

RESOLUTION NO. _____

DATE: _____

A RESOLUTION OF THE SALT LAKE COUNTY COUNCIL
CONVENING AN ADMINISTRATIVE TRIBUNAL TO MAKE
RECOMMENDATIONS CONCERNING CERTAIN SALT LAKE COUNTY
CONSTABLES AND PROVIDING NOTICE OF THE TRIBUNAL AND AN
OPPORTUNITY TO BE HEARD TO THOSE SAME CONSTABLES

WHEREAS, the Salt Lake County Council has determined that the County may from time to time appoint peace officers to serve as Salt Lake County Constables pursuant to Utah Code Ann. § 17-25a-1 et seq.; and

WHEREAS, subject to the provisions of Utah Code and Salt Lake County Code of Ordinances, Chapter 2.50, entitled “County Constables,” the Salt Lake County Council has appointed certain peace officers to serve as Salt Lake County constables; and

WHEREAS, Utah Code Ann. § 17-25a-1(4), provides that a county legislative body that appoints a constable may withdraw the authority of the constable for cause; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.120 establishes that all persons acting as a county constable or deputy county constable shall pay an annual fee of one hundred dollars to the county general fund, which fee is due on January 1 of each year and delinquent on January 31 of each year; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.120 further establishes that in addition to any other penalty imposed by law, any person who acts as constable or deputy constable without having first paid the fee is subject to removal from office; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.130, at subsection C., provides that “acting as a county constable or deputy county constable without first having paid the annual fee . . . shall constitute an automatic disqualification from office”; and

WHEREAS, Salt Lake County Code of Ordinances, § 2.50.130, at subsection A., provides that county constables or deputy constables shall be subject to removal by the council after a recommendation for removal has been made by an administrative tribunal convened by the council to adjudicate the matter; and

WHEREAS, a diligent search of the County's records and accounts receivable has demonstrated that the several constables and deputy constables appointed by Salt Lake County have not provided timely payment of the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, during January of 2023, or at any time during the preceding calendar year of 2022, or at any time since; and

WHEREAS, such failure to pay the required annual fee is grounds for automatic disqualification and removal of the constable's authority under Salt Lake County Ordinance; and

WHEREAS, the Salt Lake County Council now finds it expedient to convene an administrative tribunal to make recommendations as to whether one or more constables or deputy constables shall be disqualified from office and have their authority withdrawn pursuant to Utah law and Salt Lake County Ordinance for failure to pay the required annual fee;

NOW THEREFORE, be it resolved by the Salt Lake County Council, acting as the legislative body for Salt Lake County:

- 1) The Salt Lake County Council hereby convenes an administrative tribunal consisting of its appointed legal counsel to initially adjudicate and make recommendations about whether any Salt Lake County constables or deputy constables who have not provided timely payment of the annual fee required by Salt Lake County Code of Ordinances, § 2.50.120, during January of 2023, or at any time during the preceding calendar year of 2022, should have their authority withdrawn pursuant to § 2.50.130.

- 2) In making its recommendations, the administrative tribunal may adjudicate this as matter informally as the facts and circumstances allow, provided that the administrative tribunal affords each constable due process as required by Salt Lake County Ordinance § 2.50.130.B. Due process shall be established by providing a copy of this resolution along with written notice of the administrative tribunal’s proceedings to each affected constable or deputy constable at their last known address, and by giving each affected constable or deputy constable a reasonable opportunity to provide a written statement or other relevant facts or information to the administrative tribunal prior to the date of its adjudication.
- 3) The administrative tribunal should be prepared to make recommendations for Council action, or provide the Council with an appropriate update, within 60 days of the approval of this resolution.

APPROVED and ADOPTED this _____ day of _____ 2023.

SALT LAKE COUNTY COUNCIL

By: _____
Aimee Winder Newton, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM

Deputy District Attorney Date

Council Member Alvord voting _____
Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Granato voting _____
Council Member Harrison voting _____
Council Member Stewart voting _____
Council Member Stringham voting _____
Council Member Theodore voting _____
Council Member Winder Newton voting _____