

Part 1 General Provisions

17-53-101 County officers enumerated.

- (1) The elected officers of a county are:
 - (a)
 - (i) in a county operating under a county commission or expanded county commission form of government, county commission members; or
 - (ii) in a county operating under one of the other forms of county government under Subsection 17-52-402(1)(a), county legislative body members and the county executive;
 - (b) a county treasurer, a sheriff, a county clerk, a county auditor, a county recorder, a county attorney, a district attorney in a county which is part of a prosecution district, a county surveyor, and a county assessor; and
 - (c) any others provided by law.
- (2) Notwithstanding Subsection (1), in counties having a taxable value of less than \$100,000,000 the county clerk shall be ex officio auditor of the county and shall perform the duties of the office without extra compensation.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-103 Unauthorized payment or warrant -- Investigation by another county attorney -- Action to enjoin or recover payment.

- (1)
 - (a) If a county officer, without authority of law, orders any money paid for any purpose, or if any other county officer draws a warrant in the officer's own favor or in favor of any other person without being authorized to do so by the county legislative body or by law, the county attorney of that county shall request a county attorney from another county to investigate whether an unauthorized payment has been ordered or an unauthorized warrant drawn.
 - (b) If the county attorney requests a county attorney from another county to investigate under Subsection (1)(a), the county attorney shall deputize the investigating county attorney.
- (2) If an investigating county attorney determines that an unauthorized payment has been ordered or that an unauthorized warrant has been drawn, that county attorney may commence and prosecute an action in the name of the county:
 - (a) if the payment has not been made or the warrant paid, to enjoin the payment of the unauthorized payment or of the unauthorized warrant; or
 - (b) if the payment has been made or the warrant paid, to recover from the payee or the county officer and the officer's official bondsman the amount paid.
- (3) An order of the county legislative body is not necessary in order to maintain an action under Subsection (2).

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-104 Vacancy in a county office -- Vacancies in the office of county attorney or district attorney.

- (1) Except as provided in Subsection (2), a vacancy in a county office shall be filled as provided in Section 20A-1-508.

- (2) A vacancy in the office of county attorney or district attorney shall be filled as provided in Sections 20A-1-509.1, 20A-1-509.2, and 20A-1-509.3.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-105 Deposit of money in treasury.

Each officer who collects any money on behalf of the county shall as rapidly as it is collected deposit it into the county treasury.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-106 Supervision of county elected officers -- Legislative body and executive may examine and audit accounts and conduct investigation.

- (1) As used in this section, "professional duties" means a county elected officer's functions, duties, and responsibilities specifically provided for by law and includes:
- (a) the exercise of professional judgment and discretion reasonably related to the officer's required functions, duties, and responsibilities; and
 - (b) the management of deputies and other employees under the supervision of the elected officer under statute or county ordinance, policy, or regulation.
- (2)
- (a) A county legislative body and a county executive each:
 - (i) may generally direct and supervise all elected county officers and employees to ensure compliance with general county administrative ordinances, rules, or policies;
 - (ii) may not direct or supervise other elected county officers or their sworn deputies with respect to the performance of the professional duties of the officers or deputies;
 - (iii) may examine and audit the accounts of all county officers having the care, management, collection, or distribution of money belonging to the county, appropriated to the county, or otherwise available for the county's use and benefit; and
 - (iv) may investigate any matter pertaining to a county officer or to the county or its business or affairs, and may require the attendance of witnesses and take evidence in any such investigation.
 - (b) In an investigation under Subsection (2)(a)(iv):
 - (i) the county executive or any member of the county legislative body may issue subpoenas and administer oaths to witnesses; and
 - (ii) if the county legislative body appoints members of the legislative body as a committee and confers on the committee power to hear or take evidence, the committee shall have the same power as the full county legislative body.
- (3) Nothing in this section may be construed to prohibit the county executive or county legislative body from initiating an action for removal or prosecution of an elected county officer as provided by statute.

Amended by Chapter 11, 2002 General Session

Amended by Chapter 185, 2002 General Session