Problems with the Structure of Utah County Government and Desired Outcomes

**CONCERNS**

- 2 can’t talk together without Open Meetings Concerns
- 1 can dramatically cause problems
  - Personality issues
  - Bad actors
- Population growth is huge, need more responsive government
- Areas of county feel ignored and don’t have someone capable of looking out for their area’s specific needs
- Commissioners don’t have time to pay attention to legislative issues/policy
  - Too busy on administrative functions
- There is no one voice from county to cities or the state, no clear voice
- Employees are frustrated with structure
- No Checks and Balances in Structure
- Excludes from running those who don’t want full-time job
- These are not new Issues, or limited

**WHAT WE LOOKED FOR IN STRUCTURE**

- Geographical districts
- We wanted at least 2 at-large districts
- Separation of powers
- Directly Accountable to the people
- Checks and balances
- Part Time legislative body that will allow more involvement
- Regular life, jobs, careers
- Live with what they create
- Teachers, business leaders, stay at home parents
- We don’t want to limit pool of capable individuals
- We wanted to simplify what the government is to the public
  - Fundamentally understand what a Mayor and council is, even if they don’t understand county vs city
- More outreach, more representation
- As cost effective as possible and still do job

*Provided by Strengthen Utah County, PIC*
Options for Utah County Government

Utah County has 3 main options:
1) Stay the Same
2) Council Manager
3) Council Mayor

Stay the Same

Change

3 Member Commission

Blocked by SB 380, 17-52a-405-1b(y)
Note: The language indicates this might be only a prohibition on a full-time commission. Other language may indicate part-time is prohibited also but it may be allowed. Either way we do not see it as viable option. If part-time allowed you could expand to 5 or 7.

Expanded Commission

Council Manager

17-52a-204

Notes concerned with vote desires in Executive Branch
Want checks & balances
Want Constitutional form of govt
Want Division of Power
Want Elected Executive

Council Mayor

17-52a-203

How Many Council Members

3 Member Council

5 Member Council

7 Member Council

9 Member Council

How Many District & How Many At-Large

Go to: www.StrengthenUtahCounty.org for more info

Paid for by Strengthen Utah County, PIC
Effective 3/15/2018

17-52a-203 County executive-council form of county government.

(1)
(a) The following shall govern a county operating under the form of government known as the "county executive-council" form:
   (i) an elected county council;
   (ii) an elected county executive; and
   (iii) other officers and employees authorized by law.
(b) The optional plan shall provide for the qualifications, time, and manner of election, term of office and compensation of the county executive.

(2) The county executive is the chief executive officer or body of the county.

(3) In the county executive-council form of county government:
(a) the county council is the county legislative body and has the powers, duties, and functions of a county legislative body under Chapter 53, Part 2, County Legislative Body; and
(b) the county executive has the powers, duties, and functions of a county executive under Chapter 53, Part 3, County Executive.

(4) References in any statute or state rule to the "governing body" or the "board of county commissioners" of the county, in the county executive-council form of county government, means:
(a) the county council, with respect to legislative functions, duties, and powers; and
(b) the county executive, with respect to executive functions, duties, and powers.

Renumbered and Amended by Chapter 68, 2018 General Session
Counties w/o a 3 Member Commission or Currently in the Process of Changing

Cache County Changed in 1988
- County-Executive form of Government
- Calls Executive "Executive" not Mayor
- All Districts
- 7 Member Council

Grand County Changed in 1992
- Council Form (old style no longer allowed)
  - Similar to Council Manager
- Non-Partisan
- Part-time Council
- 5 District 2 at-large
- Being forced to change
  - Currently in the process
  - Currently has a Study Committee in place

Salt Lake Changed in 1998 vote
- Council Executive Form of Government
- Calls Executive "Mayor"
- 3 At-Large 6 Districts

Morgan Changed in 1998 vote
- Council Form (old style no longer allowed)
  - Similar to Council Manager
- Non-Partisan
- Part-time Council
- 5 District 2 at-large
- Being forced to change
  - Passed an Initiative to create a Study Committee
  - Have not seen one created

Summit Changed between 2004-2006
- Council Manager Form
- All At-Large
- 5 Districts

Tooele Changing in 2021
- Election approved change in 2018
- Council Manager Form
- 5 Districts

Weber On Ballot this Year
- Study Committee on Ballot this year

Wasatch changed in 2003
- Council Manager Form
- 2 at-large 5 Districts

Provided by Strengthen Utah County, PIC
## Utah County Population and Sample Cities

<table>
<thead>
<tr>
<th>Utah County Population</th>
<th>2010 Census</th>
<th>Current Estimates</th>
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<tbody>
<tr>
<td>2010 Census (2018)</td>
<td>516,639</td>
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<td>3 Districts</td>
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<td>5 Districts</td>
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<td>6 Districts</td>
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<td>Payson (2016)</td>
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*Provided by Strengthen Utah County, PIC*
Key Provisions of Utah County Optional Plan

Basics of Optional Plan

Changes from a 3 Member Commission that is both Legislative and Executive to a 7 Member Council as Legislative Body and an Elected Mayor as the Executive

Council

7 Total Members (2.01)
2 At-Large Members (2.02)
5 By District South, South Central, North Central, North East, and North West (2.03)
Staggered 4 year terms (4 will first be elected for 2 year terms then 4 year terms in 2020) (2.03.2)
Part Time Council (2.06)
Compensation of Council $25,000 plus benefits (2.06)
Staff to Council can hire 3 assistants at $50,000 plus benefits (2.07)
Council Can Override vetoes by 2/3 vote (2.10.9)

County Mayor

Elected (3.01)
Compensation $125,000 plus benefits (3.03)
Deputy Mayor created (3.06)

Dates

Election for New Plan Nov 5, 2019 (5.02)
First Election of New Officers Nov 3, 2020 (5.05)
New Form takes Effect at Noon on Jan 1, 2021 (5.03.2)
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<tr>
<th>City Officials</th>
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**Cost Per Resident**

- $1.28
- $1.34

**Increase Per Resident**
- $0.05

**Cost Per Household**

- $4.99
- $5.20

**Increase Per Household**
- $0.21
Optional Plan for Utah County Government

Preamble
Utah County is authorized by legislative enactment, to change its form of county government and hereby sets forth an Optional Plan for Utah County Government (hereinafter referred to as "Plan"). This Plan adopts the county executive-council form of government as provided by Utah Code Ann. § 17-52a-203. The structural form retains without change all existing incorporated municipalities, special taxing districts, public authorities, county service areas, school districts, and other local public entities. The management arrangement vests the legislative powers of the County in the County Council and the executive powers in the County Mayor.

The purpose of this Plan is to provide a separation of executive and legislative powers. Where the Plan is silent on the distribution or locus of a particular power, it hereby authorizes the allocation of powers according to an executive-legislative distinction. The locus of residiary powers not expressly vested in the Mayor or the Council should be determined by function. Where helpful, state and federal separation-of-power models should be used to determine whether a particular power is executive or legislative.

As used in this Plan the word "office" shall refer to the respective offices and organizations of county treasurer, sheriff, clerk, auditor, recorder, county attorney, surveyor, and assessor. It is distinguished from the word "department" which, as used herein, shall refer to the organizational units under the direction and supervision of the County Mayor. The words "executive" or "executive branch" shall refer to those powers granted to or those departments and agencies under the direction and supervision of the County Mayor and shall not be construed to refer to any other elected office, unless specifically stated in this Plan or in state statute.

Article One - General Powers

Section 1.01. Powers of Utah County
Utah County is continued as a body corporate and politic. It has all powers pursuant to the authority of the Constitution of the State of Utah and the general laws of the State of Utah, including common law, either now or hereafter expressly or impliedly granted to any county.

These powers include, without limitation:
1. Any specific or general grant of power, including that conferred by the general welfare clause of Utah Code Ann. § 17-50, that grants independent authority apart from and in addition to specific grants of authority to pass ordinances which are reasonably and appropriately related to the objective of that power.
2. Any power conferred by the general laws of the State of Utah, including those permitting county governments to legislate by ordinance those subjects already covered by state legislation, provided that the general laws of the State of Utah have not foreclosed county legislation on the subject or that the county legislation does not conflict with existing state statute.
3. Any power conferred by Utah Code Ann. §§ 17-52a, detailing how certain counties may modernize their existing forms of county government to conform more closely with the needs and desires of their citizens by adopting an optional Plan for county government.
4. Any powers conferred by this Plan, in addition to those designated in paragraphs 1, 2 and 3 of this Section, are supplementary to, and not a limitation upon, any powers conferred by the general laws of the State of Utah, including common law.

Section 1.02. Interpretation of Powers
The powers of Utah County shall be construed liberally in favor of the exercise of authority by the government of Utah County. The specific enumeration of powers in this Plan shall not be construed to limit the scope of the powers conferred by the general laws of the State of Utah or by this Plan, nor shall the specific enumeration of powers in this Plan be construed to limit Utah County's ability to amend this Plan as allowed.

Section 1.03. Levels of Services and Functions
Utah County, consistent with the general laws of the State of Utah, may provide differing levels of services and functions to areas outside the limits of incorporated municipalities, or within incorporated municipalities, as allowed by the general laws of the State of Utah. Nothing in this Plan shall be construed to prevent the County from creating special service districts and service areas or from entering into agreements and contracts with any public or private entity as allowed by the general laws of the State of Utah.

Section 1.04. Statement of Charter Policy
A goal of this new form of government of Utah County shall be cooperation with the municipalities of the County in considering the coordination of municipal services, interlocal agreements, and public policy and programs affecting our common metropolitan area, toward the end that the taxpayers of Utah County will be afforded low cost and effective government.

Article Two - The Legislative Body

Section 2.01. Composition of the Council
The legislative body of Utah County shall be a Council composed seven (7) members, consisting of two (2) Council members elected at-large and five (5) Council members elected by geographical district. A quorum of the Council consists of four members except in cases where this Plan specifies a greater number.
1. By a majority of the full membership at its first meeting, the Council shall first elect one member to serve as Chair and one to serve as Vice-Chair. During the absence of the Chair, the Vice-Chair shall assume all of the duties of the Chair. The Chair and Vice-Chair shall have full right to debate and vote in the Council.
2. The Chair shall set the Council's agenda, preside at its meetings and sign all legislative acts. Upon the request of two or more Council members, or of the County Mayor, additional items shall be included in the agenda with or without the support of the Chair.
3. Members of the Council shall be elected through partisan elections as prescribed by state statute. Midterm vacancies will be filled as prescribed by state statute.

Section 2.02. Council Members Elected At-Large
1. Two Council members shall be elected at-large by the voters of Utah County. They shall meet the qualifications of office of county elected officials as established by state statute, and they shall remain residents of Utah County throughout their terms of office.
2. For the purpose of electing at-large Council members, there shall be individual seats known as Council Seat A and B.
3. The initial term of office for at-large Council Seat A shall be two (2) years. The initial term of office for at-large Council Seat B shall be four (4) years. After the initial term of office, the regular term of office of each at-large seat shall be four (4) years. Each term begins at noon on the first Monday of January following the election.

Section 2.03. Council Members Elected by District

1. District Council members shall be elected by district by the voters of their districts. They shall meet the qualifications of office of county elected officials as established by state statute and be residents in their districts and they shall remain residents of their district throughout their terms of office.

2. For the purpose of electing district Council members, the County shall be divided into five (5) geographical districts designated Districts 1, 2, 3, 4, and 5. The initial term of office for Districts 1, 3, and 5 shall be two (2) years. The initial term of office for Districts 2 and 4 shall be four (4) years. After the initial terms of office, the regular term of office of each district shall be four (4) years. Each term begins at noon on the first Monday of January following the election.

Section 2.04. Reapportionment and Adjustment of District Districts

1. Council districts shall have substantially equal populations and shall be reapportioned by the Council within one year after each decennial census report. Upon reapportionment, the Council districts should, to the extent practical, remain consistent with their original geographical configuration and representation, allowing connectivity and ease of contact between residents and district Council members.

2. Maps of the initial Council districts, their respective precincts and their legal descriptions shall be decided by the County Commission and roughly adhere to the map in Exhibit A.

Section 2.05. Vacancies

1. Members of the Council may be removed from office in accordance with the process provided in state statute.

2. The office of County Council member shall be deemed vacant if a member is removed, dies, resigns or fails to maintain his or her residency as required by this Article. Upon a vacancy of a member’s office, it shall be filled as prescribed by state statute.

3. Any member wishing to resign from the Council must submit to the Council a written resignation, with a statement of the reasons therefor and the date and time upon which the resignation is effective.

4. Upon removal of the Chair, or vacancy in the office of the Chair, the Vice-Chair shall serve as Interim Chair until the Council elects a new Chair. Upon the election of a new Chair, the Interim Chair shall return to the office of Vice-Chair. Upon removal of the Vice-Chair, or vacancy in the office of the Vice-Chair, the remaining members shall by majority vote select one Council member as Vice-Chair.

Section 2.06. Compensation of the Council

The initial base salary for members of the Council shall be $25,000.00 per year, plus benefits, and may be modified as prescribed by state statute. In addition to base salary, members shall be entitled to the same employment benefits and insurance coverage as those afforded to appointed and elected officials. Members shall serve part-time and receive the same cost-of-living and merit salary adjustments as granted to regular and exempt employees of the County, subject to the notice and hearing requirements of state statute. Additional compensation for certain expenses is permitted to the extent allowed by law. However, at no time may a member’s compensation be diminished during his or her term of office.

Section 2.07. Staff to the Council

The County Council may appoint merit and merit-exempt staff as may be necessary to discharge the duties of the Council. Staff shall be hired pursuant to the County Personnel Management Act (as amended or succeeded). The Council may appoint up to 3 merit-exempt assistants who shall be paid no more than $50,000 base salary and receive the same cost-of-living and merit salary adjustments as granted to regular and exempt employees of the County, subject to the notice and hearing requirements of state statute. In addition to base salary, council assistants shall be entitled to the same employment benefits and insurance coverage as those afforded to any other full-time County employee. The council shall have full control of the hiring and firing of their council assistants.

Section 2.08. Voting on the Council

1. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the Council minutes as a matter of public record. A member may abstain from any vote provided that he or she first declares a conflict of interest. Members abstaining from a vote shall be considered present for the purposes of a quorum.

2. Except for matters on which a greater or lesser vote is expressly provided by law or by this Plan, no action of the Council shall be valid and binding unless approved by the affirmative vote of a majority of those present, providing there is a quorum.

3. A vote to override the Mayor’s veto requires a two-thirds vote of the entire Council.

Section 2.09. Meetings of the Council

The Council shall meet in regular session at least weekly at stated times to be provided by ordinance, and may, in addition, hold special meetings called in the manner provided by law. Proceedings and meetings of the Council shall be conducted in accordance with the Utah Open Meetings Act and with other applicable state statutes and county ordinances. Regularly scheduled sessions of the Council may be canceled by a majority vote of the Council.

Section 2.10. Powers and Duties of the Council

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

1. Consider and adopt ordinances, rules, regulations and resolutions, not repugnant to general law, which are necessary and proper to the discharge of the Council's duties and in accordance with state statute.

2. Consider and adopt an administrative code including policies, procedures and regulations governing personnel, purchasing, and similar matters regarding the management and organization of the County.

3. Adopt, by ordinance, rules governing the activities, meetings and organization of the Council, such rules to be in accordance with this Plan and with general law and state statute.

4. Establish and adopt a budget, set and levy taxes, and establish fees as may be necessary and proper to the discharge of the Council’s duties and in accordance with state statute.
5. Fix salaries and benefits of county officers and employees in accordance with state statute; county ordinances, policies and procedures; and this Plan.

6. Require information from the County Mayor, other elected County officials, and County employees and conduct hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to the County, its business affairs, or any officer thereof. In connection with such hearings, the Council may by subpoena require the attendance of witnesses or the production of documents and other evidence, may administer oaths, and may take testimony.

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

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

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

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

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

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

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

14. Grant franchises over and along county roads for all lawful purposes and according to such terms and conditions as the Council determines appropriate, in accordance with state statute.

15. Provide for the development of County resources as shall appear appropriate to the Council, and in accordance with state statute.

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

Section 2.11: Dispute Resolution

The Council shall have authority to supervise, consistent with law, the elected officials and to resolve disputes between elected officials. Except, the Council shall have no authority to use this process to resolve disputes between the Council and any other elected official, including the Mayor.

The Council, consistent with law, may direct the elected officials in the discharge of their duties by duly adopted resolution and may resolve disputes between elected officials by the same means. The elected officials shall act in accordance with the dispute resolution of the Council, subject to an order or judgment of a court to the contrary.

Section 2.12: Prohibitions

1. No member of the Council shall occupy any other elective public office during his or her membership on the Council.

2. Members of the Council are subject to all limitations applicable under the laws of the State of Utah or of County Ordinance, together with any sanctions or penalties associated therewith.

3. Neither the Council, nor any member thereof, shall appoint, dismiss, or give directions to any individual employee of the Executive Branch or of any of the offices of the County nor influence or attempt to influence individual personnel actions or the purchase of goods or services. Nothing in this Section shall be construed, however, to prohibit the Council while in open session or in executive session, as permitted by the Open Meetings Act, from fully and freely discussing with or suggesting to the County Mayor or any other appointed or elected County officer or employee, anything pertaining to County affairs or the interests of the County.

Article Three - County Mayor

Section 3.01: The County Mayor

1. The chief executive officer of Utah County shall be the County Mayor, who shall be elected at-large by the legal voters of Utah County. He or she shall meet the qualifications for office of county elected officials as established by state statute and shall reside in the County throughout each term of office. The term of office is four (4) years, beginning at noon on the first Monday of January following the election.

2. The County Mayor shall be elected through a partisan election as prescribed by state statute. Any midterm vacancy will be filled as prescribed by law.

Section 3.02: Vacancy, Removal and Replacement

1. The County Mayor may be removed from office in accordance with the process provided in state statute.

2. The office of County Mayor shall be deemed vacant if the Mayor is removed, dies, resigns or fails to maintain residency as required by this Article. Upon a vacancy of the office, it shall be filled as prescribed by state statute.

3. The Mayor is subject to all limitations applicable under the laws of the State of Utah or under County ordinance, together with any sanctions or penalties associated therewith.

4. The Mayor shall not occupy any other elective public office during his or her term.

5. A County Mayor wishing to resign from the Office must submit to the Council a written resignation, with a brief statement of the reasons therefor and the date and time upon which the resignation is effective.

Section 3.03: Compensation

The initial base salary for the County Mayor shall be $125,000.00 per year, plus benefits, and may, be modified as prescribed by state statute and county ordinance. In addition to base salary, the County Mayor shall be entitled to the same employment benefits and insurance coverage as those afforded to appointed and elected officials. The County Mayor shall serve full-time and receive the same cost-of-living and merit salary adjustments as granted to regular and exempt employees of the County, subject to notice and hearing requirements of state statute. Additional compensation for certain expenses is permitted to the extent allowed by law. However, at no time may the County Mayor's compensation be diminished during his or her term of office.
Section 3.04. Powers and Duties

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

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

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

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

4. Faithfully execute the laws and ordinances of the County and enforce the terms of county franchises, contracts and other undertakings.

5. Assign employees and work in the Executive Branch.

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

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

8. Prepare and present a budget to the Council.

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

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

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

12. Act as intergovernmental relations liaison.

13. Exercise the power of veto and line item budget veto within 15 days of any legislative enactment, provided that such veto or line item budget veto, as provided by law, shall be made in writing and directed to the Council Chair.

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

Section 3.05. The Office of the County Mayor

The County Mayor may appoint such merit-exempt staff as may be necessary to discharge the duties of the Office of County Mayor and as may be approved pursuant to state statute or County ordinance. Additional merit staff, including licensed professionals, may be hired as necessary, pursuant to the County Personnel Management Act.

Section 3.06. Deputy Mayor

The County Mayor may designate a Deputy Mayor who shall assist the Mayor and have such power and authority as may be delegated and assigned by the Mayor. The Deputy Mayor shall be a resident of Utah County and may serve as acting Mayor in the temporary absence or short term incapacity of the Mayor. As acting Mayor, the Deputy Mayor shall exercise all of the powers of the office of the Mayor, except as may be limited in writing by the Mayor. The person so designated as Deputy Mayor must be either a department head or the Mayor's Chief of Staff.

Article Four - Administrative Offices, Departments and Agencies

Section 4.01. General Provisions

1. All activities of the Executive Branch of Utah County under the direction and supervision of the County Mayor shall be distributed among such Executive Branch departments and agencies as are established by this Plan or may be established by the County Mayor or by ordinance of the Council.

2. Unless otherwise indicated in this Plan, each office, department or agency of the County shall be administered by a qualified director appointed as provided in this Plan or by an officer elected in accordance with state statute.

3. Whenever the official name of the director or elected official of an office, department or agency is used in any law conferring powers or imposing duties and liabilities, it shall be construed to include the division officers, assistants, deputies and staff serving under the director or official, but only to the extent that such subordinates act within their authority.

Section 4.02. County Officers

The Offices of County Assessor, County Attorney, Auditor, Clerk, Recorder, Sheriff, Surveyor, Treasurer, and such other officers and administrators as may be authorized by state statute or county ordinance, shall be elected as authorized by state statute, this Plan, or county ordinances. Nothing herein shall prohibit the Council from consolidating, dividing, or appointing any such office as may be consistent with state statute. The election, appointment, replacement, qualifications and duties of each of the aforementioned offices shall be as established by state statute, this Plan, or county ordinances.

Section 4.03. Department Directors

Except as otherwise specified by this Plan, department directors shall be appointed with the advice and consent of the County Council by the County Mayor, pursuant to this Plan. Division directors, supervisors and other employees within each administrative office, department or agency shall be employed subject to the provisions of this Plan, state statute, county ordinance, and personnel policies and regulations. Each Department Director shall be responsible for the administration and management of his or her department.
Section 4.04. County Departments

Upon the recommendation of the County Mayor, departments and divisions shall be established or modified by ordinance of the Council. Smaller subdivisions of the Executive Branch, including sections and units, may be established or modified by the Mayor without the advice or consent of the Council. Departments shall be organized pursuant to the powers and duties vested in counties as described in this Plan, by the Utah State Constitution, the general laws of the State of Utah, the common law and as may be adopted by ordinance of the Council.

Section 4.05. Personnel

1. The Council shall adopt ordinances, policies and regulations necessary for the effective operation of the county personnel system. The specific rules and regulations shall be adopted by the Council. At no time shall these ordinances, rules and regulations be inconsistent with the County Personnel Management Act, as it may be amended or succeeded. The Council shall take into consideration the advice and recommendations of County elected officials.

2. All elected and appointed county officials and county employees must conduct themselves in a manner consistent with county ordinances, personnel policies and procedures and the County Personnel Management Act, as it may be amended or succeeded. However, as elected and merit-exempt appointed county officials, the rules and regulations regarding issues such as selection and tenure shall not apply unless otherwise provided in this Plan or the laws of the State of Utah. Any person, including elected officers and appointed personnel, who willfully violates any of the rules, regulations, policies and procedures promulgated under the authority of the County Personnel Management Act, as it may be amended or succeeded, is subject to such penalties as may be prescribed by state statute or County ordinance.

Article Five - General and Transitional Provisions

Section 5.01. Transition

1. The county commission may, prior to 12:00 noon local time on January 1, 2021, and after 10 days prior public notice, pass legislation to bring about an orderly transition to the Plan. Such legislation may include, without limitation, any transfers of powers, records, documents, properties, assets, funds, liabilities or personnel which are consistent with this Plan and state statute and which are necessary or convenient to place it into full effect.

2. The office of County Commissioner of Utah County shall be dissolved upon the effective date of this Plan. Any commissioner whose office is dissolved upon transition to this Plan shall receive compensation of his or her regular salary and benefits up to December 31, 2022. However, if such commissioner is employed with Utah County after January 1, 2021, in another office or position, he or she shall receive only the salary granted to that new office or position beginning January 1, 2021, or the date he or she begins work in the new office or position, whichever is later.

Section 5.02. Adoption of the Optional Plan

This Plan shall be adopted when approved by the affirmative vote of a majority of those voting on the question of its approval at an election to be held in Utah County on November 5, 2019.

Section 5.03. Effective Date; Operative Date

1. Subject to Paragraph 2 of this Section, this Plan shall take effect as an organic act for the government of Utah County on the date provided by law on which a certified copy of the Plan, as approved by the voters, is filed with the Utah Lieutenant Governor's Office by the County Clerk.

2. The provisions of this Plan shall become fully operative at 12:00 noon local time on January 1, 2021. Provisions of this Plan pertaining to the nomination and election of all elected officers in 2020 shall be operative prior to January 1, 2021, in accordance with their terms, or as provided by state statute or by any ordinances not inconsistent with this Plan, that are duly adopted by the County Commission in order to bring about an orderly transition to the new Optional Plan for Utah County Government provided herein.

Section 5.04. Continuity of Government

1. Utah County shall retain and possess all of the rights, capacities, privileges, powers, franchises and immunities and shall retain all of the liabilities to which it was subject prior to the adoption of this Plan.

2. It is the intent of this Section that there shall be no interruption in the continuity, powers, obligations or jurisdiction of government within Utah County by the adoption of this Plan. To that end, all legislative, judicial, or administrative proceedings pending during the transition to this Plan shall be preserved, continued, and deemed unaffected by this Plan.

3. Until changed pursuant to law, all ordinances, rules and regulations previously in full force and effect under the legal authority of Utah County shall continue in full force and effect except to the extent they may be modified by the adoption of this Plan.

Section 5.05. First Election

The first general election of officials provided for in this Plan shall be held on November 3, 2020, in accordance with state statute governing the election of county officers.

Section 5.06. Retention of Property, Assets and Obligations

1. Utah County shall retain, own, and possess all of the properties, rights, privileges, franchises, contracts, and other assets of whatever nature, whether tangible or intangible, it owned prior to the adoption of this Plan.

2. All debts, obligations, and liabilities of Utah County shall remain unaffected by this Plan.

3. The contractual rights of any contractor, bondholder or creditor, or their assigns, and the pension rights and other employment rights of county officials and employees shall not be impaired by any provision of this Plan.

Section 5.07. Cooperation by all Public Officials

Upon adoption of this Plan by the voters, all county officers and employees shall cooperate fully with the terms of this Plan.

Section 5.08. Amendments to the Plan

This Plan may be amended in accordance with state statute.

Section 5.09. Separability

If any provision of this Plan is held invalid, the other provisions shall not be affected thereby. If the application of this Plan or any of its provisions to any person or circumstance is held invalid, the application of this Plan and its provisions to other persons or circumstances shall not be affected thereby.
Process for Changing Utah County Government

- Gather 10,200 signatures in 2019
- Iniitated Petition
- Placed on Nov Ballot
- People Vote
- Yes
- No
- Can't propose again for 4 years
  
  
Elections in 2020
Start afresh 2021

At any time commission can put our plan on Ballot

- 7-528-501(3)(b) will be either sign our petition or fail no other process can be initiated

Go to: www.StrengthenUtahCounty.org for more info

Paid for by: Strengthen Utah County, PAC

Strengthen Utah County
A Political Issues Committee
I've been asked several questions regarding my support of the petition to change the county form of government. Below are answers to the most asked questions. While I am working with other local leaders on getting this on the November ballot, these responses are my opinions and may not be the same responses they would give.

Q: Why do we need to change the form of government?
A: Our current form of government consists of three commissioners that hold both executive and legislative powers. As a county of approximately 600,000 residents, we need a form of government that provides a separation of powers. Additionally, with our current size and projected growth, we need regional representation. There are different challenges that exist in the various parts of the county and having additional representation from throughout the county means we have more ideas and perspectives at the table as decisions are being made to address the issues that come with growth. We need a system that provides checks and balances, separation of powers, and better representation. This proposed form of government is similar to the way our state and cities are already functioning.

Q: Why do you support seven council members? Why not five?
A: Having seven council members means the county will be divided into five districts with representation from each district, and two council members elected at-large. We currently have approximately 600,000 residents and are considered a county of the second class. We are expected to be over 700,000 within the next couple of years, at which time we will be reclassified as a county of the first class. A 2017 Research Brief issued by the Kem C. Gardner Institute shows us being at 1.6 million by 2065, just slightly behind where Salt Lake County will be at that time. With our current size and with the rapid growth we are experiencing, I don’t believe dividing the county into three districts provides adequate representation. That is approximately 200,000 residents per district. For reference, our state senate districts are divided so that each represents approximately 100,000 people and our state house districts are divided so that each represents approximately 40,000 people. Most of the other counties in Utah that have gone to an expanded form of government have chosen to go with the seven-council member option. Here are those details:

- 9 council members – Salt Lake County (1.1 million residents)
- 7 council members – Cache County (124,000 residents)
- 7 council members – Morgan County (12,000 residents)
- 7 council members – Wasatch County (32,000 residents)
- 7 council members – Grand County (9,600 residents)
- 5 council members – Summit County (41,000 residents)
- 5 council members – Tooele County (67,000 residents)
Q: Why do you support the mayor/council form over the manager/council form?
A: There are pros and cons to both options. Having a mayor/council means the executive for the county is elected by the residents of Utah County and is accountable to them, where a manager is appointed by the county council. Having an elected executive is working well for our state and cities and makes sense for our county.

Q: Doesn’t it seem like the mayor has too much power?
A: The duties of the mayor and the council are outlined in Utah State code, section 17-52a-203. This petition provides for the form of government allowed by state code. While the mayor does have veto power, the veto can be overridden by a two-thirds vote of the county council. Issues such as vacancies and military leaves are also outlined in State code.

Q: Isn’t this change going to be expensive?
A: Currently, all three county commissioners are full-time. The current annual cost per resident to cover the salary and benefits for three county commissioners and their administrative staff is $1.28 per resident or $4.99 per household. With the new form of government, the seven council members would be part-time. The estimated annual cost per resident to cover the salary and benefits for the mayor, council members, and administrative staff would be $1.34 per person or $5.20 per household; a $0.21 per household increase annually. It is a minimal increase for better representation.

Jenney Rees
Mayor, Cedar Hills