



COMMISSION STAFF REPORT

MEETING DATE: July 7, 2021

ITEM TITLE, PRESENTER: Clerk/Auditor Process and Vacancy Notification, Mack McDonald, Chief Administrative Officer

RECOMMENDATION: Make a motion approving the Letter to the San Juan County Republican Party providing the notice of vacancy on July 15th, 2021.

SUMMARY

Our current Clerk/Auditor, John David Nielson, has submitted his resignation for July 14th, 2021.

The following is a description of the process and letter to be submitted to the San Juan County Republican Party Chairperson Kim Henderson.

Acknowledgement of James Francom, the current Deputy Clerk as the Interim Clerk/Auditor or Temporary Manager until an appropriate replacement can be appointed and sworn into office.

HISTORY/UTAH CODE PROCESS

In accordance with Utah Code 20A-1-508, Midterm Vacancies in County Elected Offices – Temporary Manager – Interim Replacement

The Clerk and Auditor are both a County Office. Here in San Juan County, because we have a budget of less than 100,000,000 then the Clerk shall be ex officio auditor and is combined as one elected officer (see 17-53-101)

“The County Legislative Body shall, no later than 10 days after the day on which the vacancy occurs, give notice of the vacancy to the Party Liaison of the same political party of the prior office holder and invite that party liaison to submit the name of an individual to fill the vacancy.”

The Party Liaison shall, before 5 p.m. within 30 days after the day on which the Liaison receives the notice described submits to the County Legislative Body the name of an individual the party selects in accordance with the Party’s constitution or bylaws to serve as the interim replacement.

The County Legislative Body shall, no later than five days after the day on which a party liaison submits the name of the individual to serve as the interim replacement, appoint the individual to serve out the unexpired term.

If the County Legislative Body fails to appoint an interim replacement to fill the vacancy in accordance with that process, the request of appointment then goes to the Governor who shall make the appointment within 10 days after he receives the appointment request.

The individual appointed as interim replacement shall hold the office until a successor is elected and has qualified.

In accordance with that code, paragraph 2 (a) states that until a County Legislative Body appoints an interim replacement to fill a vacant County Office, the Chief Deputy shall temporarily discharge the duties of the County Office as a Temporary Manager. In addition, the Temporary Manager is not able to change his title or receive compensation for the interim position. However, the County Legislative Body may authorize a performance award after an interim replacement is appointed and sworn into office.

FISCAL IMPACT

Future Performance Award to be determined.