

ORDINANCE 2018-16

AN ORDINANCE AMENDING CHAPTER 3, COUNTY OFFICIALS – BOND, OF TITLE 1, GENERAL PROVISIONS, OF THE TOOEELE COUNTY CODE

WHEREAS, Utah Code Section 17-16-11 provides that the legislative body of each county shall prescribe the amount of each general fidelity bond or of theft or crime insurance to be acquired for county officials, except the county treasurer, which is governed by the State Money Management Act and rules promulgated thereunder, as the same may be amended; and

WHEREAS, Tooele County has an interest in updating the Tooele County Code to conform to the current Utah Code; and

WHEREAS, the Tooele County Board of Commissioners finds that this ordinance is in the best interest of Tooele County and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOEELE COUNTY, UTAH AS FOLLOWS:

SECTION I – PURPOSE. The purpose of this ordinance is to fulfill the requirement of government to promote the public health, safety, and welfare of the residents of Tooele County. This ordinance renames and amends Section 1-3-1 and repeals Sections 1-3-3 and 1-3-4 of the Tooele County Code.

SECTION II – AUTHORITY. The Tooele County Commission adopts this ordinance pursuant to Title 1, Chapter 2, Section 4 of the Tooele County Code and other authorities and provisions of Utah Statutory and Common laws as applicable.

SECTION III – CHAPTER AMENDED. Chapter 3, *County Officials – Bond*, of Title 1, *General Provisions*, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

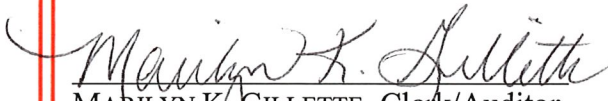
SECTION IV – REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V – EFFECTIVE DATE. This ordinance shall take effect immediately following its adoption and signature by the Tooele County Commission.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 20th day of November 2018.

ATTEST:

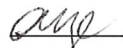
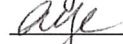

TOOELE COUNTY COMMISSION:



MARILYN K. GILLETTE, Clerk/Auditor


WADE B. BITNER, Chairman



APPROVED AS TO FORM:

Commissioner Bateman voted 
Commissioner Bitner voted 
Commissioner Milne voted 


SCOTT A. BROADHEAD
Tooele County Attorney

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 3

COUNTY OFFICIALS – BOND

Section

- 1-3-1. General fidelity bond or theft or crime insurance required, amounts, faithful performance blanket position bond allowed, and premiums paid.**
- 1-3-2. Treasurer bond.**
- 1-3-3. Repealed.**
- 1-3-4. Repealed.**
- 1-3-5. Bond premiums.**
- 1-3-6. Approval of bond filing.**
- 1-3-7. Repealed.**

1-3-1. General fidelity bond or theft or crime insurance required, amounts, faithful performance blanket position bond allowed, and premiums paid.

(1) No fidelity bonds are required under this ordinance, unless an individual bond is required under a contract entered into by the county or by state law. All other officers shall be covered by theft or crime insurance secured by the county.

(2) Before entering upon the discharge of their respective offices, the following officers shall be covered by theft or crime insurance with a per occurrence limit of not less than the amounts or required by State law, as follows:

<u>Office</u>	<u>Penalty/Coverage</u>
Commissioners	\$ 5,000
Clerk	\$ 5,000
Auditor	\$ 5,000
Sheriff	\$20,000
Attorney	\$ 5,000
Recorder	\$ 5,000
Assessor	\$20,000
Surveyor	\$ 5,000
Justice Court Judge	\$ 5,000
Constable	\$ 5,000
Treasurer	(As set by the State Money Management Council)
Deputies/Assistants	\$ 2,500

(3) If any of the offices listed are combined in accordance with Section 17-16-3 of the Utah Code, the combined office shall not require multiple policies of insurance and the coverage limit for theft or crime insurance for the combined office shall not be less than the highest requirement of the offices so combined.

(4) If any of the offices listed are held by an appointed officer under contract with the county, the limit of coverage for theft or crime insurance required shall be as agreed to under such contract.

(5) Theft or crime insurance covering county officials under this ordinance shall be provided by an admitted or surplus lines insurance carrier or an interlocal cooperative agency acting as a public agency insurance mutual, or joint reserve fund. Any bonds required under contract shall be approved by the County Legislative Body, recorded by the county recorder, and filed and kept in the office of the county clerk. Any theft or crime insurance secured for the purpose of complying with this ordinance shall be approved by the County Legislative Body.

(6) County officials and personnel of the county, except any officials who may be required by state statutes to give an individual bond or be covered by theft or crime insurance to qualify for office, may be covered by blanket theft or crime insurance coverage rather than separate individual policies or coverage. Said theft or crime insurance shall provide a minimum coverage limit of the maximum coverage required by state statute or county ordinance of any person covered by such blanket theft or crime insurance.

(7) As required by Section 17-16-11 of the Utah Code, the premium of any bond or theft or crime insurance referred to herein, shall be paid from county funds.

1-3-2. Treasurer bond.

The County Treasurer shall execute an official bond in an amount prescribed by the Utah State Money Management Council.

1-3-3. Repealed.

1-3-4. Repealed.

1-3-5. Bond premiums.

If Surety Company Bonds are taken to comply with the foregoing provisions, the premium for each such bond shall be paid out of County funds.

1-3-6. Approval of bond filing.

The bonds and sureties of all County and precinct offices shall be approved by the Board of County Commissioners before the bonds are filed and recorded. All official bonds required by Sec. 1-3-1, Sec. 1-3-2, and Sec. 1-3-3 above shall be recorded in the office of the County Recorder and then filed and kept in the office of the County Clerk. The official bond of the County Clerk, after being recorded, shall be filed and kept in the office of the County Treasurer.

1-3-7. Repealed.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 3

COUNTY OFFICIALS – BOND

Section

- 1-3-1. ~~Bonds for certain elected offices – Chief deputies~~ General fidelity bond or theft or crime insurance required, amounts, faithful performance blanket position bond allowed, and premiums paid.
- 1-3-2. Treasurer bond.
- 1-3-3. ~~Commissioners bond~~ Repealed.
- 1-3-4. ~~Employee bond~~ Repealed.
- 1-3-5. Bond premiums.
- 1-3-6. Approval of bond filing.
- 1-3-7. Repealed.

1-3-1. ~~Bonds for certain elected offices – Chief deputies~~ General fidelity bond or theft or crime insurance required, amounts, faithful performance blanket position bond allowed, and premiums paid.

~~The following County and precinct officers and their chief deputies shall execute official bonds in the amount stated before entering upon the discharge of the duties of their respective offices:~~

County Clerk	\$ 5,000
County Auditor	\$ 5,000
Sheriff	\$ 25,000
County Attorney	\$ 5,000
County Assessor	\$ 25,000
County Recorder	\$ 5,000
County Surveyor	\$ 5,000
Justice Court Judge	\$ 25,000
Constable	\$ 5,000

(1) No fidelity bonds are required under this ordinance, unless an individual bond is required under a contract entered into by the county or by state law. All other officers shall be covered by theft or crime insurance secured by the county.

(2) Before entering upon the discharge of their respective offices, the following officers shall be covered by theft or crime insurance with a per occurrence limit of not less than the amounts or required by State law, as follows:

<u>Office</u>	<u>Penalty/Coverage</u>
<u>Commissioners</u>	<u>\$ 5,000</u>

<u>Clerk</u>	\$ 5,000
<u>Auditor</u>	\$ 5,000
<u>Sheriff</u>	\$ 20,000
<u>Attorney</u>	\$ 5,000
<u>Recorder</u>	\$ 5,000
<u>Assessor</u>	\$ 20,000
<u>Surveyor</u>	\$ 5,000
<u>Justice Court Judge</u>	\$ 5,000
<u>Constable</u>	\$ 5,000
<u>Treasurer</u>	(As set by the State Money Management Council)
<u>Deputies/Assistants</u>	\$ 2,500

(3) If any of the offices listed are combined in accordance with Section 17-16-3 of the Utah Code, the combined office shall not require multiple policies of insurance and the coverage limit for theft or crime insurance for the combined office shall not be less than the highest requirement of the offices so combined.

(4) If any of the offices listed are held by an appointed officer under contract with the county, the limit of coverage for theft or crime insurance required shall be as agreed to under such contract.

(5) Theft or crime insurance covering county officials under this ordinance shall be provided by an admitted or surplus lines insurance carrier or an interlocal cooperative agency acting as a public agency insurance mutual, or joint reserve fund. Any bonds required under contract shall be approved by the County Legislative Body, recorded by the county recorder, and filed and kept in the office of the county clerk. Any theft or crime insurance secured for the purpose of complying with this ordinance shall be approved by the County Legislative Body.

(6) County officials and personnel of the county, except any officials who may be required by state statutes to give an individual bond or be covered by theft or crime insurance to qualify for office, may be covered by blanket theft or crime insurance coverage rather than separate individual policies or coverage. Said theft or crime insurance shall provide a minimum coverage limit of the maximum coverage required by state statute or county ordinance of any person covered by such blanket theft or crime insurance.

(7) As required by Section 17-16-11 of the Utah Code, the premium of any bond or theft or crime insurance referred to herein, shall be paid from county funds.

1-3-2. Treasurer bond.

The County Treasurer shall execute an official bond in an amount prescribed by the Utah State Money Management Council.

1-3-3. Commissioners bond ~~Repealed~~.

~~The Judge of the District Court in and for Tooele County shall prescribe the amount in which each member of the Board of County Commissioners shall execute an official bond before discharging the duties of his office. County Commissioners' bonds must be approved by the District Court Judge prior to being recorded and filed.~~

1-3-4. Employee bond ~~Repealed~~.

~~All County employees shall be covered by a surety bond of at least \$5,000 and the following positions shall be covered by a surety bond in the amounts stated.~~

~~Deputy Assessors \$ 25,000~~
~~Deputy Auditors \$ 5,000~~
~~Deputy Treasurers Same as treasurers bond as required by §1-3-2~~

1-3-5. Bond premiums.

If Surety Company Bonds are taken to comply with the foregoing provisions, the premium for each such bond shall be paid out of County funds.

1-3-6. Approval of bond filing.

The bonds and sureties of all County and precinct offices shall be approved by the Board of County Commissioners before the bonds are filed and recorded. All official bonds required by Sec. 1-3-1, Sec. 1-3-2, and Sec. 1-3-3 above shall be recorded in the office of the County Recorder and then filed and kept in the office of the County Clerk. The official bond of the County Clerk, after being recorded, shall be filed and kept in the office of the County Treasurer.

1-3-7. Repealed.