285 Department of Health shall ensure that those directives are not duplicative or conflicting, and
286 shall consult and coordinate with local substance abuse authorities with regard to programs and
287 services.

288 (5) Each local substance abuse authority shall:

289 (a) review and evaluate substance abuse prevention and treatment needs and services,
290 including substance abuse needs and services for individuals incarcerated in a county jail or
291 other county correctional facility;

292 (b) annually prepare and submit to the division a plan approved by the county
293 legislative body for funding and service delivery that includes:

294 (i) provisions for services, either directly by the substance abuse authority or by
295 contract, for adults, youth, and children, including those incarcerated in a county jail or other
296 county correctional facility; and

297 (ii) primary prevention, targeted prevention, early intervention, and treatment services;

298 (c) establish and maintain, either directly or by contract, programs licensed under Title

299 62A, Chapter 2, Licensure of Programs and Facilities;

300 (d) appoint directly or by contract a full or part time director for substance abuse

301 programs, and prescribe the director's duties;

302 (e) provide input and comment on new and revised rules established by the division;

303 (f) establish and require contract providers to establish administrative, clinical,

304 procurement, personnel, financial, and management policies regarding substance abuse services

305 and facilities, in accordance with the rules of the division, and state and federal law;

306 (g) establish mechanisms allowing for direct citizen input;

307 (h) annually contract with the division to provide substance abuse programs and

308 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and

309 Mental Health Act;

310 (i) comply with all applicable state and federal statutes, policies, audit requirements,

311 contract requirements, and any directives resulting from those audits and contract requirements;

312 (j) promote or establish programs for the prevention of substance abuse within the

313 community setting through community-based prevention programs;

314 (k) provide funding equal to at least 20% of the state funds that it receives to fund

315 services described in the plan;

316 (l) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal

317 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title

318 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and

319 Other Local Entities Act;

320 (m) for persons convicted of driving under the influence in violation of Section

321 [41-6a-502](#) or [41-6a-517](#), conduct the following as defined in Section [41-6a-501](#):

322 (i) a screening;

323 (ii) an assessment;

324 (iii) an educational series; and

325 (iv) substance abuse treatment; and

326 (n) utilize proceeds of the accounts described in Subsection 62A-15-503(1) to
327 supplement the cost of providing the services described in Subsection (5)(m).

328 (6) Before disbursing any public funds, each local substance abuse authority shall
329 require that each entity that receives any public funds from the local substance abuse authority
330 agrees in writing that:

331 (a) the entity's financial records and other records relevant to the entity's performance
332 of the services provided to the local substance abuse authority shall be subject to examination
333 by:

334 (i) the division;

335 (ii) the local substance abuse authority director;

336 (iii) (A) the county treasurer and county or district attorney; or

337 (B) if two or more counties jointly provide substance abuse services under an
338 agreement under Subsection (2), the designated treasurer and the designated legal officer;

339 (iv) the county legislative body; and

340 (v) in a county with a county executive that is separate from the county legislative
341 body, the county executive;

342 (b) the county auditor may examine and audit the entity's financial and other records
343 relevant to the entity's performance of the services provided to the local substance abuse
344 authority; and

345 (c) the entity will comply with the provisions of Subsection (4)(b).

346 (7) A local substance abuse authority may receive property, grants, gifts, supplies,
347 materials, contributions, and any benefit derived therefrom, for substance abuse services. If
348 those gifts are conditioned upon their use for a specified service or program, they shall be so
349 used.

350 (8) (a) As used in this section, "public funds" means the same as that term is defined in
351 Section 17-43-203.

352 (b) Public funds received for the provision of services pursuant to the local substance

353 abuse plan may not be used for any other purpose except those authorized in the contract
354 between the local substance abuse authority and the provider for the provision of plan services.

355 (9) Subject to the requirements of the federal Substance Abuse Prevention and
356 Treatment Block Grant, Pub. L. No. 102-321, a local substance abuse authority shall ensure
357 that all substance abuse treatment programs that receive public funds:

358 (a) accept and provide priority for admission to a pregnant woman or a pregnant minor;
359 and

360 (b) if admission of a pregnant woman or a pregnant minor is not possible within 24
361 hours of the time that a request for admission is made, provide a comprehensive referral for
362 interim services that:

363 (i) are accessible to the pregnant woman or pregnant minor;

364 (ii) are best suited to provide services to the pregnant woman or pregnant minor;

365 (iii) may include:

366 (A) counseling;

367 (B) case management; or

368 (C) a support group; and

369 (iv) shall include a referral for:

370 (A) prenatal care; and

371 (B) counseling on the effects of alcohol and drug use during pregnancy.

372 (10) If a substance abuse treatment program described in Subsection (9) is not able to
373 accept and admit a pregnant woman or pregnant minor under Subsection (9) within 48 hours of
374 the time that request for admission is made, the local substance abuse authority shall contact
375 the Division of Substance Abuse and Mental Health for assistance in providing services to the
376 pregnant woman or pregnant minor.

377 Section 6. Section **17-43-301** is amended to read:

378 **17-43-301. Local mental health authorities -- Responsibilities.**

379 (1) (a) (i) In each county operating under a county executive-council form of

380 government under Section [~~17-52-504~~] [17-52a-203](#), the county legislative body is the local
381 mental health authority, provided however that any contract for plan services shall be
382 administered by the county executive.

383 (ii) In each county operating under a council-manager form of government under
384 Section [~~17-52-505~~] [17-52a-204](#), the county manager is the local mental health authority.

385 (iii) In each county other than a county described in Subsection (1)(a)(i) or (ii), the
386 county legislative body is the local mental health authority.

387 (b) Within legislative appropriations and county matching funds required by this
388 section, under the direction of the division, each local mental health authority shall:

389 (i) provide mental health services to persons within the county; and

390 (ii) cooperate with efforts of the Division of Substance Abuse and Mental Health to
391 promote integrated programs that address an individual's substance abuse, mental health, and
392 physical healthcare needs, as described in Section [62A-15-103](#).

393 (c) Within legislative appropriations and county matching funds required by this
394 section, each local mental health authority shall cooperate with the efforts of the Department of
395 Human Services to promote a system of care, as defined in Section [62A-1-104](#), for minors with
396 or at risk for complex emotional and behavioral needs, as described in Section [62A-1-111](#).

397 (2) (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
398 Cooperation Act, two or more counties may join to:

399 (i) provide mental health prevention and treatment services; or

400 (ii) create a united local health department that combines substance abuse treatment
401 services, mental health services, and local health department services in accordance with
402 Subsection (3).

403 (b) The legislative bodies of counties joining to provide services may establish
404 acceptable ways of apportioning the cost of mental health services.

405 (c) Each agreement for joint mental health services shall:

406 (i) (A) designate the treasurer of one of the participating counties or another person as

407 the treasurer for the combined mental health authorities and as the custodian of money
408 available for the joint services; and

409 (B) provide that the designated treasurer, or other disbursing officer authorized by the
410 treasurer, may make payments from the money available for the joint services upon audit of the
411 appropriate auditing officer or officers representing the participating counties;

412 (ii) provide for the appointment of an independent auditor or a county auditor of one of
413 the participating counties as the designated auditing officer for the combined mental health
414 authorities;

415 (iii) (A) provide for the appointment of the county or district attorney of one of the
416 participating counties as the designated legal officer for the combined mental health
417 authorities; and

418 (B) authorize the designated legal officer to request and receive the assistance of the
419 county or district attorneys of the other participating counties in defending or prosecuting
420 actions within their counties relating to the combined mental health authorities; and

421 (iv) provide for the adoption of management, clinical, financial, procurement,
422 personnel, and administrative policies as already established by one of the participating
423 counties or as approved by the legislative body of each participating county or interlocal board.

424 (d) An agreement for joint mental health services may provide for:

425 (i) joint operation of services and facilities or for operation of services and facilities
426 under contract by one participating local mental health authority for other participating local
427 mental health authorities; and

428 (ii) allocation of appointments of members of the mental health advisory council
429 between or among participating counties.

430 (3) A county governing body may elect to combine the local mental health authority
431 with the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
432 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
433 Department Act, to create a united local health department under Section [26A-1-105.5](#). A local

434 mental health authority that joins with a united local health department shall comply with this
435 part.

436 (4) (a) Each local mental health authority is accountable to the department, the
437 Department of Health, and the state with regard to the use of state and federal funds received
438 from those departments for mental health services, regardless of whether the services are
439 provided by a private contract provider.

440 (b) Each local mental health authority shall comply, and require compliance by its
441 contract provider, with all directives issued by the department and the Department of Health
442 regarding the use and expenditure of state and federal funds received from those departments
443 for the purpose of providing mental health programs and services. The department and
444 Department of Health shall ensure that those directives are not duplicative or conflicting, and
445 shall consult and coordinate with local mental health authorities with regard to programs and
446 services.

447 (5) (a) Each local mental health authority shall:

448 (i) review and evaluate mental health needs and services, including mental health needs
449 and services for persons incarcerated in a county jail or other county correctional facility;

450 (ii) as provided in Subsection (5)(b), annually prepare and submit to the division a plan
451 approved by the county legislative body for mental health funding and service delivery, either
452 directly by the local mental health authority or by contract;

453 (iii) establish and maintain, either directly or by contract, programs licensed under Title
454 62A, Chapter 2, Licensure of Programs and Facilities;

455 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
456 programs and prescribe the director's duties;

457 (v) provide input and comment on new and revised rules established by the division;

458 (vi) establish and require contract providers to establish administrative, clinical,
459 personnel, financial, procurement, and management policies regarding mental health services
460 and facilities, in accordance with the rules of the division, and state and federal law;

- 461 (vii) establish mechanisms allowing for direct citizen input;
- 462 (viii) annually contract with the division to provide mental health programs and
- 463 services in accordance with the provisions of Title 62A, Chapter 15, Substance Abuse and
- 464 Mental Health Act;
- 465 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
- 466 contract requirements, and any directives resulting from those audits and contract requirements;
- 467 (x) provide funding equal to at least 20% of the state funds that it receives to fund
- 468 services described in the plan;
- 469 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
- 470 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts, and Title
- 471 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and
- 472 Other Local Entities Act; and
- 473 (xii) take and retain physical custody of minors committed to the physical custody of
- 474 local mental health authorities by a judicial proceeding under Title 62A, Chapter 15, Part 7,
- 475 Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health.
- 476 (b) Each plan under Subsection (5)(a)(ii) shall include services for adults, youth, and
- 477 children, which shall include:
 - 478 (i) inpatient care and services;
 - 479 (ii) residential care and services;
 - 480 (iii) outpatient care and services;
 - 481 (iv) 24-hour crisis care and services;
 - 482 (v) psychotropic medication management;
 - 483 (vi) psychosocial rehabilitation, including vocational training and skills development;
 - 484 (vii) case management;
 - 485 (viii) community supports, including in-home services, housing, family support
 - 486 services, and respite services;
 - 487 (ix) consultation and education services, including case consultation, collaboration

488 with other county service agencies, public education, and public information; and
489 (x) services to persons incarcerated in a county jail or other county correctional facility.
490 (6) Before disbursing any public funds, each local mental health authority shall require
491 that each entity that receives any public funds from a local mental health authority agrees in
492 writing that:
493 (a) the entity's financial records and other records relevant to the entity's performance
494 of the services provided to the mental health authority shall be subject to examination by:
495 (i) the division;
496 (ii) the local mental health authority director;
497 (iii) (A) the county treasurer and county or district attorney; or
498 (B) if two or more counties jointly provide mental health services under an agreement
499 under Subsection (2), the designated treasurer and the designated legal officer;
500 (iv) the county legislative body; and
501 (v) in a county with a county executive that is separate from the county legislative
502 body, the county executive;
503 (b) the county auditor may examine and audit the entity's financial and other records
504 relevant to the entity's performance of the services provided to the local mental health
505 authority; and
506 (c) the entity will comply with the provisions of Subsection (4)(b).
507 (7) A local mental health authority may receive property, grants, gifts, supplies,
508 materials, contributions, and any benefit derived therefrom, for mental health services. If those
509 gifts are conditioned upon their use for a specified service or program, they shall be so used.
510 (8) (a) As used in this section, "public funds" means the same as that term is defined in
511 Section [17-43-303](#).
512 (b) Public funds received for the provision of services pursuant to the local mental
513 health plan may not be used for any other purpose except those authorized in the contract
514 between the local mental health authority and the provider for the provision of plan services.

515 Section 7. Section 17-52a-101 is enacted to read:

516 CHAPTER 52a. CHANGING FORMS OF COUNTY GOVERNMENT

517 Part 1. General Provisions

518 17-52a-101. Title.

519 This chapter is known as "Changing Forms of County Government."

520 Section 8. Section 17-52a-102, which is renumbered from Section 17-52-101 is
521 renumbered and amended to read:

522 ~~[17-52-101].~~ 17-52a-102. Definitions.

523 As used in this chapter:

524 (1) "Appointment council" means ~~[a group of persons consisting of:]~~ a
525 commission-initiated appointment council or a petition-initiated appointment council.

526 (2) "Commission-initiated appointment council" means, for a process to change a
527 county's form of government that is initiated by the county legislative body under Section
528 17-52a-302, a group of five individuals consisting of:

529 (a) a resident of the county in which the optional plan is proposed, designated by a
530 majority of all state senators and representatives whose districts include any part of the county
531 in which the optional plan is proposed;

532 (b) a resident of the county in which the optional plan is proposed, designated by the
533 county legislative body; and

534 (c) (i) if registered voters qualify to select a member of an appointment council under
535 Subsection 17-52a-303(6):

536 ~~[(c)]~~ (A) a resident of the county in which the optional plan is proposed, designated by
537 the petition sponsors; and

538 ~~[(d)]~~ (B) two other residents of the county in which the optional plan is proposed,
539 designated by majority vote of the three other members of the appointment council~~[-];~~ or

540 (ii) if registered voters do not qualify to select a member of an appointment council
541 under Subsection 17-52a-303(6), three other residents of the county in which the optional plan

542 is proposed, designated individually by:

543 (A) a unanimous vote of the commission-initiated appointment council members
544 described in Subsections (2)(a) and (b); or

545 (B) if the commission-initiated appointment council members described in Subsections
546 (2)(a) and (b) cannot reach a unanimous vote to fill an appointment council member position,
547 the legislators described in Subsection (2)(a), who shall, by a majority vote, designate an
548 individual to fill the appointment council member position.

549 ~~[(2)]~~ (3) "Optional plan" means a plan establishing an alternate form of government for
550 a county as provided in Section ~~[17-52-401]~~ [17-52a-404](#).

551 ~~[(3)]~~ "Reasonable notice" means, at a minimum:]

552 ~~[(a)]~~ publication:]

553 ~~[(i)]~~ (A) ~~in a newspaper of general circulation within the county at least once a week for~~
554 ~~at least two consecutive weeks ending no more than 10 and no fewer than three days before the~~
555 ~~event that is the subject of the notice; or]~~

556 ~~[(B)]~~ ~~if there is no newspaper of general circulation within the county, posting at least~~
557 ~~one notice per 1,000 population within the county, for at least a week ending no more than~~
558 ~~three days before the event that is the subject of the notice, at locations throughout the county~~
559 ~~that are most likely to give actual notice to county residents; and]~~

560 ~~[(ii)]~~ ~~in accordance with Section [45-1-101](#) for two weeks before the event that is the~~
561 ~~subject of the notice; and]~~

562 ~~[(b)]~~ ~~if the county has an Internet home page, posting an electronic notice on the~~
563 ~~Internet for at least seven days immediately before the event that is the subject of the notice.]~~

564 (4) "Petition-initiated appointment council" means, for a process to change a county's
565 form of government that registered voters initiate under Section [17-52a-303](#), the five sponsors
566 described in Subsection [17-52a-303](#)(1)(b)(i).

567 ~~[(4)]~~ (5) "Study committee" means ~~[a group of persons]~~ the committee that has seven
568 members:

569 (a) appointed under Section [~~17-52-301~~] [17-52a-401](#); and
570 (b) charged with the duties provided in Section [~~17-52-303~~] [17-52a-403](#).
571 Section 9. Section **17-52a-103**, which is renumbered from Section 17-52-102 is

572 renumbered and amended to read:

573 ~~[17-52-102]~~. **17-52a-103. Forms of county government -- County**
574 **commission form required unless another is adopted -- Restrictions on form of county**
575 **government.**

576 (1) [~~Each~~] Subject to Subsection (2), each county shall operate under one of the
577 following forms of county government:

- 578 (a) the county commission form under Section [~~17-52-501~~] [17-52a-201](#);
- 579 (b) the expanded county commission form under Section [~~17-52-502~~] [17-52a-202](#);
- 580 (c) the county executive and council form under Section [~~17-52-504~~] [17-52a-203](#); or
- 581 (d) the council-manager form under Section [~~17-52-505~~] [17-52a-204](#).

582 (2) Unless [~~it~~] a county adopts another form of government as provided in this chapter,
583 [~~each~~] the county shall operate under the county commission form of government under
584 Section [~~17-52-501~~] [17-52a-201](#).

585 (3) (a) In a county that operates under a form of government that is not described in
586 Subsection (2):

587 (i) the county's legislative body shall, before July 1, 2018, initiate the process under
588 Section [17-52a-302](#) of changing the county's form of government;

589 (ii) the county shall hold a special election described in Section [17-52a-304](#) on
590 November 6, 2018;

591 (iii) if the voters approve the appointment of a study committee at the special election
592 described in Subsection (3)(a)(ii):

593 (A) the study committee may not recommend under Section [17-52a-403](#) that the county
594 retain the county's current form of government; and

595 (B) the county shall hold an election described in Section [17-52a-501](#) before December

596 31, 2020, on an optional plan that the study committee creates; and

597 (iv) the registered voters of the county may not repeal an optional plan under Section
598 17-52a-505 that is adopted at an election described in Subsection (3)(a)(iii)(B).

599 (b) If the voters of a county described in Subsection (3)(a) do not approve a change in
600 the county's form of government at an election described in Subsection (3)(a)(iii)(B) before
601 December 31, 2020:

602 (i) the county shall operate under the county commission form of government under
603 Section 17-52a-201 in the same manner that a county is required under Subsection
604 17-52a-102(2) to operate under that form of government if the county does not adopt another
605 form of government; and

606 (ii) the county shall transition to the form of government described in Subsection
607 (3)(b)(i) in the same manner as if the voters of the county had approved the change in the form
608 of government described in Subsection (3)(b)(i) in the applicable election described in
609 Subsection (3)(b).

610 Section 10. Section **17-52a-104** is enacted to read:

611 **17-52a-104. Applicability of former provisions to pending process.**

612 (1) If, on the effective date of this bill, a county is under a pending process described in
613 Subsection (2) to change the county's form of government:

614 (a) except as provided in this section, the provisions of this bill do not apply to that
615 pending process; and

616 (b) that pending process is governed by:

617 (i) the provisions of law that were in effect on the day immediately before the day on
618 which this bill takes effect;

619 (ii) Subsection 17-52a-301(3);

620 (iii) Subsections 17-52a-501(1)(a) and (3)(a); and

621 (iv) Subsection (3).

622 (2) A process of changing a county's form of government is pending under Subsection

623 (1) if, as of the effective date of this bill:

624 (a) (i) the county legislative body had adopted a resolution in accordance with the
625 provisions of law that were in effect on the day immediately before the day on which this bill
626 takes effect to change the county's form of government; or

627 (ii) registered voters had begun collecting signatures in accordance with the provisions
628 of law that were in effect on the day immediately before the day on which this bill takes effect
629 for a petition to change the county's form of government; and

630 (b) the process of changing the county's form of government initiated under Subsection
631 (2)(a) has not concluded.

632 (3) (a) To continue a pending process described in Subsection (2)(a)(ii), registered
633 voters that initiated the process shall submit a sufficient number of valid signatures to the
634 county clerk within 180 days after the effective date of this bill.

635 (b) If the registered voters fail to comply with Subsection (3)(a), the pending process is
636 concluded under Subsection [17-52a-301](#)(3)(a)(vi)(A).

637 Section 11. Section **17-52a-201**, which is renumbered from Section 17-52-501 is
638 renumbered and amended to read:

639 **Part 2. Forms of County Government**

640 ~~[17-52-501].~~ **17-52a-201. County commission form of government --**

641 **Commission member elections.**

642 (1) As used in this section:

643 (a) "Midterm vacancy" means a county commission position that is being filled at an
644 election for less than the position's full term as established in:

645 (i) Subsection (4)(a); or

646 (ii) a county's optional plan under Subsection [~~17-52-401~~] [17-52a-404](#)(5)(b).

647 (b) "Open position" means a county commission position that is being filled at a
648 regular general election for the position's full term as established in:

649 (i) Subsection (4)(a); or

650 (ii) a county's optional plan under Subsection [~~17-52-401~~] 17-52a-404(5)(b).

651 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),
652 chosen to conduct county commissioner elections in accordance with Subsection (6).

653 (2) [~~Each~~] A county commission consisting of three members shall govern each county
654 operating under the county commission form of government [~~shall be governed by a county~~
655 ~~commission consisting of three members~~].

656 (3) A county commission under a county commission form of government is both the
657 county legislative body and the county executive and has the powers, duties, and functions of a
658 county legislative body under Chapter 53, Part 2, County Legislative Body, and the powers,
659 duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

660 (4) Except as otherwise provided in an optional plan adopted under this chapter:
661 (a) the term of office of each county commission member is four years;
662 (b) the terms of county commission members shall be staggered so that two members
663 are elected at a regular general election date that alternates with the regular general election
664 date of the other member; and

665 (c) each county commission member shall be elected:
666 (i) at large, unless otherwise required by court order; and
667 (ii) subject to the provisions of this section, in accordance with Title 20A, Election
668 Code.

669 (5) Except as provided in Subsection (6):
670 (a) if two county commission positions are vacant for an election, the positions shall be
671 designated "county commission seat A" and "county commission seat B";
672 (b) each candidate who files a declaration of candidacy when two positions are vacant
673 shall designate on the declaration of candidacy form whether the candidate is a candidate for
674 seat A or seat B; and

675 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected
676 to two county commission positions in the same election.

677 (6) (a) A county of the first or second class may, through an [~~alternate~~] optional plan as
678 described in Subsection [~~17-52-401~~] 17-52a-404(5) or by ordinance, choose to conduct county
679 commissioner elections in accordance with this Subsection (6).

680 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk
681 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,
682 designate:

683 (i) each open position as "open position"; and

684 (ii) each midterm vacancy as "midterm vacancy."

685 (c) An individual who files a declaration of candidacy for the office of county
686 commissioner in an opt-in county:

687 (i) if there is more than one open position, is not required to indicate which open
688 position the individual is running for;

689 (ii) if there is at least one open position and at least one midterm vacancy, shall
690 designate on the declaration of candidacy whether the individual is filing for an open position
691 or a midterm vacancy; and

692 (iii) may not file a declaration of candidacy for an open position and a midterm
693 vacancy in the same election.

694 (d) If there is an open position and a midterm vacancy being voted upon in the same
695 election in an opt-in county, the county clerk shall indicate on the ballot for the election which
696 positions are open positions and which positions are midterm vacancies.

697 (e) In an opt-in county:

698 (i) the candidates for open positions, in a number equal to the number of open
699 positions, who receive the highest number of votes are:

700 (A) for the purposes of a regular primary election, nominated by the candidates' party
701 for the open positions; and

702 (B) for the purposes of a regular general election, elected to fill the open positions; and

703 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm

704 vacancies, who receive the highest number of votes are:

705 (A) for the purposes of a regular primary election, nominated by the candidates' party
706 for the midterm vacancies; and

707 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

708 Section 12. Section **17-52a-202**, which is renumbered from Section 17-52-502 is
709 renumbered and amended to read:

710 ~~[17-52-502]~~. **17-52a-202. Expanded county commission form of**
711 **government -- Commission member elections.**

712 (1) As used in this section:

713 (a) "Midterm vacancy" means the same as that term is defined in Section ~~[17-52-501]~~
714 17-52a-201.

715 (b) "Open position" means the same as that term is defined in Section ~~[17-52-501]~~
716 17-52a-201.

717 (c) "Opt-in county" means a county that has, in accordance with Subsection (6)(a),
718 chosen to conduct county commissioner elections in accordance with Subsection (6).

719 (2) ~~[Each] A county commission consisting of five or seven members shall govern~~
720 each county operating under an expanded county commission form of government ~~[shall be~~
721 ~~governed by a county commission consisting of five or seven members]~~.

722 (3) A county commission under the expanded county commission form of government
723 is both the county legislative body and the county executive and has the powers, duties, and
724 functions of a county legislative body under Chapter 53, Part 2, County Legislative Body, and
725 the powers, duties, and functions of a county executive under Chapter 53, Part 3, County
726 Executive.

727 (4) Except as otherwise provided in an optional plan adopted under this chapter:

728 (a) the term of office of each county commission member is four years;

729 (b) the terms of county commission members shall be staggered so that approximately
730 half the members are elected at alternating regular general election dates; and

731 (c) each county commission member shall be elected:
732 (i) at large, unless otherwise required by court order; and
733 (ii) subject to the provisions of this section, in accordance with Title 20A, Election
734 Code.
735 (5) Except as provided in Subsection (6):
736 (a) if multiple at-large county commission positions are vacant for an election, the
737 positions shall be designated "county commission seat A," "county commission seat B," and so
738 on as necessary for the number of vacant positions;
739 (b) each candidate who files a declaration of candidacy when multiple positions are
740 vacant shall designate the letter of the county commission seat for which the candidate is a
741 candidate; and
742 (c) no person may file a declaration of candidacy for, be a candidate for, or be elected
743 to two county commission positions in the same election.
744 (6) (a) A county of the first or second class may, through an ~~[alternate]~~ optional plan as
745 described in Subsection ~~[17-52-401]~~ 17-52a-404(5) or by ordinance, choose to conduct county
746 commissioner elections in accordance with this Subsection (6).
747 (b) When issuing the notice of election required by Subsection 20A-5-101(2), the clerk
748 of an opt-in county shall, if there is at least one open position and at least one midterm vacancy,
749 designate:
750 (i) each open position as "open position"; and
751 (ii) each midterm vacancy as "midterm vacancy."
752 (c) An individual who files a declaration of candidacy for the office of county
753 commissioner in an opt-in county:
754 (i) if there is more than one open position, is not required to indicate which open
755 position the individual is running for;
756 (ii) if there is at least one open position and at least one midterm vacancy, shall
757 designate on the declaration of candidacy whether the individual is filing for an open position

758 or a midterm vacancy; and

759 (iii) may not file a declaration of candidacy for an open position and a midterm
760 vacancy in the same election.

761 (d) If there is an open position and a midterm vacancy being voted upon in the same
762 election in an opt-in county, the county clerk shall indicate on the ballot for the election which
763 positions are open positions and which positions are midterm vacancies.

764 (e) In an opt-in county:

765 (i) the candidates for open positions, in a number equal to the number of open
766 positions, who receive the highest number of votes are:

767 (A) for the purposes of a regular primary election, nominated by the candidates' party
768 for the open positions; and

769 (B) for the purposes of a regular general election, elected to fill the open positions; and

770 (ii) the candidates for midterm vacancies, in a number equal to the number of midterm
771 vacancies, who receive the highest number of votes are:

772 (A) for the purposes of a regular primary election, nominated by the candidates' party
773 for the midterm vacancies; and

774 (B) for the purposes of a regular general election, elected to fill the midterm vacancies.

775 Section 13. Section **17-52a-203**, which is renumbered from Section 17-52-504 is
776 renumbered and amended to read:

777 ~~[17-52-504]~~. **17-52a-203. County executive-council form of county**
778 **government.**

779 (1) (a) ~~[A]~~ The following shall govern a county operating under the form of
780 government known as the "county executive-council" form ~~[shall be governed by]:~~

781 (i) an elected county council~~;~~;

782 (ii) an elected county executive~~;~~; and ~~[such]~~

783 (iii) other officers and employees ~~[as are]~~ authorized by law.

784 (b) The optional plan shall provide for the qualifications, time, and manner of election,

785 term of office and compensation of the county executive.

786 (2) The county executive [~~shall be~~] is the chief executive officer or body of the county.

787 (3) In the county executive-council form of county government:

788 (a) the county council is the county legislative body and [~~shall have~~] has the powers,
789 duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative
790 Body; and

791 (b) the county executive [~~shall have~~] has the powers, duties, and functions of a county
792 executive under Chapter 53, Part 3, County Executive.

793 (4) References in any statute or state rule to the "governing body" or the "board of
794 county commissioners" of the county, in the county executive-council form of county
795 government, means:

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

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

798 Section 14. Section **17-52a-204**, which is renumbered from Section 17-52-505 is
799 renumbered and amended to read:

800 [~~17-52-505~~]. **17-52a-204. Council-manager form of county government.**

801 (1) (a) [~~A~~] The following shall govern a county operating under the form of
802 government known as the "council-manager" form [~~shall be governed by~~]:

803 (i) an elected county council[;];

804 (ii) a county manager appointed by the council[;]; and [~~such~~]

805 (iii) other officers and employees [~~as are~~] authorized by law.

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

809 (2) The county manager [~~shall be~~] is the administrative head of the county government
810 and [~~shall have~~] has the powers, functions, and duties of a county executive, except:

811 (a) as the county legislative body otherwise provides by ordinance; and

812 (b) that the county manager may not veto any ordinances enacted by the council.

813 (3) (a) ~~[No]~~ A member of the council ~~[shall]~~ may not directly or indirectly, by
814 suggestion or otherwise~~;~~:

815 (i) attempt to influence or coerce the manager in ~~[the]~~:

816 (A) making ~~[of]~~ any appointment ~~[or removal of]~~;

817 (B) removing any officer or employee ~~[or in the purchase of]~~; or

818 (C) purchasing supplies~~;~~;

819 (ii) attempt to exact any promise relative to any appointment from any candidate for
820 manager~~;~~; or

821 (iii) discuss directly or indirectly with ~~[him]~~ the manager the matter of specific
822 appointments to any county office or employment.

823 (b) (i) A person who violates the provisions of this Subsection (3) shall forfeit the
824 office of the offending member of the council.

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

828 (iii) Neither manager nor any person in the employ of the county shall take part in
829 securing, or contributing any money toward, the nomination or election of any candidate for a
830 county office.

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

832 (4) In the council-manager form of county government~~;~~:

833 (a) the legislative powers of the county ~~[shall be]~~ are vested in the county council~~;~~;

834 and

835 (b) the executive powers of the county ~~[shall be]~~ are vested in the county manager.

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

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

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

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

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

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

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

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

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

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

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

856 (7) A county council that appoints a county manager in accordance with this section
857 may not, on or after May 10, 2011, enter into an employment contract that contains an
858 automatic renewal provision with the county manager.

859 Section 15. Section 17-52a-301, which is renumbered from Section 17-52-201 is
860 renumbered and amended to read:

861 **Part 3. Procedure for Initiating Adoption of Optional Plan**

862 ~~[17-52-201]~~. **17-52a-301. Procedure for initiating adoption of optional**
863 **plan -- Limitations -- Pending proceedings.**

864 (1) An optional plan proposing an alternate form of government for a county may be
865 adopted as provided in this chapter.

866 (2) The process to adopt an optional plan establishing an alternate form of county
867 government may be initiated by:

868 (a) the county legislative body as provided in Section [~~17-52-202~~] [17-52a-302](#); or

869 (b) registered voters of the county as provided in Section [~~17-52-203~~] [17-52a-303](#).

870 (3) (a) If the process to adopt an optional plan [~~has been~~] is initiated under Laws of
871 Utah 1973, Chapter 26, Section 3, 4, or 5, or Section [~~17-52-202 or 17-52-203~~] [17-52a-302](#) or
872 [17-52a-303](#), or under a provision described in Subsection [17-52a-104](#)(2), the county legislative
873 body may not initiate the process again under Section [~~17-52-202 unless the earlier proceeding~~]
874 [17-52a-302](#), and registered voters may not initiate the process again under Section [17-52a-303](#),
875 until:

876 [~~(i) has been concluded by an affirmative or negative vote of registered voters; or~~]

877 (i) the first initiated process concludes with an election under Section [17-52a-501](#);

878 (ii) the first initiated process concludes under Subsection [17-52a-403](#)(7) because the
879 study committee recommended that the county's form of government not change;

880 [~~(ii)~~] (iii) the first initiated process has not [~~been~~] concluded but has been pending for
881 at least two years[-] after the day on which the voters approved the appointment of a study
882 committee in an election described in Section [17-52a-304](#);

883 (iv) notwithstanding Subsection (3)(a)(iii), if an election on an optional plan under the
884 first initiated process is scheduled under Section [17-52a-501](#), the conclusion of that election;

885 (v) the first initiated process concludes because registered voters fail to submit a
886 sufficient number of valid signatures for a petition before the deadline described in Subsection
887 [17-52a-303](#)(2)(c); or

888 (vi) for a process governed by Section [17-52a-104](#), the first initiated process concludes:

889 (A) because registered voters fail to submit a sufficient number of valid signatures for a
890 petition before the deadline described in Subsection [17-52a-104](#)(3); or

891 (B) under a provision described in Subsection [17-52a-104](#)(1)(b).

892 (b) A county legislative body may not initiate the process to adopt an optional plan

893 under Section [~~17-52-202~~] 17-52a-302 within four years of an election at which voters
894 approved or rejected an optional plan proposed as a result of a process initiated by the county
895 legislative body.

896 (c) Registered voters of a county may not initiate the process to adopt an optional plan
897 under Section [~~17-52-203~~] 17-52a-303 within four years of an election at which voters
898 approved or rejected an optional plan proposed as a result of a process initiated by registered
899 voters.

900 Section 16. Section **17-52a-302**, which is renumbered from Section 17-52-202 is
901 renumbered and amended to read:

902 [~~17-52-202~~]. **17-52a-302. County legislative body initiation of adoption of**
903 **optional plan -- Procedure.**

904 (1) A county legislative body may initiate the process of adopting an optional plan by
905 adopting a resolution to submit to the voters the question of:

906 (a) whether a study committee should be established as provided in Section
907 [~~17-52-301~~] 17-52a-401; or

908 (b) in a county with a population of 500,000 or more that operates under the county
909 commission form of government under Section 17-52a-201, whether the county should adopt
910 an optional plan that:

911 (i) the legislative body creates before adopting the resolution described in this
912 Subsection (1); and

913 (ii) complies with the requirements described in Sections 17-52a-404 and 17-52a-405.

914 (2) [~~Each~~] The county legislative body shall ensure that a resolution adopted under
915 Subsection (1) [~~shall require~~]:

916 (a) requires the question described in Subsection (1)(a) to be submitted to the registered
917 voters of the county at the next special election scheduled [~~pursuant to~~] under Section
918 20A-1-204 after adoption of the resolution under Subsection (1)[~~;~~]; or

919 (b) requires the question described in Subsection (1)(b) to be submitted to the

920 registered voters of the county at the next election described in Section 17-52a-501.

921 (3) Within 10 days after the day on which the county legislative body adopts a
 922 resolution proposing an optional plan under Subsection (1)(b), the legislative body shall send a
 923 copy of the optional plan that the legislative body recommends to:

924 (a) the county clerk; and

925 (b) the county attorney or, if the county does not have a county attorney, to the district
 926 attorney, for review in accordance with Section 17-52a-406.

927 Section 17. Section **17-52a-303**, which is renumbered from Section 17-52-203 is
 928 renumbered and amended to read:

929 ~~[17-52-203].~~ **17-52a-303. Registered voter initiation of adoption of**
 930 **optional plan -- Procedure.**

931 (1) (a) Registered voters of a county may initiate the process of adopting an optional
 932 plan by filing with the county clerk a notice of intent to gather signatures for a petition;

933 (i) for the establishment of a study committee ~~[as provided in]~~ described in Section
 934 ~~[17-52-301:]~~ 17-52a-401; or

935 (ii) in a county with a population of 500,000 or more that operates under the county
 936 commission form of government under Section 17-52a-201, to adopt an optional plan that:

937 (A) accompanies the petition described in this Subsection (1)(a)(ii) during the signature
 938 gathering process and accompanies the petition in the submission to the county clerk under
 939 Subsection (2)(b); and

940 (B) complies with the requirements described in Sections 17-52a-404 and 17-52a-405.

941 ~~[(2) Each petition under Subsection (1) shall:]~~

942 (b) A notice of intent described in Subsection (1)(a) shall:

943 (i) designate five sponsors for the petition;

944 (ii) designate a contact sponsor to serve as the primary contact for the petition
 945 sponsors;

946 (iii) list the mailing address and telephone number of each of the sponsors; and

947 (iv) be signed by each of the petition sponsors.

948 (c) Registered voters of a county may not file a notice of intent to gather signatures in
949 bad faith.

950 (2) (a) The sponsors of a petition may circulate the petition after filing a notice of
951 intent to gather signatures under Subsection (1).

952 ~~[(a) be]~~ (b) To be considered valid, the petition is required to be signed by registered
953 voters residing in the county equal in number to at least [10%] 5% of the total number of votes
954 cast in the county for all candidates for president of the United States at the most recent
955 election [for] at which a president of the United States[;] was elected.

956 ~~[(b) designate up to five of the petition signers as sponsors, one of whom shall be~~
957 ~~designated as the contact sponsor, with the mailing address and telephone number of each; and]~~

958 ~~[(c) be filed in the office of the clerk of the county in which the petition signers reside.]~~

959 (c) Except as provided in Subsection (4)(b)(ii), the sponsors of the petition shall submit
960 the completed petition and any amended or supplemental petition described in Subsection (4)
961 with the county clerk not more than 180 days after the day on which the sponsors file the notice
962 described in Subsection (1).

963 ~~(3) [(a)]~~ Within 30 days ~~[of the filing of a]~~ after the day on which the sponsors submit a
964 petition under Subsection ~~[(1)]~~ (2)(c) or an amended or supplemental petition under Subsection
965 ~~[(3)(b)]~~ (4), the county clerk shall:

966 ~~[(i)]~~ (a) determine whether the petition or amended or supplemental petition has been
967 signed by the required number of registered voters; ~~[and]~~

968 ~~[(ii)(A) if so;]~~

969 (b) (i) if the petition was signed by a sufficient number of registered voters:

970 (A) certify the petition [or amended or supplemental petition and];

971 (B) deliver [it] the petition to the county legislative body; and

972 (C) notify [in writing] the contact sponsor in writing of the certification; or

973 ~~[(B) if not;]~~ (ii) if the petition was not signed by a sufficient number of registered

974 voters:

975 (A) reject the petition [~~or the amended or supplemental petition~~]; and

976 (B) notify [~~in writing~~] the county legislative body and the contact sponsor in writing of
977 the rejection and the reasons for the rejection[-]; and

978 [~~(b) If a county clerk rejects a petition or an amended or supplemental petition under~~
979 ~~Subsection (3)(a)(ii)(B), the petition may be amended or supplemented or an amended or~~
980 ~~supplemental petition may be further amended or supplemented with additional signatures and~~
981 ~~refiled within 20 days of the date of rejection.]~~

982 (c) For a petition described in Subsection (1)(a)(ii), within 10 days after the day on
983 which the county clerk certifies the petition under Subsection (3)(b)(i), the county clerk shall
984 send a copy of the optional plan that accompanied the petition to the county attorney or, if the
985 county does not have a county attorney, to the district attorney, for review in accordance with
986 Section 17-52a-406.

987 (4) The sponsors of a petition circulated under this section may submit supplemental
988 signatures for the petition:

989 (a) if the county clerk rejects the petition under Subsection (3)(b)(ii); and

990 (b) before the earlier of:

991 (i) the deadline described in Subsection (2)(c); or

992 (ii) 20 days after the day on which the county clerk rejects the petition under
993 Subsection (3)(b)(ii).

994 [~~(4)~~] (5) With the unanimous approval of petition sponsors, a petition filed under
995 [Subsection (1)] this section may be withdrawn at any time within 90 days after [petition
996 certification but] the day on which the county clerk certifies the petition under Subsection
997 (3)(b)(i) and no later than 45 days before an election under Section [~~17-52-206~~] 17-52a-501 if:

998 (a) the petition [~~notified signers~~] included a notification to petition signers, in
999 conspicuous language and in a conspicuous location, that the petition sponsors are authorized
1000 to withdraw the petition; and

1001 (b) ~~[there are at least three sponsors of]~~ the petition has at least three sponsors.
1002 (6) (a) Notwithstanding Subsection 17-52a-301(3), registered voters of a county may
1003 circulate a petition under this section after a county legislative body initiates the process to
1004 adopt an optional plan under Subsection 17-52a-302(1)(a) in order to qualify to select a
1005 member of an appointment committee that is formed as a result of the process initiated by the
1006 county legislative body.

1007 (b) Notwithstanding Subsection (2)(c), registered voters who circulate a petition
1008 described in Subsection (6)(a) may not submit the completed petition less than 30 days before
1009 the day of the election described in Section 17-52a-304.

1010 (c) Notwithstanding Subsection (4), registered voters who circulate a petition described
1011 in Subsection (6)(a) may not amend or submit supplemental signatures for the petition unless:

1012 (i) the county clerk makes the determination described in Subsection (3) before the
1013 deadline described in Subsection (6)(b); and

1014 (ii) the registered voters submit the amended or supplemented petition before the
1015 deadline described in Subsection (6)(b).

1016 Section 18. Section **17-52a-304**, which is renumbered from Section 17-52-203.5 is
1017 renumbered and amended to read:

1018 ~~[17-52-203.5].~~ **17-52a-304. Election to determine whether study committee**
1019 **should be established.**

1020 (1) The county legislative body shall hold an election under this section if:

1021 (a) the county legislative body adopts a resolution under ~~[Subsection 17-52-202(1)]~~
1022 Subsection 17-52a-302(1)(a); or

1023 (b) ~~[a petition filed under Subsection 17-52-203(1) is certified by]~~ the county clerk
1024 ~~[under]~~ certifies, in accordance with Subsection ~~[17-52-203(3)]~~ 17-52a-303(3), a petition
1025 described in Subsection 17-52a-303(1)(a)(i).

1026 (2) ~~[Each]~~ An election ~~[under]~~ described in Subsection (1) shall be a special election,
1027 called and held ~~[as required by]~~ in accordance with Sections 20A-1-203 and 20A-1-204

1028 [~~after~~].

1029 [~~(a) adoption of a resolution under Subsection 17-52-202(1); or~~]

1030 [~~(b) certification of a petition under Subsection 17-52-203(3).~~]

1031 (3) The county clerk shall prepare the ballot for [~~each~~] an election [~~under~~] described in
1032 Subsection (1) with a question that asks substantially [~~as follows~~] the following:

1033 "Shall a study committee be appointed to consider and possibly recommend a change in
1034 [~~the~~] _____ County's form of government [~~of~~ _____
1035 County]?"

1036 Section 19. Section **17-52a-305** is enacted to read:

1037 **17-52a-305. Public hearings.**

1038 The county legislative body shall hold four public hearings on a proposed optional plan
1039 within 45 days after the day on which:

1040 (1) the county legislative body adopts a resolution that proposes an optional plan under
1041 Subsection 17-52a-302(1)(b); or

1042 (2) the county clerk certifies, in accordance with Subsection 17-52a-303(3), a petition
1043 that proposes an optional plan under Subsection 17-52a-303(1)(a)(ii).

1044 Section 20. Section **17-52a-401**, which is renumbered from Section 17-52-301 is
1045 renumbered and amended to read:

1046 **Part 4. Study Committee and Optional Plan**

1047 [~~17-52-301~~]. **17-52a-401. Procedure for appointing members to study**
1048 **committee.**

1049 [~~(1) Each member of a study committee shall be appointed by an appointment council~~
1050 ~~as provided in this section.~~]

1051 (1) If a majority of voters voting in an election described in Section 17-52a-304 vote in
1052 favor of appointing a study committee, an appointment council shall appoint the members of a
1053 study committee as provided in this section.

1054 [~~(2) (a) The county executive shall convene a meeting of the three members of the~~]

1055 ~~appointment council referred to in Subsections 17-52-101(1) (a), (b), and (c) within 10 days~~
1056 ~~after the canvass of an election under Section 17-52-203.5 if a majority of those voting voted in~~
1057 ~~favor of establishing a study committee.]~~

1058 (2) (a) The county executive shall, within 10 days after the canvass of an election
1059 conducted under Section 17-52a-304, convene the first meeting of the appointment council
1060 members described in:

1061 (i) for a council-initiated appointment council, Subsections 17-52a-101(2)(a), (b), and,
1062 if applicable, (c)(i)(A); or

1063 (ii) for a petition-initiated appointment council, Subsection 17-52a-101(4).

1064 (b) Within 10 days of the convening of the first meeting under Subsection (2)(a)(i), the
1065 [three] members of the appointment council described in Subsection (2)(a) shall designate the
1066 remaining [two] members [~~referred to in Subsection 17-52-101(1)(d)~~] of the appointment
1067 council.

1068 (3) (a) Within 30 days [~~of the designation of the remaining two members~~] after the day
1069 on which the appointment council meets under Subsection (2)(a)(ii), or the last appointment
1070 council member is appointed under Subsection (2)(b), the appointment council shall:

1071 (i) appoint the members to the study committee; and

1072 (ii) notify in writing the appointees, the county executive, and the county legislative
1073 body of the appointments.

1074 (b) In making appointments to the study committee, the appointment council shall
1075 work to achieve a broadly representative membership.

1076 (c) The appointment council may not appoint [~~a person~~] an individual to the study
1077 committee unless that [~~person~~] individual:

1078 (i) is a registered voter in the county whose form of government will be studied by the
1079 study committee; and

1080 (ii) does not hold any public office or employment other than membership on the
1081 appointment council.

1082 Section 21. Section **17-52a-402**, which is renumbered from Section 17-52-302 is
1083 renumbered and amended to read:

1084 ~~[17-52-302]~~. **17-52a-402. Convening of first meeting of study committee.**

1085 (1) The county executive shall convene the first meeting of the study committee within
1086 10 days after ~~[receipt of notification]~~ the county executive receives the notification described in
1087 Subsection 17-52a-401(3)(a) of the study committee members' appointment [under Subsection
1088 17-52-301(3)(a)].

1089 (2) (a) At the study committee's first meeting, the study committee shall select a chair
1090 from among the members of the study committee.

1091 (b) The chair of the study committee is responsible for convening each future meeting
1092 of the study committee.

1093 Section 22. Section **17-52a-403**, which is renumbered from Section 17-52-303 is
1094 renumbered and amended to read:

1095 ~~[17-52-303]~~. **17-52a-403. Study committee -- Members -- Powers and**
1096 **duties -- Report -- Services provided by county.**

1097 (1) (a) ~~[Each]~~ A study committee [shall consist of at least seven but no more than 11]
1098 consists of seven members.

1099 (b) A member of a study committee may not receive compensation for service on the
1100 committee.

1101 (c) The county legislative body shall reimburse each member of a study committee for
1102 necessary expenses incurred in performing the member's duties on the study committee.

1103 (2) A study committee may:

1104 (a) adopt rules for ~~[its]~~ the study committee's own organization and procedure and to
1105 fill a vacancy in its membership;

1106 (b) establish advisory boards or committees and include on ~~[them]~~ the advisory boards
1107 or committees persons who are not members of the study committee; and

1108 (c) request the assistance and advice of any officers or employees of any agency of

1109 state or local government.

1110 (3) ~~(a)~~ ~~[Each]~~ A study committee shall:

1111 ~~[(a)]~~ (i) study the form of government within the county and compare it with other
1112 forms available under this chapter;

1113 ~~[(b)]~~ (ii) determine whether the administration of local government in the county could
1114 be strengthened, made more clearly responsive or accountable to the people, or significantly
1115 improved in the interest of economy and efficiency by a change in the form of county
1116 government;

1117 ~~[(c)]~~ (iii) hold public hearings and community forums and other means the committee
1118 considers appropriate to disseminate information and stimulate public discussion of the
1119 committee's purposes, progress, and conclusions; and

1120 ~~[(d)]~~ (iv) file a written report of ~~[its]~~ the study committee's findings and
1121 recommendations with the county executive ~~[and]~~, the county legislative body, and the county
1122 clerk no later than one year after the convening of ~~[its]~~ the study committee's first meeting
1123 under Section ~~[17-52-302]~~ 17-52a-402.

1124 (b) Within 10 days after the day on which the study committee submits the study
1125 committee's report under Subsection (3)(a)(iv) to the county legislative body, if the report
1126 recommends a change in the form of county government, the county clerk shall send to the
1127 county attorney or, if the county does not have a county attorney, to the district attorney, a copy
1128 of each optional plan recommended in the report for review in accordance with Section
1129 17-52a-406.

1130 (4) Each study committee report under Subsection (3)(d) shall include:

1131 (a) the study committee's recommendation as to whether the form of county
1132 government should be changed to another form authorized under this chapter;

1133 (b) if the study committee recommends changing the form of government, a complete
1134 detailed draft of a proposed plan to change the form of county government, including all
1135 necessary implementing provisions; and

1136 (c) any additional recommendations the study committee considers appropriate to
1137 improve the efficiency and economy of the administration of local government within the
1138 county.

1139 (5) (a) If the study committee's report recommends a change in the form of county
1140 government, the study committee may conduct additional public hearings after filing the report
1141 under Subsection (3)(d) and, following the hearings and subject to Subsection (5)(b), alter the
1142 report.

1143 (b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration
1144 to the report:

1145 (i) that would recommend the adoption of an optional form different from that
1146 recommended in the original report; or

1147 (ii) within the 120-day period before the election under Section [~~17-52-206~~]
1148 [17-52a-501](#).

1149 (6) Each meeting [~~held by~~] that the study committee holds shall be open to the public.

1150 (7) If the study committee's report does not recommend a change in the form of county
1151 government, the report is final, the study committee is dissolved, and the process to change the
1152 county's form of government is concluded.

1153 [~~(7)~~] (8) The county legislative body shall provide for the study committee:

1154 (a) suitable meeting facilities;

1155 (b) necessary secretarial services;

1156 (c) necessary printing and photocopying services;

1157 (d) necessary clerical and staff assistance; and

1158 (e) adequate funds for the employment of independent legal counsel and professional
1159 consultants that the study committee reasonably determines to be necessary to help the study
1160 committee fulfill its duties.

1161 Section 23. Section **17-52a-404**, which is renumbered from Section 17-52-401 is
1162 renumbered and amended to read:

1163 ~~[17-52-401].~~ **17-52a-404. Contents of proposed optional plan.**

1164 (1) ~~[Each]~~ The study committee, a county legislative body that adopts a resolution

1165 described in Subsection [17-52a-302\(1\)\(b\)](#), or the sponsors of a petition described in Subsection

1166 [17-52a-303\(1\)\(a\)\(ii\)](#) shall ensure that each optional plan ~~[proposed]~~ the committee, legislative

1167 body, or registered voters propose under this chapter, respectively:

1168 (a) ~~[shall propose]~~ proposes the adoption of one of the forms of county government

1169 listed in Subsection ~~[17-52-402]~~ [17-52a-405\(1\)\(a\)](#);

1170 (b) ~~[shall contain]~~ contains detailed provisions relating to the transition from the

1171 existing form of county government to the form proposed in the optional plan, including

1172 provisions relating to the:

1173 (i) election or appointment of officers specified in the optional plan for the new form of

1174 county government;

1175 (ii) retention, elimination, or combining of existing offices and, if an office is

1176 eliminated, the division or department of county government responsible for performing the

1177 duties of the eliminated office;

1178 (iii) continuity of existing ordinances and regulations;

1179 (iv) continuation of pending legislative, administrative, or judicial proceedings;

1180 (v) making of interim and temporary appointments; and

1181 (vi) preparation, approval, and adjustment of necessary budget appropriations;

1182 (c) ~~[shall specify]~~ specifies the date ~~[it is to become]~~ the optional plan becomes

1183 effective if adopted, which may not be earlier than the first day of January next following the

1184 election of officers under the new plan; and

1185 (d) notwithstanding any other provision of this title and except with respect to an

1186 optional plan that proposes the adoption of the county commission or expanded county

1187 commission form of government, with respect to the county budget ~~[shall provide]~~ provides

1188 that:

1189 (i) the county executive's role is to prepare and present a proposed budget to the county

1190 legislative body~~[-];~~ and

1191 (ii) the county legislative body's role is to adopt a final budget.

1192 (2) Subject to Subsection (3), an optional plan may include provisions that are
1193 considered necessary or advisable to the effective operation of the proposed optional plan.

1194 (3) An optional plan may not include any provision that is inconsistent with or
1195 prohibited by the Utah Constitution or any statute.

1196 (4) ~~[Each]~~ The optional plan proponent described in Subsection (1) shall ensure that
1197 each optional plan proposing to change the form of government to ~~[a]~~ the county
1198 executive-council form under Section ~~[17-52-504 or 17-52-505 shall]~~ 17-52a-203 or the
1199 council-manager form under Section 17-52a-204:

1200 (a) ~~[provide]~~ provides for the same executive and legislative officers as are specified in
1201 the applicable section for the form of government ~~[being proposed by]~~ that the optional plan
1202 proposes;

1203 (b) ~~[provide]~~ provides for the election of the county council;

1204 (c) ~~[specify]~~ specifies the number of county council members, which shall be an odd
1205 number from three to nine;

1206 (d) ~~[specify]~~ specifies whether the members of the county council are to be elected
1207 from districts, at large, or by a combination of at large and by district;

1208 (e) ~~[specify]~~ specifies county council members' qualifications and terms and whether
1209 the terms are to be staggered;

1210 (f) ~~[contain]~~ contains procedures for filling vacancies on the county council, consistent
1211 with the provisions of Section 20A-1-508; and

1212 (g) ~~[state]~~ states the initial compensation, if any, of county council members and
1213 procedures for prescribing and changing compensation.

1214 (5) ~~[Each]~~ The optional plan proponent described in Subsection (1) shall ensure that
1215 each optional plan proposing to change the form of government to the county commission form
1216 under Section ~~[17-52-501]~~ 17-52a-201 or the expanded county commission form under Section

1217 [~~17-52-502 shall specify~~] 17-52a-202 specifies:

1218 (a) (i) for the county commission form of government, that the county commission
1219 shall have three members; or

1220 (ii) for the expanded county commission form of government, whether the county
1221 commission shall have five or seven members;

1222 (b) the terms of office for county commission members and whether the terms are to be
1223 staggered;

1224 (c) whether members of the county commission are to be elected from districts, at
1225 large, or by a combination of at large and from districts;

1226 (d) if any members of the county commission are to be elected from districts, the
1227 district residency requirements for those commission members; and

1228 (e) if any members of the county commission are to be elected at large, whether the
1229 election of county commission members is subject to the provisions of Subsection [~~17-52-501~~]
1230 17-52a-201(6) or Subsection [~~17-52-502~~] 17-52a-202(6).

1231 Section 24. Section ~~17-52a-405~~, which is renumbered from Section 17-52-402 is
1232 renumbered and amended to read:

1233 [~~17-52-402~~]. **17-52a-405. Plan may propose changing forms of county**
1234 **government -- Plan may propose change of structural form -- Partisan elections.**

1235 (1) (a) [~~Each~~] The optional plan proponent described in Subsection 17-52a-404(1) shall
1236 ensure that each optional plan [~~shall propose~~] proposes changing the form of county
1237 government to:

1238 (i) the county commission form under Section [~~17-52-501~~] 17-52a-201;

1239 (ii) the expanded county commission form under Section [~~17-52-502~~] 17-52a-202;

1240 (iii) the county executive and council form under Section [~~17-52-504~~] 17-52a-203; or

1241 (iv) the council-manager form under Section [~~17-52-505~~] 17-52a-204.

1242 (b) [~~An~~] The optional plan proponent described in Subsection 17-52a-404(1) may not
1243 recommend an optional plan [~~adopted after May 1, 2000, may not~~] that:

- 1244 (i) [~~propose~~] proposes changing the form of government to a form not included in
 1245 Subsection (1)(a);
 1246 (ii) [~~provide~~] provides for the nonpartisan election of elected officers;
 1247 (iii) [~~impose~~] imposes a limit on the number of terms or years that an elected officer
 1248 may serve; [~~or~~]
 1249 (iv) [~~provide~~] provides for elected officers to be subject to a recall election[-]; or
 1250 (v) provides, in a county with a population of 225,000 or more, for a full-time county
 1251 commission in an expanded county commission form of government under Section
 1252 [17-52a-202](#).

1253 (2) In addition to proposing the adoption of any one of the optional forms of county
 1254 government under Subsection (1)(a), an optional plan may also propose the adoption of any
 1255 one of the structural forms of county government provided under Chapter 35b, Part 3,
 1256 Structural Forms of County Government.

1257 (3) A county that [~~provided~~] provides for the election of the county's elected officers
 1258 through a partisan election [~~in or after the 2000 general election~~] may not change to a process
 1259 that provides for the election of the county's elected officers through a nonpartisan election.

1260 Section 25. Section **17-52a-406**, which is renumbered from Section 17-52-204 is
 1261 renumbered and amended to read:

1262 [~~17-52-204~~]. **17-52a-406. County or district attorney review of proposed**
 1263 **optional plan -- Conflict with statutory or constitutional provisions -- Processing of**
 1264 **optional plan after attorney review.**

1265 [~~(1) Within 10 days after the study committee submits its report under Subsection~~
 1266 ~~[17-52-303](#) (3)(d) to the county legislative body recommending a change in the form of county~~
 1267 ~~government, the county clerk shall send to the county attorney of the county in which the~~
 1268 ~~optional plan is proposed or, if the county does not have a county attorney, to the district~~
 1269 ~~attorney a copy of each optional plan recommended by the study committee in its report under~~
 1270 ~~Subsection [17-52-303](#) (3)(d).]~~

1271 ~~[(2)]~~ (1) Within 45 days after ~~[receipt of]~~ the day on which the county or district
1272 attorney receives the recommended optional plan from the county clerk under Subsection ~~[(1)]~~
1273 ~~(3)(d), 17-52a-303(3)(c), or 17-52a-403(3)(b)~~ or from the county legislative body under
1274 Subsection (3)(c) or 17-52a-302(3), the county or district attorney shall send a written report to
1275 the county clerk containing the information ~~[required under]~~ described in Subsection ~~[(3)]~~ (2).

1276 ~~[(3)]~~ (2) ~~[Each]~~ A report from the county or district attorney under Subsection ~~[(2)]~~ (1)
1277 shall:

1278 (a) state the attorney's opinion as to whether implementation of the optional plan ~~[as~~
1279 ~~prepared by the study committee]~~ described in Subsection (1) would result in a violation of any
1280 applicable statutory or constitutional provision;

1281 (b) if the attorney concludes that a violation would result:

1282 (i) identify specifically each statutory or constitutional provision that ~~[would be~~
1283 ~~violated by]~~ implementation of the optional plan ~~[as prepared by the study committee]~~ would
1284 violate;

1285 (ii) identify specifically each provision or feature of the proposed optional plan that
1286 would result in a statutory or constitutional violation if the plan is implemented ~~[as prepared by~~
1287 ~~the study committee]~~; and

1288 ~~[(iii) state whether, in the attorney's opinion, any of the provisions or features identified~~
1289 ~~in Subsection (3)(b)(ii) are so integral to the proposed optional plan that having previously~~
1290 ~~changed the specified provision or feature to avoid the violation would have affected the~~
1291 ~~decision of a study committee member who favored the proposed optional plan; and]~~

1292 ~~[(iv) if all the provisions or features identified in Subsection (3)(b)(ii) do not meet the~~
1293 ~~standard of Subsection (3)(b)(iii);]~~

1294 (iii) recommend how the proposed optional plan may be modified to avoid the
1295 statutory or constitutional violation.

1296 ~~[(4)]~~ (3) (a) ~~[If the attorney's statement under Subsection (3) identifies provisions or~~
1297 ~~features under Subsection (3)(b)(ii) that meet the standard of Subsection (3)(b)(iii);]~~ Except as

1298 provided in Subsection (3)(b), if the attorney determines under Subsection (2) that a violation
1299 would occur, the proposed optional plan may not be the subject of [a resolution or petition
1300 under Subsection ~~17-52-206~~(1), except that the] an election under Section 17-52a-501.

1301 (b) The study committee may:

1302 (i) modify [the] an optional plan that the study committee recommends in accordance
1303 with Section 17-52a-403 to avoid [the] a violation that a county or district attorney's report
1304 describes under Subsection (2); and [then]

1305 (ii) file a new report under Subsection [~~17-52-303~~ 17-52a-403](3)(d) [that will be
1306 treated as any other report under that subsection].

1307 [~~(b) If the attorney's statement under Subsection (3) identifies provisions or features~~
1308 ~~under Subsection (3)(b)(ii) that do not meet the standard of Subsection (3)(b)(iii), the optional~~
1309 ~~plan may be modified by the study committee to avoid the statutory or constitutional violations~~
1310 ~~and then be the subject of a resolution or petition under Subsection ~~17-52-206~~(1).]~~

1311 (c) A county legislative body may:

1312 (i) modify an optional plan that the county legislative body proposes in accordance
1313 with Subsection 17-52a-302(1)(b) to avoid a violation that a county or district attorney's report
1314 describes under Subsection (2); and

1315 (ii) within 10 days of modifying the optional plan, send the modified optional plan to:

1316 (A) the county clerk; and

1317 (B) the county or district attorney for review in accordance with this section.

1318 (d) (i) The petition sponsors may:

1319 (A) modify an optional plan that the petition proposes in accordance with Subsection
1320 17-52a-303(1)(a)(ii) to avoid a violation that a county or district attorney's report describes
1321 under Subsection (2); and

1322 (B) submit the modified optional plan to the county clerk.

1323 (ii) Upon receipt of a modified optional plan described in Subsection (3)(d)(i), the

1324 county clerk shall send the modified optional plan to the county or district attorney for review

1325 in accordance with this section.

1326 (4) The county executive, county legislative body, county or district attorney, and
1327 county clerk shall treat the following as an original:

1328 (a) a new report that a study committee files under Subsection 17-52a-403(3)(d);

1329 (b) a modified optional plan that a county legislative body sends under Subsection
1330 (3)(c); and

1331 (c) a modified optional plan that petition sponsors submit to the county clerk and that
1332 the county clerk sends under Subsection (3)(d).

1333 ~~[(5)]~~ (6) If the attorney's [statement] report under Subsection [(3)] (2) does not identify
1334 any provisions or features of the proposed optional plan that, if implemented, would violate a
1335 statutory or constitutional provision, the proposed optional plan [may be the subject of a
1336 resolution or petition under Subsection 17-52-206(1)] is subject to the provisions described in
1337 Section 17-52a-501.

1338 Section 26. Section **17-52a-501**, which is renumbered from Section 17-52-206 is
1339 renumbered and amended to read:

Part 5. Adoption and Implementation of Optional Plan

1341 ~~[17-52-206].~~ **17-52a-501. Election on recommended optional plan --**
1342 **Resolution or petition to submit plan to voters in certain counties.**

1343 ~~[(1) (a) The county legislative body shall hold an election on an optional plan~~
1344 ~~recommended in a study committee report filed under Subsection 17-52-303(3)(d) if:]~~

1345 ~~[(i) the county or district attorney has completed the review of the recommended~~
1346 ~~optional plan and has submitted the attorney's report to the county clerk as provided in Section~~
1347 ~~17-52-204;]~~

1348 ~~[(ii) the recommended optional plan may, under Subsection 17-52-204(3), be the~~
1349 ~~subject of a resolution or petition under this Subsection (1); and]~~

1350 ~~[(iii) after the county or district attorney has submitted the attorney's report under~~
1351 ~~Section 17-52-204;]~~

1352 (1) If the county or district attorney finds that a proposed optional plan does not violate
1353 a statutory or constitutional provision under Section 17-52a-406 or, for a county under a
1354 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
1355 in effect on the day immediately before the day on which this bill takes effect:

1356 (a) in a county with a population of 225,000 or more or in a county in which voters
1357 approved the appointment of a study committee by a vote of at least 60%, the county legislative
1358 body shall hold an election on the optional plan under Subsection (3); or

1359 (b) in a county with a population of less than 225,000 in which voters did not approve
1360 the appointment of a study committee by a vote of at least 60%, an election may not be held for
1361 the optional plan under Subsection (3) until:

1362 ~~[(A)]~~ (i) the county legislative body adopts a resolution to submit the [recommended]
1363 optional plan to voters; or

1364 ~~[(B) a petition is filed with the county clerk that:]~~

1365 (ii) the county clerk certifies a petition under Subsection (2).

1366 (2) (a) In a county with a population of less than 225,000 in which voters did not
1367 approve the appointment of a study committee by a vote of at least 60%, to qualify the
1368 proposed optional plan described in Subsection (1) for an election described in Subsection (3),
1369 registered voters may file a petition with the county clerk that:

1370 (i) requests that the proposed optional plan be submitted to voters; and

1371 ~~[(F)]~~ (ii) is signed by registered voters residing in the county equal in number to at least
1372 ~~[10%]~~ 5% of the total number of votes cast in the county for all candidates for president of the
1373 United States at the most recent election [for] at which a president of the United States[;] was
1374 elected.

1375 (b) Registered voters who file a petition under Subsection (2)(a) shall, at the time the
1376 registered voters file the petition:

1377 ~~[(H) designates]~~ (i) designate up to five of the petition signers as sponsors[; one of
1378 whom shall be designated as the contact sponsor;];

1379 (ii) provide the county clerk with the mailing address and telephone number of each
1380 petition sponsor; and

1381 ~~[(H) requests that the recommended optional plan be submitted to voters.]~~

1382 ~~[(b) The process for certifying a petition filed under Subsection (1)(a)(iii)(B) shall be~~
1383 ~~the same as that provided in Subsection [17-52-203\(3\)](#).]~~

1384 ~~[(2) Each election under Subsection (1) shall be held at the next regular general or~~
1385 ~~municipal general election date that is no less than two months after:]~~

1386 ~~[(a) the county legislative body's adoption of a resolution under Subsection~~
1387 ~~(1)(a)(iii)(A); or]~~

1388 ~~[(b) certification of a petition filed under Subsection (1)(a)(iii)(B).]~~

1389 (iii) designate one of the petition sponsors as the contact sponsor.

1390 (c) The county clerk shall certify or reject a petition filed under this Subsection (2) in
1391 the same manner as the county clerk certifies or rejects a petition under Subsection
1392 [17-52a-303\(3\)](#).

1393 (3) When the conditions described in Subsection (1) are met, a county shall hold an
1394 election on the optional plan at the next regular general or municipal general election that is not
1395 less than 60 days after:

1396 (a) for a county with a population of 225,000 or more or for a county in which voters
1397 approved the appointment of a study committee by a vote of at least 60%, the day on which the
1398 county or district attorney submits to the county clerk the attorney's report described in
1399 Subsection [17-52a-406\(4\)](#) or, for a county under a pending process described in Section
1400 [17-52a-104](#), the attorney's report that is described in Section [17-52-204](#) as that section was in
1401 effect on the day immediately before the day on which this bill takes effect and that contains a
1402 statement described in Subsection [17-52-204\(5\)](#) as that subsection was in effect on the day
1403 immediately before the day on which this bill takes effect; or

1404 (b) for a county with a population of less than 225,000 in which voters did not approve
1405 the appointment of a study committee by a vote of at least 60%, the day on which:

1406 (i) the county legislative body adopts a resolution under Subsection (1)(b)(i); or

1407 (ii) the county clerk certifies a petition under Subsection (2)(b).

1408 [~~(3)~~] (4) The county clerk shall prepare the ballot for ~~[each]~~ an election under

1409 [~~Subsection (1)~~] this section so that the question on the ballot states substantially ~~[as follows]~~

1410 the following:

1411 "Shall _____ County adopt the alternate form of government known

1412 as the ~~[]~~(insert the proposed form of government)~~[]~~ that ~~[has been recommended by]~~ the

1413 study committee has recommended?"

1414 [~~(4)~~] (5) The county clerk shall:

1415 (a) ~~[cause]~~ publish the complete text of the proposed optional plan ~~[to be published]~~ in

1416 a newspaper of general circulation within the county at least once during two different calendar

1417 weeks within the 30-day period immediately before the date of the election ~~[under]~~ described in

1418 Subsection (1); ~~[and]~~

1419 (b) post the complete text of the proposed optional plan in a conspicuous place on the

1420 county's website during the 45-day period that immediately precedes the election on the

1421 optional plan; and

1422 [~~(b)~~] (c) make a complete copy of the optional plan and the study committee report

1423 available free of charge to any member of the public who requests a copy.

1424 (6) A county clerk shall declare an optional plan as adopted by the voters if a majority

1425 of voters voting on the optional plan vote in favor of the optional plan.

1426 Section 27. Section **17-52a-502**, which is renumbered from Section 17-52-205 is

1427 renumbered and amended to read:

1428 [~~17-52-205~~]. **17-52a-502. Voter information pamphlet.**

1429 (1) In anticipation of an election under Section [~~17-52-206~~] 17-52a-501, the county

1430 clerk may prepare a voter information pamphlet to inform the public of the proposed optional

1431 plan.

1432 (2) In preparing a voter information pamphlet under this section, the county clerk may:

1433 (a) allow proponents and opponents of the proposed optional plan to provide written
1434 statements to be included in the pamphlet; and

1435 (b) use as a guideline the provisions of Title 20A, Chapter 7, Part 7, Voter Information
1436 Pamphlet.

1437 (3) ~~[Each]~~ A county clerk ~~[preparing]~~ who prepares a voter information pamphlet
1438 under this section shall cause the publication and distribution of the pamphlet in a manner
1439 ~~[determined by]~~ that the county clerk ~~[to be]~~ determines is adequate.

1440 Section 28. Section **17-52a-503**, which is renumbered from Section 17-52-403 is
1441 renumbered and amended to read:

1442 ~~[17-52-403]~~. **17-52a-503. Adoption of optional plan -- Election of new**
1443 **county officers -- Effect of adoption.**

1444 (1) If a proposed optional plan is approved at an election held under Section
1445 ~~[17-52-206]~~ 17-52a-501:

1446 (a) the elected county officers specified in the plan shall be elected at the next regular
1447 general election following the election under Section 17-52a-501, according to the procedure
1448 and schedule established under Title 20A, Election Code, for the election of county officers;

1449 ~~[(a)]~~ (b) the proposed optional plan:

1450 (i) becomes effective according to ~~[its]~~ the optional plan's terms ~~[and];~~;

1451 (ii) subject to Subsection ~~[17-52-401]~~ 17-52a-404(1)(c), at the time specified in ~~[it]~~ the
1452 optional plan, is a public record open to inspection by the public~~;~~; and

1453 (iii) is judicially noticeable by all courts;

1454 ~~[(b)]~~ (c) the county clerk shall, within 10 days of the canvass of the election, file with
1455 the lieutenant governor a copy of the optional plan, certified by the clerk to be a true and
1456 correct copy;

1457 ~~[(c)]~~ (d) all public officers and employees shall cooperate fully in making the transition
1458 between forms of county government; and

1459 ~~[(d)]~~ (e) the county legislative body may enact and enforce necessary ordinances to

1460 bring about an orderly transition to the new form of government, including any transfer of
1461 power, records, documents, properties, assets, funds, liabilities, or personnel that are consistent
1462 with the approved optional plan and necessary or convenient to place it into full effect.

1463 (2) Adoption of an optional plan changing only the form of county government without
1464 adopting one of the structural forms under Chapter 35b, Part 3, Structural Forms of County
1465 Government, does not alter or affect the boundaries, organization, powers, duties, or functions
1466 of any:

1467 (a) school district;

1468 (b) justice court;

1469 (c) local district under Title 17B, Limited Purpose Local Government Entities - Local
1470 Districts;

1471 (d) special service district under Title 17D, Chapter 1, Special Service District Act;

1472 (e) city or town; or

1473 (f) entity created by an interlocal agreement under Title 11, Chapter 13, Interlocal
1474 Cooperation Act.

1475 (3) After the adoption of an optional plan, the county remains vested with all powers
1476 and duties vested generally in counties by statute.

1477 Section 29. Section **17-52a-504**, which is renumbered from Section 17-52-404 is
1478 renumbered and amended to read:

1479 ~~[17-52-404]~~. **17-52a-504. Amendment of optional plan.**

1480 (1) Subject to Subsection (2), an optional plan, after going into effect following an
1481 election held under Section ~~[17-52-206]~~ 17-52a-501, may be amended by an affirmative vote of
1482 two-thirds of the county legislative body.

1483 (2) Notwithstanding Subsection (1), an amendment to an optional plan that is in effect
1484 may not take effect until ~~[approved by]~~ a majority of registered voters voting in a general or
1485 special election at which the amendment is proposed approve the amendment, if the
1486 amendment changes:

1487 (a) the size or makeup of the legislative body, except for adjustments necessary due to
1488 decennial reapportionment;

1489 (b) the distribution of powers between the executive and legislative branches of county
1490 government; or

1491 (c) the status of the county executive or legislative body from full-time to part-time or
1492 vice versa.

1493 Section 30. Section ~~17-52a-505~~, which is renumbered from Section 17-52-405 is
1494 renumbered and amended to read:

1495 ~~[17-52-405]~~. 17-52a-505. Repeal of optional plan.

1496 (1) An optional plan ~~[adopted]~~ that the voters in an election adopt under this chapter
1497 may be repealed as provided in this section.

1498 (2) Registered voters of a county that has adopted an optional plan may initiate the
1499 process of repealing an optional plan by filing a petition for the repeal of the optional plan.

1500 (3) (a) ~~[A]~~ Registered voters of a county may not file a petition to repeal an optional
1501 plan [may not be filed] sooner than four years or more than five years after the election of
1502 county officers under Section ~~[17-52-207]~~ 17-52a-503.

1503 (b) (i) If the registered voters file a petition to repeal an optional plan under this
1504 section, the petition is certified, and the optional plan is not repealed at an election described in
1505 Subsection (8), the voters may not circulate or file a subsequent petition to repeal until at least
1506 four, and not more than five, years after the certification of the original petition.

1507 (ii) If, after four years, the voters file a subsequent petition ~~[as described in]~~ under
1508 Subsection (3)(b)(i), the voters:

1509 (A) may not circulate or file another petition to repeal until at least four, and not more
1510 than five, years after certification of the subsequent petition; and

1511 (B) shall wait an additional four, and not more than five, years after the date of
1512 certification of the previous petition for each petition filed thereafter.

1513 (4) ~~[Each]~~ A petition ~~[under]~~ described in Subsection (2) shall:

- 1514 (a) be signed by registered voters residing in the county:
- 1515 (i) equal in number to at least 15% of the total number of votes cast in each precinct
- 1516 described in Subsection (4)(a)(ii) for all candidates for president of the United States at the
- 1517 most recent election ~~[for]~~ in which a president of the United States was elected; and
- 1518 (ii) who represent at least 85% of the voting precincts located within the county;
- 1519 (b) designate up to five of the petition signers as sponsors, ~~[one of whom shall be~~
- 1520 ~~designated]~~ designating one petition signer as the contact sponsor, with the mailing address and
- 1521 telephone number of each; and
- 1522 (c) be filed in the office of the clerk of the county in which the petition signers reside.
- 1523 (5) Within 30 days after the filing of a petition under Subsection (2) or an amended
- 1524 petition under Subsection (6), the county clerk shall:
- 1525 (a) determine whether the required number of voters have signed the petition or
- 1526 amended petition has been signed by the required number of registered voters; and
- 1527 (b) (i) if ~~[so]~~ a sufficient number of voters have signed the petition, certify the petition
- 1528 or amended petition and deliver it to the county legislative body, and notify in writing the
- 1529 contact sponsor of the certification; or
- 1530 (ii) if ~~[not]~~ a sufficient number of voters have not signed the petition, reject the petition
- 1531 or the amended petition and notify ~~[in writing]~~ the county legislative body and the contact
- 1532 sponsor in writing of the rejection and the reasons for the rejection.
- 1533 (6) If a county clerk rejects a petition or an amended petition under Subsection
- 1534 (5)(b)(ii), the petition may be amended or an amended petition may be further amended with
- 1535 additional signatures and refiled within 20 days of the date of rejection.
- 1536 (7) ~~[(a)]~~ If a county clerk certifies a petition under Subsection (2) ~~[is certified]~~, the
- 1537 county legislative body shall ~~[within 60 days after petition certification adopt a resolution~~
- 1538 ~~granting the petition and deciding to]~~ hold an election on the proposal to repeal the optional
- 1539 plan~~[-(b) The county legislative body shall hold the election]~~ at the next regular general
- 1540 election ~~[date]~~ that is at least ~~[two months after the legislative body's decision]~~ 60 days after the

1541 day on which the county clerk certifies the petition.

1542 (8) If, at an election held under Subsection (7)[~~(b)~~], a majority of voters voting on the
1543 proposal to repeal the optional plan vote in favor of repealing:

1544 (a) the optional plan is repealed, effective January 1 of the year following the election
1545 of county officers under Subsection (8)(c);

1546 (b) upon the effective date of the repeal under Subsection (8)(a), the form of
1547 government under which the county operates reverts to the form it had before the optional plan
1548 was adopted; and

1549 (c) the county officers under the form of government to which the county reverts, who
1550 are different than the county officers under the repealed optional plan, shall be elected at the
1551 next regular general election following the election under Subsection (7)[~~(b)~~].

1552 Section 31. Section **17-53-101** is amended to read:

1553 **17-53-101. County officers enumerated.**

1554 (1) The elected officers of a county are:

1555 (a) (i) in a county operating under a county commission or expanded county
1556 commission form of government, county commission members; or

1557 (ii) in a county operating under one of the other forms of county government under
1558 Subsection [~~17-52-402~~] 17-52a-405(1)(a), county legislative body members and the county
1559 executive;

1560 (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a
1561 county attorney, a district attorney in a county which is part of a prosecution district, a county
1562 surveyor, and a county assessor; and

1563 (c) any others provided by law.

1564 (2) Notwithstanding Subsection (1), in counties having a taxable value of less than
1565 \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the
1566 duties of the office without extra compensation.

1567 Section 32. Section **17B-2a-1106** is amended to read:

1568 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

1569 (1) Except as provided in Subsection (2), and notwithstanding any other provision of
1570 law regarding the membership of a local district board of trustees, the initial board of trustees
1571 of a municipal services district shall consist of the county legislative body.

1572 (2) (a) Notwithstanding any provision of law regarding the membership of a local
1573 district board of trustees or the governance of a local district, and, except as provided in
1574 Subsection (3), if a municipal services district is created in a county of the first class with the
1575 county executive-council form of government, the initial governance of the municipal services
1576 district is as follows:

1577 (i) subject to Subsection (2)(b), the county council is the municipal services district
1578 board of trustees; and

1579 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal
1580 services district.

1581 (b) Notwithstanding any other provision of law, the board of trustees of a municipal
1582 services district described in Subsection (2)(a) shall:

1583 (i) act as the legislative body of the district; and

1584 (ii) exercise legislative branch powers and responsibilities established for county
1585 legislative bodies in:

1586 (A) Title 17, Counties; and

1587 (B) an optional plan, as defined in Section [~~17-52-101~~] [17-52a-101](#), adopted for a
1588 county executive-council form of county government as described in Section [~~17-52-504~~]
1589 [17-52a-203](#).

1590 (c) Notwithstanding any other provision of law, in a municipal services district
1591 described in Subsection (2)(a), the executive of the district shall:

1592 (i) act as the executive of the district;

1593 (ii) nominate a general manager of the municipal services district, subject to the advice
1594 and consent of the board of trustees; and

1595 (iii) exercise executive branch powers and responsibilities established for a county
1596 executive in:

1597 (A) Title 17, Counties; and

1598 (B) an optional plan, as defined in Section [~~17-52-101~~] 17-52a-101, adopted for a
1599 county executive-council form of county government as described in Section [~~17-52-504~~]
1600 17-52a-203.

1601 (3) (a) If, after the initial creation of a municipal services district, an area within the
1602 district is incorporated as a municipality as defined in Section 10-1-104 and the area is not
1603 withdrawn from the district in accordance with Section 17B-1-502 or 17B-1-505, or an area
1604 within the municipality is annexed into the municipal services district in accordance with
1605 Section 17B-2a-1103, the district's board of trustees shall be as follows:

1606 (i) subject to Subsection (3)(b), a member of that municipality's governing body;

1607 (ii) subject to Subsection (4), two members of the county council of the county in
1608 which the municipal services district is located; and

1609 (iii) the total number of board members shall be an odd number.

1610 (b) A member described in Subsection (3)(a)(i) shall be:

1611 (i) for a municipality other than a metro township, designated by the municipal
1612 legislative body; and

1613 (ii) for a metro township, the chair of the metro township.

1614 (c) A member of the board of trustees has the powers and duties described in
1615 Subsection (2)(b).

1616 (d) The county executive is the executive and has the powers and duties as described in
1617 Subsection (2)(c).

1618 (4) (a) The number of county council members may be increased or decreased to meet
1619 the membership requirements of Subsection (3)(a)(iii) but may not be less than one.

1620 (b) The number of county council members described in Subsection (3)(a)(ii) does not
1621 include the county mayor.

1622 (5) For a board of trustees described in Subsection (3), each board member's vote is
1623 weighted using the proportion of the municipal services district population that resides:

1624 (a) for each member described in Subsection (3)(a)(i), within that member's
1625 municipality; and

1626 (b) for each member described in Subsection (3)(a)(ii), within the unincorporated
1627 county, with the members' weighted vote divided evenly if there is more than one member on
1628 the board described in Subsection (3)(a)(ii).

1629 (6) The board may adopt a resolution providing for future board members to be
1630 appointed, as provided in Section 17B-1-304, or elected, as provided in Section 17B-1-306.

1631 (7) (a) Notwithstanding Subsections 17B-1-309(1) or 17B-1-310(1), the board of
1632 trustees may adopt a resolution to determine the internal governance of the board.

1633 (b) A resolution adopted under Subsection (7)(a) may not alter or impair the board of
1634 trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's
1635 duties, powers, or responsibilities described in Subsection (2)(c).

1636 (8) The municipal services district and the county may enter into an agreement for the
1637 provision of legal services to the municipal services district.

1638 Section 33. Section 17C-1-203 is amended to read:

1639 **17C-1-203. Agency board -- Quorum.**

1640 (1) The governing body of an agency is a board consisting of the current members of
1641 the community legislative body.

1642 (2) A majority of board members constitutes a quorum for the transaction of agency
1643 business.

1644 (3) A board may not adopt a resolution, pass a motion, or take any other official board
1645 action without the concurrence of at least a majority of the board members present at a meeting
1646 at which a quorum is present.

1647 (4) (a) The mayor or the mayor's designee of a municipality operating under a
1648 council-mayor form of government, as defined in Section 10-3b-102:

1649 (i) serves as the executive director of an agency created by the municipality; and
1650 (ii) exercises the agency's executive powers.

1651 (b) The county executive or the county executive's designee of a county operating
1652 under a county executive-council form of government, as described in Section [~~17-52-504~~]
1653 17-52a-203:

1654 (i) serves as the executive director of an agency created by the county; and
1655 (ii) exercises the agency's executive powers.

1656 Section 34. Section **17D-2-203** is amended to read:

1657 **17D-2-203. Local building authority board of directors.**

1658 (1) Except as provided in Subsection (3), the members of the governing body of the
1659 creating local entity constitute the authority board of the local building authority created by the
1660 creating local entity.

1661 (2) An authority board may be referred to as a board of trustees.

1662 (3) (a) For a local building authority whose creating local entity is a county that
1663 operates under the county commission form of government under Section [~~17-52-501~~]
1664 17-52a-201, two members of the authority board may appoint an elected officer of the county
1665 to serve temporarily as a member of the authority board if the other authority board member:

1666 (i) is, as a member of the county commission, placed on paid administrative leave
1667 under Section 17-16-10.5;

1668 (ii) is unable to serve due to a disability;

1669 (iii) has a conflict of interest with respect to a matter before the authority board that
1670 disqualifies the authority board member or causes the member to abstain from participating in
1671 action on that matter; or

1672 (iv) is unable for any other reason to serve temporarily on the authority board or to
1673 participate in a matter before the board.

1674 (b) An elected county officer appointed to an authority board under Subsection (3)(a)
1675 may serve only until the condition under Subsection (3)(a)(i), (ii), (iii), or (iv) causing the need

1676 for the appointment is no longer present.

1677 Section 35. Section **20A-1-203** is amended to read:

1678 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**
1679 **limitations.**

1680 (1) Statewide and local special elections may be held for any purpose authorized by
1681 law.

1682 (2) (a) Statewide special elections shall be conducted using the procedure for regular
1683 general elections.

1684 (b) Except as otherwise provided in this title, local special elections shall be conducted
1685 using the procedures for regular municipal elections.

1686 (3) The governor may call a statewide special election by issuing an executive order
1687 that designates:

1688 (a) the date for the statewide special election; and

1689 (b) the purpose for the statewide special election.

1690 (4) The Legislature may call a statewide special election by passing a joint or
1691 concurrent resolution that designates:

1692 (a) the date for the statewide special election; and

1693 (b) the purpose for the statewide special election.

1694 (5) (a) The legislative body of a local political subdivision may call a local special
1695 election only for:

1696 (i) a vote on a bond or debt issue;

1697 (ii) a vote on a voted local levy authorized by Section [53A-16-110](#) or [53A-17a-133](#);

1698 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

1699 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

1700 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
1701 legal boundaries should be changed;

1702 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

1703 (vii) a vote to elect members to school district boards for a new school district and a
1704 remaining school district, as defined in Section 53A-2-117, following the creation of a new
1705 school district under Section 53A-2-118.1;

1706 (viii) a vote on a municipality providing cable television services or public
1707 telecommunications services under Section 10-18-204;

1708 (ix) a vote to create a new county under Section 17-3-1;

1709 (x) a vote on the creation of a study committee under Sections [~~17-52-202 and~~
1710 ~~17-52-203.5~~] 17-52a-302 and 17-52a-304;

1711 (xi) a vote on a special property tax under Section 53A-16-110;

1712 (xii) a vote on the incorporation of a city in accordance with Section 10-2a-210;

1713 (xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or

1714 (xiv) a vote on incorporation or annexation as described in Section 10-2a-404.

1715 (b) The legislative body of a local political subdivision may call a local special election
1716 by adopting an ordinance or resolution that designates:

1717 (i) the date for the local special election as authorized by Section 20A-1-204; and

1718 (ii) the purpose for the local special election.

1719 (c) A local political subdivision may not call a local special election unless the
1720 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a
1721 two-thirds majority of all members of the legislative body, if the local special election is for:

1722 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);

1723 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or

1724 (iii) a vote authorized or required for a sales tax issue as described in Subsection
1725 (5)(a)(vi).

1726 Section 36. Section **20A-1-508** is amended to read:

1727 **20A-1-508. Midterm vacancies in county elected offices.**

1728 (1) As used in this section:

1729 (a) (i) "County offices" includes the county executive, members of the county

1730 legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor,
1731 the county recorder, the county surveyor, and the county assessor.

1732 (ii) "County offices" does not mean the offices of president and vice president of the
1733 United States, United States senators and representatives, members of the Utah Legislature,
1734 state constitutional officers, county attorneys, district attorneys, and judges.

1735 (b) "Party liaison" means the political party officer designated to serve as a liaison with
1736 each county legislative body on all matters relating to the political party's relationship with a
1737 county as required by Section 20A-8-401.

1738 (2) (a) Until a replacement is selected as provided in this section and has qualified, the
1739 county legislative body shall appoint an interim replacement to fill the vacant office by
1740 following the procedures and requirements of this Subsection (2).

1741 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
1742 of the vacancy to the party liaison of the same political party of the prior office holder and
1743 invite that party liaison to submit the name of a person to fill the vacancy.

1744 (ii) That party liaison shall, within 30 days, submit the name of the person selected in
1745 accordance with the party constitution or bylaws as described in Section 20A-8-401 for the
1746 interim replacement to the county legislative body.

1747 (iii) The county legislative body shall no later than five days after the day on which a
1748 party liaison submits the name of the person for the interim replacement appoint the person to
1749 serve out the unexpired term.

1750 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
1751 vacancy in accordance with Subsection (2)(b)(iii), the county clerk shall send to the governor a
1752 letter that:

1753 (A) informs the governor that the county legislative body has failed to appoint a
1754 replacement within the statutory time period; and

1755 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1756 (ii) The governor shall appoint the person named by the party liaison as an interim

1757 replacement to fill the vacancy within 30 days after receipt of the letter.

1758 (d) A person appointed as interim replacement under this Subsection (2) shall hold
1759 office until their successor is elected and has qualified.

1760 (3) (a) The requirements of this Subsection (3) apply to all county offices that become
1761 vacant if:

1762 (i) the vacant office has an unexpired term of two years or more; and

1763 (ii) the vacancy occurs after the election at which the person was elected but before
1764 April 10 of the next even-numbered year.

1765 (b) (i) When the conditions established in Subsection (3)(a) are met, the county clerk
1766 shall notify the public and each registered political party that the vacancy exists.

1767 (ii) An individual intending to become a candidate for the vacant office shall file a
1768 declaration of candidacy in accordance with:

1769 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1770 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1771 17-52a-201(6) or 17-52a-202(6), if applicable.

1772 (iii) An individual who is nominated as a party candidate for the vacant office or
1773 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation
1774 and Procedures, for the vacant office shall run in the regular general election.

1775 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
1776 vacant if:

1777 (i) the vacant office has an unexpired term of two years or more; and

1778 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75
1779 days before the regular primary election.

1780 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
1781 shall notify the public and each registered political party that:

1782 (A) the vacancy exists; and

1783 (B) identifies the date and time by which a person interested in becoming a candidate

1784 shall file a declaration of candidacy.

1785 (ii) An individual intending to become a candidate for a vacant office shall, within five
1786 days after the date that the notice is made, ending at the close of normal office hours on the
1787 fifth day, file a declaration of candidacy for the vacant office in accordance with:

1788 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

1789 (B) for a county commission office, Subsection [~~17-52-501(6)~~ or ~~17-52-502~~]

1790 17-52a-201(6) or 17-52a-202(6), if applicable.

1791 (iii) The county central committee of each party shall:

1792 (A) select a candidate or candidates from among those qualified candidates who have
1793 filed declarations of candidacy; and

1794 (B) certify the name of the candidate or candidates to the county clerk at least 60 days
1795 before the regular primary election.

1796 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
1797 vacant:

1798 (i) if the vacant office has an unexpired term of two years or more; and

1799 (ii) when 75 days or less remain before the regular primary election but more than 65
1800 days remain before the regular general election.

1801 (b) When the conditions established in Subsection (5)(a) are met, the county central
1802 committees of each political party registered under this title that wishes to submit a candidate
1803 for the office shall summarily certify the name of one candidate to the county clerk for
1804 placement on the regular general election ballot.

1805 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
1806 vacant:

1807 (i) if the vacant office has an unexpired term of less than two years; or

1808 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
1809 remain before the next regular general election.

1810 (b) (i) When the conditions established in Subsection (6)(a) are met, the county

1811 legislative body shall give notice of the vacancy to the party liaison of the same political party
1812 as the prior office holder and invite that party liaison to submit the name of a person to fill the
1813 vacancy.

1814 (ii) That party liaison shall, within 30 days, submit the name of the person to fill the
1815 vacancy to the county legislative body.

1816 (iii) The county legislative body shall no later than five days after the day on which a
1817 party liaison submits the name of the person to fill the vacancy appoint the person to serve out
1818 the unexpired term.

1819 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in
1820 accordance with Subsection (6)(b)(iii), the county clerk shall send to the governor a letter that:

1821 (A) informs the governor that the county legislative body has failed to appoint a person
1822 to fill the vacancy within the statutory time period; and

1823 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

1824 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy
1825 within 30 days after receipt of the letter.

1826 (d) A person appointed to fill the vacancy under this Subsection (6) shall hold office
1827 until their successor is elected and has qualified.

1828 (7) Except as otherwise provided by law, the county legislative body may appoint
1829 replacements to fill all vacancies that occur in those offices filled by appointment of the county
1830 legislative body.

1831 (8) Nothing in this section prevents or prohibits independent candidates from filing a
1832 declaration of candidacy for the office within the same time limits.

1833 (9) (a) Each person elected under Subsection (3), (4), or (5) to fill a vacancy in a
1834 county office shall serve for the remainder of the unexpired term of the person who created the
1835 vacancy and until a successor is elected and qualified.

1836 (b) Nothing in this section may be construed to contradict or alter the provisions of
1837 Section [17-16-6](#).

1838 Section 37. Section **20A-9-409** is amended to read:

1839 **20A-9-409. Primary election provisions relating to qualified political party.**

1840 (1) The fourth Tuesday of June of each even-numbered year is designated as a regular
1841 primary election day.

1842 (2) (a) A qualified political party that nominates one or more candidates for an elective
1843 office under Section [20A-9-407](#) and does not have a candidate qualify as a candidate for that
1844 office under Section [20A-9-408](#), may, but is not required to, participate in the primary election
1845 for that office.

1846 (b) A qualified political party that has only one candidate qualify as a candidate for an
1847 elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1848 under Section [20A-9-407](#), may, but is not required to, participate in the primary election for
1849 that office.

1850 (c) A qualified political party that nominates one or more candidates for an elective
1851 office under Section [20A-9-407](#) and has one or more candidates qualify as a candidate for that
1852 office under Section [20A-9-408](#) shall participate in the primary election for that office.

1853 (d) A qualified political party that has two or more candidates qualify as candidates for
1854 an elective office under Section [20A-9-408](#) and does not nominate a candidate for that office
1855 under Section [20A-9-407](#) shall participate in the primary election for that office.

1856 (3) Notwithstanding Subsection (2), in an opt-in county, as defined in Section
1857 [~~17-52-501~~ or Section ~~17-52-502~~] [17-52a-201](#) or [17-52a-202](#), a qualified political party shall
1858 participate in the primary election for a county commission office if:

1859 (a) there is more than one:

1860 (i) open position as defined in Section [~~17-52-501~~] [17-52a-201](#); or

1861 (ii) midterm vacancy as defined in Section [~~17-52-501~~] [17-52a-201](#); and

1862 (b) the number of candidates nominated under Section [20A-9-407](#) or qualified under
1863 Section [20A-9-408](#) for the respective open positions or midterm vacancies exceeds the number
1864 of respective open positions or midterm vacancies.

1865 (4) (a) As used in this Subsection (4), a candidate is "unopposed" if:
1866 (i) no individual other than the candidate receives a certification, from the appropriate
1867 filing officer, for the regular primary election ballot of the candidate's registered political party
1868 for a particular elective office; or
1869 (ii) for an office where more than one individual is to be elected or nominated, the
1870 number of candidates who receive certification, from the appropriate filing officer, for the
1871 regular primary election of the candidate's registered political party does not exceed the total
1872 number of candidates to be elected or nominated for that office.
1873 (b) By 5 p.m. on the first Wednesday after the third Saturday in April, the lieutenant
1874 governor shall:
1875 (i) provide to the county clerks:
1876 (A) a list of the names of all candidates for federal, constitutional, multi-county, single
1877 county, and county offices who have received certifications from the appropriate filing officer,
1878 along with instructions on how those names shall appear on the primary election ballot in
1879 accordance with Section 20A-6-305; and
1880 (B) a list of unopposed candidates for elective office who have been nominated by a
1881 registered political party; and
1882 (ii) instruct the county clerks to exclude unopposed candidates from the primary
1883 election ballot.
1884 Section 38. Section 26A-1-102 is amended to read:
1885 **26A-1-102. Definitions.**
1886 As used in this part:
1887 (1) "Board" means a local board of health established under Section 26A-1-109.
1888 (2) "County governing body" means one of the types of county government provided
1889 for in Title 17, Chapter 52a, Part [5] 2, Forms of County Government.
1890 (3) "County health department" means a local health department that serves a county
1891 and municipalities located within that county.

- 1892 (4) "Department" means the Department of Health created in Title 26, Chapter 1,
1893 Department of Health Organization.
- 1894 (5) "Local health department" means:
1895 (a) a single county local health department;
1896 (b) a multicounty local health department;
1897 (c) a united local health department; or
1898 (d) a multicounty united local health department.
- 1899 (6) "Mental health authority" means a local mental health authority created in Section
1900 17-43-301.
- 1901 (7) "Multicounty local health department" means a local health department that is
1902 formed under Section 26A-1-105 and that serves two or more contiguous counties and
1903 municipalities within those counties.
- 1904 (8) "Multicounty united local health department" means a united local health
1905 department that is formed under Section 26A-1-105.5 and that serves two or more contiguous
1906 counties and municipalities within those counties.
- 1907 (9) "Single county local health department" means a local health department that is
1908 created by the governing body of one county to provide services to the county and the
1909 municipalities within that county.
- 1910 (10) "Substance abuse authority" means a local substance abuse authority created in
1911 Section 17-43-201.
- 1912 (11) "United local health department":
1913 (a) means a substance abuse authority, a mental health authority, and a local health
1914 department that join together under Section 26A-1-105.5; and
1915 (b) includes a multicounty united local health department.
- 1916 Section 39. Section 59-2-919 is amended to read:
1917 **59-2-919. Notice and public hearing requirements for certain tax increases --**
1918 **Exceptions.**

- 1919 (1) As used in this section:
- 1920 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue
1921 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.
- 1922 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including
1923 revenue from:
- 1924 (i) eligible new growth as defined in Section [59-2-924](#); or
1925 (ii) personal property that is:
- 1926 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and
1927 (B) semiconductor manufacturing equipment.
- 1928 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
1929 that begins on January 1 and ends on December 31.
- 1930 (d) "County executive calendar year taxing entity" means a calendar year taxing entity
1931 that operates under the county executive-council form of government described in Section
1932 ~~[17-52-504]~~ [17-52a-203](#).
- 1933 (e) "Current calendar year" means the calendar year immediately preceding the
1934 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the
1935 calendar year taxing entity's certified tax rate.
- 1936 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that
1937 begins on July 1 and ends on June 30.
- 1938 (g) "Last year's property tax budgeted revenue" does not include revenue received by a
1939 taxing entity from a debt service levy voted on by the public.
- 1940 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
1941 rate unless the taxing entity meets:
- 1942 (a) the requirements of this section that apply to the taxing entity; and
1943 (b) all other requirements as may be required by law.
- 1944 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar
1945 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax

1946 rate if the calendar year taxing entity:

1947 (i) 14 or more days before the date of the regular general election or municipal general

1948 election held in the current calendar year, states at a public meeting:

1949 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the

1950 calendar year taxing entity's certified tax rate;

1951 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would

1952 be generated by the proposed increase in the certified tax rate; and

1953 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity

1954 based on the proposed increase described in Subsection (3)(a)(i)(B);

1955 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in

1956 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a

1957 separate item on the meeting agenda that notifies the public that the calendar year taxing entity

1958 intends to make the statement described in Subsection (3)(a)(i);

1959 (iii) meets the advertisement requirements of Subsections (6) and (7) before the

1960 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

1961 (iv) provides notice by mail:

1962 (A) seven or more days before the regular general election or municipal general

1963 election held in the current calendar year; and

1964 (B) as provided in Subsection (3)(c); and

1965 (v) conducts a public hearing that is held:

1966 (A) in accordance with Subsections (8) and (9); and

1967 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).

1968 (b) (i) For a county executive calendar year taxing entity, the statement described in

1969 Subsection (3)(a)(i) shall be made by the:

1970 (A) county council;

1971 (B) county executive; or

1972 (C) both the county council and county executive.

1973 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
1974 county council states a dollar amount of additional ad valorem tax revenue that is greater than
1975 the amount of additional ad valorem tax revenue previously stated by the county executive in
1976 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:

1977 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
1978 county executive calendar year taxing entity conducts the public hearing under Subsection
1979 (3)(a)(v); and

1980 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
1981 county executive calendar year taxing entity conducts the public hearing required by
1982 Subsection (3)(a)(v).

1983 (c) The notice described in Subsection (3)(a)(iv):

1984 (i) shall be mailed to each owner of property:

1985 (A) within the calendar year taxing entity; and

1986 (B) listed on the assessment roll;

1987 (ii) shall be printed on a separate form that:

1988 (A) is developed by the commission;

1989 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
1990 "NOTICE OF PROPOSED TAX INCREASE"; and

1991 (C) may be mailed with the notice required by Section [59-2-1317](#);

1992 (iii) shall contain for each property described in Subsection (3)(c)(i):

1993 (A) the value of the property for the current calendar year;

1994 (B) the tax on the property for the current calendar year; and

1995 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
1996 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
1997 rate, the estimated tax on the property;

1998 (iv) shall contain the following statement:

1999 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar

2000 year]. This notice contains estimates of the tax on your property and the proposed tax increase
2001 on your property as a result of this tax increase. These estimates are calculated on the basis of
2002 [insert previous applicable calendar year] data. The actual tax on your property and proposed
2003 tax increase on your property may vary from this estimate.";

2004 (v) shall state the date, time, and place of the public hearing described in Subsection
2005 (3)(a)(v); and

2006 (vi) may contain other property tax information approved by the commission.

2007 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
2008 calculate the estimated tax on property on the basis of:

2009 (i) data for the current calendar year; and

2010 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
2011 section.

2012 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
2013 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

2014 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
2015 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
2016 taxing entity's annual budget is adopted; and

2017 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
2018 fiscal year taxing entity's annual budget is adopted.

2019 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
2020 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
2021 the requirements of this section.

2022 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
2023 (4) if:

2024 (i) Section [53A-17a-133](#) allows the taxing entity to levy a tax rate that exceeds that
2025 certified tax rate without having to comply with the notice provisions of this section; or

2026 (ii) the taxing entity:

2027 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;
2028 and

2029 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
2030 revenues.

2031 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
2032 section shall be published:

2033 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
2034 general circulation in the taxing entity;

2035 (ii) electronically in accordance with Section 45-1-101; and

2036 (iii) on the Utah Public Notice Website created in Section 63F-1-701.

2037 (b) The advertisement described in Subsection (6)(a)(i) shall:

2038 (i) be no less than 1/4 page in size;

2039 (ii) use type no smaller than 18 point; and

2040 (iii) be surrounded by a 1/4-inch border.

2041 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
2042 portion of the newspaper where legal notices and classified advertisements appear.

2043 (d) It is the intent of the Legislature that:

2044 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
2045 newspaper that is published at least one day per week; and

2046 (ii) the newspaper or combination of newspapers selected:

2047 (A) be of general interest and readership in the taxing entity; and

2048 (B) not be of limited subject matter.

2049 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

2050 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
2051 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);

2052 and

2053 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the

2054 advertisement, which shall be seven or more days after the day the first advertisement is
2055 published, for the purpose of hearing comments regarding any proposed increase and to explain
2056 the reasons for the proposed increase.

2057 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

2058 (A) be published two weeks before a taxing entity conducts a public hearing described
2059 in Subsection (3)(a)(v) or (4)(b); and

2060 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
2061 advertisement, which shall be seven or more days after the day the first advertisement is
2062 published, for the purpose of hearing comments regarding any proposed increase and to explain
2063 the reasons for the proposed increase.

2064 (f) If a fiscal year taxing entity's public hearing information is published by the county
2065 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the
2066 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
2067 the advertisement once during the week before the fiscal year taxing entity conducts a public
2068 hearing at which the taxing entity's annual budget is discussed.

2069 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
2070 advertisement shall be substantially as follows:

2071 "NOTICE OF PROPOSED TAX INCREASE

2072 (NAME OF TAXING ENTITY)

2073 The (name of the taxing entity) is proposing to increase its property tax revenue.

2074 ● The (name of the taxing entity) tax on a (insert the average value of a residence
2075 in the taxing entity rounded to the nearest thousand dollars) residence would
2076 increase from \$_____ to \$_____, which is \$_____ per year.

2077 ● The (name of the taxing entity) tax on a (insert the value of a business having
2078 the same value as the average value of a residence in the taxing entity) business
2079 would increase from \$_____ to \$_____, which is \$_____ per year.

2080 ● If the proposed budget is approved, (name of the taxing entity) would increase

2081 its property tax budgeted revenue by ___% above last year's property tax budgeted revenue
2082 excluding eligible new growth.

2083 All concerned citizens are invited to a public hearing on the tax increase.

2084 PUBLIC HEARING

2085 Date/Time: (date) (time)

2086 Location: (name of meeting place and address of meeting place)

2087 To obtain more information regarding the tax increase, citizens may contact the (name
2088 of the taxing entity) at (phone number of taxing entity)."

2089 (7) The commission:

2090 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
2091 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
2092 two or more taxing entities; and

2093 (b) subject to Section 45-1-101, may authorize:

2094 (i) the use of a weekly newspaper:

2095 (A) in a county having both daily and weekly newspapers if the weekly newspaper
2096 would provide equal or greater notice to the taxpayer; and

2097 (B) if the county petitions the commission for the use of the weekly newspaper; or

2098 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer

2099 if:

2100 (A) the cost of the advertisement would cause undue hardship;

2101 (B) the direct notice is different and separate from that provided for in Section

2102 59-2-919.1; and

2103 (C) the taxing entity petitions the commission for the use of a commission approved
2104 direct notice.

2105 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county
2106 legislative body in which the fiscal year taxing entity is located of the date, time, and place of
2107 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

2108 (B) A county that receives notice from a fiscal year taxing entity under Subsection
2109 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place
2110 of the public hearing described in Subsection (8)(a)(i)(A).

2111 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar
2112 year, notify the county legislative body in which the calendar year taxing entity is located of the
2113 date, time, and place of the first public hearing at which the calendar year taxing entity's annual
2114 budget will be discussed.

2115 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be open to the
2116 public.

2117 (ii) The governing body of a taxing entity conducting a public hearing described in
2118 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
2119 opportunity to present oral testimony within reasonable time limits.

2120 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
2121 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
2122 of another overlapping taxing entity in the same county.

2123 (ii) The taxing entities in which the power to set tax levies is vested in the same
2124 governing board or authority may consolidate the public hearings described in Subsection
2125 (3)(a)(v) or (4)(b) into one public hearing.

2126 (d) A county legislative body shall resolve any conflict in public hearing dates and
2127 times after consultation with each affected taxing entity.

2128 (e) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
2129 (4)(b) beginning at or after 6 p.m.

2130 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
2131 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
2132 entity shall announce at that public hearing the scheduled time and place of the next public
2133 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
2134 revenue.

2135 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
2136 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
2137 tax revenue stated at a public meeting under Subsection (3)(a)(i).

2138 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's
2139 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
2140 annual budget.

2141 Section 40. Section **63I-2-217** is amended to read:

2142 **63I-2-217. Repeal dates -- Title 17.**

2143 (1) Subsection **17-27a-102**(1)(b), the language that states "or a designated mountainous
2144 planning district" is repealed June 1, 2020.

2145 (2) (a) Subsection **17-27a-103**(15)(b) is repealed June 1, 2020.

2146 (b) Subsection **17-27a-103**(37) is repealed June 1, 2020.

2147 (3) Subsection **17-27a-210**(2)(a), the language that states "or the mountainous planning
2148 district area" is repealed June 1, 2020.

2149 (4) (a) Subsection **17-27a-301**(1)(b)(iii) is repealed June 1, 2020.

2150 (b) Subsection **17-27a-301**(1)(c) is repealed June 1, 2020.

2151 (c) Subsection **17-27a-301**(2)(a), the language that states "described in Subsection
2152 (1)(a) or (c)" is repealed June 1, 2020.

2153 (5) Subsection **17-27a-302**(1), the language that states ", or mountainous planning
2154 district" and "or the mountainous planning district," is repealed June 1, 2020.

2155 (6) Subsection **17-27a-305**(1)(a), the language that states "a mountainous planning
2156 district or" and ", as applicable" is repealed June 1, 2020.

2157 (7) (a) Subsection **17-27a-401**(1)(b)(ii) is repealed June 1, 2020.

2158 (b) Subsection **17-27a-401**(6) is repealed June 1, 2020.

2159 (8) (a) Subsection **17-27a-403**(1)(b)(ii) is repealed June 1, 2020.

2160 (b) Subsection **17-27a-403**(1)(c)(iii) is repealed June 1, 2020.

2161 (c) Subsection (2)(a)(iii), the language that states "or the mountainous planning

2162 district" is repealed June 1, 2020.

2163 (d) Subsection 17-27a-403(2)(c)(i), the language that states "or mountainous planning
2164 district" is repealed June 1, 2020.

2165 (9) Subsection 17-27a-502(1)(d)(i)(B) is repealed June 1, 2020.

2166 (10) Subsection 17-27a-505.5(2)(a)(iii) is repealed June 1, 2020.

2167 (11) Subsection 17-27a-602(1)(b), the language that states "or, in the case of a
2168 mountainous planning district, the mountainous planning district" is repealed June 1, 2020.

2169 (12) Subsection 17-27a-604(1)(b)(i)(B) is repealed June 1, 2020.

2170 (13) Subsection 17-27a-605(1), the language that states "or mountainous planning
2171 district land" is repealed June 1, 2020.

2172 (14) Title 17, Chapter 27a, Part 9, Mountainous Planning District, is repealed June 1,
2173 2020.

2174 (15) On June 1, 2020, when making the changes in this section, the Office of
2175 Legislative Research and General Counsel shall:

2176 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
2177 necessary to ensure that sections and subsections identified in this section are complete
2178 sentences and accurately reflect the office's understanding of the Legislature's intent; and

2179 (b) identify the text of the affected sections and subsections based upon the section and
2180 subsection numbers used in Laws of Utah 2017, Chapter 448.

2181 (16) On June 1, 2020:

2182 (a) Section 17-52a-104 is repealed;

2183 (b) in Subsection 17-52a-301(3)(a), the language that states "or under a provision
2184 described in Subsection 17-52a-104(2)," is repealed;

2185 (c) Subsection 17-52a-301(3)(a)(vi) is repealed;

2186 (d) in Subsection 17-52a-501(1), the language that states "or, for a county under a
2187 pending process described in Section 17-52a-104, under Section 17-52-204 as that section was
2188 in effect on the day immediately before the day on which this bill takes effect," is repealed; and

2189 (e) in Subsection 17-52a-501(3)(a), the language that states "or, for a county under a
2190 pending process described in Section 17-52a-104, the attorney's report that is described in
2191 Section 17-52-204 as that section was in effect on the day immediately before the day on which
2192 this bill takes effect and that contains a statement described in Subsection 17-52-204(5) as that
2193 subsection was in effect on the day immediately before the day on which this bill takes effect,"
2194 is repealed.

2195 (17) On January 1, 2028, Subsection 17-52a-102(3) is repealed.

2196 Section 41. Section **68-3-12.5** is amended to read:

2197 **68-3-12.5. Definitions for Utah Code.**

2198 (1) The definitions listed in this section apply to the Utah Code, unless:

2199 (a) the definition is inconsistent with the manifest intent of the Legislature or repugnant
2200 to the context of the statute; or

2201 (b) a different definition is expressly provided for the respective title, chapter, part,
2202 section, or subsection.

2203 (2) "Adjudicative proceeding" means:

2204 (a) an action by a board, commission, department, officer, or other administrative unit
2205 of the state that determines the legal rights, duties, privileges, immunities, or other legal
2206 interests of one or more identifiable persons, including an action to grant, deny, revoke,
2207 suspend, modify, annul, withdraw, or amend an authority, right, or license; and

2208 (b) judicial review of an action described in Subsection (2)(a).

2209 (3) "Administrator" includes "executor" when the subject matter justifies the use.

2210 (4) "Advisory board," "advisory commission," and "advisory council" mean a board,
2211 commission, committee, or council that:

2212 (a) is created by, and whose duties are provided by, statute or executive order;

2213 (b) performs its duties only under the supervision of another person as provided by
2214 statute; and

2215 (c) provides advice and makes recommendations to another person that makes policy

2216 for the benefit of the general public.

2217 (5) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps,
2218 and Coast Guard.

2219 (6) "County executive" means:

2220 (a) the county commission, in the county commission or expanded county commission
2221 form of government established under Title 17, Chapter 52a, Changing Forms of County
2222 Government;

2223 (b) the county executive, in the county executive-council optional form of government
2224 authorized by Section [~~17-52-504~~] [17-52a-203](#); or

2225 (c) the county manager, in the council-manager optional form of government
2226 authorized by Section [~~17-52-505~~] [17-52a-204](#).

2227 (7) "County legislative body" means:

2228 (a) the county commission, in the county commission or expanded county commission
2229 form of government established under Title 17, Chapter 52a, Changing Forms of County
2230 Government;

2231 (b) the county council, in the county executive-council optional form of government
2232 authorized by Section [~~17-52-504~~] [17-52a-203](#); and

2233 (c) the county council, in the council-manager optional form of government authorized
2234 by Section [~~17-52-505~~] [17-52a-204](#).

2235 (8) "Depose" means to make a written statement made under oath or affirmation.

2236 (9) "Executor" includes "administrator" when the subject matter justifies the use.

2237 (10) "Guardian" includes a person who:

2238 (a) qualifies as a guardian of a minor or incapacitated person pursuant to testamentary
2239 or court appointment; or

2240 (b) is appointed by a court to manage the estate of a minor or incapacitated person.

2241 (11) "Highway" includes:

2242 (a) a public bridge;

- 2243 (b) a county way;
- 2244 (c) a county road;
- 2245 (d) a common road; and
- 2246 (e) a state road.
- 2247 (12) "Intellectual disability" means a significant, subaverage general intellectual
- 2248 functioning that:
 - 2249 (a) exists concurrently with deficits in adaptive behavior; and
 - 2250 (b) is manifested during the developmental period as defined in the current edition of
 - 2251 the Diagnostic and Statistical Manual of Mental Disorders, published by the American
 - 2252 Psychiatric Association.
- 2253 (13) "Intermediate care facility for people with an intellectual disability" means an
- 2254 intermediate care facility for the mentally retarded, as defined in Title XIX of the Social
- 2255 Security Act.
- 2256 (14) "Land" includes:
 - 2257 (a) land;
 - 2258 (b) a tenement;
 - 2259 (c) a hereditament;
 - 2260 (d) a water right;
 - 2261 (e) a possessory right; and
 - 2262 (f) a claim.
- 2263 (15) "Month" means a calendar month, unless otherwise expressed.
- 2264 (16) "Oath" includes "affirmation."
- 2265 (17) "Person" means:
 - 2266 (a) an individual;
 - 2267 (b) an association;
 - 2268 (c) an institution;
 - 2269 (d) a corporation;

- 2270 (e) a company;
- 2271 (f) a trust;
- 2272 (g) a limited liability company;
- 2273 (h) a partnership;
- 2274 (i) a political subdivision;
- 2275 (j) a government office, department, division, bureau, or other body of government;
- 2276 and
- 2277 (k) any other organization or entity.
- 2278 (18) "Personal property" includes:
- 2279 (a) money;
- 2280 (b) goods;
- 2281 (c) chattels;
- 2282 (d) effects;
- 2283 (e) evidences of a right in action;
- 2284 (f) a written instrument by which a pecuniary obligation, right, or title to property is
- 2285 created, acknowledged, transferred, increased, defeated, discharged, or diminished; and
- 2286 (g) a right or interest in an item described in Subsections (18)(a) through (f).
- 2287 (19) "Personal representative," "executor," and "administrator" include:
- 2288 (a) an executor;
- 2289 (b) an administrator;
- 2290 (c) a successor personal representative;
- 2291 (d) a special administrator; and
- 2292 (e) a person who performs substantially the same function as a person described in
- 2293 Subsections (19)(a) through (d) under the law governing the person's status.
- 2294 (20) "Policy board," "policy commission," or "policy council" means a board,
- 2295 commission, or council that:
- 2296 (a) is authorized to make policy for the benefit of the general public;

- 2297 (b) is created by, and whose duties are provided by, the constitution or statute; and
2298 (c) performs its duties according to its own rules without supervision other than under
2299 the general control of another person as provided by statute.
- 2300 (21) "Population" is shown by the most recent state or national census, unless expressly
2301 provided otherwise.
- 2302 (22) "Process" means a writ or summons issued in the course of a judicial proceeding.
- 2303 (23) "Property" includes both real and personal property.
- 2304 (24) "Real estate" or "real property" includes:
- 2305 (a) land;
2306 (b) a tenement;
2307 (c) a hereditament;
2308 (d) a water right;
2309 (e) a possessory right; and
2310 (f) a claim.
- 2311 (25) "Review board," "review commission," and "review council" mean a board,
2312 commission, committee, or council that:
- 2313 (a) is authorized to approve policy made for the benefit of the general public by another
2314 body or person;
- 2315 (b) is created by, and whose duties are provided by, statute; and
2316 (c) performs its duties according to its own rules without supervision other than under
2317 the general control of another person as provided by statute.
- 2318 (26) "Road" includes:
- 2319 (a) a public bridge;
2320 (b) a county way;
2321 (c) a county road;
2322 (d) a common road; and
2323 (e) a state road.

2324 (27) "Signature" includes a name, mark, or sign written with the intent to authenticate
2325 an instrument or writing.

2326 (28) "State," when applied to the different parts of the United States, includes a state,
2327 district, or territory of the United States.

2328 (29) "Swear" includes "affirm."

2329 (30) "Testify" means to make an oral statement under oath or affirmation.

2330 (31) "Uniformed services" means:

2331 (a) the armed forces;

2332 (b) the commissioned corps of the National Oceanic and Atmospheric Administration;

2333 and

2334 (c) the commissioned corps of the United States Public Health Service.

2335 (32) "United States" includes each state, district, and territory of the United States of
2336 America.

2337 (33) "Utah Code" means the 1953 recodification of the Utah Code, as amended, unless
2338 the text expressly references a portion of the 1953 recodification of the Utah Code as it existed:

2339 (a) on the day on which the 1953 recodification of the Utah Code was enacted; or

2340 (b) (i) after the day described in Subsection (33)(a); and

2341 (ii) before the most recent amendment to the referenced portion of the 1953

2342 recodification of the Utah Code.

2343 (34) "Vessel," when used with reference to shipping, includes a steamboat, canal boat,
2344 and every structure adapted to be navigated from place to place.

2345 (35) (a) "Veteran" means an individual who:

2346 (i) has served in the United States Armed Forces for at least 180 days:

2347 (A) on active duty; or

2348 (B) in a reserve component, to include the National Guard; or

2349 (ii) has incurred an actual service-related injury or disability while in the United States

2350 Armed Forces regardless of whether the individual completed 180 days; and

2351 (iii) was separated or retired under conditions characterized as honorable or general.

2352 (b) This definition is not intended to confer eligibility for benefits.

2353 (36) "Will" includes a codicil.

2354 (37) "Writ" means an order or precept in writing, issued in the name of:

2355 (a) the state;

2356 (b) a court; or

2357 (c) a judicial officer.

2358 (38) "Writing" includes:

2359 (a) printing;

2360 (b) handwriting; and

2361 (c) information stored in an electronic or other medium if the information is retrievable

2362 in a perceivable format.

2363 Section 42. **Repealer.**

2364 This bill repeals:

2365 Section **17-52-207, Election of officers under optional plan.**

2366 Section 43. **Effective date.**

2367 If approved by two-thirds of all the members elected to each house, this bill takes effect

2368 upon approval by the governor, or the day following the constitutional time limit of Utah

2369 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

2370 the date of veto override.

2371 Section 44. **Revisor instructions.**

2372 The Legislature intends that the Office of Legislative Research and General Counsel, in

2373 preparing the Utah Code database for publication, replace the following references:

2374 (1) in Section 17-52a-104, from "the effective date of this bill" to the bill's actual

2375 effective date;

2376 (2) in Subsection 17-52a-104(1)(a), from "this bill" to the bill's designated chapter

2377 number in the Laws of Utah; and

2378 (3) in Subsections [17-52a-104](#)(1)(b)(i), (2)(a)(i), and (2)(a)(ii), [17-52a-501](#)(1) and
2379 [\(3\)\(a\)](#), and [63I-2-217](#)(16)(d) and (e) from "the day immediately before the day on which this
2380 bill takes effect" to the actual date before the day that the bill takes effect.