

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 INTENT AND PURPOSE**
- 1.02 INTERPRETATION AND DEFINITIONS**
- 1.03 LIABILITIES AND PENALTIES**
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Chapter 1.01

INTENT AND PURPOSE

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- 1.01.01** **Title, Effect on Prior Legislation**
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Section 1.01.01 Title, Effect on Prior Legislation

- (1) This volume, entitled "Wasatch County Code 2002," is adopted by the County Legislative Body of Wasatch County, Utah, pursuant to the Utah Code.
- (2) This volume supersedes the Revised Ordinances of Wasatch County, 1953, the Wasatch County Code 1992, the Wasatch County Code 1997, and any separate codified ordinance previously enacted by the County Legislative Body of Wasatch County.
- (3) This volume shall not supersede previously enacted uncodified ordinances of a private, local or temporary nature, including, but not limited to, ordinances authorizing the execution and issuance of deeds, bonds or contracts, the creation of special improvement districts, the amendment of zoning maps, and the dedication or vacation of streets.

Section 1.01.02 Citation.

This volume shall be known and may be cited as "Wasatch County Code 2002."

Section 1.01.03 Effect of Adoption.

The adoption of this code shall not affect or impair any right which has accrued, any duty which was imposed, or any penalty which has or may be applied, under previous ordinances or codes.

Chapter 1.02

INTERPRETATION AND DEFINITIONS

Sections:

- 1.02.01 Interpretation.**
- 1.02.02 Definitions.**
- 1.02.03 Severability.**
- 1.02.04 Applicable Law.**

Section 1.02.01 Interpretation.

Interpretation of the provisions of this code shall be as follows:

- (1) The singular includes the plural and the plural includes the singular.
- (2) Words used in the present tense include the future.
- (3) Words in the masculine gender include the feminine and neuter.
- (4) Words prohibiting anything being done except in accordance with a license or permit or authority from a county employee, board, or officer, shall be construed as giving such employee, board, or officer power to license or permit or authorize such thing to be done.

Section 1.02.02 Definitions.

As used in this code and amendments thereto, the following definitions shall apply:

- (1) "County" means Wasatch County, a political subdivision of the state of Utah.
- (2) "County Executive" or "County Manager" or "Manager" means the duly appointed county manager.
- (3) "County Legislative Body" means the duly elected County Council.
- (4) "Month" means a calendar month, unless otherwise expressed.
- (5) "Officer" means a county employee, department head, the County Executive, elected official, or member of a county board or commission.
- (6) "Optional Plan" means the optional plan adopted by the voters November 7, 2000, which plan is contained in Title 1.05.01. of this Code.
- (7) "Ordinances" means the ordinances codified as the Wasatch County Code 2002, as amended.
- (8) "Owner" as applied to any building, structure, or land shall include any part owner, joint owner, tenant in common, joint tenant, lessee of the whole, or lessee of a part.
- (9) "Person" means any individual person, firm, general or limited partnership, corporation, limited liability company, or other association however designated.
- (10) "Property" means both real and personal property.
- (11) "This code" means the general ordinances of Wasatch County as duly enacted and amended by the County Legislative Body of Wasatch County.

Section 1.02.03 Severability.

If any title, section, subsection, sentence, clause, or phrase of this code is, for any reason, held to be unconstitutional, void, or unlawful, such decision shall not affect the validity of the remaining portions of this code.

Section 1.02.04 Applicable Law.

Offenses or violations committed prior to the repeal of or an amendment to a portion of this code shall be governed by the law existing at the time the offense or violation was committed.

Chapter 1.03

LIABILITIES AND PENALTIES

Sections:

- 1.03.01 Punishment for Criminal Violations.**
- 1.03.02 Separate Offenses.**

Section 1.03.01 Punishment for Criminal Violations.

(1) If an act is declared in this code (including technical codes adopted by reference) to be a class B misdemeanor, the act shall be punishable by a fine in an amount not to exceed \$1,000.00 and a term of imprisonment not to exceed six months, or a combination of said fine and imprisonment.

(2) If an act is declared in this code (including technical codes adopted by reference) to be unlawful, or is declared to be a misdemeanor, or a class C misdemeanor, the act shall be punishable by a fine in an amount not to exceed \$750.00 and a term of imprisonment not to exceed ninety days, or a combination of said fine and imprisonment.

(3) If an act is declared in this code (including technical codes adopted by reference) to be an infraction, the act shall be punishable by a fine in an amount not to exceed \$750.00.

Section 1.03.02 Separate Offenses.

Each day an act or offense is committed or continues in violation of this Code shall be deemed a separate offense.

Chapter 1.04

COUNTY SEAL.

Sections:

1.04.01 Description of Seal.

Section 1.04.01 Description of Seal.

The County Legislative Body shall adopt a seal for the County Clerk/Auditor which shall contain the words "State of Utah, County Clerk" and "Wasatch County" on the same impression. A copy of the impression shall be filed in the office of the County Clerk/Auditor and with the Utah State Division of Archives.

Chapter 1.05

FORM OF GOVERNMENT - OPTIONAL PLAN

Sections:

1.05.01 Optional Plan for Wasatch County Government.

Section 1.05.01 Optional Plan for Wasatch County Government.

Preamble

Wasatch County is authorized by legislative enactment, in the optional forms of county government act, 1998 and amendments, to change its form of county government and hereby sets forth an optional plan for Wasatch County Government (referred to as the "Plan"). This Plan adopts the County Council Manager form of government as provided by Utah Code Ann. Section 17-52-505 (2000). 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 executive powers in the County Manager.

A primary purpose of this Plan is to provide a greater separation of executive and legislative powers than exists with the current commission form of government. Where the Plan is silent on the distribution or placement of a particular power, it hereby authorized the allocation of powers according to an executive-legislative distinction. The placement of residuary powers not expressly vested in the Manager 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 organization 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 Manager. 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 Manager and shall not be construed to refer to any other elected office, unless specifically stated in this Plan or in state statute.

January 12, 2000

OPTIONAL PLAN FOR WASATCH COUNTY GOVERNMENT

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Article One: General Powers

Section 1.01. Powers of Wasatch County

Wasatch 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 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 powers.
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. Chapter 17-52 (2000) detailing how certain counties may modernize their existing forms of county government to conform more closely with the needs and desires of the 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 Wasatch County shall be construed liberally in favor of the exercise of authority by the government of Wasatch 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 the Plan be construed to limit Wasatch County's ability to amend this Plan as allowed.

Section 1.03. Levels of Services and Functions

1. Wasatch 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 agreement and contracts with any public or private entity as allowed by the general laws of the State of Utah and this Plan.

2. It is preferred that special service districts (SSD's) and special service areas (SSA's) shall be governed by administrative control boards or trustees elected as provided for in state statutes.

Section 1.04. Statement of Charter Policy

A goal of this new form of government of Wasatch 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 Wasatch County will be afforded low cost and effective government.

Section 1.05. Formulation of County Budget

The County auditor's role is to be the budget officer and to project county revenues, the county executive's role is to propose the budget, and the county legislative body's role is to adopt the budget.

Article Two: The Legislative Body

Section 2.01. Role of the Council

Consistent with this Plan's provisions increasing the size and reducing the compensation of the Council, it is the intent of this Plan to establish the Council as a citizen body whose members serve on a part-time basis in a legislative, policy-making role, and membership on the Council is not intended to be a full-time position involving day-to-day oversight of County operations and functions. The Council is encouraged to cooperate with and fully utilize the County's special service district's, and special service area's elected administrative control boards, appointed boards, commissions and to give full consideration to information and recommendations communicated by such boards and commissions, in order to maximize citizen participation in county government.

Section 2.02. Composition of the Council

The legislative body of Wasatch County shall be a Council composed of 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 four (4) members of the full council 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 Manager, 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.

Section 2.03. Council Members Elected At-Large

1. Two Council members shall be elected at large by the voters of Wasatch County. They shall be qualified electors of the County and must have been such for at least one year immediately preceding the election and they shall remain residents of Wasatch County throughout their terms of office or be replaced by state statute and this Plan.
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 for four (4) years as provided for in § 17-16-6. The initial term of office for the at-large Council Seat B shall be for two (2) years or until the next regular general election preferably in 2002, and then every four years thereafter. After the initial term of office, the regular term of office of each at large seat shall be four (4) years. With the exception of the initial installation of Council seats A and B, each term thereafter shall begin at noon on the first Monday of January following the election.

Section 2.04. Council Members Elected by District

1. District Council members shall be elected by district by the voters of their districts. They shall be qualified electors of the district and must have been such for at least one year immediately preceding the election and shall remain residents of their district throughout their terms of office or be replaced as prescribed in state statute and this Plan.
2. For the purpose of electing district Council members, the County shall be divided into five (5) geographical districts designated as Heber North (Voting Districts 1, 2, 14 & 16), Heber South (3, 5, 6 & 10), Midway (7, 8, & 13), Wasatch County East (11 & 15, Center Creek, & Timber lakes Lake Creek), Wasatch County South (4, 9, & 12 - Daniel, Charleston and Wallsburg). The initial term of office for Heber South, Midway, and Wasatch County South shall be two (2) years or until the next regular general election preferably in 2002, and then every four years thereafter. The initial term of office for Heber North and Wasatch County East shall be four (4) years as provided for in § 17-16-6. After the initial terms of office, the regular term of office of each district shall be four (4) years. With the exception of the initial installation of members elected by District, each term shall begin at noon on the first Monday of January following the election.

Section 2.05. Reapportionment and Adjustment of Council Districts

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

between residents and district Council members.

2. Maps of the initial Council Districts and the respective voting precincts are attached as Exhibits.

Section 2.06. Vacancies, Removal, and Replacement of Council Members

1. If any Council member shall:

- * die, resign,
- * cease to have their primary residency in the County or in the Council District from which elected,
- * become incapacitated for a period in excess of six months,
- * fail to attend 60% of the Council meetings in a three month period,
- * fail to perform their official duties for an unexcused period of two months,
- * or otherwise be removed from office pursuant to general law; their council membership shall be deemed vacant.

2. [Reserved.]

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

4. Vacancies on the Council shall be filled in the manner provided by state law; persons shall become candidates for election or appointment, as the case may be, by filing petitions substantially as provided for by Utah State Code and this Plan within the applicable time limitations.

5. 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 (4 members) select one Council member as Vice-Chair.

Section 2.07. Compensation of the Council

The compensation of the members of the Council shall be set by the Council by Resolution pursuant to Utah Code Section 17-16-14. All Council members' shall receive the same compensation, except that the Chair may receive an additional amount to compensate for the Chair's additional duties. The Council's compensation shall not include benefits; however, Council members may use their compensation and any other personal funds to purchase benefits, through the County, from the County's health administrator by paying the County the monthly charge assessed by the County's health administrator, provided that any personal funds used must be paid to the County prior to the County incurring the charge, pursuant to Article VI Section 29 of the Utah Constitution. Council members shall be reimbursed for actual expenses they incur in the course of their official duties.

Section 2.08. Voting on the Council

1. Voting, except on procedural motions, shall be by roll call and the vote shall be recorded in the Council minutes as a matter of public record.

2. According to Section 67-16-9 of the Utah code, no member shall have personal investments in any business entity which will create a substantial conflict between his private interests and his public duties. Furthermore, in addition to the disclosure required by Section 17-16a-8 of the Utah code, a member shall also abstain from any vote in which the member has a conflict of interest. ~~or when a majority of the Council votes that a conflict of interest requires abstention.~~ For the

purposes of this Plan, a conflict of interest includes a substantial interest as defined at Utah State Code Ann. Section 67-16-3(15) and any other conflict of interest recognized at common law. While members abstaining from a vote shall be considered present for the purposes of a quorum this shall not reduce the requirement of four (4) votes required for the passage of an item.

3. 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 simple majority of the Council; which consists of a minimum of four (4) affirmative votes.

Section 2.09. Meetings of the Council

The Council shall meet in a regular session at least twice per month and may, in addition, hold special meetings called in the manner provided by law. Proceedings and meetings of the Council shall be conducted in strict compliance with the Utah Open Meetings Act and with other applicable state statutes and county ordinances. Closed meetings are to be held only as allowed by state law. Meetings shall be held at a time and place that will best accommodate and encourage public attendance and involvement. 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 Wasatch 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 power 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 Manager, 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, 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.
9. In accordance with state statute and this Plan, supervise the conduct of all elected county officers, and the County Manager and see that they perform their duties.
10. Within one year after each decennial census report, modify council districts in accordance with state statute and this Plan.
11. Cause the County Clerk-Auditor to 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. Also, cause the County Clerk-Auditor to manage the county's approved budget and project any county revenues.

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

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

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

15. 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, or the Manager. 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 their 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. No member of the Council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies, attempt to exact any promise relative to any appointment from any candidate for manager, or discuss directly or indirectly with him the matter of specific appointments to any county office or employment. A violation of the foregoing provisions of this Subsection (3) shall forfeit the office of the offending member of the council. Nothing in this section shall be construed, however, as prohibiting the council while in open session or in closed meeting, as permitted by the Open Meetings Act, from fully and freely discussing with or suggesting to the manger anything pertaining to county affairs or the interest of the county. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from county employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contribution by a county employee to the party or candidate of the employee's choice.

Article Three: County Manager

Section 3.01. The County Manager

1. Pursuant to Section 17.52.505(2) and (4) of the state code, the chief executive officer of Wasatch County shall be the County Manager, who shall be evaluated for the position and appointed by at least a [two-thirds majority] 5 member vote of the County Council.

2. The manager shall meet the minimum qualifications for the office of County Manager consisting of a Bachelors degree in Public Administration, Business Management, Law, or a

related field, have a minimum of five (5) years of experience working at a management level in business or government. The successful candidate must be willing to live within a one hour drive from Wasatch County offices by the end of their first six months of employment.

Section 3.02. Term, Vacancy, Removal and Replacement

1. The term of the County Manager is not fixed. It is an "at will" position. The County Manager may be removed from office by a 4 member vote of the County Council.
2. The office of County Manager shall be deemed vacant if the Manager is removed, dies, resigns, or becomes incapacitated.
3. The Manager 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 Manager shall not hold any other elective or appointed public office in Wasatch County during the term of employment with the County.
5. A County Manager wishing to resign from the Office must submit to the Council a written resignation, with a brief statement of the reasons therefore and the date and time upon which the resignation is effective.

Section 3.03. Compensation

The initial base salary for the County Manager shall be between \$60,000.00 and \$75,000.00 per year (depending upon qualifications and experience), plus benefits, and may be modified as prescribed by state statute and county ordinance. In addition to base salary, the County Manager shall be entitled to the same employment benefits and insurance coverage as those afforded to appointed and full time elected officials. The County Manager 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 and county statutes. Additional compensation for certain expenses is permitted to the extent allowed by law. However, at no time may the County Manager's compensation be diminished during the term of office. The Council shall not offer the County Manager any type of compensation or benefit that would make it difficult or unduly expensive to terminate the County Manager if that were the will of the majority (4 votes) of the Council.

Section 3.04. Powers and Duties

The County Manger shall be the Chief Executive Officer of Wasatch County and is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested, by state statute or county ordinance, in independent elected officials. The specific enumeration of powers herein shall not be construed to limit or expand the executive powers of the County Manager as provided for in Section 17.52.505(2) and (4) of the state code. Except as limited by an ordinance by the county council pursuant to Section 17-52-505(2) (a), the County Manager's powers include, 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, 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 appointed County commissions and boards, with

Council advice and consent. In the exercise of this power, the Manager 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. Propose a budget to the Council in coordination with the county auditor as provided in Section 17-52-401(1)(c).

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 Manager 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 Manager shall sign all documents or instruments on behalf of Wasatch County, including contracts and bonding documents, but excluding legislative acts of the Council or documents which are to be signed by the County Clerk or other County Officer. The Manager 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 the intergovernmental relations liaison.

13. Shall attend and participate in Council meetings and discussions, with automatic standing on every agenda, personally or through an assistant, but without veto power nor the right to vote, and without such attendance counting towards a quorum.

14. Review, or cause to be reviewed, the Comprehensive or Master Zoning Plan of Wasatch County at least annually.

Section 3.05. The Office of the County Manager with the County Council's approval the County Manger may appoint such merit-exempt staff as may be necessary to discharge the duties of the Office of County Manager and as may be approved pursuant to state statute or county ordinance.

Article Four: Administrative Offices, Departments and Agencies

Section 4.01. General Provisions

1. All activities of the Executive Branch of Wasatch County under the direction and supervision of the County Manager shall be distributed among such Executive Branch departments and agencies as are established by this Plan or may be established by the County Manger 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 divisional 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 Officers of County Assessor, County Attorney, Clerk-Auditor, 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 Manager, 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 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 Manager, departments shall be established or modified by ordinance 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, polices and regulations necessary for the effective operation of the county personnel system. The specific rules and regulations shall be adopted by the Council. The Council shall take into consideration the advice and recommendations of County elected officials and the County Manager.
2. All elected and appointed county officials and county employees must conduct themselves in a manner consistent with county ordinances, personnel policies and procedures. 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 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. Upon voter approval of this Plan, the County Clerk shall file a certified true and correct copy of this Plan with the Lieutenant Governor, as required by the optional plan Statute. This plan shall become effective immediately upon election and swearing in of the new Council members.
2. As soon as practicable after this Plan is adopted by the voters, the County Clerk shall;
 - (a) Publish a notice stating that individuals wishing to run for office as Council members must file a declaration of candidacy or submit a nomination petition in accordance with state statute and county ordinance and this Plan no later than the deadline date stated in the notice, which shall be no later than 45 days after voter adoption of this Plan unless a court of competent jurisdiction determines otherwise.
 - (b) Select a date for the election for members of the new Council, which date shall be the very first and earliest special or general election date allowed by state statute, preferably in February 2001.
 - (c) Nominations will be held by normal political processes. In the event a primary election is required under Utah Code Ann. § 20A-9-403, the County Clerk shall schedule a special primary election with respect to such Council seat or seats for a Tuesday not less than 20 nor more than 35 days prior to the date set for the special election for the new Council. The special election for the new Council and the primary election, if any, shall be conducted, and notice of such elections shall be given in the manner provided by

law for other County special elections.

3. As soon as practicable after the new Council takes office, it shall determine to what extent, if any, implementation of this Plan requires adjustments to the County's budget appropriations, and the Council shall prepare and approve such adjustments, if any, in the manner provided by law (including, without limitation, compliance with any applicable notice and hearing requirements).
4. Once this plan is adopted by the voters, the County Commission shall after 10 days prior public notice, pass legislation and make such interim and temporary appointments as are necessary to bring about an orderly transition to the Plan. Such legislation may include, without limitation, any transfer 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.
5. The office of County Commissioner of Wasatch County shall be dissolved at the time the new council members are sworn in.
6. All current commissioners whose office is dissolved upon transition to this Plan are encouraged to file for any one of the seven (7) open council seats for which they qualify.

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 the next General Election to be held on or about November 7, 2000 or at an earlier election date if possible.

Section 5.03. Effective Date; Operative Date

This Plan shall take effect as an organic act for the government of Wasatch County on the date which the new council members are elected and sworn in.

Section 5.04. Continuity of Government

1. Wasatch 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 Wasatch 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 Wasatch County shall continue in full force and effect except to the extent they may be modified by the adoption of this Plan.
4. It is the intent of this section that there shall be no interruption in the continuity of offices and officers. Privileges and authority will pass directly from the existing Commission to the new Council. All other administrators, officers, or employees of the county shall continue in their duties uninterrupted.

Section 5.05. Retention of Property, Assets and Obligations

1. Wasatch 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 Wasatch 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 5.06. 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. Failure to do so may be sufficient cause for disciplinary action.

Section 5.07. Amendments to the Plan

Pursuant to the optional plan Statute, amendments to this Plan which are not contrary to the "Council-manager" structural form of county government established hereunder may be adopted by the Council by a two thirds vote (5 members) of all its members; but amendments adopted by the Council which are contrary to a specific requirement of the optional plan Statute applicable to the "Council-manager" structural form of county government shall not be effective unless submitted to and approved by a majority of the voters casting a vote on the question at a general or special election. Amendments to this Plan are County legislation and therefore may also be initiated or referred by petition of registered voters of the County in the manner provided by Chapter 7 of Title 20A, Utah Code, as amended from time to time.

Section 5.08. Revocation of Petition

With the unanimous approval of the petition sponsors, this petition may be withdrawn at any time within 90 days after certification but no later than 45 days before the election in which it is being considered.

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.

(Ord. 2005-24, Amended, 11/23/2005)