

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

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

**MINUTES
November 8, 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, Walt Dabney, Jeramy Day, 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.

Pledge of Allegiance

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

Approval of Minutes

A. November 1, 2019 (Study Committee Regular Meeting)

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

MOTION:

Motion by Judy to approve the minutes of the November 1, 2019 meeting was seconded by Cricket and carried 7-0.

Citizens to Be Heard – there were none.

MOTION:

Motion by Jeramy to move Item C ahead of Item B, was seconded by Bob and carried 7-0.

General Business- Action Items- Discussion and Consideration of:

C. Reviewing and amending the section of the submitted Optional Plan titled "Section 3.03 –"Compensation" referring to the compensation of the County Manager

Chairperson Stocks turned the discussion over to County Clerk/Auditor Chris Baird who had originally suggested having the agenda item. County Clerk/Auditor Baird reported that he had attended a phone conference with individuals who are working on amendments to the change of form of government statute and who are finding violations in the statute with the Uniform Fiscal Procedures Act for Counties. He stated that the last draft of the bill had removed the Council/Commission salary provision due to such inconsistencies in State Statute. He suggested having a salary range for the County Manager in the Recommendation and Report rather than in the Optional Plan, stating that it would exist for purposes of transparency to the citizens. He reported that, for the 2017 countywide compensation study, the county used market data, including Utah city manager and county administrator positions, to be similar to Utah county manager positions. He suggested keeping the salary range recommendation the same as is currently being used in the Council Administrator position, as provided in his email message which was printed and placed on the dais, because of the fact that the same market data were used.

Attorney Anderson stated that new legislation may take away any ability for a study committee to include compensation. He reminded Study Committee Members that their recent letter to legislators stated that there is an inconsistency with the Uniform Fiscal Procedures Act. He stated that, whether or not the Study

Committee includes compensation, there needs to be a process outlining how a compensation decision for the new legislative body is to be made, such as by the existing legislative body.

Bob stated that current law, as provided in the packet, requires the Study Committee to include initial compensation for Council Members in the Optional Plan. County Clerk/Auditor Baird reiterated his suggestion for providing a fiscal analysis in the change from the current form of government to the new form, and in the Recommendation and Report. Bob requested that County Clerk/Auditor Baird provide such fiscal analysis.

County Clerk/Auditor Baird requested clarity from Attorney Anderson regarding responsibilities for noticing requirements, such as public hearing notices. He stated that this is typically a duty of the legislative body and therefore could potentially require that the Council have their own Administrator or support staff. Attorney Anderson agreed that noticing is a legislative branch function yet the Council could work out a mutual agreement with the County Manager as to who does the noticing. He stated that the County Manager tends to be the focus of communication for the public. County Clerk/Auditor Baird agreed to develop a fiscal analysis, if the Study Committee desires, with the assumption that such an agreement could be formed between the Council and the County Manager.

County Clerk/Auditor Baird referred to the transition plan within the Optional Plan, and remarked that an outline of a plan should include a process for transitioning the support staff of the Administrator's Office. More specifically, he suggested that a transition plan should indicate who authorizes elimination of the Council Administrator position in favor of the County Manager position and whether or not the Administrator's support staff are reassigned to the County Manager. Attorney Anderson agreed with the need and reported that none of the optional plans in the state call this out.

Cricket questioned whether it is possible to have a conflict if it is written in to a transition plan to reassign the Administrator's support staff to the County Manager who is free to appoint their own staff. Jeremy suggested language that would include, "without guarantee," and that would allow the County Manager the ability to hire and fire their own staff. Chairperson Stocks suggested that this topic be briefly addressed under Future Considerations.

Judy brought up the same question regarding the need for a transition plan for the Administrator and the Administrator's support staff in the event that a three-person Commission becomes the new form of government. Chairperson Stocks suggested that this topic be briefly addressed under Future Considerations.

Attorney Anderson noted that individual voting could be based on cost of the proposed form of government, and that costs should therefore be provided to the public.

Walt recommended a salary range for the County Manager while citing the county's market study. Bob remarked that, by the time a County Manager is in place, the data will be five years old. County Clerk/Auditor Baird reported that the county did not focus on salaries for resort communities alone and instead utilized an average of the starting salary range and established a 50% spread using 15 steps within a given grade, each at 3% apart.

MOTION:

Motion by Bob to include in the Recommendation and Report a requirement that the County Manager salary be set based on a current salary survey for similar positions in Utah. Jeremy suggested adding "within like communities" to which Bob appeared to be agreeable. The motion was seconded by Walt.

Attorney Anderson cautioned using "salary survey" since it is a term of art. He suggested using a comparison of such metrics as assessed values, the general economy in the county, population, size, rural/urban split, nature of the economy, etc.

MOTION:

Substitute motion by Bob to require that a County Manager salary is set based on a current comparison for similar positions within like communities in Utah. The motion was seconded by Walt.

Attorney Anderson agreed to draft the language today.

Attorney Anderson reviewed aloud what the Optional Plan currently states regarding compensation of the County Manager. There was brief discussion as to whether the compensation language would be made part of the Recommendation and Report or part of the Optional Plan; Study Committee Members agreed to vote on the current motion, and then separately agree on where to place the language.

County Clerk/Auditor Baird stated that the County Council passed a resolution many years ago recommending that compensation surveys for county employees are conducted every five years; he clarified that compensation surveys can be regional, and include areas in the Western slope of Colorado, rather than strictly Utah-based. He then left the meeting.

Judy suggested that the voting public will need to know the costs. Bob suggested starting with the current beginning salary and incrementing by the Consumer Price Index.

County Council Administrator Dillon stated that Wasatch County makes no mention of compensation for Council Members or for the County Manager in their Optional Plan.

The motion carried 7-0.

MOTION:

Motion by Walt for the initial salary of the County Manager to be based on a current comparison for similar positions within like communities in Utah for placement in the Transition Plan as part of the Optional Plan, rather than in the Recommendations Report. The motion was seconded by Jeramy and carried 7-0.

Attorney Anderson suggested utilizing "then-current comparison" language for more clarification and to require consideration of all the various factors previously discussed, such as population, assessed values, etc. Committee Members appeared to agree.

B. Reviewing and amending the section of the submitted Optional Plan titled "Section 2.06 – Compensation of the Council"

Attorney Anderson read aloud what the Optional Plan currently states regarding compensation of the County Council. He then read aloud the statute requirement.

Judy expressed that administration will need to be funded at a higher level than is currently funded and that Council Members will be doing less work than the current Council Members are doing. County Council Administrator Dillon reminded Study Committee Members that salary data for Council Members had been provided for the Open Houses for the two counties, Wasatch and Summit, which are currently the only Utah counties operating under the Council-Manager form of government.

Jeramy posed the question as to whether Council Members should be compensated for civic responsibility or for a job.

Bob reviewed calculations using inflation calculators, based on a monthly salary of \$700 in 1992 when the form of government was changed from a three-person Commission to its current form. He reported that, in today's dollars, the monthly value is \$1,281 or \$15,372 per year.

Walt cautioned setting too low of an initial Council Member salary in order to make it viable for attracting younger individuals.

County Council Administrator Dillon stated that the workload of seven current Council Members serving on a total of more than 40 boards, commissions and committees, mainly monthly, will be divided between

five Council Members in the new form thus increasing the workload. She also stated that the County Council would receive the draft budget from the executive branch and would not attend budget workshops to hear proposed operating budgets of each department and elected office.

Cricket suggested a Council Member salary of \$1600 per month or \$19,200 per year.

MOTION:

Motion by Cricket to amend in Section 2.06 the initial salary for Council Members at \$19,200 annually, and the initial Chair salary at \$22,200 annually. The motion was seconded by Judy.

Marcy stated the positions are intended to be part-time and that a bulk of their responsibilities are being moved to the executive. She stated that salary cannot be counted upon as the incentive.

Attorney Anderson inquired as to whether anyone heard from Council Members on this subject. Chairperson Stocks indicated that he has heard frustration about reducing the amount from the current Council Member salary.

Bob reported that the average income of a Grand County resident is currently \$23,800.

Cricket stated that she had received feedback from citizens that the salaries of \$24,000 each, with \$27,000 for the Chair, were too high. Jeremy encouraged Study Committee Members to choose a salary that is not a "slap in the face" to the working community.

Motion carried 7-0.

Future Considerations

Chairperson Stocks requested a date to further discuss a transition plan to transfer then-current Council support staff; Committee Members agreed to have an agenda item on November 15th. Jeremy read from State Code 17-52a-404-1(b)(v) on the "making of interim and temporary appointments" as part of Study Committee responsibilities.

Cricket left the meeting at 1:43 p.m.

Attorney Anderson stated that it is appropriate to include in the Transition Plan of the Optional Plan that the Study Committee's plan lasts until the first meeting of the Council. He indicated that the Study Committee will need to clarify the transition for the gap between the election of the new legislative body and the first meeting date of the legislative body, and whether this applies to the support staff or the Council Administrator or both. Bob suggested utilizing language in which the Administrator could serve as the Acting County Manager until such time as the Council appoints a County Manager.

Chairperson Stocks requested a date to further discuss a back-up plan if the Optional Plan for a Council-Manager form of government were to be voted down. Attorney Anderson agreed to help determine whether the Study Committee is supposed to handle this. Committee Members agreed to have an agenda item on December 13th if it is determined to be their responsibility.

Bob reported that he will miss the next meeting which will focus on districting, although he said he will try to attend by phone or skyping. He reported that only four states currently allow non-elected officials to draw districts and that he has a request in for a similar analysis of counties. He encouraged continuing with a plan for having some Council Members elected by district and some elected at-large, and to trust the elected officials to do a fair job of districting. He suggested moving the districting subject out of the Optional Plan and into the Recommendation and Report.

Adjournment

The meeting was adjourned at 1:50 p.m. on a motion by Jeremy that was seconded by Bob and that carried 6-0.

Stephen J. Stocks

Stephen Stocks
Chairperson

Marcy Till

Marcy Till
Secretary