

**Senator Lincoln Fillmore** proposes the following substitute bill:

**COUNTY COUNSEL AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the responsibilities of certain attorneys who are representing a county.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies the duties of an attorney appointed by a county legislative body in a county that has a county executive-council form of county government;
- ▶ modifies the duties of a district or county attorney in a county that has a county executive-council form of county government; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-15-27**, as last amended by Laws of Utah 2018, Chapter 68



26 [17-18a-504](#), as enacted by Laws of Utah 2013, Chapter 237



27  
28 *Be it enacted by the Legislature of the state of Utah:*

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

30 **17-15-27. Appointment of legal counsel by county executive and county legislative**  
31 **body.**

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

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

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

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

39 (c) An attorney appointed under this Subsection (1) may represent the county executive  
40 in cases and controversies before courts and administrative agencies and tribunals when a  
41 conflict exists that precludes the county or district attorney from representing the county  
42 executive.

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

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

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

48 (ii) may not perform any of the functions of a county attorney or district attorney under  
49 this title, except as provided in this section and Section [17-18a-504](#).

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

54 Section 2. Section **17-18a-504** is amended to read:

55 **17-18a-504. Review and approve as to form.**

56 (1) As used in this section:

57           (a) "Appointed attorney" means an attorney who is appointed to advise and represent  
58 the legislative body of a county in accordance with Subsection [17-15-27\(2\)\(a\)](#).

59           (b) "Civil counsel" means an attorney, as that term is defined in Section [17-18a-102](#),  
60 who is exercising the attorney's civil duties for a county.

61           (2) The civil counsel [~~shall~~] may review and [~~approve~~] advise as to form and legality  
62 each county contract, ordinance, regulation, policy, real estate document, conveyance, and legal  
63 document.

64           (3) If a county has an appointed attorney, the legislative body may assign the appointed  
65 attorney to review and advise as to form and legality any county contract, ordinance, regulation,  
66 policy, real estate document, conveyance, or legal document.