

Effective 1/1/2015

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

- (1) Subject to Subsection (3), each county executive shall review each claim, as defined in Section 17-19a-102, against the county and disapprove or, if payment appears to the county executive to be just, lawful, and properly due and owing, approve the claim.
- (2) Upon receiving a notice of claim under Section 63G-7-401, the county clerk shall deliver the notice of claim to the county executive.
- (3)
 - (a) The county executive shall forward all claims regarding liability or attorney fees to the county attorney, or, in a county that has a district attorney but not a county attorney, to the district attorney for the attorney's review and recommendation to the county executive regarding liability and payment.
 - (b) Except as provided in Section 17-50-405, the county executive shall forward all claims requesting payment for goods or services to the county auditor for the auditor's review and recommendation, subject to Subsection (7), to the county executive.
- (4) Each claim for goods or services against a county shall:
 - (a) itemize the claim, giving applicable names, dates, and particular goods provided or services rendered;
 - (b) if the claim is for service of process, state the character of process served, upon whom served, the number of days engaged, and the number of miles traveled;
 - (c) be duly substantiated as to its correctness and as to the fact that it is justly due;
 - (d) if the claim is for materials furnished, state to whom the materials were furnished, by whom ordered, and the quantity and price agreed upon; and
 - (e) be presented to the county executive within a year after the last item of the account or credit accrued.
- (5) If the county executive refuses to hear or consider a claim because it is not properly made out, the county executive shall cause notice of the refusal to be given to the claimant or the claimant's agent and shall allow a reasonable amount of time for the claim to be properly itemized and substantiated.
- (6) Each county shall prepare and make available to a person submitting or intending to submit a claim under this part a written explanation, in simple and easy to understand language, of how to submit a claim to the county and of the county's process for receiving, reviewing, and deciding a claim.
- (7) Upon receiving a claim in accordance with Subsection (3)(b), the county auditor shall:
 - (a)
 - (i) investigate, examine, review, and inspect the claim; and
 - (ii)
 - (A) recommend that the county executive approve or reject the claim; and
 - (B) endorse the recommendation;
 - (b) after completing the investigation, examination, and inspection, report the claim and the recommendation described in Subsection (7)(a)(ii) to the county executive; and
 - (c) keep a complete record of the claim, the claim recommendation, the reasons for the recommendation, and the county executive's final action as described in Subsection (8).
- (8) After receiving the county or district attorney's recommendation in accordance with Subsection (3)(a), or the county auditor's recommendation in accordance with Subsection (3)(b), the county executive shall decide whether to approve or reject a claim.
- (9)

- (a) The county auditor shall pay, subject to Subsection (9)(b), a claim approved by the county executive in accordance with Subsection (8) by:
 - (i) a warrant drawn by the auditor on the county treasurer in favor of the person entitled to payment; or
 - (ii) a county check or other payment mechanism as may be adopted in accordance with Chapter 36, Uniform Fiscal Procedures Act for Counties.
- (b) The county auditor may not pay a claim against the county unless:
 - (i) the auditor:
 - (A) receives from the county executive a certified list described in Subsection 17-20-1.7(4); and
 - (B) has complied with the recommendation and other requirements of Subsection (7); and
 - (ii) the county executive has approved the claim in accordance with Subsection (8).
- (10) Nothing in this section may be construed to modify the requirements of Section 63G-7-401.

Amended by Chapter 17, 2012 General Session