

COUNTY AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to county funds.

Highlighted Provisions:

This bill:

▶ repeals Title 17, Chapter 19, County Auditor, and replaces it with Title 17, Chapter 19a, County Auditor, including:

- enacts general provisions;
- enacts provisions related to a county auditor's qualifications, powers, and duties;
- enacts provisions related to payments and warrants; and
- enacts provisions related to an investigation conducted by a county auditor;
- ▶ amends provisions related to the preparation of a tentative county budget;
- ▶ amends provisions related to the adoption of a county budget;
- ▶ amends provisions related to a purchase or encumbrance by a purchasing agent;
- ▶ amends provisions related to the county adoption of a financial administration ordinance;
- ▶ enacts provisions related to a county auditor's review, investigation, and payment of a claim against a county;
- ▶ amends provisions related to a county legislative body's authority to examine and audit certain accounts;
- ▶ amends provisions related to a county executive's authority to examine and audit



28 certain accounts; and
29 ▶ makes technical corrections.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 **AMENDS:**

- 36 **17-8-7**, as last amended by Laws of Utah 2011, Chapter 297
- 37 **17-24-1**, as last amended by Laws of Utah 2005, Chapter 105
- 38 **17-24-4**, as last amended by Laws of Utah 2001, Chapter 241
- 39 **17-36-3**, as last amended by Laws of Utah 2001, Chapter 241
- 40 **17-36-10**, as last amended by Laws of Utah 2011, Chapter 297
- 41 **17-36-11**, as last amended by Laws of Utah 1979, Chapter 62
- 42 **17-36-15**, as last amended by Laws of Utah 1999, Chapters 230 and 300
- 43 **17-36-20**, as enacted by Laws of Utah 1975, Chapter 22
- 44 **17-36-43**, as last amended by Laws of Utah 1993, Chapter 227
- 45 **17-50-401**, as last amended by Laws of Utah 2008, Chapter 382
- 46 **17-52-401**, as last amended by Laws of Utah 2011, Chapter 297
- 47 **17-53-212**, as renumbered and amended by Laws of Utah 2000, Chapter 133
- 48 **17-53-303**, as enacted by Laws of Utah 2000, Chapter 133
- 49 **20A-7-101**, as last amended by Laws of Utah 2011, Chapters 17 and 331

50 **ENACTS:**

- 51 **17-19a-101**, Utah Code Annotated 1953
- 52 **17-19a-102**, Utah Code Annotated 1953
- 53 **17-19a-201**, Utah Code Annotated 1953
- 54 **17-19a-202**, Utah Code Annotated 1953
- 55 **17-19a-203**, Utah Code Annotated 1953
- 56 **17-19a-204**, Utah Code Annotated 1953
- 57 **17-19a-205**, Utah Code Annotated 1953
- 58 **17-19a-206**, Utah Code Annotated 1953

- 59 **17-19a-207**, Utah Code Annotated 1953
- 60 **17-19a-208**, Utah Code Annotated 1953
- 61 **17-19a-209**, Utah Code Annotated 1953
- 62 **17-19a-301**, Utah Code Annotated 1953
- 63 **17-19a-401**, Utah Code Annotated 1953

64 REPEALS:

- 65 **17-19-1**, as last amended by Laws of Utah 1996, Chapter 212
- 66 **17-19-3**, as last amended by Laws of Utah 2001, Chapter 241
- 67 **17-19-5**, as last amended by Laws of Utah 1996, Chapter 212
- 68 **17-19-6**, Utah Code Annotated 1953
- 69 **17-19-7**, as last amended by Laws of Utah 2011, Chapter 297
- 70 **17-19-8**, Utah Code Annotated 1953
- 71 **17-19-9**, Utah Code Annotated 1953
- 72 **17-19-12**, as last amended by Laws of Utah 1996, Chapter 212
- 73 **17-19-13**, as last amended by Laws of Utah 1993, Chapter 227
- 74 **17-19-14**, as last amended by Laws of Utah 2011, Chapter 297
- 75 **17-19-19**, as last amended by Laws of Utah 2001, Chapter 241
- 76 **17-19-28**, Utah Code Annotated 1953
- 77 **17-19-29**, as enacted by Laws of Utah 1996, Chapter 212



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

80 Section 1. Section **17-8-7** is amended to read:

81 **17-8-7. Declaration of drought emergency -- Appropriation -- Tax levy.**

82 The county legislative body of each county may at any regular meeting or at a special
83 meeting called for such purpose, declare that an emergency drought exists in said county; and
84 thereupon may appropriate from the money not otherwise appropriated in the county general
85 fund such funds as shall be necessary for the gathering of information upon, and aiding in any
86 program for increased precipitation within said county or in conjunction with any other county
87 or counties, or that if there are not sufficient funds available in the county general fund for such
88 purpose, the county legislative body may, during any such emergency so declared by them,
89 assess, levy, and direct the county to collect annually to aid in any program of increased

90 precipitation. The provisions of [~~Sections 17-19-1 to 17-19-28~~] Chapter 19a, County Auditor
91 relating to budgeting do not apply to appropriations necessitated by such an emergency.

92 Section 2. Section **17-19a-101** is enacted to read:

93 **CHAPTER 19a. COUNTY AUDITOR**

94 **Part 1. General Provisions**

95 **17-19a-101. Title.**

96 This chapter is known as "County Auditor."

97 Section 3. Section **17-19a-102** is enacted to read:

98 **17-19a-102. Definitions.**

99 (1) "Account" or "accounting" means:

100 (a) the systematic recording, classification, or summarizing of a financial transaction or
101 event; and

102 (b) the interpretation or presentation of the result of an action described in Subsection
103 (1)(a).

104 (2) "Audit" or "auditing" means an examination that is a formal analysis of a county
105 account or county financial record:

106 (a) to verify accuracy, completeness, or compliance with an internal control;

107 (b) to give a fair presentation of a county's financial status; and

108 (c) that conforms to the uniform classification of accounts established by the state
109 auditor.

110 (3) "Book" means a financial record of the county, regardless of a record's format.

111 (4) (a) "Budget" or "budgeting" means a process or activity conducted by the budget
112 officer related to the preparation or presentation of a proposed or tentative budget as provided
113 in Chapter 36, Uniform Fiscal Procedures Act for Counties.

114 (b) "Budget" or "budgeting" includes:

115 (i) a revenue projection;

116 (ii) a budget request compilation; or

117 (iii) the performance of an activity described in Subsection (4)(b)(i) or (ii).

118 (5) "Budget officer" means a person described in Section 17-19a-204.

119 (6) (a) "Claim" means under the color of law:

120 (i) a demand presented for money or damages; or

121 (ii) a cause of action presented for money or damages.
 122 (b) "Claim" does not mean a routine, uncontested, or regular payment, including a bill,
 123 purchase, or payroll.

124 (7) "Performance audit" means a review and audit as described in Subsection
 125 17-19a-207(3) of a county program, county operation, county management system, or county
 126 agency to:

127 (a) review procedures, activities, or policies; and
 128 (b) determine whether the county is achieving the best levels of economy, efficiency,
 129 effectiveness, and compliance.

130 Section 4. Section **17-19a-201** is enacted to read:

131 **Part 2. Qualifications, Powers, and Duties**

132 **17-19a-201. Qualifications for office.**

133 In addition to the requirements listed in Section 17-16-1, a person filing a declaration
 134 for candidacy for the office of county auditor in a first class county shall be a certified public
 135 accountant licensed in Utah.

136 Section 5. Section **17-19a-202** is enacted to read:

137 **17-19a-202. Seal.**

138 (1) The county legislative body shall furnish the auditor a seal in accordance with
 139 Subsection (2).

140 (2) The seal shall contain or be impressed with:

141 (a) the name of the county; and
 142 (b) "State of Utah, County Auditor."

143 Section 6. Section **17-19a-203** is enacted to read:

144 **17-19a-203. General duties.**

145 A county auditor shall perform:

146 (1) in accordance with Section 17-19a-206, an accounting duty or service described in
 147 this chapter or otherwise required by law in accordance with generally accepted government
 148 accounting standards;

149 (2) an auditing duty or service described in this chapter or otherwise required by law in
 150 accordance with generally accepted government auditing standards; and

151 (3) other duties as may be required by law.

152 Section 7. Section **17-19a-204** is enacted to read:

153 **17-19a-204. Budget officer.**

154 The budget officer of a county is designated by:

155 (1) in a county commission form of government described in Section 17-52-501 or an
156 expanded county commission form of government described in Section 17-52-502, the county
157 commission;

158 (2) in the county executive-council form of government described in Section
159 17-52-504, the county executive; or

160 (3) in the council-manager form of government described in Section 17-52-505, the
161 county council.

162 Section 8. Section **17-19a-205** is enacted to read:

163 **17-19a-205. Auditing services.**

164 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), a county
165 auditor is authorized to audit the financial records and accounts of a:

166 (i) county office;

167 (ii) county department;

168 (iii) county division;

169 (iv) county justice court; or

170 (v) any other county entity.

171 (b) The county auditor may not audit the auditor's own office, including any of the
172 county auditor's financial records or accounts.

173 (2) The county auditor shall perform an audit:

174 (a) as needed, as defined by good management practices and the standards of the
175 profession; and

176 (b) based on the auditor's professional judgement, taking into account considerations
177 related to risk and materiality.

178 (3) Nothing in this section may be construed to affect a county legislative body's
179 authority under Section 17-53-212 or a county executive's authority under Section 17-53-303.

180 Section 9. Section **17-19a-206** is enacted to read:

181 **17-19a-206. Accounting services.**

182 (1) Except as provided in Subsection (2), the county auditor shall provide accounting

183 services for the county as established by ordinance.

184 (2) The county legislative body may, by ordinance, delegate an accounting service
185 provided for or executed on behalf of the entire county:

186 (a) to the county executive; or

187 (b) to an office's or department's officer or director.

188 (3) If a county legislative body delegates an accounting service in accordance with
189 Subsection (2), the legislative body shall make the delegation:

190 (a) in accordance with good management practice to foster effectiveness, efficiency,
191 and the adequate protection of a county asset; and

192 (b) by considering appropriate checks and balances within county government.

193 Section 10. Section **17-19a-207** is enacted to read:

194 **17-19a-207. Performance audit services.**

195 (1) (a) A county auditor shall, under the direction and supervision of the county
196 legislative body or county executive and subject to Subsections (1)(b) and (2), provide
197 performance audit services for a county office, department, division, or other county entity.

198 (b) A county auditor may not conduct a performance audit of the auditor's own office.

199 (2) The county legislative body or county executive shall establish the goals, nature,
200 and limitations of a performance audit and related services.

201 (3) A performance audit conducted in accordance with this section shall include a
202 review and audit of the following:

203 (a) the honesty and integrity of financial and other affairs;

204 (b) the accuracy and reliability of financial and management reports;

205 (c) the adequacy of financial controls to safeguard public funds;

206 (d) the management and staff adherence to statute, ordinance, policies, and legislative
207 intent;

208 (e) the economy, efficiency, and effectiveness of operational performance;

209 (f) the accomplishment of intended objectives; and

210 (g) whether management, financial, and information systems are adequate and
211 effective.

212 Section 11. Section **17-19a-208** is enacted to read:

213 **17-19a-208. Management of financial records -- Disposal of records.**

214 (1) A county auditor shall:
 215 (a) maintain the books of the county in such a manner as will show the amount of
 216 receipts from and disbursement of a county office, department, division, or other county entity;
 217 (b) keep accounts current with the county treasurer;
 218 (c) preserve a document, book, record, or paper that the county legislative body
 219 requires the auditor to keep in the auditor's office; and
 220 (d) make an item described in Subsection (1)(c) available for public inspection during
 221 office hours.

222 (2) The county auditor shall, in accordance with Title 63G, Chapter 2, Government
 223 Records Access and Management Act, remove from the auditor's files and destroy or otherwise
 224 dispose of:
 225 (a) fee statements of a county officer;
 226 (b) county warrants; and
 227 (c) claims against the county.

228 Section 12. Section **17-19a-209** is enacted to read:

229 **17-19a-209. Reporting -- State treasurer -- County legislative body.**

230 (1) On or before the last day of each month, the county auditor shall submit a report to
 231 the state treasurer regarding the collection, care, and disbursement of state money by the county
 232 during the preceding month.

233 (2) The county auditor and the county treasurer shall, as required by the county
 234 legislative body, make a joint report to the county executive and the county legislative body
 235 accounting for the financial condition of the county.

236 Section 13. Section **17-19a-301** is enacted to read:

237 **Part 3. Payments and Warrants**

238 **17-19a-301. Payments and warrants.**

239 (1) (a) Subject to Subsection (1)(b), if a debt or demand against a county is fixed by
 240 law, the debt or demand shall be paid by:

241 (i) subject to Subsection (2)(a), a warrant drawn by the county auditor or the county
 242 treasurer; or

243 (ii) subject to Subsection (2)(b), a check or other payment mechanism as may be
 244 adopted in accordance with Chapter 36, Uniform Fiscal Procedures Act for Counties.

245 (b) Subsection (1)(a) does not apply to a debt or demand against the county that is, in
246 accordance with law, audited by another person or tribunal.

247 (2) (a) The county auditor shall:

248 (i) distinctly specify on a warrant the liability for which the warrant is made and when
249 the liability accrued; and

250 (ii) notify the county treasurer:

251 (A) as described in Subsection (3)(b), of the date, amount, payee of, and number
252 assigned to a warrant; and

253 (B) of the aggregate amount of all contemporaneous payments by warrant.

254 (b) The county auditor shall notify the county treasurer and county executive:

255 (i) as described in Subsection (3)(b), of the amount and payee of all payments made by
256 check or other payment mechanism;

257 (ii) as described in Subsection (3)(b), the date of and number assigned to a check or
258 other payment mechanism; and

259 (iii) the aggregate amount of a contemporaneous payment.

260 (3) (a) As used in this Subsection (3), "remuneration" means a warrant, check, or other
261 payment mechanism.

262 (b) For a remuneration issued by the county auditor, the auditor shall:

263 (i) number each remuneration consecutively, commencing annually on the first day of
264 January; and

265 (ii) state on the remuneration:

266 (A) the number of the remuneration;

267 (B) the date of payment;

268 (C) the amount of the payment made;

269 (D) the name of the person to whom payable; and

270 (E) the purpose for which the remuneration was made.

271 (4) The county auditor shall dispose of a payment not presented for collection in
272 accordance with Title 67, Chapter 4a, Unclaimed Property Act.

273 (5) The county legislative body may delegate by ordinance the processing of payments
274 and warrants in accordance with Section 17-19a-206.

275 Section 14. Section **17-19a-401** is enacted to read:

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Part 4. Investigations

17-19a-401. County auditor investigative powers -- Report of findings.

(1) (a) A county auditor:

(i) may conduct an investigation of an issue or action associated with or related to the auditor's statutory duties, including investigating a book or account of a county officer, county office, or other county entity; and

(ii) may not conduct an investigation of an issue or action that is not associated with or related to the auditor's statutory duties.

(b) A county officer, employee, or other county administrative entity shall grant the county auditor complete and free access to a book requested by the county auditor in accordance with Subsection (1)(a)(i).

(c) A county auditor, with the assistance and consent of the county or district attorney, may:

(i) administer an oath or affirmation; or

(ii) issue an administrative subpoena for a witness or document necessary to the performance of the auditor's statutory duties.

(2) If the county auditor, after a complete investigation, finds that a book or account of a county officer, office, or other county administrative entity is not kept in accordance to law, or that an officer, office, or other county administrative entity has made an incorrect or improper financial report, the county auditor shall prepare a report of the auditor's findings and submit a copy of the report to the county executive.

(3) If a county auditor, after a complete investigation, finds that a justice court judge has not kept a book or account according to law, or that the justice court judge has made an incorrect or improper financial report, the auditor shall prepare a report of the auditor's findings and submit a copy of the report to the state court administrator, the county executive, and the county legislative body.

Section 15. Section **17-24-1** is amended to read:

17-24-1. General duties of treasurer.

The county treasurer shall:

(1) receive all money belonging to the county and all other money by law directed to be paid to the treasurer, including proceeds of bonds, notes, or other evidences of indebtedness

307 issued under Title 11, Chapter 14, Local Government Bonding Act;

308 (2) deposit and invest all money received under Title 51, Chapter 7, State Money
309 Management Act;

310 (3) keep a record of the receipts and expenditures of all such money;

311 (4) disburse county money:

312 (a) on a county warrant issued by the county auditor; or

313 (b) subject to [~~Sections 17-19-1, 17-19-3, and 17-19-5~~] Section 17-19a-301, by a
314 county check or such other payment mechanism as may be adopted pursuant to Chapter 36,
315 Uniform Fiscal Procedures Act for Counties;

316 (5) perform the duties assigned to the treasurer under Title 59, Chapter 2, Part 13,
317 Collection of Taxes;

318 (6) perform the duties under Title 59, Chapter 2, Part 13, Collection of Taxes, that have
319 been reassigned to the treasurer in an ordinance adopted under Section 17-16-5.5; and

320 (7) perform other duties that are required by law or ordinance.

321 Section 16. Section **17-24-4** is amended to read:

322 **17-24-4. Payment of warrants, checks, or other instruments.**

323 (1) When a warrant is presented for payment and there is money in the treasury, the
324 treasurer shall pay it.

325 (2) Upon receiving the notice from the county auditor under [~~Subsection~~
326 ~~17-19-3(3)(b)~~] Section 17-19a-301 and if there is adequate money in the treasury, the treasurer
327 shall, by check or other payment mechanism, make any payment not already paid by warrant.

328 (3) Notwithstanding Subsections (1) and (2), the treasurer has no obligation to pay any
329 warrant or to issue any check or other payment instrument before receiving the certified list
330 under Subsection 17-20-1.7(4).

331 Section 17. Section **17-36-3** is amended to read:

332 **17-36-3. Definitions.**

333 As used in this chapter:

334 (1) "Accrual basis of accounting" means a method where revenues are recorded when
335 earned and expenditures recorded when they become liabilities notwithstanding that the receipt
336 of the revenue or payment of the expenditure may take place in another accounting period.

337 (2) "Appropriation" means an allocation of money for a specific purpose.

338 (3) (a) "Budget" means a plan for financial operations for a fiscal period, embodying
339 estimates for proposed expenditures for given purposes and the means of financing the
340 expenditures.

341 (b) "Budget" may refer to the budget of a fund for which a budget is required by law, or
342 collectively to the budgets for all those funds.

343 (4) "Budgetary fund" means a fund for which a budget is required, such as those
344 described in Section 17-36-8.

345 (5) "Budget officer" means ~~[the county auditor, county clerk, or county executive as~~
346 ~~provided in Subsection 17-19-19(1)]~~ a person described in Section 17-19a-204.

347 (6) "Budget period" means the fiscal period for which a budget is prepared.

348 (7) "Check" means an order in a specific amount drawn upon the depository by any
349 authorized officer in accordance with Section ~~[17-19-3]~~ 17-9a-301 or 17-24-1.

350 (8) "Countywide service" means a service provided in both incorporated and
351 unincorporated areas of a county.

352 (9) "Current period" means the fiscal period in which a budget is prepared and adopted.

353 (10) "Department" means any functional unit within a fund which carries on a specific
354 activity.

355 (11) "Encumbrance system" means a method of budgetary control where part of an
356 appropriation is reserved to cover a specific expenditure by charging obligations, such as
357 purchase orders, contracts, or salary commitments to an appropriation account. An expenditure
358 ceases to be an encumbrance when paid or when the actual liability is entered in the books of
359 account.

360 (12) "Estimated revenue" means any revenue estimated to be received during the
361 budget period in any fund for which a budget is prepared.

362 (13) "Fiscal period" means the annual or biennial period for recording county fiscal
363 operations.

364 (14) "Fund" means an independent fiscal and accounting entity comprised of a sum of
365 money or other resources segregated for a specific purpose or objective.

366 (15) "Fund balance" means the excess of the assets over liabilities, reserves, and
367 contributions, as reflected by its books of account.

368 (16) "Fund deficit" means the excess of liabilities, reserves, and contributions over its

369 assets, as reflected by its books of account.

370 (17) "General Fund" means the fund used to account for all receipts, disbursements,
371 assets, liabilities, reserves, fund balances, revenues, and expenditures not required to be
372 accounted for in other funds.

373 (18) "Interfund loan" means a loan of cash from one fund to another, subject to future
374 repayment; but it does not constitute an expenditure or a use of retained earnings, fund balance,
375 or unappropriated surplus of the lending fund.

376 (19) "Last completed fiscal period" means the fiscal period next preceding the current
377 period.

378 (20) "Modified accrual basis of accounting" means a method under which expenditures
379 other than accrued interest on general long-term debt are recorded at the time liabilities are
380 incurred and revenues are recorded when they become measurable and available to finance
381 expenditures of the current period.

382 (21) "Municipal capital project" means the acquisition, construction, or improvement
383 of capital assets that facilitate providing municipal service.

384 (22) "Municipal service" means a service not provided on a countywide basis and not
385 accounted for in an enterprise fund, and includes police patrol, fire protection, culinary or
386 irrigation water retail service, water conservation, local parks, sewers, sewage treatment and
387 disposal, cemeteries, garbage and refuse collection, street lighting, airports, planning and
388 zoning, local streets and roads, curb, gutter, and sidewalk maintenance, and ambulance service.

389 (23) "Retained earnings" means that part of the net earnings retained by an enterprise
390 or internal service fund which is not segregated or reserved for any specific purpose.

391 (24) "Special fund" means any fund other than the General Fund, such as those
392 described in Section 17-36-6.

393 (25) "Unappropriated surplus" means that part of a fund which is not appropriated for
394 an ensuing budget period.

395 (26) "Warrant" means an order in a specific amount drawn upon the treasurer by the
396 auditor.

397 Section 18. Section **17-36-10** is amended to read:

398 **17-36-10. Preparation of tentative budget.**

399 (1) On or before the first day of the next to last month of every fiscal period, the budget

400 officer shall prepare for the next budget period and file with the governing body a tentative
401 budget for each fund for which a budget is required.

402 (2) (a) A department for which county funds are appropriated shall file with the budget
403 officer not less than three months before the commencement of each fiscal year on forms
404 furnished by the budget officer a detailed estimate and statement of the revenue and necessary
405 expenditures of the department for the next budget year.

406 (b) The estimate and statement described in Subsection (2)(a) shall set forth:

407 (i) the number of persons to be regularly employed;

408 (ii) the kinds of service the department will perform;

409 (iii) the salaries and wages the department expects to pay;

410 (iv) the kind of work the department will perform and the improvements the
411 department expects to make; and

412 (v) the estimated cost of the service, work, and improvements.

413 (c) The statement shall also record performance data expressed in work units, unit
414 costs, man hours, and man years sufficient in detail, content, and scope to permit the budget
415 officer to prepare and process the county budget.

416 (3) In the preparation of the budget, the budget officer and all other county officers are
417 subject to Sections 17-36-1 through 17-36-44 and to the uniform system of budgeting,
418 accounting, and reporting established therein.

419 [~~2~~ ~~The~~] (4) In the tentative budget the budget officer shall set forth in tabular form:

420 (a) actual revenues and expenditures in the last completed fiscal period;

421 (b) estimated total revenues and expenditures for the current fiscal period;

422 (c) the estimated available revenues and expenditures for the ensuing budget period
423 computed by determining:

424 (i) the estimated expenditure for each fund after review of each departmental budget
425 request;

426 (ii) (A) the total revenue requirements of the fund;

427 (B) the part of the total revenue that will be derived from revenue sources other than
428 property tax; and

429 (C) the part of the total revenue that shall be derived from property taxes; and

430 (d) if required by the governing body, actual performance experience to the extent

431 available in work units, unit costs, man hours, and man years for each budgeted fund that
432 includes an appropriation for salaries or wages for the last completed fiscal period and the first
433 eight months of the current fiscal period if the county is on an annual fiscal period, or the first
434 20 months of the current fiscal period if the county is on a biennial fiscal period, together with
435 the total estimated performance data of like character for the current fiscal period and for the
436 ensuing budget period.

437 ~~[(3)]~~ (5) The budget officer may recommend modification of any departmental budget
438 request under Subsection ~~[(2)]~~ (4)(c)(i) before it is filed with the governing body, if each
439 department head has been given an opportunity to be heard concerning the modification.

440 ~~[(4) Each]~~ (6) (a) A tentative budget shall contain the estimates of expenditures
441 submitted by any department together with specific work programs and other supportive data as
442 the governing body requests. ~~[The]~~

443 (b) The budget officer shall include with the tentative budget ~~[shall be accompanied]~~
444 by a supplementary estimate of all capital projects or planned capital projects within the budget
445 period and within the next three succeeding years.

446 ~~[(5)(a) Each]~~ (7) (a) A budget officer that submits a tentative budget ~~[submitted]~~ in a
447 county with a population in excess of 25,000 determined ~~[pursuant to]~~ in accordance with
448 Section 17-36-4 shall ~~[be accompanied by]~~ include with the tentative budget a budget message
449 in explanation of the budget.

450 (b) The budget message shall contain an outline of the proposed financial policies of
451 the county for the budget period and describe the important features of the budgetary plan. It
452 shall also state the reasons for changes from the previous fiscal period in appropriation and
453 revenue items and explain any major changes in financial policy.

454 (c) A budget message for counties with a population of less than 25,000 is
455 recommended but not incumbent upon the budget officer.

456 ~~[(6) The]~~ (8) (a) The governing body shall review, consider, and tentatively adopt a
457 tentative budget ~~[shall be reviewed, considered, and tentatively adopted by the governing body]~~
458 in a regular or special meeting called for that purpose. ~~[It may thereafter be amended or revised~~
459 ~~by the governing body prior to public hearings thereon, except that no]~~

460 (b) (i) Subject to Subsection (8)(b)(ii), the governing body may thereafter amend or
461 revise the tentative budget prior to public hearings on the tentative budget.

462 (ii) A governing body may not:

463 (A) reduce below the required minimum an appropriation required for debt retirement
464 and interest; or [reduction, pursuant to Section 17-36-17, of any deficits which exist may be
465 reduced below the required minimum.]

466 (B) reduce, in accordance with Section 17-36-17, an existing deficit.

467 Section 19. Section **17-36-11** is amended to read:

468 **17-36-11. Tentative budget -- Public record prior to adoption.**

469 The tentative budget and all supportive schedules and data shall be a public record
470 available for inspection during business hours at the [~~offices~~] office of the [~~county clerk or~~
471 ~~auditor~~] budget officer for at least 10 days prior to the public hearing on the adoption of a final
472 budget.

473 Section 20. Section **17-36-15** is amended to read:

474 **17-36-15. Adoption of budget -- Immunity.**

475 (1) (a) On or before the last day of each fiscal period, the governing body by resolution
476 shall adopt the budget [which, subject to further amendment, shall thereafter be].

477 (b) A budget adopted in accordance with Subsection (1)(a) is, unless amended, in
478 effect for the next fiscal period. [~~A~~]

479 (c) The budget officer shall:

480 (i) certify a copy of the final budget, and of any subsequent budget amendment
481 [thereof, shall be certified by the budget officer and filed]; and

482 (ii) file a copy with the state auditor not later than 30 days after [its adoption. A copy,
483 similarly certified, shall be filed] the day on which the governing body adopts the budget.

484 (d) The budget officer shall file a certified copy of the budget in the office of the
485 budget officer for inspection by the public during business hours.

486 (2) (a) Except as provided in Subsection (2)(b), a county officer or county employee
487 may not file a legal action in state or federal court against the county, a department, or a county
488 officer for any matter related to the following:

489 (i) the adoption of a county budget;

490 (ii) a county appropriation;

491 (iii) a county personnel allocation; or

492 (iv) a fund related to the county budget, a county appropriation, or a county personnel

493 allocation.

494 (b) A county or district attorney may enforce a procedural requirement that governs the
495 adoption or approval of a budget in accordance with this chapter.

496 Section 21. Section **17-36-20** is amended to read:

497 **17-36-20. Purchases or encumbrances by purchasing agent.**

498 [~~All purchases or all encumbrances~~]

499 (1) A person may not make a purchase or incur an encumbrance on behalf of [~~any~~] a
500 county [~~shall be made or incurred only upon~~] unless that person acts in accordance with an
501 order by the or approval of the person duly authorized to act as purchasing agent for the
502 county[~~, except encumbrances or expenditures directly investigated and reported by the county~~
503 ~~auditor and approved by the governing body~~].

504 (2) Unless otherwise provided by the governing body, the budget officer or [such] the
505 budget officer's agents shall serve as a purchasing agent.

506 Section 22. Section **17-36-43** is amended to read:

507 **17-36-43. Financial administration ordinance -- Purposes.**

508 The county legislative body, after consultation with the county auditor, may adopt a
509 financial administration ordinance authorizing the county auditor, county executive, county
510 manager, or [~~appointed administrator~~], in the case of county operated hospitals or mental health
511 districts, an appointed administrator, to act as the financial officer for the purpose of approving:

512 (1) payroll checks, if the checks are prepared in accordance with a salary schedule
513 established in a personnel ordinance or resolution; or

514 (2) routine expenditures, such as utility bills, payroll-related expenses, supplies,
515 materials, and payments on county-approved contracts and capital expenditures which are
516 referenced in the budget document and approved by an appropriation resolution adopted for the
517 current fiscal year.

518 Section 23. Section **17-50-401** is amended to read:

519 **17-50-401. Review of claims by county executive -- Auditor review -- Attorney**
520 **review -- Claim requirements -- Approval or disapproval of claim -- Written explanation**
521 **of claim process.**

522 (1) Subject to Subsection (3), each county executive shall review each claim against
523 the county and disapprove or, if payment appears to the county executive to be just, lawful, and

524 properly due and owing, approve the claim.

525 (2) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall
526 deliver the notice of claim to the county executive.

527 (3) (a) The county executive shall forward all claims regarding liability or attorney fees
528 to the county attorney, or, in a county that has a district attorney but not a county attorney, to
529 the district attorney for the attorney's review and recommendation to the county executive
530 regarding liability and payment.

531 (b) Except as provided in Section 17-50-405, the county executive shall forward all
532 claims requesting payment for goods or services to the county auditor for the auditor's review
533 and recommendation, subject to Subsection (7), to the county executive.

534 (4) Each claim for goods or services against a county shall:

535 (a) itemize the claim, giving applicable names, dates, and particular goods provided or
536 services rendered;

537 (b) if the claim is for service of process, state the character of process served, upon
538 whom served, the number of days engaged, and the number of miles traveled;

539 (c) be duly substantiated as to its correctness and as to the fact that it is justly due;

540 (d) if the claim is for materials furnished, state to whom the materials were furnished,
541 by whom ordered, and the quantity and price agreed upon; and

542 (e) be presented to the county executive within a year after the last item of the account
543 or credit accrued.

544 (5) If the county executive refuses to hear or consider a claim because it is not properly
545 made out, the county executive shall cause notice of the refusal to be given to the claimant or
546 the claimant's agent and shall allow a reasonable amount of time for the claim to be properly
547 itemized and substantiated.

548 (6) Each county shall prepare and make available to a person submitting or intending to
549 submit a claim under this part a written explanation, in simple and easy to understand language,
550 of how to submit a claim to the county and of the county's process for receiving, reviewing, and
551 deciding a claim.

552 (7) Upon receiving a claim in accordance with Subsection (3)(b), the county auditor
553 shall:

554 (a) (i) investigate, examine, review, and inspect the claim; and

555 (ii) (A) recommend that the county executive approve or reject the claim; and
556 (B) endorse the recommendation;
557 (b) after completing the investigation, examination, and inspection, report the claim
558 and the recommendation described in Subsection (7)(a)(ii) to the county executive; and
559 (c) keep a complete record of the claim, the claim recommendation, the reasons for the
560 recommendation, and the county executive's final action as described in Subsection (8).
561 (8) After receiving the county or district attorney's recommendation in accordance with
562 Subsection (3)(a), or the county auditor's recommendation in accordance with Subsection
563 (3)(b), the county executive shall decide whether to approve or reject a claim.
564 (9) (a) The county auditor shall pay, subject to Subsection (9)(b), a claim approved by
565 the county executive in accordance with Subsection (8) by:
566 (i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled
567 to payment; or
568 (ii) a county check or other payment mechanism as may be adopted in accordance with
569 Chapter 36, Uniform Fiscal Procedures Act for Counties.
570 (b) The county auditor may not pay a claim against the county unless:
571 (i) the auditor:
572 (A) receives from the county executive a certified list described in Subsection
573 17-20-1.7(4); and
574 (B) has complied with the recommendation and other requirements of Subsection (7);
575 and
576 (ii) the county executive has approved the claim in accordance with Subsection (8).
577 [(7)] (10) Nothing in this section may be construed to modify the requirements of
578 Section 63G-7-401.
579 Section 24. Section **17-52-401** is amended to read:
580 **17-52-401. Contents of proposed optional plan.**
581 (1) Each optional plan proposed under this chapter:
582 (a) shall propose the adoption of one of the forms of county government listed in
583 Subsection 17-52-402(1)(a);
584 (b) shall contain detailed provisions relating to the transition from the existing form of
585 county government to the form proposed in the optional plan, including provisions relating to

586 the:

587 (i) election or appointment of officers specified in the optional plan for the new form of
588 county government;

589 (ii) retention, elimination, or combining of existing offices and, if an office is
590 eliminated, the division or department of county government responsible for performing the
591 duties of the eliminated office;

592 (iii) continuity of existing ordinances and regulations;

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

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

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

596 (c) shall specify the date it is to become effective if adopted, which may not be earlier
597 than the first day of January next following the election of officers under the new plan; and

598 (d) notwithstanding any other provision of this title and except with respect to an
599 optional plan that proposes the adoption of the county commission or expanded county
600 commission form of government, with respect to the county budget[~~:(i) may provide that the~~
601 ~~county auditor's role is to be the budget officer, to project county revenues, and to prepare a~~
602 ~~tentative budget to present to the county executive; and (ii)] shall provide that the county
603 executive's role is to prepare and present a proposed budget to the county legislative body, and
604 the county legislative body's role is to adopt a final budget.~~

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

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

609 (4) Each optional plan proposing to change the form of government to a form under
610 Section 17-52-504 or 17-52-505 shall:

611 (a) provide for the same executive and legislative officers as are specified in the
612 applicable section for the form of government being proposed by the optional plan;

613 (b) provide for the election of the county council;

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

616 (d) specify whether the members of the county council are to be elected from districts,

617 at large, or by a combination of at large and by district;

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

620 (f) contain procedures for filling vacancies on the county council, consistent with the
621 provisions of Section 20A-1-508; and

622 (g) state the initial compensation, if any, of county council members and procedures for
623 prescribing and changing compensation.

624 (5) Each optional plan proposing to change the form of government to the county
625 commission form under Section 17-52-501 or the expanded county commission form under
626 Section 17-52-502 shall specify:

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

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

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

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

635 (d) if any members of the county commission are to be elected from districts, the
636 district residency requirements for those commission members.

637 Section 25. Section **17-53-212** is amended to read:

638 **17-53-212. Examination and audit of accounts.**

639 (1) A county legislative body may examine and audit the accounts of all officers having
640 the care, management, collection, or disbursement of money belonging to the county or
641 appropriated by law or otherwise for its use and benefit.

642 (2) Nothing in this section may be construed to affect a county auditor's authority under
643 Chapter 19a, County Auditor.

644 Section 26. Section **17-53-303** is amended to read:

645 **17-53-303. Examination and audit of accounts.**

646 (1) The county executive may examine and audit the accounts of all officers having the
647 care, management, collection, or disbursement of money belonging to the county or

648 appropriated by law or otherwise for its use and benefit.

649 (2) Nothing in this section may be construed to affect a county auditor's authority under
650 Chapter 19a, County Auditor.

651 Section 27. Section **20A-7-101** is amended to read:

652 **20A-7-101. Definitions.**

653 As used in this chapter:

654 (1) "Budget officer" means:

655 (a) for a county, the person designated as budget officer in Section [~~17-19-19~~]

656 17-9a-204;

657 (b) for a city, the person designated as budget officer in Subsection 10-6-106(5); or

658 (c) for a town, the town council.

659 (2) "Certified" means that the county clerk has acknowledged a signature as being the
660 signature of a registered voter.

661 (3) "Circulation" means the process of submitting an initiative or referendum petition
662 to legal voters for their signature.

663 (4) "Final fiscal impact statement" means a financial statement prepared after voters
664 approve an initiative that contains the information required by Subsection 20A-7-202.5(2) or
665 20A-7-502.5(2).

666 (5) "Initial fiscal impact estimate" means a financial statement prepared according to
667 the terms of Section 20A-7-202.5 or 20A-7-502.5 after the filing of an application for an
668 initiative petition.

669 (6) "Initiative" means a new law proposed for adoption by the public as provided in
670 this chapter.

671 (7) "Initiative packet" means a copy of the initiative petition, a copy of the proposed
672 law, and the signature sheets, all of which have been bound together as a unit.

673 (8) "Legal signatures" means the number of signatures of legal voters that:

674 (a) meet the numerical requirements of this chapter; and

675 (b) have been certified and verified as provided in this chapter.

676 (9) "Legal voter" means a person who:

677 (a) is registered to vote; or

678 (b) becomes registered to vote before the county clerk certifies the signatures on an

679 initiative or referendum petition.

680 (10) "Local attorney" means the county attorney, city attorney, or town attorney in
681 whose jurisdiction a local initiative or referendum petition is circulated.

682 (11) "Local clerk" means the county clerk, city recorder, or town clerk in whose
683 jurisdiction a local initiative or referendum petition is circulated.

684 (12) (a) "Local law" includes an ordinance, resolution, master plan, and any
685 comprehensive zoning regulation adopted by ordinance or resolution.

686 (b) "Local law" does not include an individual property zoning decision.

687 (13) "Local legislative body" means the legislative body of a county, city, or town.

688 (14) "Local obligation law" means a local law passed by the local legislative body
689 regarding the issuance of a bond, note, lease, finance agreement, or other similar obligation.

690 (15) "Measure" means a proposed constitutional amendment, an initiative, or
691 referendum.

692 (16) "Referendum" means a process by which a law passed by the Legislature or by a
693 local legislative body is submitted or referred to the voters for their approval or rejection.

694 (17) "Referendum packet" means a copy of the referendum petition, a copy of the law
695 being submitted or referred to the voters for their approval or rejection, and the signature
696 sheets, all of which have been bound together as a unit.

697 (18) (a) "Signature" means a holographic signature.

698 (b) "Signature" does not mean an electronic signature.

699 (19) "Signature sheets" means sheets in the form required by this chapter that are used
700 to collect signatures in support of an initiative or referendum.

701 (20) "Sponsors" means the legal voters who support the initiative or referendum and
702 who sign the application for petition copies.

703 (21) "Sufficient" means that the signatures submitted in support of an initiative or
704 referendum petition have been certified and verified as required by this chapter.

705 (22) "Verified" means acknowledged by the person circulating the petition as required
706 in Sections 20A-7-205 and 20A-7-305.

707 Section 28. **Repealer.**

708 This bill repeals:

709 Section 17-19-1, **County auditor's powers and duties.**

- 710 Section **17-19-3, Payments -- Notification.**
- 711 Section **17-19-5, Numbering of payments -- Payments not presented for collection.**
- 712 Section **17-19-6, Books to show receipts and disbursements.**
- 713 Section **17-19-7, Current accounts with treasurer.**
- 714 Section **17-19-8, Administration of oaths -- Subpoena power.**
- 715 Section **17-19-9, Books open to inspection.**
- 716 Section **17-19-12, Joint statement with treasurer.**
- 717 Section **17-19-13, Seal.**
- 718 Section **17-19-14, Duties -- Omnibus provision.**
- 719 Section **17-19-19, Budget officer -- Departmental revenue and expenditure reports.**
- 720 Section **17-19-28, Destruction of fee statements, warrants and claims filed for 10**
- 721 **years.**
- 722 Section **17-19-29, Monthly report to state treasurer.**

Legislative Review Note
as of **1-20-12 1:12 PM**

Office of Legislative Research and General Counsel