

County Governance Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill modifies provisions relating to forms of county government.

Highlighted Provisions:

This bill:

- defines terms;
- provides that in a county of the third through sixth class with a council-manager form of government, each council member must be elected by a voter district;
- establishes a process for a county of the third through sixth class with a council-manager form of government to create voter districts;
- modifies the composition of a study committee formed to study changing the form of county government; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-52a-204, as last amended by Laws of Utah 2020, Chapter 67

17-52a-403, as last amended by Laws of Utah 2020, Chapter 47

17-52a-404, as last amended by Laws of Utah 2020, Chapter 47

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

Section 1. Section **17-52a-204** is amended to read:

17-52a-204 . Council-manager form of county government -- Establishment of voting districts.

(1) As used in this section, "district" means a geographic area within the boundaries of a county with a council-manager form of government that is represented only by one council member who is a resident of the area.

~~[(1)]~~ (2)(a) The following shall govern a county operating under the form of government known as the "council-manager" form:

- (i) an elected county council;
- (ii) a county manager appointed by the council; and
- (iii) other officers and employees authorized by law.

(b) The optional plan shall provide for the qualifications, time and manner of appointment subject to Subsections ~~[(6)]~~ (7) and ~~[(7)]~~ (8), term of office, compensation, and removal of the county manager.

~~[(2)]~~ (3) The county manager is the administrative head of the county government and has the powers, functions, and duties of a county executive, except:

- (a) as the county legislative body otherwise provides by ordinance; and
- (b) that the county manager may not veto any ordinances enacted by the council.

~~[(3)]~~ (4)(a) An individual member of the council may not directly or indirectly, by suggestion or otherwise:

- (i) attempt to influence or coerce the manager in:
 - (A) making any appointment;
 - (B) removing any officer or employee; or
 - (C) purchasing supplies;
- (ii) attempt to exact any promise relative to any appointment from any candidate for manager; or
- (iii) discuss directly or indirectly with the manager the matter of specific appointments to any county office or employment.

(b)(i) A member of the county council who violates the provisions of this Subsection ~~[(3)]~~ (4) shall forfeit the member's county council office.

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

(iii) The county manager may not take part in securing, or contributing any money toward, the nomination or election of any candidate for a county office.

(iv) The optional plan may provide procedures for implementing this Subsection [(3)]
(4).

[(4)] (5) In the council-manager form of county government:

(a) the legislative powers of the county are vested in the county council; and

(b) the executive powers of the county are vested in the county manager.

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

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

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

[(6)] (7)(a) As used in this Subsection [(6)] (7), "interim vacancy period" means the period of time that:

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

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

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

(ii) Notwithstanding Subsection [(6)(b)(i)] (7)(b)(i):

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

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

(c) Subsection [(6)(b)] (7)(b) does not apply if all the county council members who held office on the day of the county general election whose term of office was vacant for the election are re-elected to the council for the following term.

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

(9) A county of the third through sixth class with a council-manager form of government shall ensure that each council member:

(a) represents a single district, rather than being elected at large;

(b) is elected by a majority vote of voters residing within the member's district; and

(c) is a resident of the district the council member represents.

(10)(a) For a county with a council-manager form of government that, on May 7, 2025, does not meet the requirements described in Subsection (9), the county council shall, on or before June 1, 2025:

(i) in accordance with Subsection (10)(b), establish a county districting commission; and

(ii) in accordance with Subsection (10)(c)(i), approve a map of the county council districts.

(b)(i) A county council shall comply with Subsection (10)(a)(i) by establishing a county districting commission, consisting of:

(A) one representative from each municipality in the county, who is either the municipality's mayor or a resident whom the mayor appoints;

(B) one representative who resides in an unincorporated area of the county and is appointed by the county council; and

(C) the county clerk, or the county clerk's designee, as a non-voting member.

(ii) The county districting commission shall divide the county into districts by:

(A) relying on the total population enumeration of the most recent decennial census;

(B) ensuring that between districts, there is less than 10% total population deviation;

(C) ensuring that each district is contiguous and reasonably compact;

(D) ensuring that district boundaries do not divide existing voter precincts; and

(E) complying with the United States Constitution.

(iii) The county districting commission shall submit a proposed map of district boundaries to the county council for approval for the initial districting process, on or before October 1, 2025.

(iv) The county manager shall provide for the county districting commission:

(A) county staff for assistance; and

(B) suitable meeting facilities.

(c) After receiving the district map described in Subsection (10)(b)(iii), the county council shall, within 30 calendar days after the day on which the county council receives the map, hold a public hearing, at which:

(i) the county council shall approve the district map if the map complies with the requirements described in Subsection (10)(b)(ii); and

(ii) the county clerk shall designate, by lot, a current county council member to

- 130 represent each district for the remainder of the council member's term of office,
131 regardless of whether the council member is a resident of that district.
- 132 (11) After the adoption of a district map under Subsection (10)(c)(i), at an election in which
133 a county council position is subject to an election:
- 134 (a) each candidate for that position must reside in the district that the position represents;
135 and
- 136 (b) the council member for the district shall be elected by a majority vote of voters
137 residing in the district.
- 138 (12)(a) After creating districts and adopting a district map under Subsections (10) and
139 (11), a county described in Subsection (10) may not redistrict until an official
140 decennial census publicly releases population data for the county, unless otherwise
141 required by law.
- 142 (b) Each time a county described in Subsection (10)(a) conducts redistricting for the
143 county council districts, the county council shall redistrict by:
- 144 (i) adjusting districts in accordance with Subsections (10)(b)(ii)(A), (B), (C), and (E);
145 and
- 146 (ii) after drawing a proposed map of district boundaries, holding a public hearing, at
147 which the county council shall approve the map as proposed, or revise the map
148 and approve the revised map.

149 Section 2. Section **17-52a-403** is amended to read:

150 **17-52a-403 . Study committee -- Members -- Powers and duties -- Proposed plan**
151 **and report -- Services provided by county.**

- 152 (1)(a) As used in this Subsection (1), "council of governments" means the same as that
153 term is defined in Section 17B-2a-802.
- 154 [~~(a)~~] (b) A study committee consists of:
- 155 (i) for a study committee established by the county legislative body under Section
156 17-52a-302[~~, five members appointed by the county legislative body; or~~] :
- 157 (A) two members appointed by the county legislative body, who each may be
158 either a member of the county legislative body or an individual appointed by
159 the county legislative body; and
- 160 (B) three members appointed by the county's council of governments, who each
161 may be either a member of the county's council of governments or an
162 individual appointed by the county's council of governments; or
- 163 (ii) for a study committee established by the registered voters through a petition

164 under Section 17-52a-303:

165 (A) [~~two members~~] one member appointed by the sponsors of the petition; and

166 [~~(B) two members appointed by the county legislative body; and~~]

167 [~~(C)~~] (B) [~~one member~~] four members appointed by the county's council of
168 governments.

169 [(b)] (c) A member of a study committee:

170 (i) may not receive compensation for service on the study committee;

171 (ii) may not hold an elected county office or have filed a current declaration of
172 candidacy for an elected county office; and

173 (iii) shall be a registered voter.

174 [(e)] (d) The county legislative body shall reimburse each member of a study committee
175 for necessary expenses incurred in performing the member's duties on the study
176 committee.

177 (2) A study committee may:

178 (a) adopt rules for the study committee's own organization and procedure and to fill a
179 vacancy in its membership;

180 (b) establish advisory boards or committees and include on the advisory boards or
181 committees persons who are not members of the study committee; and

182 (c) request the assistance and advice of any officers or employees of any agency of state
183 or local government.

184 (3)(a) A study committee shall:

185 (i) study the form of government within the county and compare it with other forms
186 available under this chapter;

187 (ii) determine whether the administration of local government in the county could be
188 strengthened, made more clearly responsive or accountable to the people, or
189 significantly improved in the interest of economy and efficiency by a change in
190 the form of county government;

191 (iii) hold public hearings and community forums and other means the committee
192 considers appropriate to disseminate information and stimulate public discussion
193 of the committee's purposes, progress, and conclusions; and

194 (iv) file a written report of the study committee's findings and recommendations with
195 the county executive, the county legislative body, and the county clerk no later
196 than one year after the convening of the study committee's first meeting under
197 Section 17-52a-402.

(b) Within 10 days after the day on which the study committee submits the study committee's report under Subsection (3)(a)(iv), if the report recommends a change in the form of county government, the county clerk shall send to the county attorney a copy of the optional plan recommended in the report for review in accordance with Section 17-52a-406.

(4) Each study committee report under Subsection (3)(a)(iv) shall include:

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

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

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

(5)(a) If the study committee's report recommends a change in the form of county government, the study committee may conduct additional public hearings after filing the report under Subsection (3)(a)(iv) and, following the hearings and subject to Subsection (5)(b), alter the report or proposed optional plan.

(b) Notwithstanding Subsection (5)(a), the study committee may not make an alteration to the report or proposed optional plan:

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

(ii) within the 160-day period before the election under Section 17-52a-501.

(6) Each meeting that the study committee holds shall be open to the public.

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

(8) The county legislative body shall provide for the study committee:

(a) suitable meeting facilities;

(b) necessary secretarial services;

(c) necessary printing and photocopying services;

(d) necessary clerical and staff assistance; and

(e) adequate funds for the employment of independent legal counsel and professional consultants that the study committee reasonably determines to be necessary to help

the study committee fulfill its duties.

(9) The county legislative body may not interfere with the work of the study committee.

Section 3. Section **17-52a-404** is amended to read:

17-52a-404 . Contents of proposed optional plan.

(1) The study committee or the sponsors of a petition described in Subsection 17-52a-303(1)(a)(ii) shall ensure that an optional plan the committee or registered voters propose under this chapter, respectively:

- (a) proposes the adoption of one of the forms of county government authorized in Subsection 17-52a-405(1)(a);
- (b) contains detailed provisions relating to the transition from the existing form of county government to the form proposed in the optional plan, including provisions relating to the:
 - (i) election or appointment of officers specified in the optional plan for the new form of county government;
 - (ii) retention, elimination, or combining of existing offices and, if an office is eliminated, the division or department of county government responsible for performing the duties of the eliminated office;
 - (iii) continuity of existing ordinances and regulations;
 - (iv) continuation of pending legislative, administrative, or judicial proceedings;
 - (v) making of interim and temporary appointments; and
 - (vi) preparation, approval, and adjustment of necessary budget appropriations;
- (c) specifies the date the optional plan becomes effective if adopted, which may not be earlier than the first day of January next following the election of officers under the new plan; and
- (d) notwithstanding any other provision of this title and except with respect to an optional plan that proposes the adoption of the county commission or expanded county commission form of government, with respect to the county budget provides that:
 - (i) the county executive's role is to prepare and present a proposed budget to the county legislative body; and
 - (ii) the county legislative body's role is to adopt a final budget.

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

(3) An optional plan may not:

(a) include any provision that is inconsistent with or prohibited by the Utah Constitution or any statute;

(b) if the optional plan is proposed after March 20, 2020:

~~[(b)]~~ (i) specify compensation, including benefits, for any appointed or elected county official; or

~~[(e)]~~ (ii) specify the full or part-time status of any appointed or elected county official; or

~~[(d)]~~ (c) if the optional plan specifies that county council or commission members are to be elected from districts, establish, divide, abolish, alter, change, or otherwise attempt to draw boundaries of election districts or impair the duties of the county legislative body as described in Section 17-52a-503.

(4) The optional plan proponent described in Subsection (1) shall ensure that an optional plan proposing to change the form of government to the county executive-council form under Section 17-52a-203 or the council-manager form under Section 17-52a-204:

(a) provides for the same executive and legislative officers as are specified in the applicable section for the form of government that the optional plan proposes;

(b) provides for the election of the county council;

(c) specifies the number of county council members, which shall be an odd number from three to nine;

(d) subject to ~~[Subsection (3)(d)]~~ Subsection (3)(c), and except as provided in Section 17-52a-204, specifies whether the members of the county council are to be elected from districts, at large, or by a combination of at large and by district;

(e) specifies county council members' qualifications and terms and whether the terms are to be staggered; and

(f) contains procedures for filling vacancies on the county council, consistent with the provisions of Section 20A-1-508.

(5) The optional plan proponent described in Subsection (1) shall ensure that an optional plan proposing to change the form of government to the county commission form under Section 17-52a-201 or the expanded county commission form under Section 17-52a-202 specifies:

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

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

- (b) the terms of office for county commission members and whether the terms are to be staggered;
- (c) subject to Subsection [~~(3)(d)~~] (3)(c), whether members of the county commission are to be elected from districts, at large, or by a combination of at large and from districts;
- (d) if any members of the county commission are to be elected from districts, the district residency requirements for those commission members; and
- (e) if any members of the county commission are to be elected at large, whether the election of county commission members is subject to the provisions of Subsection 17-52a-201(6) or Subsection 17-52a-202(6).

Section 4. **Effective Date.**

This bill takes effect on May 7, 2025.