

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

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

**MINUTES
November 1, 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 12:02 p.m. with a quorum present. In attendance at the call to order were Study Committee Members Judy Carmichael, Cricket Green, Bob Greenberg, and Marcy Till (by phone). Also in attendance was County Council Administrator Ruth Dillon to take minutes and Attorney Gavin Anderson by phone. Absent were Committee Members Walt Dabney and Jeramy Day.

Pledge of Allegiance

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

Approval of Minutes

- A. October 25, 2019 (Study Committee Regular Meeting)

Chairperson Stocks requested any changes or corrections to the minutes; there were none.

MOTION:

Motion by Bob to approve the minutes of the October 25, 2019 meeting, seconded by Cricket carried 5-0.

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

Attorney Anderson referred to the October 25th draft of "The Grand County Experience: Changing the Form of Government." Chairperson Stocks reviewed aloud the changes made between the October 18th draft and the October 25th draft in order to confirm that requested changes were made and/or that Study Committee Members were content with the revisions.

Attorney Anderson reviewed new changes to enumerated sections, which included, following discussion and consent of Study Committee Members the following:

II. New sentences: *The committee recommends that the deadline be set at 120 days before the election—before this date, the plan must be drafted by the Committee, reviewed by the county attorney (who will still have 45 days to complete the review), and amended, based on the attorney's review, to comply with the law. The 45-day public notice requirement may be satisfied during the 120-day deadline.*

IV. Applicable statutes new phrase: add "to the voters" at the end of: 17-52a-404 provides that the optional plan may recommend council districts *to the voters*.

New sentence: *If the Legislature decides to vest in either the Committee or in the existing county legislative body the ultimate authority to establish districts and their boundaries, that decision should be expressly stated in the statute.*

V. It was agreed that there will be no paragraph listed under the heading of **The Legislature Should Clearly Define the Authority and Responsibilities of the Established Study Committee, the Existing County Legislative Body, and the Petitioners in the Process and Preparation of a Plan.**

VI. Correct "is" to "may be" to read, *An amendment to Chapter 17-52a should clarify whether the election date for voting on the plan is automatically established by operation of the change-in-form statute or may be a special election with a date set by the existing county legislative body.*" .

Next sentence: add "a specific" in place of "the" to read, *This matter was addressed by the Grand County Attorney's review, which found it unlawful for the Committee to refer to a specific election day as the date of adoption of the plan, because setting a date for a special election is the duty of the existing county council.*

VII. Add "it" in the second sentence to read, *The statute setting out the county auditor's power deals directly with who has the authority of the budget officer in a council/manager form of government and it expressly vests in the council the power to designate the budget officer.*

VIII. Applicable Statute: change (c) to (b) in 17-52a-404(1)(b)(vi).

X.b. Third sentence: change "county council" to "legislative body" to read, *Appropriate legislative body processes, standards and timeline should be enacted as well.*

X.c. Add "respective" to read, *If a significant amendment to Chapter 17-52a is made by the Legislature, it should grandfather all existing county change-in-government efforts now underway, where a resolution or petition has been filed with the respective county clerk.*

X.c. New wording from the October 25th draft to read, *The current law is unclear as to when the committee is dissolved after its first meeting* instead of "The current law provides that the Committee is dissolved one year after appointment."

Next sentence: correct the typo of "if" to "it" and change "the" to "a specific" to read, *Based on some of the difficulties and delays experienced by Grand County, it might be appropriate to change the committee dissolution to a specific date that:..."*

Fourth bullet point: change "formation (existing law)" to "its first meeting" to read, *one year after its first meeting.*

Additionally, there was a request of Attorney Anderson to review formatting for consistency throughout the document.

MOTION:

Motion by Bob to adopt "The Grand County Experience" document as amended, seconded by Cricket carried 5-0.

C. Approving proposed letter for transmitting the summary of recommended Legislative action regarding 2018 House Bill 224

Attorney Anderson stated that he wants to ensure a neutral, professional tone in the letter as well as provide the facts. He reviewed aloud the draft cover letter line by line.

New changes, following discussion and consent of Study Committee Members, included the following:

Second paragraph of letter, second sentence: change "," to ";" and add "and implementing" to read, *As an introduction, we propose that there are two main problems with the current law: first, it is far too complex, especially regarding the procedures to initiate the process; and second, it needs to be more specific about the role of the existing county government in preparing and implementing a proposed optional plan.*

Second paragraph under **Regarding complexity**, second sentence: change "and" to "or" and add a "," to read, *We recommend the statute be simplified to create just two means of beginning the process—by citizen petition or by council/commission resolution—with either means leading to a simple way to name five members of an appointment council, and with both means leading to the creation of a study committee.*

First paragraph under **Regarding the role of existing county government**, first sentence: change "despite" to "because of" to read, *because of the delay caused by the lawsuit, we redoubled our efforts to draft an optional plan in time for the 2019 election.*

Same paragraph: replace “settled early on” with “adopted” and change “composed” to “comprised” to read, *We adopted a plan including a county council comprised of two council members elected from districts and three members elected at large.*

Next sentence: change “were able to engage the services of” to “hired” and delete “in the field” to read, *We hired an expert to help draw up council district boundaries that were as equal in population as possible, in order to preserve “one person, one vote” ideals.*

Next paragraph last sentence: delete “the two” and add “,” after “attorney” to read, *The County Attorney determined that under the law, the creation of and establishing boundaries for council districts was not within the power of the Study Committee and could not be included in the optional plan; likewise, according to the attorney, only the county council could set the dates for the election and the adoption date of the optional plan could not be included in the plan.*

Next paragraph, first sentence: add “setting” to read, *The Study Committee disagreed with these conclusions and felt it important that something as vital as setting council district boundaries is an essential part of the optional plan.*

Last sentence of same paragraph: change “make” to “made,” change “in a” to “that the,” insert “was” after “intent” and replace “,” with “—” (in two places) to read, *Lastly, several provisions of Chapter 17-52a made us believe that the Legislative intent was that drafting a proposed optional plan—for the ultimate approval of the voters—was not within the authority of the existing government.*

Next paragraph: delete “, as the Study Committee,” change “vested in” to “delegated to,” delete “bias or”, and change “on the part of” to “by” to read, *We strongly feel that the power ought to be clearly delegated to the Committee, which is vested by the Legislature with significant powers and responsibilities to prepare the optional plan in a manner free from any allegations or perceptions of interference by the existing government.*

Under Conclusion: boldface the word “Conclusion” and change “will not be” to “was not” to read, **Conclusion** - *based on the delay resulting from litigation at the beginning of the process and from the County Attorney’s rejection of the draft plan at the end, Grand County was not able to place the matter on the ballot in November 2019, and will need to wait until 2020.*

Attorney Anderson was asked by Chairperson Stocks to also consider adding language in this paragraph, “unless changes are adopted.”

Committee Members agreed to have the letter signed by the Chair rather than by each individual Committee Member since two were not present for signing and since the requested deadline for emailing it is today.

It was suggested and agreed to add “Enclosure” at the bottom of the letter and to utilize letterhead with the County logo and the list of the seven Study Committee Member names.

The email list for receiving the letter and attachment was suggested by Attorney Anderson as follows, with Committee discussion and consent:

Utah Office of Legislative Research and General Counsel, Victoria Ashby, drafting attorney; two bill sponsors: Logan Wilde and Wayne Harper; Lincoln Shurtz (lobbyist), Leland Pollack, Mark Whitney, Brandy Grace (Utah Association of Counties Chief Executive Officer), Gage Froerer, Gavin Anderson, Grand County Council Members, Representative Phil Lyman, San Juan County Commissioners, Dennis Blackburn, Commissioner Newell, Mike Dalton, Tammy Pearson, Victor Iverson, Kara Trevino, state representatives and senator for Grand County, Senator Bramble, Grand County Clerk/Auditor, State Democratic and Republican Party Chairs, Salt Lake Tribune, local political party Chairs Kevin Walker and Jeramy Day, and local newspapers.

Committee Members expressed concern about inadvertently leaving individuals out as opposed to sending it to too many individuals.

Attorney Anderson agreed to make the changes in both documents. County Council Administrator Dillon agreed to send it out this afternoon to meet the deadline.

Attorney Anderson then summarized his concerns regarding the draft of the new bill, which he had recently provided in redlined form by email to all Study Committee Members:

- Would change the number of Study Committee Members from 7 to 5
- For 5th & 6th class counties, Council-Manager and elected County Executive forms would not be permitted.

County Council Administrator Dillon inquired as to whether those counties who are already in the process of changing their form of government would be grandfathered with respect to submitting the Council-Manager form to the voters in the Optional Plan. Attorney Anderson responding by reporting that he had reviewed an email from Lincoln Shurtz, lobbyist for Utah Association of Counties, which he had forwarded to all Committee Members. He stated that the lobbyist's email included an email from Victoria Ashby, attorney with the Utah Office of Legislative Research and General Counsel, with suggested grandfathering language and a request to Attorney Anderson for input. Attorney Anderson reported his opinion that the proposed grandfathering language was satisfactory and that he chose not to send any suggested changes to Attorney Victoria Ashby.

Attorney Anderson reported on additional significant changes in the draft bill:

- The existing legislative body would be prohibited from interfering with the work of the Study Committee.
- An optional plan, if the bill passed as written:
 - may not specify compensation or benefits for anyone
 - may not specify full-time or part-time status of elected officials
 - if districts are drawn, may not prescribe the geographical boundaries of districts
- If the bill passed as written, amending an optional plan could be done only through the vote of the electorate for:
 - changing to districts
 - changing from part-time to full-time status or vice versa for elected officials
 - alterations in executive or legislative branch powers

Attorney Anderson pointed out, however, that some of these ways of amending an optional plan would not be included in an optional plan to begin with.

Attorney Anderson expressed his concern that the draft bill does not adequately clarify the relation between the Study Committee and the existing legislative body. He agreed to inform Lincoln Shurtz and Victoria Ashby that problems remain with the existing draft of the bill.

MOTION:

Motion by Bob to adopt the cover letter as amended and authorize County Council Administrator Dillon to send it, along with the amended "Grand County Experience" document, via email to all individuals specified and anyone else who seems appropriate. Judy seconded the motion which carried 5-0.

Future Considerations

Chairperson Stocks inquired for future considerations. Attorney Anderson requested an idea of agenda items for approaching meetings, and County Council Administrator Dillon reviewed the following:

November 8th - amending compensation sections of the Optional Plan


November 15th - amending the Council District section (with a written report expected by the County Attorney in time)

December 13th - addressing suggested edits to the Optional Plan by general agreement of the County Attorney, County Clerk/Auditor, and Attorney Anderson; possibly reviewing a rough draft of the Optional Plan

December 20th - adopting the final Optional Plan, possibly reviewing and adopting the final Recommendation and Report; outlining a publicity campaign, and relevant next steps such as adopting the already drafted Voter Information Pamphlet.

Adjournment

The meeting was adjourned at 1:20 p.m. on a motion by Cricket that was seconded by Bob and that carried unanimously.



Stephen Stocks
Chairperson

Marcy Till
Secretary

