

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

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

**MINUTES
August 23, 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 12:00 p.m. with a quorum present. In attendance at the call to order were Study Committee Members Judy Carmichael, Walt Dabney, Cricket Green, Bob Greenberg, and Marcy Till. Committee Member Jeramy Day was absent due to medical reasons. Also in attendance was County Council Administrator Ruth Dillon to take minutes and Attorney Gavin Anderson (by phone).

Pledge of Allegiance

The Pledge of Allegiance to the Flag was led by Marcy.

Approval of Minutes

A. August 12, 2019 (Study Committee Special Meeting)

Chairperson Stocks requested any changes or corrections to the minutes. Bob stated that on page 2, last paragraph, the entire paragraph should be replaced with a truncated version of the beginning sentence to read, "Bob then read a statement for the record, attached." He further requested that his statement of August 12th be attached to the final, approved minutes.

Bob also stated that on page 7, the statement should read, "Attorney Anderson reiterated that if the draft Optional Plan is found by the County Attorney to not be in compliance with State Statute or Constitution, then the County Attorney must set out specifics" rather than "must set out specific ways for compliance and cite statutes."

Bob suggested for the last sentence of that same paragraph on page 7 adding a phrase, "and if she completes her work by September 6th," to read, "That is, as long as there are no requirements by the County Attorney to amend the draft Plan in order to be in compliance with State Code and/or Constitution, and if she completes her work by September 6th, it will be on the 2019 election ballot.

MOTION:

Motion by Bob to approve the minutes of the August 12, 2019 special meeting with the corrections, seconded by Cricket carried 6-0.

B. Developing a new campaign to educate the public on the Optional Plan, in the event that the Optional Plan is found by the County Attorney, by September 6, 2019, to be legally compliant with the State Constitution and State Code

Marcy suggested, since the Optional Plan is in process with the County Attorney that Committee Members could think about ideas between now and the next meeting for educating the public, and that by next meeting the Committee will have the County Attorney's legal review. Committee Members began discussing the need to educate the public whether the matter is on the 2019 or 2020 ballot. Committee Members discussed ideas including holding Open Houses in the same locations as before and/or a public educational meeting led by

Attorney Anderson at Star Hall. Chairperson Stocks suggested having a subcommittee to lead the efforts, and several Committee Members volunteered.

MOTION:

Motion by Marcy to create a subcommittee composed of Walt, Judy, and Marcy to develop a plan to update the public, regardless of the County Attorney's report on the proposed Optional Plan, whether it is to be on this year's ballot or next year's ballot. Motion was seconded by Cricket. Marcy suggested that the subcommittee meet within the next two weeks and bring back a game plan and possible dates for events to be held possibly in late September or early October. Cricket suggested that if the Optional Plan meets the County Attorney's approval for a 2019 ballot that the Open Houses be held, and if not that the educational meeting led by Attorney Anderson instead be held at Star Hall. **Motion carried 6-0.**

- C. Drafting an "Argument in Favor" statement for a Voter Information Pamphlet for delivery to the County Clerk on or before September 6, 2019, in the event that the Optional Plan is found by the County Attorney to be legally compliant

Bob suggested the need for volunteers to draft the Argument in Favor statement for the Voter Information Pamphlet. County Council Administrator Dillon reported that the maximum number of words is 500.

MOTION:

Motion by Judy to form a subcommittee composed of Walt, Bob, and Stephen to come back with ideas for an Argument in Favor statement for the Voter Information Pamphlet for Committee approval on September 6th, in the event that the Optional Plan is to be on the 2019 ballot. Motion was seconded by Marcy. Attorney Anderson reminded Committee Members that if the Plan does not make it to the 2019 ballot, the Study Committee could make changes in time for the 2020 ballot. He also stated that the Study Committee can help with the transition plan if the voters were to vote down the proposed Optional Plan causing the form of government to default to a three-member Commission. He stated that either the existing County Council or the Study Committee would have to come up with the transition, most importantly for the effective date of the new form of government and also for the terms of the three County Commissioners.

Marcy inquired as to whether the Argument in Opposition statement for the Voter Information Pamphlet would be basically the same as the Argument in Favor statement of a three-person Commission. Attorney Anderson replied "not necessarily" and also informed Committee Members that the Study Committee cannot tell those who may develop an Argument in Opposition statement what to say in such statement. Committee Members acknowledged that they understood. Attorney Anderson also informed Committee Members that it is fine to have an Argument in Favor statement even if there is no Argument in Opposition statement. He said that sometimes there is a Statement in Favor, a rebuttal against the Statement in Favor, an Argument in Opposition statement, and a rebuttal against the Argument in Opposition statement.

County Council Administrator Dillon reminded Committee Members that the Voter Information Pamphlet is due to the Clerk/Auditor 60 days prior to the November 5, 2019 election, which date is Friday, September 6 and coincides with the next regular Study Committee meeting. Committee Members acknowledged that the subcommittee will provide a proposed Argument in Favor statement for a vote of the Study Committee on September 6th in time for same-day delivery via County Council Administrator Dillon to the County Clerk/Auditor. **Motion carried 6-0.**

- D. Suggestions for additional public service announcement(s) and/or flyer update

MOTION:

Motion by Bob to postpone this matter to September 6, 2019 seconded by Walt carried 6-0.

Citizens to Be Heard - none

Future Considerations

Chairperson Stocks asked for any future considerations. Walt asked for clarification and joint understanding on the following scenario:

The terms of 4 current Council Members will end 12/31/2020, and Council Member Morse has announced possible plans to move out of district, for a possible total of 5 vacant Council seats for the 2020 election – if Council Member Morse's move out of district occurs within his first two years of office (i.e., by 12/31/2020).

Walt asked a question along the lines of: If the Optional Plan is not on the general election ballot until 2020, and the 4 open Council seats, plus a potential district seat, have 5 candidates running in 2020 under the current form of government, will the 2020 winning candidates potentially serve for only 2 years from January 2021 until January 2023? Study Committee Members seemed to think so.

Walt continued: And if the voters approve the new form of government in 2020 to be effective January of 2023, could candidates potentially run in 2022 for the new 5-person form of government, with 3 of them only running for 2 years, having to run again in a Presidential election year? He stated his understanding that the 2 district candidates would run in 2022 for 4 years. Study Committee Members seemed to think so. Walt commented on the expense of campaigning and running elections for this process.

Attorney Anderson stated that if the Optional Plan is voted down, that it is possible that a new study committee could be created; he stated that he would need to further research House Bill 224 that became law. Attorney Anderson indicated that the Study Committee could start over again, that the County Council could place the ballot question as to whether to form a new study committee. He reiterated that the Study Committee's work is done March 8, 2020, and that if the County Attorney finds that the proposed Optional Plan is in violation and thus it is not on the 2019 ballot, then the Study Committee can correct the problems prior to the end date of March 8, 2020 in time for the 2020 election. Chairperson Stocks suggested an agenda item for the next meeting, September 6th, to invite the County Attorney to review violations if any are found.

Attorney Anderson agreed to research whether the Study Committee has a role for the transition plan if the proposed Optional Plan is voted down in 2019, thus requiring a transition plan for a three-member Commission by December 31, 2020. Chairperson Stocks suggested having this matter on the next agenda. Attorney Anderson stated that House Bill 224 is not clear. Attorney Anderson reported that he had sent an email earlier this week to the Study Committee addressing this matter. He stated that there is an argument that the Study Committee has the authority to play a role in such a transition plan, and he quoted State Code provided in the email related to voters not approving a change in the county's form of government (before December 31, 2020): "...the county shall transition to the form of government ... in the same manner as if the voters of the county had approved the change in the form of government ..." He questioned whether "in the same manner" could include the activities of the Study Committee, stating that there is a good argument for it. He suggested that it may become necessary to collaborate with the County Attorney, Clerk/Auditor, and current County Council as to who would play what role.

Bob asked, if it is determined to be within the Study Committee's authority to play a role in a required transition to a three-member Commission, is the Study Committee required to do so? Committee Members briefly discussed the challenge of supporting a transition for a vision they do not hold, together with the desire to work toward supporting the voters' wishes for a successful change in the form of government.

Marcy asked, if the County Attorney finds violations in the proposed Optional Plan and then the Study Committee makes the necessary corrections in time for the 2020 election, with the Study Committee's obligations ending in March of 2020, and with the Study Committee being the most knowledgeable to champion and present the Plan to the community, could the Study Committee do so after March 2020? The response was that Committee Members would have to act as individuals after March 8, 2020, rather than as a Study Committee, in championing the proposed Optional Plan.

Closed Session(s) (if necessary) - none

Adjournment

The meeting was adjourned at 12:40 p.m. by motion that carried unanimously as made by Bob and seconded by

Walt.

Stephen Stocks
Chairperson

Marcy Till

Marcy Till
Secretary