

**GRAND COUNTY CHANGE IN FORM OF GOVERNMENT
STUDY COMMITTEE
REGULAR MEETING**

**Grand County Council Chambers
125 East Center Street, Moab, Utah**

**MINUTES
June 21, 2019**

Call to Order

The Grand County Change in Form of Government Study Committee ("Study Committee") met in Regular Session on the above date in the County Council Chambers. The meeting was called to order by Chairperson Stocks at 12:03 p.m. with a quorum present. In attendance at the call to order were Study Committee Members Judy Carmichael, Walt Dabney, Jeramy Day, Bob Greenberg, and Marcy Till; Cricket Green arrived shortly after the call to order. Also in attendance was Ruth Dillon (County Council Administrator) to take minutes.

Pledge of Allegiance

The Pledge of Allegiance to the Flag of the United States of America was led by Walt.

Approval of Minutes

- A. June 13, 2019 (Study Committee Special Meeting: "Spanish Valley" Open House)

Chairperson Stocks requested any changes or corrections to the minutes.

MOTION: Motion by Judy to approve the minutes of June 13, 2019 Open House seconded by Bob carried 7-0.

- B. June 14, 2019 (Study Committee Regular Meeting)

Chairperson Stocks requested any changes or corrections to the minutes. Bob provided suggested changes as follows: Page 3, Item F to be changed from "poignant" to "pertinent" to read "Marcy agreed to draft a list of pertinent questions presented by citizens." Page 3, Item I to be changed from "PSA at no charge" to "no-charge PSA" to read "Marcy agreed to submit another no-charge PSA to KZMU to advertise the 4th of July booth if the booth is deemed available." Walt suggested a change on page 4 Item K to be changed from "reported" to "repeated," yet Judy stated that it is fine the way it is.

MOTION: Motion by Bob to approve the minutes of June 14, 2019 as modified seconded by Marcy carried 7-0.

- C. June 17, 2019 (Study Committee Special Meeting: "Castle Valley" Open House)

Chairperson Stocks requested any changes or corrections to the minutes. Bob provided suggested changes as follows: Page 1 to be changed from "Grand Water & Sewer Service District building in Moab, Utah" to "Castle Valley Town Hall in Castle Valley, Utah" to read "The Grand County Change in Form of Government Study Committee ("Study Committee") met in Special Session for an Open House on the above date at the Castle Valley Town Hall in Castle Valley, Utah." Next sentence to be changed from "at by 4:00 p.m." (typo) to "at 4:00 p.m." to read "The Open House began at 4:00 p.m. with a quorum of four present."

MOTION: Motion by Jeramy to approve the minutes of June 17, 2019 Open House seconded by Cricket carried 7-0.

General Reports

- D. Update on information regarding the possibility of holding a county special election of officers during the municipal election year of 2021

Marcy read an excerpt from an email dated June 18, 2019 received from Gavin Anderson, Salt Lake County Deputy District Attorney, as follows: "It does appear pretty clear that the election of county officials has to be conducted in a general election year – that is, in November of an even-numbered year:..."

Marcy further reported that the County Clerk had also weighed in with a similar response.

Jeremy expressed his opinion of the importance of having outside legal counsel to review House Bill 224 (HB 224) which became law, stating that legal analysis is needed to confirm timetables per HB 224 as to when the Study Committee can or cannot hold the elections, and that legal review should include an interpretation of timetables and deadlines. He expressed concern about the contradictions and gray areas in the new law.

Bob expressed that the County Clerk is the election official for Grand County; that the County Attorney has provided her legal opinion on this which agrees with the County Clerk's opinion and agrees with Gavin Anderson's legal opinion; and that Mr. Anderson is the expert on change of form of government law; and that the voters have indicated three separate times that they are fine with the current form of government.

Walt suggested having another reading of the law, to include the timetables, and he supported Jeremy's suggestion to submit a legal question if Jeremy has a specific question; he stated that otherwise the Committee should accept the opinions of the County Clerk and County Attorney.

Judy noted that Mr. Anderson's email included an option for lobbying, a "crapshoot."

Community Outreach and Possible Action

- E. Report on June 17, 2019 Open House and surveys received

Study Committee Members reported positive results from the Open House held in Castle Valley on June 17th: That approximately 30 attended, despite the rainstorm, representing almost 10% of Castle Valley and that citizens reported during the Open House that they found it refreshing to come to learn rather than to argue. Additionally, the attendees expressed that they were appreciative of the Study Committee coming to them.

Bob reported that at least one individual attended who was not from Castle Valley. County Council Administrator Dillon reported having received 11 surveys from the Open House, plus an additional 10 surveys that were turned in to the Treasurer's Office from former Open Houses, as well as several written comments regarding pros and cons of voting at large versus voting by district. She stated that she allowed several from the Open House to take surveys home to others in the household.

Furthermore, County Council Administrator Dillon reported having sent a clarifying email to all county staff after a newspaper erroneously reported that County staff would be interviewed and/or surveyed. She reported that the Open House wall displays are now displayed on the courthouse wall just outside the Council Chambers, spread from the 100 East entrance to the foyer at the Clerk/Auditor's Office.

- F. Update on booth information for the Fourth of July Celebration in Swanny Park

Cricket reported that a carnival-type activity at the booth for the Fourth of July celebration is required by the Chamber of Commerce. She questioned as to whether Committee Members still want to pursue the booth, which is no cost since Grand County is a member of the Chamber of Commerce. Committee Members discussed such activity ideas as patriotic face-painting or properly folding an American flag. Chairperson Stocks volunteered to look into setting up a dunk tank or similar ideas. Judy and Walt volunteered to run the

booth and Walt agreed to ensure that a table is provided. Cricket agreed to forward the Chamber of Commerce application to County Council Administrator Dillon for processing and keeping booth volunteers apprised of expectations. Additionally, the Administrator's Office will provide surveys and Open House packets for use by Committee Members during booth discussions with citizens.

G. Approving use(s) of Facebook and/or other social media, postponed from June 14, 2019

Jeremy recommended erring on the side of caution, reporting that anything posted on social media becomes public record and must be accessible for public record, and further that comments could be used in a court of law. He encouraged instead making information accessible to citizens via the Study Committee webpage. Other Study Committee Members seemed to agree, stating that email is another avenue for communication.

The matter failed for lack of a motion.

H. Suggestions for public service announcement(s)

Marcy agreed to submit another no-charge public service announcement (PSA) to local media, including both radio stations, to advertise the 4th of July booth. It would read something along the lines of, "Missed the Open Houses? There's still time to complete the survey. Request a survey from the Administrator's or Treasurer's Office. Learn more about the change in form of government by visiting our booth at the Fourth of July celebration at Swanny Park. Return your survey by 5PM Friday, July 5th."

County Council Administrator Dillon announced that she took the liberty to update the Study Committee flyer by replacing the Open House dates with the Study Committee's Fourth of July Booth times from 10 to 2 and announcing the 4th of July celebration location of Swanny Park.

I. Suggestions for next newspaper editorial regarding the public engagement process

Chairperson Stocks stated that he will repeat the PSA information as determined in Item H being sure to mention the Fourth of July booth and the survey deadline of 5PM July 5th.

Citizens to Be Heard

Citizen Paul Frank inquired as to why the survey must be requested rather than having it printed in the newspaper(s). Study Committee Members explained reasons for maintaining the integrity of the survey response process. Mr. Frank confirmed that he received a survey made available at today's Study Committee meeting.

Presentations

J. Presentation on Grand County voting trends from 1960 to the present with implications for form-of-government issues

At approximately 12:53 p.m., County Council Administrator requested a five-minute recess for the purpose of locating the projector remote control, which request was accepted and a five-minute recess was declared by Chairperson Stocks.

At 12:58 p.m., Chairperson Stocks called the meeting back to order, with all Study Committee Members present.

Following the recess, Kevin Walker, Grand County Democratic Party Chair and research mathematician, provided a PowerPoint presentation on voting trends from 1960 to the present. His presentation posed the question, "Did the change of government in 1993 give one side an advantage?" He indicated that the answer is "no," that nothing dramatic happened in 1993 and that there was no apparent advantage for either political party since 1993. He stated there was a dramatic decrease in Republican voting between 1984 and 1988, to which Cricket stated that this was the time of the uranium mining bust when many people moved out. He

further stated that control has gone back and forth between liberals/Democrats and conservatives/Republicans many times, both before and after 1993. Mr. Walker reviewed “other lessons” revealed by the data, stating that over the past 30 years Grand County has become gradually more progressive, as also indicated currently by the elected Moab City Council. He reported that the State of Utah shortly before 1992 had moved away from the commissioner staggered terms of 2-4-4 to the current staggering of terms for elections every two years.

Following the main presentation, Mr. Walker invited Committee Members for questions. Questions were given, and Mr. Walker indicated that Grand County has been 8 to 10 years behind Moab City and Salt Lake City in political progressiveness; that until recently over one-half of Grand County registered voters were registered as Unaffiliated; and that, in his opinion, there is great chance for political diversity with voting by districts rather than voting at large.

Afterwards, Mr. Walker offered to forward the PowerPoint documents to Study Committee Members.

- K. Presentation on statistics of Grand County elections showing the history of opposed and unopposed candidates for County Council

Cricket reported her interpretation of the statistics provided in the packet that there were only 5 (of 13) races since 1993 (beginning in 1994) in which there was opposition within a given district. Bob reported his interpretation of the statistics that almost exactly 25% of the races (6 out of 22) had unopposed candidates. He stated that districting size is not accounted for in the statistics provided, stating that some districts have 800 voters compared to other districts with 1500. He expressed the need to re-design the districts to be equal.

Judy expressed that it will be easier to recruit good candidates along party lines.

Walt expressed his agreement that the existing districts are skewed. He pointed out that nearly half of Grand County’s registered voters are Unaffiliated. He then inquired about funding for Unaffiliated candidates.

Bob explained that the local Democratic Party has supported candidates who are not registered Democrats as long as they believe in Democratic ideals. Jeramy explained that the local Republican Party bylaws restrict funding to Republican candidates yet candidates may themselves raise funding.

Stephen brought up the fact that there are other parties as well, including Libertarian, Green, and Independent.

Discussion and possible action on study strategy

- L. Forming a subcommittee to review the completed surveys following the deadline of 5PM Friday, July 5, 2019 in order to develop a narrative report for Study Committee review and adoption

Marcy suggested having several subcommittees to collate and interpret information from the Open Houses. Bob suggested the understandings from the conversations also need to be included.

Judy requested a spreadsheet.

MOTION: Motion by Bob for the Chair to appoint committees of two to analyze the surveys on each location and provide a narrative, and for the Administrator’s Office to tabulate the surveys by location and the discussions and forward them confidentially. The motion was seconded by Judy. There was discussion to request a grand total.

Bob amended the main motion to include that draft reports be circulated to the individual members who were not part of the subcommittee but who attended those meetings. Judy accepted the amendment to the main motion.

Bob reported that Tooele County Study Committee Members advised using trend language such as “vast majority, slight majority, dead even, general agreement, no agreement, and points mentioned” instead of numbers which give the impression of a vote.

Walt reported that he attended all three Open Houses and will attend the Fourth of July booth. He stated that thus far there has been no difference in tone by the participants at the various locations but each event illuminated general confusion on nomenclature: “council” versus “commission” and “appointed manager” versus “administrator.”

Bob suggested having one committee to write a narrative report collectively, with Walt spearheading since Walt will have attended all events. There was discussion to request Jeremy’s input for clarifications since Jeremy was not able to attend the events thus far. Walt offered to chair a committee to collate all the information; Stephen and Judy agreed to participate on the committee, and Walt agreed to then share the draft narrative with all remaining Study Committee Members.

The amended motion failed 0-7.

MOTION: Bob made a substitute motion to appoint a committee to be headed by Walt, with members Stephen and Judy, to analyze the results of the surveys and compile a narrative, and circulate that narrative to all members who attended the Open House meetings – for edits. The motion was seconded by Cricket and carried 7-0.

County Council Administrator Dillon clarified that, as discussed, her office will tabulate the responses following the 5PM July 5th deadline; the tabulation will be of each of the four questions by Open House location, including a separate location for surveys received from the Fourth of July booth, as well as a separate location for individual (unmarked) surveys received by the Treasurer’s Office and Council Administrator’s Office by the deadline, together with a grand total of all locations; and that such numerical tabulations and source documents will be treated confidentially and internally for the purpose of informing general trends to be communicated in the form of a narrative report. She agreed to do her best to have the tabulations done in time for the committee to meet to draft a narrative report for forwarding to remaining Study Committee members prior to potential adoption at the next Study Committee meeting.

- M. Report on additional fee information for engagement of outside counsel, continued from April 12, 2019, and approving proposed contract award for drafting the Optional Plan Ordinance, postponed from May 17, 2019

Jeremy reported having contacted over six law firms in Utah, including Snell & Wilmer; Parr Brown Gee & Loveless; David Church; Lisa Tatton (Jeremy reported being unsure of name); Todd Weiler (State Senator and attorney who reportedly knows HB 224); and Kirton McKonkie. He reported that many cannot represent Grand County due to conflicts of interest, while Kirton McKonkie has been unwilling to represent for the fee proposed.

Bob reported that interested attorneys thus far (Steve Russell, Snell & Wilmer, and Leigh Singleton) have estimated 20 to 30 hours of work, stating that the difference in cost is due to differences in hourly rates.

Several Committee Members expressed interest in having Gavin Anderson as attorney, if he is allowed to provide a proposal.

Committee Members discussed pros and cons of each of the three proposals received thus far.

MOTION: Motion by Bob to postpone Item M until next meeting, seconded by Walt.

Bob suggested he could amend his motion to postpone until the Committee receives a proposal from Gavin Anderson. There was discussion about possibly calling a special meeting. Following discussion, the vote was called, as above, for postponing until the next regular meeting.

Chairperson Stocks expressed concern about continuing to push back the matter of engaging outside counsel.

Jeremy stated that he has indicated to law firms he has solicited that they must, as part of the Scope of Work, familiarize themselves with and provide legal analysis of HB 224, provide expertise in writing and drafting the governing documents and Optional Plan on the change in form of government, and answer any questions the Study Committee Members have during the process.

Committee Members discussed the need to have a separate cost to analyze and answer legal questions that may come up during the process. In order to better ensure comparative legal proposals, Jeremy agreed to provide the email questions he asked of Snell & Wilmer to Marcy for purposes of her forwarding on to attorney Gavin Anderson in the event that he is allowed to provide a quote. Jeremy also agreed to provide same to Bob for purposes of Bob's forwarding on to attorneys Steve Russell and Leigh Singleton to request their revisions to their proposals/quotes. If needed for "apples-to-apples" comparisons, Jeremy will also seek a revision to proposal/quote from Snell & Wilmer.

County Council Administrator Dillon agreed to inquire with the County Attorney as to whether a letter of agreement/engagement along with a Scope of Work is acceptable, versus the County's Independent Contractor's Agreement.

Motion carried 6-1 with Stephen opposed.

- N. Approving amended motion of June 14, 2019 to contract with Mr. William Cooper of Bristol, Virginia for expert consultation on election districts in a not-to-exceed amount of \$1,000 for initial draft plans for 3 and 5 voting districts

Bob expressed that Mr. Cooper is an expert on drawing election districts and has drawn up over 750 plans, that Mr. Cooper is expected to be in Utah in September 2019 and can run scenarios live with software. Bob expressed the opportunity to look at possibilities for districts, explaining that small districts may have been problematical for recruiting candidates. Cricket suggested that the Study Committee should first determine whether to recommend having districts. Walt stated that citizens from the Open Houses expressed a lot of questions and concerns about districts, and he noticed a lot of interest in a combination of at-large seats with district seats. He suggested that the live scenarios could help reassure citizens.

The Morgan County Optional Plan report was briefly discussed which indicated that they will be recommending the combination of at-large and districts and further will be recommending that the next governing body determine the districts. Study Committee Members agreed that Morgan County's having the next governing body determine the districts could invite gerrymandering. Bob explained that, with 2020 Census data, the new local governing body would have the opportunity to adjust the districts.

Committee Members suggested having a phone conference or video conference with Mr. Cooper, limited to an educational session such as providing the "nuts and bolts" of districting and providing current trends. Bob expressed that Mr. Cooper's career has been largely consulting on redistricting to un-do discriminatory gerrymandering.

Kevin Walker, as Chairman of the Grand County Democratic Party spoke on ideas for redistricting. It was stated that there are many, many ways to divide the population and further that some states require independent redistricting commissions.

MOTION: Motion by Jeramy to approve a visit from Mr. Cooper via video conference, or if he appears in person, to give a presentation regarding districting for educational purposes only, with a budget not to exceed \$500. The motion was seconded by Bob and carried 6-1 with Cricket opposed.

Bob agreed to email Mr. Cooper for a possible presentation as early as next regular meeting.

Future Considerations

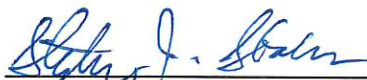
O. Determining a fall meeting schedule

County Council Administrator Dillon reported having received no schedules from Committee Members. The request was made to provide her with blocks of time that will not work; in this way she can arrive at a schedule to include additional Fridays until Thanksgiving 2019 that will work for the majority of Study Committee Members. Several Committee Members immediately indicated their general availability on Fridays.

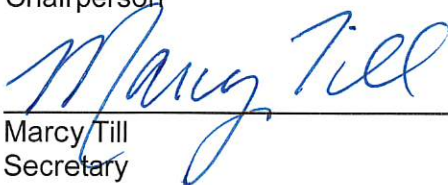
Closed Session(s) (if necessary) - none

Adjournment

The meeting was adjourned at approximately 3:05 p.m. by acclamation.



Stephen Stocks
Chairperson



Marcy Till
Secretary

