

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

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

**MINUTES  
October 25, 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 12:04 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. Also in attendance was County Council Administrator Ruth Dillon to take minutes and Attorney Gavin Anderson by phone. Absent at the call to order was Jeramy Day; Jeramy arrived several minutes later.

**Pledge of Allegiance**

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

**Approval of Minutes**

A. October 18, 2019 (Study Committee Regular Meeting)

Chairperson Stocks requested any changes or corrections to the minutes, noting a typo of a hanging "g" on page 2.

**MOTION:**

**Motion by Bob to approve the minutes of the October 18, 2019 meeting as amended, seconded by Cricket carried 6-0.**

**Community Outreach and Possible Action**

Bob stated that, once the Optional Plan is ready for the election, there will likely be active citizen groups and political parties promoting it and therefore the Study Committee's role would not need to be primary. It was noted that the newspapers will also provide election coverage of the Optional Plan.

Marcy announced that \$500 has been requested for the 2020 budget for community outreach.

Study Committee Members discussed holding open forums.

**MOTION:**

**Motion by Walt that the Study Committee, following approval of the County Attorney of a final Optional Plan, will hold two Open House public meetings—in Moab and Castle Valley—for the purpose of explaining the recommendation and answer questions about the process or the meaning of the recommendation; and following the Open House opportunities, that Study Committee Members would be available by invitation to any group to explain the recommendation and process to them, with dates to be determined and publicized. The motion was seconded by Bob and carried 6-0.**

Bob requested to know the balance of the attorney contract of the not-to-exceed amount of \$7,500. Attorney Anderson reported that the budget is nearly spent, and that Salt Lake County would likely not plan to budget beyond the contracted amount. Bob also requested to know whether the districting expert's invoices have been received and paid. County Council Administrator Dillon replied that her office does not typically receive invoices and therefore cannot be certain.

Jeramy arrived at 12:18 p.m.

**Citizens to Be Heard** – there were none.

**General Business- Action Items- Discussion and Consideration of:**

- B. Approving policy decision(s) and approving changes to proposed summary of recommended Legislative action to be sent to members of the State Legislature regarding 2018 House Bill 224 as it relates to the State-mandated change in Grand County's form of government, postponed from October 18, 2019

Chairperson Stocks suggested reviewing the outline, "The Grand County Experience" (October 18 draft), line by line. Attorney Anderson stated that a cover letter will also be needed stating more specifically what the Study Committee encountered in the process, including litigation and a setback due to the County Attorney's opinion. He described the cover letter as a way to memorialize why Grand County is presenting the outline, and how the issues arose that gave rise to the recommendation.

Marcy began reading aloud from the document with all other Committee Members following along:

I.a. Chairperson Stocks inquired and found that Committee Members had no issues.

I.b. Committee Members agreed to replace "commission" with "county legislative body" in this section and throughout the document, as appropriate.

Attorney Anderson remarked that a policy decision is needed on the statement, "The Committee further recommends that either procedure – legislative body resolution or citizen petition – should require a Study Committee process to prepare an optional plan for the voters and should no longer permit petitioners or an existing county legislative body to draft and recommend a new plan." Committee Members agreed by a straw vote led by Chairperson Stocks.

I.c. Attorney Anderson suggested that this section could be placed into the cover letter instead. There was agreement by the Study Committee to move this to the cover letter and delete it from the recommendation document.

I.d. (new item I.c.) Marcy suggested, and it was agreed by Committee Members after discussion to change "spaghetti bowl flow" to "confusing 'spaghetti bowl' flow" by placing the phrase *spaghetti bowl* in quotations and adding the word "confusing" to describe it.

Walt brought up the need for clarity regarding the Appointment Council process, and Jeramy agreed with him. It was noted that both served on the five-person Appointment Council to choose the current Study Committee of seven. Walt expressed his concern regarding losing local control in the process. He stated that, when selecting members to the Appointment Council, two Appointment Council Members should choose the third Appointment Council Member, and the majority vote of the three Appointment Council Members should choose the remaining two. He indicated that by having a third Appointment Council Member with a viable vote to help choose the remaining two Appointment Council Members, it would avoid the problem of having to turn to the State Legislature to make appointment(s) on the Appointment Council. Attorney Anderson agreed to add the language into this section. Chairperson Stocks suggested that Attorney Anderson coordinate with Walt and Jeramy, as needed, to refine the language.

I.e. (new item I.d.) Committee Members agreed to leave it in, as is.

II. Bob suggesting adding language for a stronger point that the County Attorney is allowed 45 days for review of the Optional Plan in addition to the 120-day deadline prior to the election for an approved Plan, noting that this adds up to nearly one-half a year.

Bob and Marcy suggested changing "finished proposal" to "finished optional plan approved by the County Attorney." Committee Members agreed.

III. Attorney Anderson suggested acknowledging the concerns of the County Clerk/Auditor regarding inconsistencies between HB224 and the Election Code. He stated that he has been in touch recently and learned that the current municipal election and budget process are overwhelming the workload of the Clerk/Auditor at this time. Marcy suggested including in the cover letter that the County Clerk/Auditor has concerns that will be provided separately. There appeared to be agreement to do so.

Bob suggested adding to the first paragraph, “or as a special election” to add maximum flexibility to the counties.

Bob suggested in the Applicable Statutes subsection to add “or special” election day, and replace “would” with “could.”

Chairperson Stocks began reading aloud from the document with all other Committee Members continuing to follow along:

IV. Attorney Anderson stated that the purpose of the cover letter is to address the confusion and complexity of the process as well as the failure of State Statute to clarify what role the existing governing body has in working with the Study Committee to develop a draft Optional Plan. Committee Members agreed to the stated purpose of the cover letter.

V. Bob suggested adding in the last sentence of the main paragraph, “and the voters” and changing “legislative body” to “council” since it refers to the Grand County Council.

Attorney Anderson inquired as to whether the Study Committee wants to make a recommendation in this document that preparing the Optional Plan be either the Study Committee or the county legislative body. There was hesitation, followed by much discussion regarding need for clarification in the law of legislative intent, the need for defined roles and relationships, the need to clarify whether the Study Committee is intended to be advisory to the legislative body, the need to clarify the role of petitioners, the need for Study Committee to have the option—if not the responsibility—to prepare the Optional Plan, the need for clarification of specific roles of the existing legislative body in the process, the need for the law to compel action, and a suggestion to add verbiage to clarify the responsible party and authority to set districts in the Optional Plan.

Committee Members discussed ideas for the cover letter including language expressing that the Study Committee went through a thoughtful, elaborate process—with costs for expert districting advice—following the “One Person One Vote” law only to learn from the County Attorney’s opinion that it was not their purview to draw districts. It was suggested to make a statement about the need for clarity in the Legislators’ intentions.

Jeremy, in collaboration with other Committee Members, suggested replacing the title of this section with, “Clearly Define the Responsibility and Authority of the Established Study Committee, Legislative Body, and Petitioners in the Process and Preparing of the Plan.” Committee Members agreed.

VI. Bob suggested “may be” in place of “is” in the first sentence and adding “a specific” in front of “election day.” Committee Members appeared to agree.

VII. Study Committee Members agreed to leave the section as written.

VIII. Bob suggested language of “whose members may have” in place of “with” in third sentence. Chairperson Stocks suggested changing in the last sentence of the main paragraph “budget process and timing and which” to remove an “and.” Attorney Anderson changed it to “budget process and timing; further, it vests...” Committee Members agreed to the change.

In the Applicable Statute of this section, Bob suggested changing “specific” from “general”. Cricket suggested changing the title to “Who Sets Budget Appropriations?” Committee Members agreed.

IX. Bob suggested deleting "Clarify" in the heading since the County Attorney role is clear in HB 224. After discussions, Committee Members agreed to change the title to "Revising the Role of the County Attorney within the Review Process." They also agreed to change the section to read, "In keeping with the ideal that the existing government should not have any role in shaping the optional plan, the Legislature should consider another means to deal with the required review of the plan for legality, including a disinterested third party and/or an appeals process such as an arbitration process. The County Attorney and Study Committee would choose a third disinterested party for arbitration." Committee Members agreed to delete the rest of the section except for the Applicable Statute subsection.

Attorney Anderson stated that there is major friction currently in other counties who are in the process of changing their form of government, with conflict between Commissioners and the County Attorney. He stated that, for these reasons, there may be an impetus by the State Legislature to take the County Attorney's role out of the process altogether.

X.a. Committee Members indicated that having a permissive voter information pamphlet, rather than a mandatory one, is a good idea. Committee Members agreed to strike this section.

X.b. (new X.a.) Committee Members agreed to leave the section as written.

X.c. (new X.b.) It was suggested to replace "preparation" with "preparation/implementation." Committee Members agreed.

X.d. (new X.c.) Attorney Anderson offered ideas for a trigger point for which there could be no interference by significant amendments made by the Legislature. After discussion, Attorney Anderson changed the sentence to read, "If a significant amendment is made by the Legislature, it should grandfather all existing county efforts that have been filed with the respective county clerks." The remainder of the section was deleted. Committee Members agreed.

X.e. (new X.d.) Committee Members agreed to a subsection written on how and when to dissolve a study committee that would include the options discussed by Attorney Anderson as follow:

Options:

- 1) Optional Plan approved for election
- 2) Election
- 3) Study Committee rejects proposal to change the form of government
- 4) After the vote

Attorney Anderson agreed to provide a new draft in time for next week's meeting, then work on a cover letter together with the Study Committee and review the draft document once again.

Chairperson Stocks summarized that the cover letter should include recommendations for clarity and the role of the existing legislative body, particularly with regard to districting. Attorney Anderson agreed to draft it.

Council Administrator Dillon inquired as to whether the recommendation document should discuss whether the Study Committee has the authority to sue the County by whom the Study Committee is funded. Chairperson Stocks replied that if the Study Committee had legal standing to do arbitration, then it would likely be able to do so, and that arbitration is covered in the draft recommendations document.

Attorney Anderson stated that the letter and recommendations document could be sent at any time during November. He inquired about a mailing list to which Study Committee Members responded that they have one.

Attorney Anderson inquired about items for next agendas. County Council Administrator Dillon reviewed them aloud, noting that some topics need to be moved to different dates.

Chairperson Stocks announced that there will be an agenda item on November 1<sup>st</sup> to finalize this document and the cover letter.

## Future Considerations

Attorney Anderson mentioned that in the Recommendation and Report it is stated that the current form of government needs to be changed but that the County Attorney recommended that the Study Committee should include reasons. He suggested reasons of confusion in the role of the legislative and executive branches and/or a lack of confidence in the distinction between the two roles. Committee Members did not appear to agree with these reasons and suggested that there may already be general language related to an improved, more efficient government.

## Adjournment

The meeting was adjourned at 2:17 p.m. on a motion by Cricket that was seconded Bob and that carried unanimously.



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Stephen Stocks  
Chairperson

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Marcy Till  
Secretary

