

Project Name – Executive Office Audit	Workpaper Index # 2
Workpaper Name – FINAL	April – July 2021 Time Period

PURPOSE

The County Clerk/Auditor performed this audit to examine the Executive’s current practices in comparison to state code and best practices.

PROCEDURES PERFORMED

The Auditor gathered relevant state and county code pertaining to the Office of the Executive and its duties. Following examination of the code, the Auditor met with the Cache County Executive on three separate occasions to review Utah and Cache County code and review best practices within the department.

The Auditor also interviewed the executive office administrative assistant and chief deputy to review current practices within the office.

The Auditor interviewed Heidi Steed, Utah Local Government Records Specialist. Mrs. Steed works within the Utah Division of Archives and Records Service department. This department is charged with assisting Utah governmental entities in the efficient management of their records.

The Auditor also interviewed Rebecca Abbott the current Records Manager of Davis County. Rebecca has worked for 4 years managing the records department for Davis County.

FINDINGS

- 1) Cache County Code requires updates to reflect Utah Code requirements for the Executive office.
- 2) Combining the County Surveyor in the Executive office although permitted by Utah code, creates inefficiencies and potential for fraud and waste.
- 3) Multiple departments are currently handling record retention and publication duties.

Finding 1 – Cache County Code needs to be updated to reflect Utah Code requirements for the Executive office.

- (1) The current Cache County code requires updates to reflect changes in Utah Code requirements. Please see Appendix A for a detailed summary of each item below.
 - A. Cache County Code does not include a significant amount of Utah Code that clarifies the duties of the County Executive.
 - B. Current Cache County Code does not provide the county executive with the ability to properly delegate duties to his Chief Deputy, or other executive office staff.

Finding 2 – Combining the County Surveyor in the Executive office although permitted by Utah code, creates inefficiencies and potential for waste.

- (1) Utah Code 17-23-1 provides a detailed review of the County surveyor process and responsibilities. Under this code, the legal responsibility over the surveyor is the county recorder’s office. Placing the surveyor under the direct responsibility of the recorder’s office is a more natural fit and will provide better supervision of the process. See Appendix B for highlighted Utah Code review.



Finding 3 -- Multiple departments are currently handling record retention and publication duties.

- (1) Under Utah Code, a records officer must be established in the County to oversee the record publication, retention and maintenance process. Currently the Executive office secretary prepares agendas, minutes, publishes minutes for the majority of the meetings that take place in the county. Having a centralized record keeping process will help eliminate mistakes and help the Executive office staff focus on their specific department duties. See Appendix C for more detailed explanation.

RECOMMENDATIONS¹

- 1) Update Cache County Code.
- 2) Move the surveyor from the Executive's office to the Recorder's office.
- 3) Create a records officer position with the clerk/auditor's office to manage complete record process. Look into software to help centralize process and records. This will streamline processes for record retention, publication, etc. within the county.

¹ Draft adjusts recommendation to change the title of the County Executive to County Mayor from a Finding to an Observation. See Appendix D for more information. Revised 8/24/2021.



Appendix A

Finding 1 – Cache County Code needs to be updated to reflect Utah Code requirements for the Executive office.

- A. Cache County Code does not include a significant amount of Utah Code that clarifies the duties of the County Executive.

The following outlines areas of Utah Code related to the Executive Office that are not part of Cache County code. This code could be added to Cache County code if needed for specific areas of clarification of duties or included by reference to Utah Code.

1. Addition of missing Executive duties as outlined by Utah Code 17-53-302, which include: Review, negotiate, approve, and execute contracts for the county, unless otherwise provided by statute; perform all other functions and duties required of the executive by state law, county ordinance, and the optional plan of county government; and sign on behalf of the county all deeds that convey property.
2. An additional list of Cache County executive office code updates was provided to the Executive office for review.

- B. Current Cache County Code does not provide the county executive with the ability to properly delegate duties to his Chief Deputy, or other executive office staff.

Example proposed language to help address issue:

The County executive shall appoint at least one chief deputy to perform the duties as delegated by the County executive, and to perform the duties of the county executive in his/her absence or disability. The county executive may delegate the oversight, supervision and management of any executive branch activities, functions, agencies, divisions, departments or offices to a deputy mayor, or other executive branch staff.

Appendix B

Finding 2 – Combining the County Surveyor in the Executive office although permitted by Utah code, creates inefficiencies and potential for waste.

UTAH CODE County Surveyor

17-23-1. County surveyor to be elected -- Requirement to be licensed land surveyor -- Authority to contract with licensed land surveyor if no elected county surveyor -- County surveyor duties.

- (1) (a) The office of the county surveyor in each county shall be filled by election and, except as provided in Subsection (1)(b), the county surveyor shall be a licensed professional land surveyor in the state.
- (b) In a county where the office of county surveyor is consolidated with another elected office, all county surveying work shall be performed by a licensed professional land surveyor.



- (c) **In a county where there is no elected county surveyor:**
- (i) the county executive or legislative body may, consistent with Section [17-53-313](#), contract with a licensed professional land surveyor to perform those duties;
 - (ii) all county survey work shall be done by a licensed land surveyor;
 - (iii) the county recorder shall assume and perform all statutory functions and duties of the county surveyor related to the retention and maintenance of survey records;
 - (iv) the recorder's office shall act as the county surveyor's office only for the purpose of accepting, retaining, and managing county survey records;
 - (v) the county shall furnish sufficient office space, furniture, stationery, and record books necessary for the county recorder's office to fulfill its functions and duties under Subsection [\(1\)\(c\)\(iv\)](#); and
 - (vi) for purposes of this chapter, "county surveyor" means:
 - (A) for purposes of the retention and management of county survey records, the county recorder; and
 - (B) except as provided in Subsection [\(1\)\(c\)\(vi\)\(A\)](#), the licensed land surveyor under contract with the county to perform county surveyor duties.

Code continued from section above...

- (2) The county surveyor shall execute:
- (a) all orders directed to the surveyor by any court; and
 - (b) all orders of survey required by the county executive or county legislative body.
- (3) (a) The surveyor of each county shall:
- (i) advise the county executive and county legislative body regarding all surveying work;
 - (ii) perform or arrange for the performance of all surveying work for the county;
 - (iii) permanently keep at county government offices at the county seat a fair and accurate record of all surveys made, including legal descriptions and geographic coordinates, all surveys received pursuant to Section [17-23-17](#), and all corner files received pursuant to Section [17-23-17.5](#);
 - (iv) number progressively all surveys received and state by whom and for whom the surveys were made;
 - (v) deliver a copy of any survey to any person or court requiring the survey after the payment of the fee established by the county legislative body;
 - (vi) ensure that all surveys of legal subdivisions of sections are made according to the United States Manual of Surveying Instructions in effect at the time the survey is completed;
 - (vii) verify the correctness of or establish correct coordinates for all survey reference monuments set in place and shown on all subdivision maps and plats which have a spatial relationship with any section or quarter section corner; and
 - (viii) perform other duties required by law.
- (b) In arranging for the performance of surveying work for the county under Subsection [\(3\)\(a\)\(ii\)](#), a surveyor may comply with Section [17-53-313](#).



- (4) (a) The county surveyor or his designee shall establish all corners of government surveys and reestablish all corners of government surveys where corners have been destroyed and where witness markers or other evidences of the government corners remain so that the corners established by government survey can be positively located.
 - (b) The corners shall be reestablished in the manner provided in Section [17-23-13](#) for establishing corners.
 - (c) The county surveyor shall keep a separate record of the established and reestablished corners of government surveys, giving the date and names of persons present and shall provide those records to his successor when he vacates his office.
 - (d) Established or reestablished corners shall be recognized as the legal and permanent corners.
- (5) The county executive or legislative body may direct the county surveyor or his staff to perform engineering and architectural work if the county surveyor or his staff is qualified and licensed to perform that work.

17-23-2. Office furnishings and supplies -- Filing and indexing fees -- Records remain county property.

- (1) The county shall furnish an office, furniture, and all stationery and record books necessary for the surveyor's office.
- (2) The county legislative body, by ordinance or resolution, may establish the fee to be collected by the county for filing and indexing a map of a survey. Fees for filing of maps under Section [17-23-17](#) shall be governed by Section [17-23-19](#).
- (3) All records, maps, plats, profiles, calculations, and field notes of all surveys made by the county surveyor in an official capacity during the surveyor's term of office, or by persons designated by the surveyor to do survey work on behalf of the county, or maps of a survey filed under Section [17-23-17](#), shall be the property of the county, open to the inspection of any person, and shall be delivered by the surveyor to a successor in office.

Appendix C

Finding 3 -- Multiple departments are currently handling record retention and publication duties.

Auditor performed interview with Heidi Steed (Utah Local Government Records Specialist) and Rebecca Abbott (Records Manager of Davis County). Both recommended the use of a centralized record keeper for the county. Davis County currently has a Records manager with two additional staff that work within the clerk auditor's department to help coordinate the record keeping process across the entire county. Most other counties throughout the state have a designated non-elected employee who manages the record keeping process. This allows for better control across departments and more consistency. In addition, having one centralized person allows for better accountability to ensure records across the county are handled according to the state rules and regulations.



Appendix D

Observation 1 – Title of County Executive

The Chief Executive Officer of Cache County is an elected position. All other counties in Utah that utilize an elected Executive (Salt Lake County, specifically) refer to the County Executive as the County Mayor. The population of Salt Lake County is nearly one-third of the population of the State of Utah. While Council-Mayor is an easily recognizable form of government within Utah, the term Council-Executive is limited to Cache County and has been known to create confusion for those navigating/understanding Cache County's government. One key duty of the County Executive is to represent the County to other organizations/entities. Such efforts may be impaired due to role confusion. To create greater government transparency and efficiency with the public and other entities, a title change may be necessary. Further analysis is recommended.

