

**TOOELE COUNTY
ORDINANCE 2021-01**

**AN ORDINANCE REPEALING, RENAMING, AND RE-ENACTING
CHAPTER 2, THE BOARD OF COUNTY COMMISSIONERS, OF
TITLE 1, GENERAL PROVISIONS, OF THE TOOELE COUNTY CODE**

WHEREAS, Tooele County has historically been governed by a Board of County Commissioners under the county commission form of government; and

WHEREAS, a majority of Tooele County voters who voted in the 2018 general election voted to change the form of Tooele County government from the county commission form of government to the council-manager form of government; and

WHEREAS, the change to the council-manager form of government occurred on January 1, 2021; and

WHEREAS, existing Title 1, Chapter 2 became obsolete on that same date; and

WHEREAS, a new Title 1, Chapter 2 is expedient and necessary to govern and control the new council-manager form of government; and

WHEREAS, this Ordinance was previously numbered 2020-40 and received a first reading, but was not enacted, by the County Commission in 2020;

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

SECTION I – CHAPTER REPEALED. Chapter 2, *The Board of County Commissioners*, of Title 1, *General Provisions*, of the Tooele County Code is hereby repealed.

SECTION II – CHAPTER RENAMED. Chapter 2, *The Board of County Commissioners*, of Title 1, *General Provisions*, of the Tooele County Code is hereby renamed to *Council-Manager Form of Government*.

SECTION III – CHAPTER ENACTED. Chapter 2, *Council-Manager Form of Government*, of Title 1, *General Provisions*, of the Tooele County Code is hereby enacted to read as attached hereto, which attachment is, by this reference, made a part hereof.


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 Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.

IN WITNESS WHEREOF the Tooele County Council, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 5th day of January, 2021.

ATTEST:

TOOELE COUNTY COUNCIL:



MARILYN K. GILLETTE, Clerk


TOM TRIPP, Chair



Council Member Hamner voted aye
Council Member Hoffmann voted aye
Council Member Thomas voted aye
Council Member Tripp voted aye
Council Member Wardle voted aye

APPROVED AS TO FORM:


COLIN R. WINCHESTER
Deputy Tooele County Attorney

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 2
COUNCIL-MANAGER FORM OF GOVERNMENT

Section

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1-2-1. Generally.

Tooele County hereby establishes a council-manager form of government as provided by Utah Code Annotated § 17-52a-204. This form of government retains, without change, all existing incorporated municipalities, special taxing districts, public authorities, county service areas, school districts, and other local public entities. This form of government vests the legislative powers of Tooele County in the Tooele County Council and the executive powers of Tooele County in the Tooele County Manager.

1-2-2. Definitions.

As used in this Code and except as otherwise required by the content:

- (1) “Council” means the Tooele County Council;
- (2) “Council member” means a member of the Tooele County Council;
- (3) “County budget officer” means the person designated by the council to prepare and present a tentative budget, serve as a county purchasing agent, prepare and present financial statements to the council, and perform other duties required by law;
- (4) “Department” means an organizational unit under the direction and supervision of the manager, and does not include the office of any elected official;
- (5) “Elected official” means the Tooele County assessor, attorney, auditor, clerk, recorder/surveyor, sheriff, and treasurer; and
- (6) “Manager” means the county manager of Tooele County.

1-2-3. General Powers.

(1) Powers. Tooele County is continued as a body corporate and politic. It has all powers pursuant to the authority of the constitution and laws of the State of Utah, including common law, either now or hereafter expressly or impliedly granted to any county. These powers include, without limitation:

(a) Specific or general grants of power, including those conferred by Utah Code Title 17, Chapter 50, Part 3, that grant independent authority apart from or in addition to specific grants of authority to enact ordinances that are reasonably and appropriately related to the objectives of that power;

(b) Powers conferred by the laws of the State of Utah, including those permitting county governments to enact legislation on subjects already addressed in state laws provided that the state laws have not pre-empted county legislation on the subject or that the county legislation does not conflict with the existing state laws; and

(c) Powers conferred by Utah Code Title 17, Chapter 52a, detailing how counties may change their existing forms of county government by adopting an optional plan for county government.

(2) Interpretation of Powers. The powers of Tooele County shall be construed liberally in favor of the exercise of authority by the government of Tooele County. The specific enumeration of powers in this chapter shall not be construed to limit the scope of the powers conferred by the laws of the State of Utah or by this chapter, nor shall the specific enumeration of powers in this chapter be construed to limit Tooele County's ability to amend its form of government as allowed. Any powers conferred by this chapter, in addition to those designated in the preceding section, are supplementary to, and not a limitation upon, any powers conferred by the laws of the State of Utah, including common law.

(3) Levels of Services and Functions. Tooele County, consistent with the laws of the State of Utah, may provide differing levels of services and functions to areas outside the limits of incorporated municipalities, or within incorporated municipalities, as allowed by the laws of the State of Utah. Nothing in this chapter shall be construed to prevent Tooele County from creating special service districts and service areas or from entering into agreements and contracts with any public or private entity as allowed by the laws of the State of Utah.

1-2-4. Purpose of this Chapter.

The purpose of this chapter is to provide a separation of executive and legislative powers. Where this chapter is silent on the distribution or locus of a particular power, it hereby authorizes the allocation of powers according to an executive-legislative distinction. The locus of residuary powers not expressly vested in the manager or the council shall be determined by function. Where helpful, state and federal separation of power models may be used to determine whether a particular power is executive or legislative. Where it is unclear as to whether powers, rights, duties or obligations pertain to the council or the manager, except as provided in this chapter, all executive functions shall inure to the manager and all legislative functions shall inure to the council.

1-2-5. Legislative Body.

(1) Composition of the Council. The legislative body of Tooele County shall be a council composed of five members. A quorum of the council consists of three members except in cases where this chapter specifies a greater number.

(2) Chair and Vice Chair. By a majority vote of the full membership at its first meeting each year, the council shall elect one member to serve as chair and one member to serve as vice chair. During the absence of the chair, the vice chair shall assume the duties of the chair. The chair and vice chair shall have full right to debate and vote in the council. The council, upon the affirmative vote of three or more members, may remove the chair or vice chair at any time. Upon removal of the chair, or vacancy in the office of the chair, the vice chair shall serve as interim chair until the council elects a new chair. Upon the election of a new chair, the interim chair shall return to the office of vice chair. Upon removal of the vice chair, or vacancy in the office of the vice chair, the remaining council members shall, by majority vote, select a council member as vice chair. The new chair or new vice chair shall serve for the unexpired portion of the former chair's or former vice chair's term.

(3) Setting the Council's Agenda. The chair, in consultation with the manager, shall set the council's agenda. Two or more council members may cause an item to be placed on the agenda by filing a written request that includes a statement of the reasons therefor, sufficiently in advance of the meeting so that compliance with the public notice requirements of the Open and Public Meetings Act can be achieved.

1-2-6. Election of Council Members.

(1) Elections. Each council member shall be elected by the voters of the council district in which the council member resides. Council members shall meet the qualifications of office of county elected officials as established by state law and shall remain residents of their council district throughout their term of office. There shall be five individual seats known as council seats 1, 2, 3, 4 and 5. For the initial election of council members, the initial terms of office for council seats 1, 3 and 4 shall be four years; and the initial terms of office for council seats 2 and 5 shall be two years. After the initial term of office, the regular term of office of each seat shall be four years. Each term begins at noon on the first Monday of January following the election.

(2) Vacancies. Council members may be removed from office pursuant to any process provided in state law. The office of council member shall be deemed vacant if the council member is removed, dies, resigns, or fails to maintain residency in his/her council district. Any council member wishing to resign from the council must submit to the council a written resignation that includes a statement of the reasons therefor and the date and time upon which the resignation becomes effective. Upon a vacancy of a council member's office, the office shall be filled by following the procedures set forth in state law.

1-2-7. Compensation of Council Members.

(1) Base Salary. The initial base salary for council members shall be not less than \$20,000 per year and not greater than \$25,000 per year. The base salary may be changed pursuant to state law. Council members shall serve part-time and receive the same cost of living and merit salary adjustments as granted to regular and exempt employees of Tooele County, subject to the notice and hearing requirements of state law. A council member's salary may not be diminished during his or her term of office.

(2) Reimbursement for Expenses. Council members shall be entitled to receive reimbursement for expenses as allowed by law.

(3) Insurance Coverage. Council members may enroll themselves and their immediate family members in insurance programs offered to full-time county employees but shall pay the entire premium for such coverage without county contribution.

(4) Retirement Benefits. Council members who are qualified to participate in the URS Tier I retirement system may waive participation. In the absence of such a waiver, the county shall contribute to the council member's URS account as required by law.

1-2-8. Council Meetings.

(1) Regular Meetings. The council shall meet in regular session at stated times to be provided by ordinance. Regularly scheduled council meetings may be canceled by a majority vote of the council.

(2) Special Meetings. Special meetings may only be held when called by the chair or when called by three or more council members.

(3) Electronic Meetings. The council may hold electronic meetings.

(a) A request for an electronic meeting must be made by a council member at least three days prior to the meeting.

(b) The council shall give public notice of the meeting pursuant to the Utah Open and Public Meetings Act, post written notice of the meeting at the anchor location, provide notice of the electronic meeting to council members at least 24 hours before the meeting, and inform council members and the public how to connect to the electronic meeting.

(c) A quorum of the council must be physically present at a single anchor location for the meeting and vote to authorize the electronic meeting. Unless otherwise specified, the anchor location shall be the council's chambers in the Tooele County Administration Building, 47 South Main Street, Tooele, Utah.

(d) Interested persons and the public may attend, monitor, and participate in the open portions of the meeting. In-person attendance and in-person participation may be limited or prohibited if electronic attendance and participation is provided for.

(e) Notwithstanding sections (3)(b), (3)(c) and (3)(d), the council may convene and conduct an electronic meeting without an anchor location if the chair makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location, states in the written determination the facts upon which the determination is based, includes the written determination in the public notice for the meeting, reads the written determination at the beginning of the meeting, and includes in the public notice information on how the public may view or make comments at the meeting.

(4) Open Meetings. Proceedings and meetings of the council shall be conducted in accordance with the Utah Open and Public Meetings Act and other applicable laws and ordinances.

(5) Voting. Voting shall be by roll call, and the ayes and nays shall be recorded in the council minutes as a matter of public record. A council member may abstain from any vote if he or she declares a conflict of interest. Council members abstaining from a vote shall be considered present for the purposes of a quorum.

(6) Vote Required for Valid Action. Except for matters on which a greater or lesser vote is expressly provided by law or by this chapter, no council action shall be valid and binding unless approved by the affirmative vote of a majority of a present quorum.

1-2-9. Powers and Duties of the Council.

(1) Powers. The council is the legislative body of Tooele County, and is vested with all legislative powers of Tooele County. The specific enumeration of legislative powers herein shall not be construed to limit the legislative powers of the council. Within the scope and subject to the limits of its lawful powers and duties, the council shall have the power to:

- (a) Consider and adopt all ordinances, rules, regulations, policies and procedures governing or regarding: the management and organization of county government; the safety, health, prosperity, morality, peace, good order, comfort and convenience of Tooele County and its inhabitants; and the protection of property in Tooele County;
- (b) Levy taxes upon taxable property within Tooele County for all county purposes;
- (c) As the council or an individual council member, unless prohibited by law: investigate any matter pertaining to Tooele County, its business affairs, or any officer or employee thereof; examine and audit the accounts of elected officials and others having the care, management, collection, or disbursement of monies owed to or belonging to Tooele County or held for the use or benefit of Tooele County; and require information from the manager, elected officials and county employees;
- (d) Conduct hearings on matters of public concern; and require the attendance and participation of witnesses or the production of documents and other evidence, administer oaths, and take testimony;
- (e) As the council or an individual council member, review, examine and comment upon administrative decisions or executive decisions.
- (f) Approve, adopt and amend a final annual budget;
- (g) Consolidate county elected offices, separate any previously consolidated elected offices, and reconsolidate any county elected offices;
- (h) Adopt, by ordinance, rules governing the council's activities, meetings, and organization, in accordance with this chapter and state law;
- (i) Fix salaries and benefits of elected officials in accordance with state law, county ordinances, policies and procedures, and this chapter;
- (j) Approve appointments and removals of department directors made by the manager;
- (k) Conduct quasi-judicial hearings, including serving as the board of equalization and acting as a final board of review for hearing appeals regarding planning and zoning, license revocation, and similar matters as provided by law;
- (l) Fill vacancies on boards, committees, and commissions, and in connection therewith, hold hearings, interview candidates, and conduct such other investigations as the council deems appropriate;
- (m) Appoint council members to serve on boards, committees, commissions, and projects;
- (n) Grant franchises over and along county roads for all lawful purposes and according to such terms and conditions as the council determines appropriate, in accordance with state law;
- (o) Appoint and discharge the manager and county budget officer;
- (p) Provide for the development of county resources as shall appear appropriate to the council, and in accordance with state law;
- (q) Veto any executive order issued by the manager;

(r) Appoint an acting county manager to perform the duties of county manager until such time as a new manager has been selected; and

(s) In consultation with the manager and the county attorney, oversee the prosecution, defense, and settlement of civil lawsuits and civil disputes to which Tooele County is a party;

(t) Reserve or take back any executive or administrative function;

(u) Do and perform every other act of a legislative nature, which is necessary and proper to the council's powers and functions and which is not prohibited by law or this chapter.

(2) Prohibitions. Neither the council nor any council member shall have power to:

(a) Appoint, dismiss, or give directions to any individual employee employed by the executive branch or in the office of any elected official, nor influence or attempt to influence individual personnel actions or the purchase of goods or services, provided, however, that nothing in this section shall be construed to prohibit the council, while in open session or while in a lawfully closed meeting, from fully and freely discussing with or suggesting to the manager or any elected official or employee, anything pertaining to county affairs or the interests of Tooele County;

(b) Condition the appointment of a manager on a promise to hire or fire a particular person;

(c) Enter into any contract of employment with the manager which would limit the council's right to discharge the manager for any reason, with or without cause; or

(d) Supervise other elected officials, other than to ensure compliance with general county administrative ordinances, rules and policies and to examine and audit the accounts of all county officers having the care, management, collection, or distribution of monies belonging to Tooele County, or otherwise available for Tooele County's use and benefit.

1-2-10. County Manager.

(1) Manager as Administrative Head. The administrative head of Tooele County shall be the manager, who shall be appointed by the council as provided in this section.

(2) At-Will Employment. The manager shall serve at the pleasure of the council, which shall at all times retain the power to discharge the manager for any reason, with or without cause.

(3) Qualifications. The manager's qualifications shall be established by the council.

(4) Compensation and Benefits. The manager's salary shall be established by the council. The manager shall be entitled to the same employee benefits as other full-time county employees.

(5) Powers and Duties: The manager is vested with all executive and administrative powers and duties except those executive and administrative responsibilities vested by state law in the other elected officials and those executive and administrative responsibilities retained by the council under this chapter. The specific enumeration of executive powers herein shall not be construed to limit the executive powers of the manager. The manager's powers include, without limitation, the power to:

(a) Manage and direct the activities of Tooele County in a manner consistent with law and this chapter, including the management and direction of departments, divisions, sections, activities or agencies as now constituted or as may be created in the future, but not including the activities of elected officials carried out in the exercise of their statutory duties;

- (b) Carry out and enforce the programs and policies of the council;
- (c) Carry out and enforce the internal operating regulations, policies, and procedures of Tooele County;
- (d) Faithfully execute the laws and ordinances of Tooele County and enforce the terms of county franchises, contracts, and other undertakings;
- (e) Appoint and remove assistant county managers and department directors with the approval of the council;
- (f) Place department directors on administrative leave with pay pending the next council meeting;
- (g) Exercise control over county assets, funds and property pursuant to law, except as that authority is delegated by law to an elected official;
- (h) Prepare and present a tentative budget to the council no later than October 21 of each calendar year;
- (i) Have access to and review county books, accounts and funds necessary to perform the executive function under law and this chapter, maintain a continuing review of expenditures and effectiveness of budgetary control in the several departments, and supervise and conduct audits for budget and management purposes;
- (j) Without the approval of the council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess county property not to exceed \$25,000 in value;
- (k) With the approval of the council, negotiate and execute contracts for the purchase of goods and services or the disposal of excess county property exceeding \$25,000 in value;
- (l) Sign all documents or instruments on behalf of Tooele County, including contracts and bonding documents, except legislative acts of the council and documents that are to be signed by other elected officials;
- (m) With the consent of the council, consider, adopt, and implement long range planning, programs and improvements;
- (n) Act as intergovernmental relations liaison except as otherwise directed by the council;
- (o) Attend and participate in council meetings and discussions, with automatic standing, on every agenda, but without the right to vote;
- (p) Submit an annual "State of Tooele County" report to the council at such time and place as the council shall designate;
- (q) Non-exclusively recommend persons to fill positions on boards, commissions, or similar bodies whose membership is appointed by the council;
- (r) Supervise the elected officials to ensure compliance with general county administrative ordinances, rules and policies, and examine and audit the accounts of all county officers and employees having the care, management, collection, or distribution of monies belonging to Tooele County, or otherwise available for Tooele County's use and benefit;
- (s) Without the approval of the council, settle all accounts legally chargeable against Tooele County not exceeding \$25,000, after examination by the county auditor, and order warrants to be drawn on the county treasurer for those accounts; and

(t) With the approval of the council, settle all accounts legally chargeable against Tooele County exceeding \$25,000, after examination by the county auditor, and order warrants to be drawn on the county treasurer for those accounts;

(u) In conjunction with the council and the county attorney, oversee the prosecution, defense, and settlement of civil lawsuits and civil disputes to which Tooele County is a party; and

(v) With the approval of the council, consolidate departments, separate any previously consolidated departments, and reconsolidate departments;

(2) Prohibitions. The manager shall not have power to:

(a) Veto any action taken by the council; or

(b) Direct or supervise the elected officials or their deputies with respect to the performance of their duties.

1-2-11. Departments.

(1) Generally. All activities of the executive branch of Tooele County under the direction and supervision of the manager shall be distributed among such departments as are established by ordinance of the council.

(2) Appointment of Department Directors. Department directors shall be appointed and removed by the manager with the approval of the council.

(3) Department Employees. All other employees within each department shall be employed subject to the provisions of this chapter, state law, county ordinance, and personnel policies and regulations. Each department director shall be responsible for the administration and management of his or her department.

1-2-12. Elected Officials.

(1) Elected Officials Enumerated. The offices of assessor, attorney, auditor, clerk, recorder/surveyor, sheriff, and treasurer shall be elected as authorized by state law. Nothing herein shall prohibit the council from consolidating or separating any such office as may be consistent with state law. The election, appointment, replacement, qualifications, and duties of each elected official shall be as established by state law, this chapter, or county ordinances.

(2) County Budget Officer. The office of county budget officer shall exist as provided in state law. In preparing the tentative budget, the county budget officer shall be assisted and informed by a budget committee, whose members shall consist of the county budget officer, the manager, and such other members as the county budget officer shall appoint with the advice and consent of the manager and the council. After receiving the tentative budget from the county budget officer, the manager shall prepare and present a proposed budget to the council on or before October 21 of each calendar year.

1-2-13. Transitional Provisions.

(1) Dissolution of Office of County Commissioner. The office of county commissioner of Tooele County was dissolved at midnight local time on December 31, 2020. Any commissioner whose term did not expire on December 31, 2020, shall receive compensation of his or her regular salary and benefits up to December 31, 2020. Those commissioners who became council members on January 1, 2021, shall receive only the salary granted to that new office beginning January 1, 2021.

(2) Operative Date. The provisions of this chapter shall become effective upon adoption of this chapter by the council.

(3) Continuity of Government. Tooele County shall retain and possess all rights, capacities, privileges, powers, franchises, and immunities, and shall retain all liabilities to which it was subject prior to the adoption of this chapter. It is the intent of this section that there shall be no interruption in the continuity, powers, obligations, or jurisdiction of government within Tooele County by the adoption of this chapter. To that end, all legislative, judicial, or administrative proceedings pending during the transition to this chapter shall be preserved, continued, and deemed unaffected by this chapter. Until changed pursuant to law, all ordinances, rules and regulations previously in full force and effect under the legal authority of Tooele County shall continue in full force and effect except to the extent they may be modified by the adoption of this chapter.

(4) Retention of Property, Assets and Obligations. Tooele County shall retain, own, and possess all properties, rights, privileges, franchises, contracts, and other assets of whatever nature, whether tangible or intangible, that it owned prior to the adoption of this chapter. All debts, obligations, and liabilities of Tooele County shall remain unaffected by this chapter. The contractual rights of any contractor, bond holder or creditor, or their assigns, and the pension rights and other employment rights of county officials and employees shall not be impaired by any provision of this chapter.

TOOELE COUNTY CODE
TITLE 1
GENERAL PROVISIONS

CHAPTER 2
~~THE BOARD OF COUNTY COMMISSIONERS~~

Section

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- ~~1-2-2. Term of office.~~
- ~~1-2-3. Vacancies – How filled.~~
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- ~~1-2-5. Departments.~~
- ~~1-2-6. Meetings – Procedure.~~
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~~1-2-1. County commission – Number – Eligibility.~~

~~— The Tooele County Commission shall consist of three members, each of whom shall have been an elector of the County for at least one year immediately preceding the election and elected by the qualified electors of the County at large. (§17-5-2, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-2. Term of office.~~

- ~~(1) County Commissioners shall:
 - ~~(a) be elected for a four-year term at the general election before the expiration of the term of office of incumbents; and~~
 - ~~(b) hold office for the term for which elected and until a successor is elected and has qualified.~~~~
- ~~(2) (a) Whenever two County Commission positions are vacant for a general election, they are designated “County Commissioner A” and “County Commissioner B.”~~
 - ~~(b) At the time a candidate for the County Commission files a declaration of candidacy for a County Commission position when there are two positions vacant, he shall designate on the declaration of candidacy form whether he is a candidate for County Commissioner A or County Commissioner B.~~
 - ~~(c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two County Commission positions in one general election.~~
- ~~(3) County Commissioners-elect shall take office on the first Monday in January following their election. (§17-5-3, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-3. Vacancies – How filled.~~

~~— When a vacancy occurs in the Board of County Commissioners through ineligibility, resignation or death of an incumbent or of an officer-elect before qualifying, or refusal to act, or for any other reason, the vacancy shall be filled as follows:~~

~~— (1) If two years remain on the unexpired terms as of the first Monday in January next and 30 days or more remain before the general election, or if such office shall be vacant by the first Monday of January next due to a certified written resignation submitted when 30 days or more remain before the general election, then the vacancy for the unexpired term shall be filled under the provisions of Sections 20-4-9 and 20-4-11.5, U.C.A., except that the vacancy shall be filled in the interim period by appointment according to the provisions of Subsection (2) below.~~

~~— (2) If such vacancy occurs when fewer than 30 days remain before the general election, then the vacancy shall be filled by the board by appointment from a list of at least six persons who have been endorsed in writing by the County Central Committee of the party to which the person belonged who occasioned the vacancy. Should the board fail to make the appointment within 30 days after the vacancy occurs, the Clerk shall notify the Governor of the fact, and the Governor shall, within 30 days after receipt of a notice, fill the vacancy by appointment from the aforementioned list. If at any time there shall not be a majority of the Board remaining in office, the Governor shall appoint one or two Commissioners, as the case may be, from the list or lists, until there shall be a majority, and the majority shall select the third Commissioner as herein provided. Appointees shall hold office for the unexpired term for which appointed or until a successor is elected and has qualified. (§17-5-4, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-4. Powers and duties—Omnibus provision:~~

~~— The County Commission may supervise the official conduct of all County officers and officers of all precincts, districts and other subdivisions of the County (except municipal corporation); see that they faithfully perform their duties, direct prosecutions for delinquencies and, when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection. The Commission shall have such other powers and duties as are prescribed by law. (§17-5-19, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-5. Departments:~~

~~— Each Commissioner shall have the supervision of such departments and boards of County government as lend themselves to joint classification and each department or board shall bear such title and designation as the Board of County Commissioners shall from time to time devise, provided, that said title shall, as nearly as possible, represent the true nature of those functions performed by the officers and employees of such department or board. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-6. Meetings—Procedure:~~

~~— The Board of County Commissioners of Tooele County, State of Utah, shall hold its regular public meetings at seven o'clock p.m. on the first and third Tuesdays of each month during the year in the Commission Chambers in the Tooele County Courthouse, Tooele, Utah. The time of any meetings may be changed or altered to any other time by the vote of at least two members of the said Board, duly entered into the minutes of any preceding meeting thereof. Any regularly scheduled meeting may be canceled in advance by the Chairman of the board in the event there will be no business to transact, when it is known in advance a quorum cannot be obtained, or for other good cause. The Chairman shall preside at all meetings of the Board of County Commissioners and shall rule on all matters of procedure, with fundamental fairness and an opportunity to be heard as the controlling rationale. No action of the Board shall be taken without~~

~~a motion and a second. The Chairman is authorized to make a motion or second any motion. An affirmative vote of two Commission members shall be required to pass any action. (Ord. 2013-07, 4/2/13; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-7. Special meetings.~~

~~— (1) If, at any time, the business of the Board of County Commissioners requires a special meeting of the board, such meeting may be ordered by a majority of the board or by the chair. The order setting a special meeting must be in writing and signed by the board members or chair calling such meeting, be entered in the minutes of the board, and state the purpose(s) and proposed agenda for the meeting.~~

~~— (2) Except in emergency situations, at least twenty-four hours' written notice of any special meeting must be given to board members and must be published as directed in Section 52-4-6, Utah Code Ann. (1953, as amended).~~

~~— (3) No business may be transacted at such special meetings except as specified in the order setting the special meeting.~~

~~— (4) Special meetings may be conducted at places other than the county seat; provided however, that proper notice shall be given of the time and place of the special meeting in accordance with law. (Ord. 2020-11, 3/31/20; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-8. Chairman—Quorum—May administer oaths.~~

~~— The County Commissioners shall elect one of their number to serve as Chairman. The Chairman shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as Chairman temporarily. Any member of the board may administer oaths to any person when necessary in the performance of his official duties. Not less than two members shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless two members concur therein. (§17-5-5, U.C.A.). (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)~~

~~1-2-9. Electronic meetings.~~

~~— (1) The Board of County Commissioners may hold electronic meetings.~~

~~— (2) In order to hold an electronic meeting:~~

~~— (a) a quorum of the Board must:~~

~~— (i) be present at the chambers of the Board of County Commissioners for the meeting; and~~

~~— (ii) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection.~~

~~— (b) a request for an electronic meeting must be made by a board member at least three days prior to the meeting to allow for arrangements to be made for the electronic meeting.~~

~~— (3) The Board shall:~~

~~— (a) give public notice of the meeting:~~

~~— (i) in accordance with Section 52-4-202, Utah Code Ann. (1953, as amended); and~~

~~— (ii) post written notice at the anchor location.~~

~~— (b) in addition to giving public notice required by Subsection (3)(a), provide:~~

- ~~_____ (i) notice of the electronic meeting to the board members at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and~~
- ~~_____ (ii) a description of how the members will be connected to the electronic meeting.~~
- ~~_____ (4) The anchor location for the public meeting is the location which the board normally meets in the Tooele County Administration Building located at 47 South Main Street, Tooele, Utah.~~
- ~~_____ (5) Space and facilities at the anchor location shall be provided so that interested persons and the public may attend and monitor the open portions of the meeting.~~
- ~~_____ (6) If comments from the public will be accepted during the electronic meeting, space and facilities at the anchor location shall be provided so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting. (Ord. 2020-11; 3/31/20)~~