

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2025

COUNTY CONSTABLE AMENDMENTS

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING CHAPTER 2.50 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “COUNTY CONSTABLES,” IN ORDER TO UPDATE PROVISIONS RELATED TO THE APPOINTMENT OF CONSTABLES BY SALT LAKE COUNTY

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and strike-through.

SECTION II. Chapter 2.50 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

CHAPTER 2.50 – COUNTY CONSTABLES

2.50.010 – Establishment – Number of constables.

The council [~~shall~~] may appoint as many qualified [~~persons~~] special function peace officers to act as county constables as convenience requires, subject to the provisions of [~~state law~~] Utah Code Ann. § 17-25a-1 et seq., as may be amended.

2.50.020 – Administrative policies and procedures.

[~~A.~~] Each county constable shall be responsible for supervising such constable’s own deputies, office personnel and administrative matters, and for ensuring compliance with [~~the association’s administrative policies and procedures and ensuring that each constable and deputy constable who uses an automobile in the discharge of the duties of his or her office shall possess a current Utah driver’s license and will maintain automobile liability insurance as required by~~]

~~law and will file copies of such policies with county risk management]~~ all applicable law including this ordinance.

~~[B. — Each county constable will furnish a policy of general liability insurance written by a carrier on a form acceptable to the risk manager and in an amount set by the council covering each constable and deputy constable and naming Salt Lake County as an additional insured and shall furnish a copy of the certificate of insurance to the constable liaison and risk manager. No person shall exercise any of the powers of a constable or discharge any of the duties of a constable in the absence of such insurance. Anyone violating this requirement is guilty of a class B misdemeanor and in addition to any other penalty imposed by law is subject to removal from office.]~~

2.50.030 – Jurisdiction.

County constables shall be appointed on a countywide basis and may serve ~~[civil and criminal]~~ any process throughout the state and carry out all other functions associated with a constable pursuant to [state law] Utah Code.

2.50.040 – Independent contractors.

County constables are independent contractors and are responsible for their own actions and for the actions of their deputies, agents and employees, and any liability resulting therefrom. County constables are not employees, officers, or agents of Salt Lake County. Salt Lake County shall have no liability for the acts or omissions of county constables, and nothing in this chapter shall be construed in any way to modify the limits of Salt Lake County's liability set forth in the Governmental Immunity Act of Utah, Utah Code Ann. § 63G-7-101 et seq. When executing civil process, constables are acting as agents of the litigant or litigant's attorney who employs their services. Constables, as officers of the court, are also acting in their official capacity as special

function officers empowered by law to enforce the lawful orders of any court of competent jurisdiction.

2.50.050 – Notice of open constable position.

When the council determines that one or more constables should be appointed, it shall ~~[advertise the position(s) by publishing a notice thereof at least twice in a newspaper of general circulation in the county. The notice of an open constable position shall include the address of the personnel division where applications for the vacancy can be obtained for completion and filing for consideration by the nominating commission. The time for which applications can be submitted for the vacancy shall be no less than fifteen days after the first day of publication of the vacancy. Personnel policies and procedures regarding recruitment of applicants will apply to filling this position]~~ issue public notice of the open constable position(s) on the Utah Public Notice website, convene the nominating commission required by Utah Code and established by this chapter, and provide relevant direction to the nominating commission related to the timing and number of open constable positions to be appointed.

2.50.060 – Nominating commission.

When a county constable position is to be opened, the council shall ~~[establish]~~ convene a constable nominating commission. The nominating commission shall consist of the following individuals or their designees:

1. A council member;
2. The sheriff;
3. A judge of the justice or district court;
4. The attorney; and
5. A private citizen of Salt Lake County appointed by the council.

2.50.070 – Nominating process.

A. Upon being ~~[appointed, designated or informed of the request of the council that the nominating commission is to be]~~ convened by the council, the ~~[members so designated will]~~ nominating commission shall meet within ten calendar days' time and develop the criteria for the selection and ranking of applicants for the position. Applicants must meet the eligibility criteria established by ~~[state law]~~ Utah Code for the position of county constable.

B. The nominating commission shall ~~[rank the applicants in order of preference and submit up to three names for vacancy together with other recommendations to the council]~~ review each applicant's credentials and, by majority vote, recommend to council the nominee(s) the nominating commission finds most qualified.

2.50.080 – Appointment – Term of office.

A. The council, upon receipt of the nominating commission's list of successful applicants ranked in order of preference, together with its recommendations and within fifteen calendar days thereafter, shall[:

1. ~~Approve the nominating commission's recommendations and appoint the recommended applicant(s);~~
2. ~~Reject the recommended applicant(s) and select one or more of the remaining applicants on the list; or~~
3. ~~Reject all the named applicants and refer the matter back to the nominating commission for a new list and recommendation]~~

either appoint or reject any nominee(s) that the nominating commission recommends.

B. Prior to appointment by the council, each nominee must be certified by the Utah Division of Peace Officer Standards and Training (POST) as qualified to undertake the duties of a special

function officer. Each nominee shall at their own expense undergo and provide the Council with a copy of a background check and report prepared in accordance with POST standards, as well as an application fee of one thousand dollars deposited to the Salt Lake County general fund.

B. A constable's term of office is six years, unless otherwise modified by Utah Code. A constable may serve more than one term if reappointed by the council.

2.50.090 – Appointment of deputy constables.

~~[Deputy constables shall be appointed in accordance with the provisions of Section 2.12.070 of this code of ordinances]~~ Pursuant to Utah Code Ann. § 17-25a-3(3), an appointed County constable may, upon approval of the council, employ and deputize persons who are certified as special function peace officers to serve as deputy constables. Each ~~[nominee]~~ deputy constable must be certified by ~~[the division of peace officer standards and training]~~ POST as qualified to undertake the duties of a special function officer and by the appointing constable as having successfully passed a criminal background check. The council will not act upon any nomination until it has received a background report prepared in accordance with peace officer standards and training and sheriff's office background investigation standards and an application fee of ~~[twenty-five]~~ two hundred and fifty dollars deposited to the Salt Lake County general fund.

A. The criminal background check may be waived if the applicant is currently employed as a peace officer as defined by state law, or has been previously approved by the council as a deputy constable within the past year. The applicant must submit a current letter from the employing law enforcement agency or county constable stating that the individual is certified as a special function peace officer, is an employee in good standing, and that there is nothing in the applicant's previous experience or background with the law enforcement agency to preclude the applicant from being a deputy constable.

B. The criminal background check may be waived if the applicant is retiring or has retired from a law enforcement agency in good standing. The applicant must submit a letter from the law enforcement agency, dated no earlier than one year prior to the date of the application, stating the date of the individual's retirement, that the individual has been certified as a special function peace officer and remains certified as of the date of retirement, is leaving or has left its employ in good standing and that there is nothing in the applicant's previous experience or background with the law enforcement agency to preclude the applicant from being a deputy constable. The individual seeking waiver of the background check must seek employment within one year of retirement from the law enforcement agency.

C. County constables shall inform the council within 10 calendar days if they withdraw the appointment of any deputy constable that was appointed and authorized under this section, including if the deputy constable has separated from employment with the county constable.

2.50.100 – Reporting.

After a county constable or deputy constable has been appointed or removed by the council, the constable's name shall be reported to [~~the Division of Peace Officer Standards and Training~~] POST by the council clerk.

2.50.110 – Access to criminal history information.

A. The sheriff is authorized to enter into user agreements with any constable who is required to serve criminal process for access to sheriffs office criminal history information the sheriff deems appropriate. Upon entering into user's agreement, the constable shall be responsible for ensuring the confidentiality requirements of the agreement are complied with.

B. Constables may enter into user agreements with the Utah State Department of Public Safety for access to state and national criminal history information systems.

2.50.120 – Annual fee.

All persons acting as a county constable or deputy county constable shall pay an annual fee of ~~[one]~~ two hundred and fifty dollars to the county general fund for each year following the first year that they were initially appointed or re-appointed. The fee is due on January 1st of each year and delinquent on January 31st. The purpose of the fee is to compensate the county for costs incurred in appointing county constables and approving their deputies, including reimbursement of the county for time devoted by county officers and employees and resources provided by the county. Any person who acts as a county constable or deputy county constable without first having paid the fee is ~~[guilty of a Class B misdemeanor and]~~ subject to the immediate removal of their authority for cause in addition to any other penalty imposed by law ~~[is subject to removal from office]~~.

2.50.130 – ~~[Removal]~~ Withdrawal of authority.

A. County constables or deputy constables shall be subject to removal and withdrawal of their authority by the council for cause as provided by this section ~~[after a recommendation for removal has been made by an administrative tribunal convened by the council to adjudicate the matter]~~. The council shall provide each county constable or deputy constable with due process consisting of notice and an opportunity to be heard prior to withdrawing their authority.

B. The Council may, but is not required to, convene an administrative tribunal to help adjudicate disciplinary matters involving county constables. Upon being ~~[appointed, designated or informed to]~~ convened, ~~[an]~~ the administrative tribunal~~[the members so designated]~~ shall first adopt a set of rules to afford the constable due process. The administrative tribunal may conduct proceedings as informally as facts and circumstances may allow. The administrative

tribunal may make disciplinary recommendations to the council, including recommendations to withdraw the authority of a county constable for cause.

C. A county constable or deputy constable shall be automatically removed from office and shall immediately have all statutory authority withdrawn for any of the following reasons:

- i. loss of certification by ~~[the division of peace officer standards and training]~~ POST;
- ii. the conviction of any felony offense;
- iii. acting as a county constable or deputy county constable without first having paid the annual fee; ~~[or]~~
- iv. the conviction of an offense involving dishonesty, unlawful sexual conduct, physical violence, or the unlawful use, sale, or possession for sale of a controlled substance (as defined by ~~[division of peace officer standards and training]~~ POST administrative rule) ~~[shall constitute an automatic disqualification from office].~~

D. A county constable ~~[may]~~ shall be removed from office and shall have all statutory authority withdrawn if ~~[it is established]~~ the council determines that the constable has willfully failed to comply with ~~[the written administrative policies and procedures approved by the council or the Utah Public Officers' and Employees' Ethics Act]~~ any provision of Utah Code or county ordinance, or is found liable by a court of competent jurisdiction in any civil case resulting from or related to the county constable's discharge of their statutory duties.

E. A county constable shall be removed from office and shall have all statutory authority withdrawn if the council determines that the constable ~~[he or she]~~ is absent from the county for a period of sixty days or more without the written permission of the ~~[county legislative body]~~ council, or if the constable ceases to exercise constable authority or act as a constable.

F. The foregoing is not to be construed as a limitation on the enforcement powers of the sheriff and attorney and the attorney may bring judicial proceedings to remove any constable or deputy constable [~~without the necessity of an administrative tribunal as provided in Section 2.50.130(A)~~] as allowed by law.

G. If for any reason the county withdraws the authority of a county constable, the authority of all deputy constables is also withdrawn.

H. Notwithstanding any other provisions of this chapter, the council may withdraw the authority of a county constable for reasons other than for cause if such reasons are authorized and approved by Utah Code.

2.50.140 – Oversight

A. A county constable or deputy constable shall appear before the council at any time upon the request of the council to respond to questions or concerns regarding their conduct or performance.

B. An county constable shall provide a quarterly report to the Council by the end of March, June, September, and December of each year containing the following:

- i. the total number of papers served year-to-date, broken down by type or category, including total number of papers served both inside and outside of Salt Lake County;
- ii. a current list of all deputy constables working for the county constable;
- iii. a current list of names of all business entities registered under or affiliated with the county constable that provide constable related services;
- iv. the number and description of past and current claims, complaints, or lawsuits against the county constable and their deputies; and
- v. the county constable's current fee schedule.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2025.

SALT LAKE COUNTY COUNCIL

By: _____
Dea Theodore, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

REVIEWED AS TO FORM

Deputy District Attorney Date

ORDINANCE HISTORY

Council Member Bradshaw voting	_____
Council Member Harrison voting	_____
Council Member Moreno voting	_____
Council Member Pinkney voting	_____
Council Member Romero voting	_____
Council Member Stewart voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____
Council Member Winder Newton voting	_____

Complete as Applicable:

Vetoed and dated this ____ day of _____, 2025.

By: _____
Jennifer Wilson, Mayor

Veto override: Yes ____ No ____ Date _____

Ordinance published in the newspaper: Date _____

Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the ____ day of _____, 2025, the County Council of Salt Lake County adopted Ordinance No. _____, amending Chapter 2.50 of the Salt Lake County Code of Ordinances, 2001, in update provisions related to the appointment of constables by Salt Lake County.

SALT LAKE COUNTY COUNCIL

By: _____
Dea Theodore, Chair

ATTEST:

Lannie Chapman
Salt Lake County Clerk

Council Member Bradshaw voting	_____
Council Member Harrison voting	_____
Council Member Moreno voting	_____
Council Member Pinkney voting	_____
Council Member Romero voting	_____
Council Member Stewart voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____
Council Member Winder Newton voting	_____

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.